

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 190 Department or Agency: Alabama State Board of Chiropractic Examiners

Rule No. 190-X-4-.06

Rule Title: Discipline

 New XX Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in costs, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

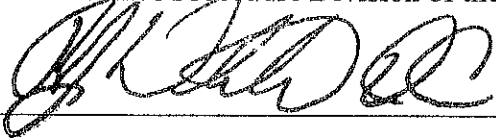
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date February 3, 2017

DATE FILED
(STAMP)

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: The Alabama State Board of Chiropractic Examiners

RULE NO. & TITLE:

- (1) **Rule 190-X-1-.18 Fees**
- (2) **Rule 190-X-4-.06 Discipline**

INTENDED ACTION: The Alabama State Board of Chiropractic Examiners proposes to amend the rules as listed above.

SUBSTANCE OF PROPOSED ACTIONS:

- (1) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to increase the amount of possible disciplinary fines.
- (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to increase the amount of possible disciplinary fines.

TIME, PLACE AND MANNER FOR PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama State Board of Chiropractic Examiners, 126 Chilton Place, Clanton, AL 35045, 205-755-8000.

FINAL DATE FOR COMMENT & COMPLETION OF NOTICE: April 4, 2017.

CONTACT PERSON AND ADDRESS:

Amy Deavers
Administrative Assistant
Alabama State Board of Chiropractic Examiners
126 Chilton Place
Clanton, AL 35045
1-800-949-5838 ext. 226



Sheila Bolton
Executive Director

Alabama State Board of Chiropractic Examiners
Proposed Amended Rule

190-X-4-.06 Discipline.

(1) Upon a finding that a licensee or permit holder has violated any enumerated provision of Code of Ala. 1975, §§34-24-123, 34-24-161(e), or 34-24-166, or any rule adopted pursuant thereto, the Board may invoke disciplinary action as outlined in §34-24-166(c). Failure to comply with any final order of the board, including, but not limited to, an order of censure or probation, is cause for suspension or revocation of the license or permit.

(2) Fines. Upon finding that a licensee or permit holder has violated any enumerated provision of law governing the practice of chiropractic or any rule adopted pursuant thereto, the Board may impose the following schedule of fines for each such violation. The Board shall not renew the annual certificate of registration of any licensee or permit holder against whom an administrative fine has been assessed by the Board until the fine is paid in full.

(a) The Board may impose a fine not to exceed ~~\$2,000~~ \$4,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class A violation):

1. Section 34-24-166(b) (1);
2. Section 34-24-166(b) (2);
3. Section 34-24-166(b) (3);
4. Section 34-24-166(b) (4);
5. Section 34-24-166(b) (5);
6. Section 34-24-166(b) (6);
7. Section 34-24-166(b) (9);
8. Section 34-24-166(b) (10);
9. Section 34-24-166(b) (11);
10. Section 34-24-166(b) (12);
11. Section 34-24-166(b) (13); and

Alabama State Board of Chiropractic Examiners
Proposed Amended Rule

12. Section 34-24-166(b)15.

(b) The Board may impose a fine not to exceed ~~\$1,000.00~~ \$2,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class B violation):

1. Section 34-24-166(b) (7); and

2. Section 34-24-166(b) (8);

(c) The Board may impose a fine not to exceed ~~\$500.00~~ \$1,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class C violations):

1. Section 34-24-166(b) (14);

2. Section 34-24-166(b) (16); and

3. Section 34-24-166(b) (17).

(3) Additional Discipline. Upon finding the licensee or permit holder has violated any enumerated provision of law governing the practice of chiropractic or any rule adopted pursuant thereto, the Board may impose the following additional penalties:

(a) Revoke the license or permit.

(b) Suspend the license or permit.

(c) Enter a censure on the license or permit.

(d) Place the license or permit on probation fixing a period and terms best adapted to protect the public health and safety and to rehabilitate the licensee.

(e) Impose restrictions on the scope of practice of the licensee.

(f) Impose peer review

Alabama State Board of Chiropractic Examiners
Proposed Amended Rule

- (g) Impose professional education requirements.
- (h) Issue a reprimand to the licensee or permit holder.
- (i) Order and direct a licensee to submit to a physical, mental or lab examination as outlined in §34-24-166.
- (4) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution of its order to revoke or suspend respondent's license or permit.
- (5) Considerations. In determining whether disciplinary action should be invoked, or whether a fine should be imposed and in what amount, and whether execution of the order should be stayed, and upon what conditions, the Board shall consider all relevant factors, including, but not limited to, the following:
 - (a) the severity of the offense;
 - (b) the danger to the public;
 - (c) the number of repetitions of offenses;
 - (d) the length of time since the violation;
 - (e) the number of complaints filed against the licensee or permit holder;
 - (f) the length of time the licensee has practiced or permit holder has had permit;
 - (g) the actual damage, physical or otherwise, to the patient;
 - (h) the deterrent effect of the penalty imposed;
 - (i) the effect of the penalty upon the licensee's or permit holder's livelihood;
 - (j) any efforts of rehabilitation; and
 - (k) any other mitigating or aggravating circumstances.

Alabama State Board of Chiropractic Examiners
Proposed Amended Rule

Effective: 8/5/89, amended 7/6/93, (a)(b)(c) amended 5/99,
(a)(b)(c) amended 1/2001, amended 8/2003, amended 6/06,
(2)(a)(c) amended 3/08, (3)(a)(b)(d)(4)(5)(e)(f)(i) amended
3/2009, (2)(a)(c)(3) amended 6/2013, amended 01/2017
(2)(a)(b)(c)

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982. **Emergency rule** filed
June 21, 1989. **Amended:** Filed August 16, 1989. **Amended:**
Filed May 18, 1993; effective June 22, 1993. **Amended:** Filed
September 7, 1999; effective October 12, 1999. **Amended:** Filed
May 23, 2001; effective June 27, 2001. **Amended:** Filed
November 6, 2003; effective December 11, 2003. **Amended:** Filed
August 24, 2006; effective September 28, 2006. **Amended:** Filed
June 13, 2008; effective July 18, 2008. **Amended:** Filed
June 18, 2009; effective July 23, 2009.