

Report on the

Board of Chiropractic Examiners

Clanton, Alabama



Department of Examiners of Public Accounts

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September 23, 2020

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Chiropractic Examiners in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Chiropractic Examiners, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Laurie Riddle".

Rachel Laurie Riddle
Chief Examiner

Examiner
Charles Bass

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PROFILE

Purpose/Authority

The Board of Chiropractic Examiners was created by Act No. 108, Acts of Alabama 1959, to license and regulate the practice of chiropractic in Alabama. The Board examines and licenses doctors of chiropractic and permits non-licensed ownership of chiropractic clinics. The Board investigates complaints against licensees and non-licensed permit holders. Current statutory authority for the Board is the *Code of Alabama 1975*, Section 34-24-120 through 34-24-177.

The following legislation was passed since the last sunset review of this agency:

Act No. 53, Acts of Alabama 2017 amended Section 34-24-165, *Code of Alabama 1975*, to delete conflicting language relating to the renewal date of a license.

Act No. 147, Acts of Alabama 2017 relates to clarifying rulemaking authority of the State Board of Chiropractic Examiners regarding state and federal anti-trust laws and to establish that anti-competitive rules which prioritize patient safety and wellness are permissible.

Act No. 390, Acts of Alabama 2018, to provide that a chiropractic agreement, as defined, is not to be regulated as insurance; to provide that a chiropractor offering, marketing, selling, or entering into a chiropractic agreement is not required to obtain an additional license or certificate of authority; to require that a chiropractic agreement meet certain requirements; and to provide for the discontinuance of care for a patient under an agreement under certain conditions.

All recently passed acts have been codified in the current statutory authority of the Board.

<u>Characteristics</u>	
Members and Selection	Nine Members <ul style="list-style-type: none">• Eight elected licensed chiropractors. Members are elected by active licensees in the district.• One consumer member appointed by the Governor <p><i>Code of Alabama 1975</i>, Section 34-24-140</p>
Term	Four year staggered terms and members can serve no more than two consecutive full terms. <p><i>Code of Alabama 1975</i>, Section 34-24-141</p>

<p>Qualifications</p>	<p>Elected members</p> <ul style="list-style-type: none"> • Active licensed chiropractor • Citizen and resident of Alabama for at least five years • Each member elected from a congressional district must be a resident of the district from which elected. • Graduate of a chartered chiropractic school or college which required actual attendance in the school as a prerequisite to graduation. • Currently engaged in the clinical practice of chiropractic, and engaged in clinical practice in Alabama for at least the five immediately preceding years • Of good moral character; and not presently on probation relating to the practice of chiropractic in any state. <p>Consumer member</p> <ul style="list-style-type: none"> • Member and his or her spouse must not be a chiropractor • Member must not be an immediate family member of a chiropractor, or employed in the chiropractic field. <p><i>Code of Alabama 1975, Section 34-24-140</i></p>
<p>Consumer Representation</p>	<p>One member required by statute One consumer member is currently serving.</p> <p><i>Code of Alabama 1975, Section 34-24-140</i></p>
<p>Racial Representation</p>	<p>One African American elected from the state at-large required by statute. One African American is currently serving.</p> <p><i>Code of Alabama 1975, Section 34-24-140</i></p>
<p>Geographical Representation</p>	<p>One member from each congressional district.</p> <p><i>Code of Alabama 1975, Section 34-24-140</i></p>
<p>Other Representation</p>	<p>The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975, Section 34-24-140(h)</i></p>

Compensation	Members receive \$240 per diem plus travel expenses reimbursed at the rate provided for state employees. The \$240 per diem is 80 percent of the rate established by Section 34-24-54 of the <i>Code of Alabama 1975</i> . <i>Code of Alabama 1975</i> , Section 34-24-142
Attended Board Member Training	Attended during the last four years: <ul style="list-style-type: none"> • Executive Director • Two staff members • Ten board members
<u>Operations</u>	
Administrator	Sheila Bolton, Executive Director Appointed by the Board. Annual salary of \$80,516.40 set by the Board. <i>Code of Alabama 1975</i> , Section 34-24-140
Location	126 Chilton Place Clanton, AL 35045 Office hours: Monday- Friday: 8:00 a.m. – 4:00 p.m.
Employees	2 Full-time, 2 Part-time
Legal Counsel	James S. Ward, private attorney, Ward & Cooper ,LLC Steven M. Brom, private attorney , Bachus & Brom, LLC
Subpoena Power	Yes, Both of persons and records. <i>Code of Alabama 1975</i> , Section 34-24-140
Internet Presence	www.chiro.alabama.gov Information available includes: <ul style="list-style-type: none"> • Contact information • Information for consumers • Information for new license applicants • License renewal information • Links to board-approved chiropractic education institutions Links to Alabama Chiropractic Practice laws and Board rules and Regulations.

<u>Financial</u>							
Source of Funds	Licensing fees and disciplinary fines						
State Treasury	Yes, Special Revenue Fund 0402 <i>Code of Alabama 1975</i> , Section 34-24-143						
Required Distributions	None						
Unused Funds	Unused funds are retained at fiscal year-end. <i>Code of Alabama 1975</i> , Section 34-24-143						
<u>Licensee Information</u>							
Licensees	As of February 18, 2020 <table border="1" data-bbox="735 835 1357 951"> <tr> <td>Chiropractor</td> <td>812</td> </tr> <tr> <td>Non-Licensed Owner Permit</td> <td>34</td> </tr> <tr> <td>Total</td> <td>846</td> </tr> </table> <i>Source:</i> Executive Director	Chiropractor	812	Non-Licensed Owner Permit	34	Total	846
Chiropractor	812						
Non-Licensed Owner Permit	34						
Total	846						
Qualifications	<ul style="list-style-type: none"> • Pass a background check. • Be of good moral character. • A citizen of the United States or, if not a citizen of the United States, a person who is legally present. • Shall be a graduate of a chartered chiropractic school or college accredited by the council of chiropractic education which teaches only attendance courses and requires a minimum four-year standard college course. • After January 1, 2010 an applicant for licensure shall have a bachelor's degree from an accredited college or university. • Absent a bachelor's degree, the requirement may be met by an academic graduate degree from a regionally accredited college or university proof that the applicant has taken a nationally recognized standardized test commensurate with that applicant's graduate degree. • Pass the examinations administered by the National Board of Chiropractic Examiners <i>Code of Alabama 1975</i> , Section 34-24-160 and 34-24-161						

<p>Examinations</p>	<p>The National Board of Chiropractic Examiners (NBCE) administers a four-part examination. Passing the national examination is a prerequisite for licensure in Alabama. The NBCE also offers a Special Purpose Examination for Chiropractic (SPEC) which may be substituted for parts III and IV of the normal examination for applicants who are already licensed for at least 3 years, with no disciplinary actions in states that did not require parts III and IV. The NBCE offers tests at chiropractic colleges throughout the United States and in Canada. The NBCE determines test sites based upon applicant distribution and administrative considerations. Pass/Fail rates for this exam were not available.</p> <p>Applicants must also pass an examination covering Alabama laws and regulations concerning chiropractic practice. The exam is prepared, administered, and graded by the board.</p> <table border="1" data-bbox="727 850 1393 1039"> <thead> <tr> <th>Year</th> <th># Taken</th> <th># Passed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>17</td> <td>16</td> <td>94%</td> </tr> <tr> <td>2017</td> <td>50</td> <td>47</td> <td>94%</td> </tr> <tr> <td>2018</td> <td>39</td> <td>39</td> <td>100%</td> </tr> <tr> <td>2019</td> <td>55</td> <td>51</td> <td>93%</td> </tr> </tbody> </table> <p>There are no Doctor of Chiropractic programs located in Alabama.</p> <p><i>Code of Alabama 1975</i>, Section 34-24-161</p>	Year	# Taken	# Passed	% Passed	2016	17	16	94%	2017	50	47	94%	2018	39	39	100%	2019	55	51	93%
Year	# Taken	# Passed	% Passed																		
2016	17	16	94%																		
2017	50	47	94%																		
2018	39	39	100%																		
2019	55	51	93%																		
<p>Reciprocity</p>	<p>The Board may license an applicant if the applicant is licensed in another state that, in the opinion of the board, has standards of practice or licensure equal to or stricter than the requirements imposed by the board’s statutes and regulations. There are no state-specific reciprocity agreements.</p> <p><i>Code of Alabama 1975</i>, Section 34-24-161</p>																				
<p>Renewals</p>	<p>Licenses are subject to renewal on September 30 of the year for which they are issued.</p> <p><i>Code of Alabama 1975</i>, Section 34-24-165</p> <p>On-line renewal is available. 100% of Chiropractor licensees and 100% of non-licensee owner permits renewed online</p> <p>Source: Executive Director</p>																				

<p>Licensee Demographics</p>	<p>The Board maintains a licensee database in which the licensee’s district is recorded at the time of renewal.</p> <p>As of February 18, 2020</p> <table border="1" data-bbox="743 373 1281 716"> <thead> <tr> <th></th> <th>Number of Licensees*</th> </tr> </thead> <tbody> <tr> <td>District 1</td> <td>115</td> </tr> <tr> <td>District 2</td> <td>80</td> </tr> <tr> <td>District 3</td> <td>94</td> </tr> <tr> <td>District 4</td> <td>127</td> </tr> <tr> <td>District 5</td> <td>140</td> </tr> <tr> <td>District 6</td> <td>124</td> </tr> <tr> <td>District 7</td> <td>49</td> </tr> </tbody> </table> <p><i>Source:</i> Executive Director</p> <p>*Does not include licensees who reside out of state.</p>		Number of Licensees*	District 1	115	District 2	80	District 3	94	District 4	127	District 5	140	District 6	124	District 7	49
	Number of Licensees*																
District 1	115																
District 2	80																
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<p>Continuing Education</p>	<p>A minimum of 18 hours of continuing education must be completed as a condition for annual license renewal.</p> <p><i>Code of Alabama 1975</i>, Section 34-24-165</p>																

SIGNIFICANT ISSUES

Significant Issue 2020-01 – The Board of Chiropractic Examiners is charging a \$75 fee for CCE Provider/Course Approval Application (per module) and a \$15 license verification fee. Neither fee is authorized by statute.

Attorney General Opinion Number 87-222 dated June 23, 1987, concluded that, “Where the Legislature established a sufficiently definite policy, standard or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the Legislature has not established such a sufficiently definite policy, rule or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees.” In the matter of JEFFERSON COUNTY V. ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COM’N 620 So.2d 651 (Ala. 1993), the court, in addressing the matter of fees charged by the Alabama Criminal Justice Information Center, stated that, “Express inclusion of requirements in law implies intention to exclude other requirements not so included.”

Board’s Response - The Board has not had a meeting since the significant issue letter was received, it is on their September 10, 2020 agenda. They will most likely suspend collecting the fees until legislation is passed to authorize the fees. To my knowledge the above clearly outlines the Board’s response to these items.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved.

ORGANIZATION



PERSONNEL

Schedule of Employees				
By Merit System Classification/Sex/Race				
Classification	#	W/M	W/F	Salary
Executive Director	1		1	\$80,516.40
Administrative Support Assistant I – Part-time	1		1	\$11.83/Hourly
Administrative Support Assistant III	1		1	\$38,641.20
Investigator - Retired State Employee on as needed basis	1	1		\$25.32/Hourly
Administrative Services Assistant – Part-time	1		1	\$10.71/Hourly
Total	5	1	4	

W/M - White male, W/F - White female

Legal Counsel

Steven M. Brom, a private attorney employed under contract, provides legal counsel to the Board at the rate of \$125 an hour up to \$20,000 for the contract period. The current period is July 12, 2019 through July 30, 2020.

James S. Ward, a private attorney employed under contract, provides legal counsel to the Board at the rate of \$150 an hour up to \$80,000 for the contract period. The current period is February 1, 2019 through January 31, 2021.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee as of February 18, 2020 - 203

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,903,185	812	6,038
Florida	21,477,737	11,950	1,797
Georgia	10,617,423	3,462	3,067
Mississippi	2,976,149	348	8,552
Tennessee	6,829,174	1,200	5,691
*Source: U.S. Census, December 1, 2019 Population Estimates			

Operating Disbursements per Licensee (FY 2019) - \$445.86

Fines/Penalties as a Percentage of Operating Receipts

	FY 2019	FY 2018	FY 2017	FY 2016
Total Receipts				
Less Fines	\$363,344.81	\$407,198.98	\$374,706.93	\$361,207.34
Total Fines	4,500.00	22,500.00	28,000.02	60,215.20
Percentage	1.24%	5.53%	7.47%	16.67%

Notification of Board decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes. Notices are also published in the Board's newsletter, which is posted on the Board's website.

COMPLAINT HANDLING

Procedure for handling complaints against Board licensees is documented in Administrative Rule 190-X-4.

Initial Contact/Documentation	Complaints are accepted by mail or email. Board members and staff may initiate complaints. Complaints must be in writing on a form supplied by the board. The complaint form is available on the board's website. Complaints must be signed but are not required to notarized. A letter acknowledging receipt of
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	complaint is mailed to the complainant within 7 days.
Anonymous Complaints Accepted	No
Investigative Process / Probable Cause Determination	The Board's investigator investigates the complaints. Any Board member involved in investigating a complaint is eliminated from further involvement in the complaint, except as a witness. The investigator reports his findings to the Probable Cause Committee. A two-member committee of the board determines the merits of the complaint and which provisions of the practice act were contravened.
Negotiated Settlements	Yes
Notification of Resolution to the Complainant	The Board notifies complainants of its resolution of the complaints in writing.

Source: Executive Director

Schedule of Complaints Resolved Fiscal Years 2016 through 2019						
Year/Number Received	Year/Number Resolved					Pending
	2016	2017	2018	2019	2020*	
2016/23	9	11	3	-	-	-
2017/23		14	9	-	-	-
2018/17			10	5	-	2
2019/12				8	3	1
2020/1*					-	1

Source of Data: Complaint Database and Files

*As of February 21, 2020

Average Time to Resolve Complaints – 122 days

Disposition of Resolved Complaints

Number of Complaints	Resolution
18	Consent Order
1	Deceased
4	Deferral Agreement
3	Letter of Concern
1	License Suspended
1	No Jurisdiction
37	No probable Cause
2	Permanent Injunction
5	Warning Letter

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The National Board of Chiropractic Examiners (NBCE) is the principal testing agency for the chiropractic profession. Established in 1963, the NBCE develops and administers standardized national examinations according to established guidelines.

FINANCIAL INFORMATION

Source of Funds

Licensing fees and disciplinary fines.

Fund

The Board operates from Special Revenue Fund 0402 in the State Treasury, authorized by the *Code of Alabama 1975*, Section 34-24-143. Year-end unexpended balances are retained by the Board.

Schedule of Fees

Fee amounts collected are set in **Administrative Rule** 190-X-1-18.

Fee	Statutory Authority	Amount Authorized	Amount Collected
License Application	34-24-160	\$150.00	\$150.00
Exam Application	34-24-160	\$150.00	\$150.00
Original License/Permit	34-24-161	Set by the Board	\$75.00
Clinic Owner Non licensed Initial and Renewal	34-24-123(b)	Set by the Board	\$300.00
Permit or License Replacement	34-24-161	Set by the Board	\$75.00
Renewal – Active	34-24-165	≤ \$400	\$300.00
Renewal – Retired	34-24-165	≥ 1/2 of Active	\$150.00
Renewal – Inactive	34-24-165	≥ 1/2 of Active	\$150.00
Licensure by Credentials			
Application Fee	34-24-161.1	Set by the Board	\$1,000.00
Hearing Fee	34-24-161.1	Set by the Board	\$2,000.00
Late Renewals:			
October	34-24-165	\$100.00	\$100.00
November	34-24-165	\$200.00	\$200.00

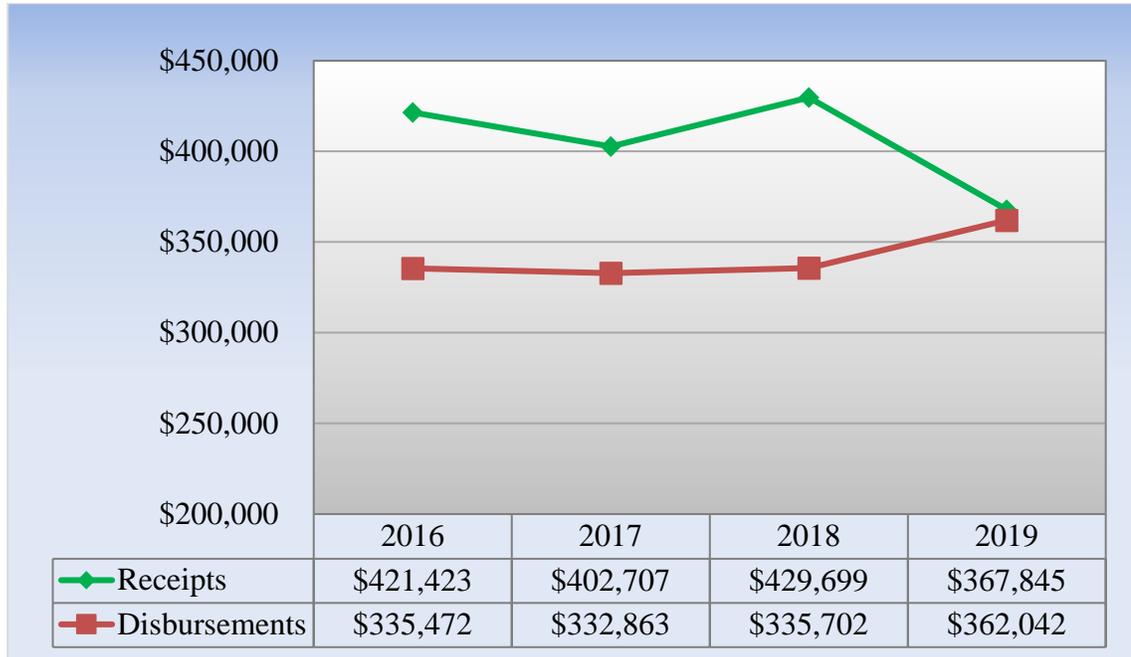
December	34-24-165	\$300.00	\$300.00
Reinstatement (January)	34-24-176	Set by the Board	\$150.00
Reinstatement Penalty (Feb 1 and later)	34-24-176	Set by the Board	\$2,500.00
Preceptor Doctor (per month)	34-24-145	Set by the Board	\$25.00
Disciplinary Fines (per violation):			
Class A Violations	34-24-170	Set by the Board	\$2,000.00
Class B Violations	34-24-170	Set by the Board	\$1,000.00
Class C Violations	34-24-170	Set by the Board	\$500.00
Disciplinary Cost	34-24-170	Up to \$8,000.00	\$8,000.00
Annual Directory	34-24-140		\$50.00
Cost Recovery Charges:			
CCE Provider/Course Approval Application (per module)			\$75.00
5 Year CCE History (per licensee)			\$25.00
Permitee/Licensee Listing (paper list)			\$50.00
Licensee Listing (electronic)			\$.10 per record up to 10 data fields \$.01 additional over 10 \$2 per disc + postage/\$75 minimum
Mailing Labels (paper)			\$60.00
License Verification			\$12.50
Copy of Rules (paper)			\$50.00
NSF Fee	8-8-15		Max allowed by law
Fee to resend Mail			\$25.00

Schedule of Receipts, Disbursements and Balances

October 1, 2015 through September 30, 2019

	<u>2018-2019</u>	<u>2017-2018</u>	<u>2016-2017</u>	<u>2015-2016</u>
<u>Receipts</u>				
License Fees	\$ 363,344.81	\$ 407,198.98	\$ 374,706.93	\$ 361,157.57
Fines/Penalties	4,500.00	22,500.00	28,000.02	60,215.20
Salvage Equipment Sales	-	-	-	49.77
Total	<u>367,844.81</u>	<u>429,698.98</u>	<u>402,706.95</u>	<u>421,422.54</u>
<u>Disbursements</u>				
Personnel Costs	167,743.53	152,556.69	152,550.06	147,074.21
Employee Benefits	53,216.99	48,737.35	46,238.14	49,808.61
In-State Travel	21,291.94	18,183.08	18,355.19	13,342.30
Out-of-State Travel	3,226.40	4,326.78	1,891.08	2,324.88
Repairs and Maintenance	249.95	26.52	-	420.00
Rentals and Leases	20,053.63	20,446.66	18,694.95	20,280.77
Utilities and Communication	11,810.22	11,133.69	10,680.63	10,863.67
Professional Services	61,924.37	69,928.81	75,309.94	81,059.08
Supplies, Materials, and Operating Expenses	12,733.78	9,154.59	8,042.72	8,930.64
Other Equipment Purchased	9,791.23	1,207.99	1,100.11	1,367.64
Total	<u>362,042.04</u>	<u>335,702.16</u>	<u>332,862.82</u>	<u>335,471.80</u>
Excess of Receipts Over Disbursements	5,802.77	93,996.82	69,844.13	85,950.74
Cash Balances at the Beginings of Year	<u>696,521.37</u>	<u>602,524.55</u>	<u>532,680.42</u>	<u>446,729.68</u>
Cash Balance at End of Year	702,324.14	696,521.37	602,524.55	532,680.42
Reserved for Unpaid Obligations	<u>(40,501.72)</u>	<u>(13,348.43)</u>	<u>(23,488.60)</u>	<u>(23,602.46)</u>
Unreserved Cash Balances at end of Year	<u>\$ 661,822.42</u>	<u>\$ 683,172.94</u>	<u>\$ 579,035.95</u>	<u>\$ 509,077.96</u>

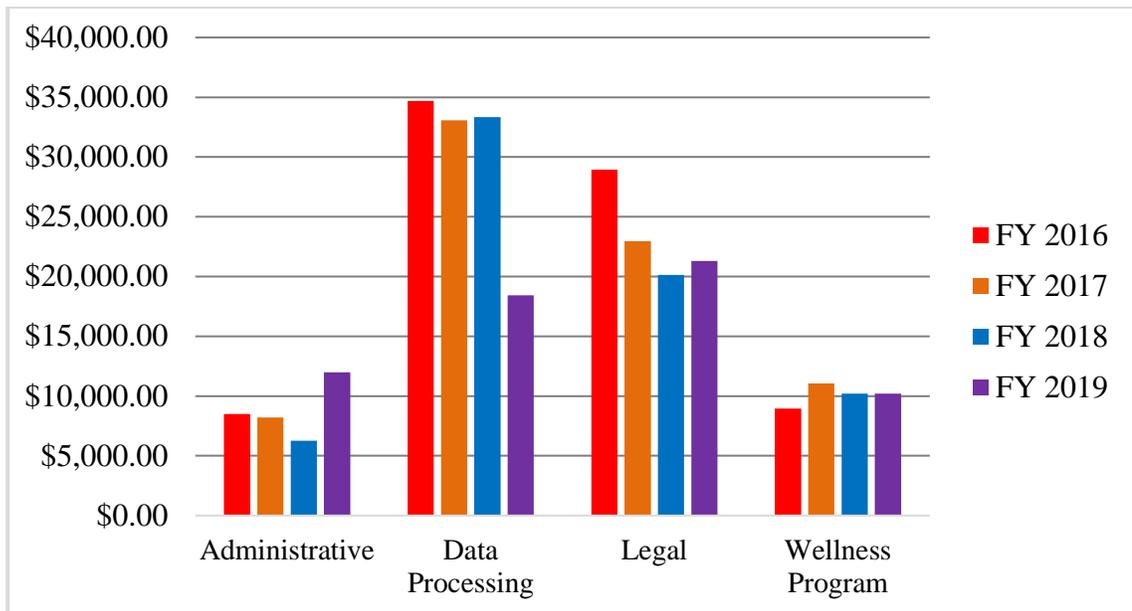
Operating Receipts vs. Operating Disbursements (Chart)



SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*				
As of September 30				
Type of Service	FY 2016	FY 2017	FY 2018	FY 2019
Administrative	\$8,487.11	\$8,209.70	\$6,264.27	\$11,986.54
Data Processing	\$34,681.73	\$33,083.43	\$33,326.89	\$18,429.55
Legal	\$28,940.24	\$22,966.81	\$20,137.65	\$21,308.28
Wellness Program	\$8,950.00	\$11,050.00	\$10,200.00	\$10,200.00
Total	\$81,059.08	\$75,309.94	\$69,928.81	\$61,924.37

*Detailed information presented in the appendix

Professional Service Disbursement Chart



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all nine members of the Board of Chiropractic Examiners requesting participation in our survey. Seven participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. What are the most significant issues currently facing the Board of Chiropractic examiners and how is the Board addressing these issues?

Board Member #1 - "The Board's Executive Director and senior staff are approaching retirement soon. The loss of the knowledge base could be detrimental to the Board's efficient and effective operation. The Board is working toward minimizing the disruption these retirements could cause."

Board Member #2 - "I am brand new on the board and I am not sure I can answer this knowledgeably at this point. There have been concerns voiced in the last several years regarding the operation of the board, but it is interesting that with the addition of [REDACTED] the reported problems do not appear to be happening, or at least I have not observed anything. So, to be completely frank I am not sure. I'd say if I had to answer that there are plenty of problems with the profession including a lack of professionalism from licensees, but it appears that without complaints there is little that we can do about it. I am also not convinced, but I can't be sure, that our board attorney is doing a good job. There are several cases of action against chiropractors that seem to have gone on for far too long and without resolution."

Board Member #3 - "I just returned to the Board, came off several years ago"

Board Member #4 - "The proposed bill by [REDACTED] to collect leftover funds to the general fund. We have drafted a letter to the Senator with our concerns."

Board Member #5 - "We are facing in the near future the retirement of our Executive Director. We are also working on the scanning process of preserving records. The Board is working on a more complete job description for each position. Hiring a full time ASA II is also being evaluated to aid in the transitions before us."

Board Member #6 - "1. Preparing to replace our Executive Director who is nearing retirement in the next few years. 2. Updating our current code to reflect advances in chiropractic shown through research, in order to allow the public to have access to these advances and benefit their health as a result."

Board Member #7 - "The potential retirement of our Executive Director and top ASAAA and the document scanning process to preserve and maintain our records for the future. The Board is currently developing a comprehensive job description for use in the next few years when needed. As part of both issues the Board recently moved to hire a full time ASAA to help with the transition and current workload."

2. What changes, if any, to the Board of Chiropractic Examiners law are needed?

Board Member #1 - "None that the Alabama Legislature can help with at this time."

Board Member #2 - "We need to change a law that prevents spouses of recently deceased or incapacitated licensees from managing their spouses' practices. The law was implemented to curtail some inappropriate actions of non-licensed clinic owners, but it had an effect to inappropriately hamstringing lawful practices going through extenuating circumstances."

Board Member #3 - "Stiffer Penalties !!!"

Board Member #4 - "N/A."

Board Member #5 - "More allowance for the spouse to reestablish the clinic in the event of the death of the doctor needs to be visited."

Board Member #6 - "1. Primarily not related to a change in chiropractic laws but rather laws guiding Medicaid, those on Medicaid should have equal access to the benefits of chiropractic care, just as anyone else in the general public does. This is a major discrimination to the poor, many of which who are minorities. 2. Chiropractic laws need to be updated to replace "human" with "mammal" or add to human the word "mammal". Animal adjusting is taught in chiropractic schools and other states allow this. We have major issues with chiropractors from other states coming into Alabama on the weekends and adjusting animals, primarily at horse farms. As a Board we are not able to regulate this. We have Alabama licensed chiropractors duly trained to perform animal adjusting who can't because it is not allowed in our code."

Board Member #7 - "There are a few things that could be improved such as a carryover of part of the CCE hours for a period of one year period, changes in the non-licensed permit to allow a spouse of a deceased DC to operate for a one year period while obtaining a permit and hiring a DC to work at the clinic and changes to the scope to allow better service to the cities in lower income areas in the state."

3. Is the Board of Chiropractic Examiners adequately funded?

Yes	5	72%
No	1	14%
No Opinion	1	14%

4. Is the Board of Chiropractic Examiners adequately staffed?

Yes	4	57%
No	3	43%

Board Member #1 - "Alabama Law and Personnel Department Rules should allow a method to double slot senior management positions for up to a year pending the confirmed intent to retire."

Board Member #2 - "I should be cautious with these last two questions as I have not been on the board long enough to know. but I will say we have some of the most

expensive license renewal fees in the country. we did have a significant surplus in this past year but realize that our expenses were perhaps less than normal.”

Board Member #5 - “We are working to add a new position at this time.”

Board Member #7 - “The Board is currently working to increase staff to the point needed.”

5. Does the Board of Chiropractic Examiners receive regular reports on the operations of the board from the Executive Director?

Yes	7	100%
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6. Are you satisfied with the reports the Board receives from the Executive Director?

Yes	6	86%
No Opinion	1	14%

Board Member #6 - "Our Executive Secretary, is very detailed and knowledgeable on the function of the Board with finances, code compliance, continuing education, and complaints. She is a true asset to the people of Alabama and to this Board in which she serves.”

7. What is the purpose of the Board of Chiropractic Examiners fiscal year-end balance of Unobligated funds?

Board Member #1 - “The Board tries to maintain a sufficient fund balance to cover the unknowable costs associated with investigation and prosecution of consumer complaints, litigation costs other than those which might be covered by the Department of Risk Management, ever increasing costs added on to the board for participation in the State's accounting system.”

Board Member #2 - “I have to plead some inexperience and naivety here but I understand that the balance is for legal expenses regularly incurred in legal proceedings against unlawful chiropractors.”

Board Member #3 - “Cases that haven't been closed or large cases we know are coming up ...in the past several have been very costly”

Board Member #4 - “To fund pending and future cases that maintain the safety of the general public in regard to Chiropractic in the state of Alabama.”

Board Member #5 - “We need operational funds for one year. Computers need to be replaced. Funds need to be available in the event of legal expenses.”

Board Member #6 - “1. Allows for one year funding to carry out the functions of the Board, while completing the tasks of collecting current revenues to the Board. 2. To have reserves in the untimely event that a complaint becomes a case that would require substantial funds to prosecute. One large case could potentially deplete our reserves in short order. 3. To fund sending Board members for training at the Federation of Chiropractic Licensing Boards (FCLB) or at the National Board of Chiropractic Examiners (NBCE). This training is imperative to stay atop of the ever

changing advances in chiropractic and regulatory issues in order to adequately protect the public in relation to chiropractic in Alabama.”

Board Member #7 - “To have operational funds for at least one year, to replace obsolete computers and to have enough funds to cover potential legal expenses in a couple of ongoing consumer complaints.”

8. Has the Board of Chiropractic Examiners experienced any significant changes in its operations in the last two years?

Yes	4	57%
No	3	43%

Board Member #2 - “I am assuming so as it appears the addition of [REDACTED] seems to have resolved much of the complaints and reports of prior board members. I have been watching closely and have not seen evidence of the prior reported activities.”

Board Member #3 - “unaware , just returning to the Board”

Board Member #4 - “However our Executive Secretary will be retiring soon...”

Board Member #5 - “I am new to the Board, it is my understanding we currently implementing digital scanning and offsite backups.”

Board Member #6 - “We are now digitally scanning all records in order to be able to serve the public more efficiently and effectively.”

Board Member #7 - “Continued changes to STAARS and the implementation of digital scanning and offsite backups.”

9. Does the Board of Chiropractic Examiners plan any significant changes in its operations in the next five years?

Yes	6	86%
No	1	14%

Board Member #1 - “Effects surrounding the pending retirement of the Executive director and senior staff may impact the Board in as yet unknown ways.”

Board Member #2 - “Staff retirement will require significant changes to our operations and of concern is cost of hiring staff to fill the role of the executive director.”

Board Member #3 - “We are hoping to increase Board Member pay from \$250 to \$300....also preparing for the retirement of the Director”

Board Member #4 - “Our Executive Secretary will be retiring soon...”

Board Member #5 - “Additional staff to replace those planning to retire in the near future.”

Board Member #6 - “1. Probable retirement of our Executive Director, Sheila Bolton. This will be a significant change in that she has served our Board for over 25 years.”

Board Member #7 - “New staff to replace two of the current staff members upon retirement will increase costs for one to two years as we transition.”

Chiropractic Licensee Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Twenty-seven participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. Do you think regulation of your profession by the Board of Chiropractic Examiners is necessary to protect the public welfare?

Yes	25	92%
No	1	4%
Unknown	1	4%

Respondent #24 - "I think the profession definitely needs regulated. I am just not sure if another agency couldn't do a better job."

2. Do you think any of the Board of Chiropractic Examiners' laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	10	37%
No	16	59%
No Opinion	1	4%

Respondent #1 - "I haven't practiced in a few years. When I quit the answer would have been 'yes!'"

Respondent #11 - "I think scope of practice expansion should be looked at"

Respondent #23 - "I have on three separate occasions been harassed by the board and attorney representing the board. Was not guilty anytime. Was made to pay nearly ██████ to the board for "investigation" of my case when the board had no information to prove I was associated with the person. Because I wasn't."

Respondent #24 - "Absolutely. The state of Alabama has one of the most limited scopes of practice in the nation."

Respondent #26 - "except' the 2 hour continuing ed requirement for Alabama Law seldom offers any new information. thus, requirement for education might be for violations only"

3. Are you adequately informed by the Board of Chiropractic Examiners of changes to the Board's positions, policies, rules and laws?

Yes	7	26%
No	17	63%
Unknown	1	4%
No Opinion	2	7%

Chiropractors Questionnaire

Respondent #1 - “I have keep up my license, don't practice and can't answer this question with my old knowledge.”

Respondent #5 - “We presently are required to take 2 hours every year of continuing education in the area of chiropractic law. I believe that every 2 years is sufficient and not every year.”

Respondent #26 - “that's outside of continuing Law hours yearly without an unusual occurrence.”

4. Are you adequately informed by the Board of Chiropractic Examiners of changes to and interpretations of the Board’s positions, policies, rules and laws?

Yes	21	78%
No	3	11%
No Opinion	3	11%

Respondent #17 - “I have a Tennessee state license as well and I always have problems with them; but I never have trouble with Alabama. They always let me know what I need and when I need it.”

Respondent #23 - “It is a board who is not aggressive to the needs of the doctors and people of Alabama. BCBS is cheating us doctors every day, but we cannot approached them due to our being harassed by BCBS.”

5. Has the Board of Chiropractic Examiners performed your licensing and renewal in a timely manner?

Yes	26	96%
No	1	4%

Respondent #26 – “I try to do early to prevent any backup”

6. Do you consider mandatory continuing education necessary for competent practice of your profession?

Yes	25	93%
No	2	7%

Respondent #20 - “but I think we should be allowed to get 36 hours over two years instead of 18 every year”

Respondent #24 - “I answered yes to this but I will say the practitioner either wants to further their education or they don’t and those that don’t simply attend and don’t make an effort to learn or implement anything new they would have learned. So I am not sure “mandatory” makes a difference.”

7. Has the Board of Chiropractic Examiners approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

Yes	19	70%
No	5	19%
Unknown	1	4%
No Opinion	2	7%

Respondent #1 - "To hours, yes, for content, no."

Respondent #23 - "again, they live in prehistoric times. All they have to do is copy the way the Florida Chiropractic Association handles and helps the chiropractors of the state. Alabama insults us if we don't sign up and pay the association [REDACTED] a year by charging us a higher rate than members. If they would just allow us to play the same then they would operate more in the black than just wondering who many southern Alabama chiropractors just go to Florida for their CE hours."

Respondent #24 - "Until this year I would have said yes. However, I always attend the FCA seminar. They offer a wide verity of subjects as well as the required 2 hours of Alabama Law. I can get all of that in one long weekend. I have attended that for 10years and feel like I get a lot of useful info each year. However when I tried to sign up this year I was told Alabama hours would not be offered this year. When I ask why I was told that the Alabama Board had made things difficult this year and the FCA decided to move forward without offering Alabama hours. The FCA said they really hated it because there had never been a problem before and that they had practitioners that had Alabama licenses as well that used their seminar to obtain the Alabama Law requirement. Not sure what happened but it's a shame."

Respondent #26 - "I try to attend the state association hours even if I've met requirements elsewhere"

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the board of Chiropractic Examiners doing to address the issue(s).

Respondent #1 - "I am "out of the loop" and cannot answer this question."

Respondent #2 - "not sure"

Respondent #3 - "the biggest issue facing Chiropractic is an internal problem of lack of unity and identity. the board has little it can do to affect this."

Respondent #4 - "N/A"

Respondent #5 - "I believe the issue with insurance fee schedules and what insurance pays chiropractors for a procedure in relation to what insurance pays other professionals for the same procedure is out of balance. I don't know if the State Chiropractic Board has much influence in that area but I do believe they need to push more for equality."

Respondent #6 - "Insurance equality Not sure it is in their scope"

Respondent #7 - "cost of re- licensure and senior part time license fees."

Respondent #8 - "Scope of Practice they are addressing this adequately."

Respondent #9 - "Professional equality for primary care. Opt out option for Medicare. I do not believe the Board has done anything concerning these two issues."

Respondent #10 - "I believe that the medical doctors in Alabama are still not aware of how we can help with a wide variety of issues."

Respondent #11 - "lack of leadership that is allowing our scope to be infringed on and no clear voice to the insurance companies to improve our reimbursements. also scope expansion."

Respondent #12 - "I do not see any pressing issues at this time. I think the board of examiners is doing a good job and fairly represents chiropractic in the state of Alabama."

Respondent #13 - "I think my state board is more concerned about collecting board money instead of protecting the patients."

Respondent #14 - "I think DCs should be allowed to prescribe a limited number of prescription drugs."

Respondent #15 - "Protecting our current scope of practice from other health care organizations that are not trained to do what we do, and allowing for expanding our scope."

Respondent #16 - "Keep Same as Chiropractic Physician make all CCE credits by online and Live CE Webinars."

Respondent #17 - "Professional parity with other doctors in regards to the ability to refer for services such as MRI on medicare patients, blood work, etc.; pay parity with other health professions, and elimination of Chiropractic services by health insurance companies."

Respondent #18 - "medicare coverage almost passed expanded coverage to include p.t. last year in the house need to follow up."

Respondent #19 - "PT's trying to gain direct access. Our state chiropractic association seems to be doing more to prevent that though."

Respondent #20 - "People need to have better access and coverage for chiropractic treatments. the opioid epidemic is terrible in Alabama and chiropractic is a safe non invasive form of pain relief for many people. We need more referrals from primary care doctors for the management of neck and back pain as well as headaches."

Respondent #21 - "Insurance inequality in competing with medical profession for treatment of NMS disorders when MDs often have no deductible and/or we're considered specialist with higher copay than general practitioner. Unknown if board could do anything about this."

Respondent #22 - "With me personally it is the laws of acupuncture/dry needling. I can needle in most states but cannot currently in the state of Alabama. A PT can take a weekend course of 15 hours I believe it is and perform it on patients. I currently have 150 hours of acupuncture/dry needling hours but according to the current laws I am not allowed to needle even though I am more qualified and have more experience than those of a different profession do. To my knowledge they are not doing anything about this."

Chiropractors Questionnaire

Respondent #23 - “The biggest issue is not fighting for higher payments for our doctors. They are too stagnant and their attorney is for the power not for the love of the association, the doctors, and the people of Alabama.”

Respondent #24 - “I think the most significant issue pertaining to the board itself is an out of control attorney that represents the board. His position is a complete conflict of interest and in my opinion has been abused. On paper the board says the way a complaint is handled is much different than how it is. I know this first hand and would be willing to speak on it in detail if necessary. The process needs to be fully overhauled and rewritten. Basically the attorney is involved with complaints from the start and weighs in on how to process the complaint. You may or may not know but when a complaint comes into the board the executive secretary is suppose to “randomly” pick two board members to review the claim and gather any necessary information to determine if there is a need for the complaint to go forward or if there is no cause to go forward and if it’s the latter it is deemed over. In my case the complaint came in and given to two members. The two members requested some information from me which I provided. When I received the request for info I contacted the board to determine if it was a legit request and to ask what had been alleged against me. I sent the questions to the executive secretary. I was contacted back by the boards attorney letting me know the request for info had been delivered on the behalf of the board and went on to say that I was not entitled to know what the complaint was or who placed the complaint. He went on to say if he were me he would hire an attorney ASAP. I couldn’t believe that I was not entitled to know what had been alleged against me or to learn who my accuser was. How was I supposed to hire an attorney without knowing what I was fighting against. Long story short it was determined by the two board members that there was no just cause to move forward. To this day I don’t know who made the complaint or what they accused me of. My problem is why was I told by the board attorney to hire a lawyer. Why did he have any knowledge of the complaint? According to the boards written policy to handle complaints it never stated that the attorney guides the two board members. It is their decision according to policy. The two board members found no cause to move forward THREE times before the boards attorney accepted their decision. I have heard from someone that the attorney made the two member committee to “go back and review it again” twice. All I know is there was no cause in the end yet it took almost TWO YEARS to be cleared. How is that even possible? I lived in fear for nearly two years wondering what in the world had I been accused of and by who and when was the board coming after me. That is ridiculous and should have never happened. As a side note I am glad I didn’t go out and hire an attorney at the advice of the boards attorney and spend thousand of dollars for nothing. Again why would the boards attorney do that??? So I am not sure what the greatest issue facing the profession but I do know that the board needs to be cleaned up. Again it’s a conflict of interest to give an attorney the power to intervene and pursue Complaints and then get paid by the hour to pursue them. Basically handing him the keys to the vault. It must be changed. I hope you will do just that. Again I am not sure how the boards attorney even knew about the complaint prior to it coming out of the two member committee but not only did he know he weighed in

Chiropractors Questionnaire

and was involved in the two member committee's decision. If he wasn't they would not have had to reconsider the matter two more times."

Respondent #25 - "Getting Medicare to recognize the profession as a health provider and not just a back adjuster."

Respondent #26 - "overhead has exponentially increased without fee increases thus, its up to me to see more or lose."

Respondent #27 - "the way that medicare pays out. There is a bill out there called [REDACTED]. The board has notified everyone to urge our congressman to support it."

9. Do you think the Board of Chiropractic Examiners and its' staff are satisfactorily performing their duties?

Yes	18	67%
No	5	19%
Unknown	1	3%
No Opinion	3	11%

Clinic Permittee Questionnaire

A letter was sent to thirty-four non-licensed clinic permit holders requesting participation in our survey. Ten participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. Do you think regulation of your profession by the Board of Chiropractic Examiners is necessary to protect the public welfare?

Yes	10	100%
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Respondent #1 - “Yes, I believe that regulation of any profession to protect public welfare is necessary. However, I also believe that our Board should also be touted as a support system for the profession. The ASBCE is not currently seen by the profession as a someone that wants to help us! They are mostly red tape!”

2. Do you think any of the Board of Chiropractic Examiners’ laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	4	40%
No	5	50%
Unknown	1	10%

Respondent #1 - “I feel that having to pay a fee as a "non-licensed" clinic owner is unnecessary. I feel that it is necessary to have a "non-licensed" clinic owner complete 2 hours of AL law each year... but the fee being as high as a licensed Chiropractor seems unnecessary. I also believe that there is a lot of undue fear within the chiropractic community surrounding the laws about marketing to the public on conditions that could be of a visceral nature when there is a ton of research to support that Chiropractic helps those conditions.”

3. Do you think any of the Board of Chiropractic Examiners of changes to and interpretations of the Board’s positions, policies, rules and laws?

Yes	3	30%
No	7	70%

4. Are you adequately informed by the Board of Chiropractic Examiners of changes to and interpretations of the Board’s positions, policies, rules and laws?

Yes	7	70%
No	3	30%

5. Has the Board of Chiropractic Examiners performed your licensing and renewal in a timely manner?

Yes	9	90%
No	1	10%

6. Do you consider mandatory continuing education necessary for competent practice of your profession?

Yes	9	90%
No	1	10%

Respondent #5 - "CE YES, MANDATORY - WE ARE MATURE PROFESSIONALS AND AS SUCH, SHOULD HAVE THE OPTION OF SUBMITTING CE CREDIT SIMILARLY AS THE MEDICAL BOARD"

7. Has the Board of Chiropractic Examiners approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

Yes	8	80%
No	2	20%

Respondent #5 - "AS AN EXAMPLE, A CE PROVIDER TAUGHT DRY NEEDLING WHICH IS SUFFICIENT FOR CERTIFICATION IN MANY OTHER STATES, BUT WAS NOT APPROVED FOR ALABAMA - EVEN THOUGH IT MET EVERY GUIDELINE WRITTEN FOR APPROVAL."

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the board of Chiropractic Examiners doing to address the issue(s).

Respondent #1 - "The most significant issue facing Chiropractic (as a profession and as a business) is that it is still a relatively low first choice of patients as a means to having better health. The fact that we are still mainly placed into the neck pain, back pain, or headache categories is archaic and does not support the current research available. Why can the board not allow chiropractors to share more directly with the public how we can help other conditions without the fear of losing our licensure.? There was no "other" for question #9; but I want to share that yes, while I do feel that the board and staff do perform their duties satisfactorily; the staff in particular are very harsh and unpleasant to deal with. I have been in this profession almost 10 years and still cringe at the thought of having to call and try to get some help from a staff member at the ASBCE!"

Clinic Permittee Questionnaire

Respondent #2 - "Chiropractors providing free or extremely low cost initial visits (via coupon or Groupon for example) that are violations of federal and state law - the Board does nothing about it even when it is reported to them."

Respondent #3 - "As pharma's grip becomes greater and greater, alternative non-drug options such as Chiropractic are constantly under attack. I'm not sure how the Board could help combat this."

Respondent #4 - "Equal reimbursement of modalities compared to other providers. And, encroachment of other providers (PTs) into spinal manipulation."

Respondent #5 - "INTRUSION INTO THE SCOPE OF PRACTICE OF CHIROPRACTIC BY THE MEDICAL BOARD."

Respondent #6 - "Insurance, such as; high deductibles, Medicare limits (not paying for modalities and X-rays)."

Respondent #7 - "The PT direct access bill, nothing I am aware of."

Respondent #8 - "Alabama requirements make it very difficult for Student DC's to participate in the Internship Program. Many Student DC's are seeking programs elsewhere to Internship, as they are forewarned that Alabama's requirements and time element for processing are extremely complicated. (Example: Life Chiropractic PEAK Program)."

Respondent #9 - "unkown."

Respondent #10 - "third party insurance restriction."

9. Do you think the Board of Chiropractic Examiners and its' staff are satisfactorily performing their duties?

Yes	5	50%
No	1	10%
Unknown	4	40%

Complainant Questionnaire

A letter was sent to forty-eight complainants whose complaint had been resolved within the past two years requesting participation in our survey. Nine participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. Was your complaint filed with the Board of Chiropractic Examiners by:

Mail	8	89%
Email	1	11%

Respondent #5 - “can’t remember but I think mail.”

Respondent #8 - “I called and a letter was sent to me with a complaint sheet inside.”

2. Was receipt of your complaint acknowledged?

Yes	9	100%
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3. If you answer to Question 2 was “YES”, how long after you filed your complaint were you contacted by the board?

Within 20 days	5	56%
Within 30 days	2	22%
More than 30 days	2	22%

Respondent #1 - “Their acknowledgement reflected the matter would be looked into. It was not a type of complaint that would warrant them contact us directly.”

Respondent #3 - “Not sure.”

Respondent #5 - “less than a week.”

Respondent #6 - “I’m sorry but I do NOT remember. There should be a place to check “other”, but there isn’t so, I am checking the last option.”

Respondent #8 - “I not sure if they gave me a notice of receipt, I simply dont remember.”

4. Was the person who responded to your complaint knowledgeable and courteous?

Yes	7	78%
No	2	22%

Respondent #1 - “N/A see above.”

Respondent #6 - “I’m sorry, but I do NOT remember. There should be an option to check “other”, but there isn’t so I will check the last option.”

Complainant Questionnaire

Respondent #8 - “As I recall I was just told ahead of time, how the procedure would take place by phone and that I would receive the findings by letter.”

Respondent #9 - “WAS GIVEN A SCRIPTED GENERIC RESPONSE. I CANNOT SAY THIS PERSON WAS KNOWLEDGEABLE OR NOT.”

5. Did the Board of Chiropractic Examiners communicate the results of the investigation into your complaint to you?

Yes	7	78%
No	2	22%

Respondent #2 - “By mail”

Respondent #6 - “It was SUPPOSEDLY investigated. I have no way of knowing whether it really was or not. Once again, there should be a way to check "other", but that is not an option, so I will check the last possible option so that I can complete this.”

Respondent #8 - “The short answer is yes by a mailed letter, however it was not details. Simply stated, they came back with no offense having occurred. My issue was simple if my EOB statement says i am not responsible for a exam, then why was I charged. I argued the point but this chiro office personnel lied and told me i would be responsible.”

Respondent #9 - “THEY SIMPLY SAID THEY FOUND NO WRONG DOING”

6. Do you think the Board of Chiropractic Examiners did everything it could to resolve your complaint?

Yes	4	44%
No	4	44%
Unknown	1	12%

Respondent #2 - “The Lawyer never called my therapist who was a key witness and could testify to memory loss and my character. Did not call anyone to testify for me, even for character witness.”

Respondent #5 - “I would have no way to know.”

Respondent #6 - “As far as I'm concerned, the only resolution was...I was dismissed. That does NOT feel like a resolution to me.”

Respondent #8 - “As stated earlier, they simply said not offense had occurred. It was a combination of my insurance company and the BBB that I received my money back.”

Respondent #9 - “I SPOKE TO THE HEAD OF THE BOARD MONTHS BEFORE FILING THE COMPLAINT. THIS PROCESS IS A JOKE. I FILED A LEGITIMATE COMPLAINT AGAIN A CHIROPRACTOR WHO IS ADVERTISING IN THE NEWSPAPER AND RADIO THAT HE IS REVERSING DIABETES. HE IS CHARGING OVER \$5000 FOR "TREATMENT". HE HAS NO ABILITY TO PRESCRIBE MEDICATION OR EVEN MANAGE

DIABETES. SO YOU DO YOU HONESTLY THINK THIS COMPLIANT WAS LOOKED INTO?"

7. Were you satisfied with your dealings with the board of Chiropractic Examiners?

Yes	4	44%
No	5	56%

Respondent #2 - "Lawyer was flirtatious with myself and my therapist and another friend."

Respondent #3 - "I was informed that the chiropractor was fined [REDACTED] due within a specified period of time or he would have his license suspended, however, I never was informed of the end result (did he pay his fine or lose his license). I also feel I should have been compensated for my expenses. I never received any compensation whatsoever."

Respondent #5 - "but i do not think anything was accomplished by my complaint, which makes me less likely to do it again."

Respondent #6 - "I valued the skill and talent of this chiropractor, so much so, that I traveled from Nashville, TN to AL for his services. That's approximately a 2 hour trip each way. When I told him that there was something still in my neck that needed adjusting, i.e. fine tuning, since I didn't want to leave knowing something still wasn't quite in place due to the distance I traveled, he started raging at me. I was APPALLED by his behavior! I went to the bathroom and the tears flowed. After I exited the building, Joy, his assistant/receptionist, came outside and I told her that I didn't deserve to be treated like that. She gave me some excuse about there being a problem with something in the office, computer-program or equipment, I don't recall now. I told her that didn't matter, I still didn't deserve to be treated like I was. She asked if she could call me later and I said yes. I never heard from her. I never received an apology from him. I never received ANYTHING from this office after I had been so mistreated. So, if you think discarding/dismissing me resolved the complaint, then go ahead and believe that. As for me, it was NEVER RESOLVED!!!"

Respondent #8 - "I felt as if these examiners were simply members of the chiropractic community and looking out for their own."

Respondent #9 - "ABSOLUTELY NOT. ONE OF MY BEST FRIEND SERVED ON THIS BOARD. HE TOLD ME HOW THIS WORKS. [REDACTED] I AM NOT SATISFIED. IF THIS CHIROPRACTOR IS ALLOWED TO SCAM PATIENTS BY TREATING DIABETES THEN I GUESS HE IS ALLOW TO "TREAT" WHATEVER HE CAN CON THE PUBLIC INTO PAYING HIM FOR. BY THE WAY THIS SAME CHIROPRACTOR IS ALLEGDING TO REVERSE THYROID DISEASE AND DEMENTIA - THAT IS WHAT HE IS ADVERTISING AND WHAT THE BOARD IS OBVIOUSLY ALLOWING"

APPENDICES

Applicable Statutes

Section 34-24-120 "Chiropractic" defined; authority of licensed chiropractor.

(a) The term "chiropractic," when used in this article, is hereby defined as the science and art of locating and removing without the use of drugs or surgery any interference with the transmission and expression of nerve energy in the human body by any means or methods as taught in schools or colleges of chiropractic which are recognized by the State Board of Chiropractic Examiners.

(b) Any chiropractor who has been certified and licensed by the State Board of Chiropractic Examiners may examine, analyze, and diagnose the human body and its diseases by the use of any physical, clinical, thermal, or radonic method, and the use of X-ray diagnosing, and may use any other general method of examination for diagnosis and analysis taught in any school of chiropractic recognized by the State Board of Chiropractic Examiners.

(c) Chiropractors certified and licensed by the State Board of Chiropractic Examiners may practice chiropractic as set forth in subsections (a) and (b) of this section and may also recommend the use of foods and concentrates, food extracts, and may apply first aid and hygiene, but chiropractors are expressly prohibited from prescribing or administering to any person any drugs included in materia medica, except as herein provided, from performing any surgery, from practicing obstetrics or from giving X-ray treatments or treatments involving the use of radioactive materials of any description.
(*Acts 1959, No. 108, p. 612, §1; Acts 1989, No. 89-237, p. 321, §2.*)

Section 34-24-121 Advertising.

The State Board of Chiropractic Examiners shall have the right to regulate the advertising of chiropractic services by chiropractors or permit holders within the limits prescribed by this article and the rules and regulations governing the practice of chiropractic in this state.

(*Acts 1959, No. 108, p. 612, §22; Acts 1989, No. 89-237, p. 321, §2; Act 2013-414, p. 1568, §1.*)

Section 34-24-122 Rights and duties of chiropractors.

Chiropractors who have complied with the provisions of this article shall have the right to treat patients according to specific chiropractic methods and shall observe state, county, and municipal public health regulations, reporting to the proper health officers the same as other practitioners. Chiropractors shall not prescribe or administer medicine to patients, perform surgery, nor practice obstetrics or osteopathy.

(*Acts 1959, No. 108, p. 612, §9; Acts 1989, No. 89-237, p. 321, §2.*)

Section 34-24-123 License requirements under article; permit requirement for nonlicensed owner of chiropractic practice.

(a) It shall be unlawful for any person to practice chiropractic unless he or she shall have first obtained a valid license as provided in this article and possesses all the qualifications prescribed by the terms of this article. Any person who shall practice or attempt to practice chiropractic without such a license or any person who shall buy or fraudulently obtain such a license or shall violate any of the terms of this article, or shall use the title "chiropractic," "D.C.," or any word or title to induce the belief that he or she is engaged in the practice of chiropractic, without first complying with the provisions of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not less than 30 days nor more than one year, either or both, at the discretion of the court. All subsequent offenses shall be separate and distinct offenses and punishable in like manner.

(b) It shall be unlawful for any person who is not otherwise licensed by the board to own, in whole or in part, any chiropractic practice unless he or she shall have first obtained a valid permit in the name of the chiropractic practice or office. Each applicant must pass an examination administered by the board on this article and the rules of the board. Upon completion of all requirements and passage of the examination, a permit shall be issued. Employment of a chiropractor by a hospital, as defined in Section 22-21-7, shall be excluded from the requirements of this subsection. The board shall establish a reasonable fee for the issuance and renewal of the permit, which shall be renewable annually and shall provide a grace period for any permit to be renewed in the same manner as provided for licensees in Section 34-24-165. The holder of a permit issued pursuant to this subsection shall be subject to this article and any rules or regulations issued pursuant thereto.

(Acts 1959, No. 108, p. 612, §20; Acts 1989, No. 89-237, p. 321, §2; Act 2004-442, p. 780, §1; Act 2006-295, p. 602, §1; Act 2013-414, p. 1568, §1.)

Section 34-24-124 Injunctive action.

When it appears to the State Board of Chiropractic Examiners that any person is violating any of the provisions of this article, the board may in its own name bring an action in the circuit court for an injunction, and the court may enjoin any person from violating this article regardless of whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted. For purposes of this section, a person shall be deemed to include any individual, firm, partnership, corporation, professional association, professional corporation, or other entity.

(Act 2006-295, p. 602, §2.)

Section 34-24-125 Chiropractic agreements.

(a) For the purposes of this section, the following words shall have the following meanings:

- (1) **CHIROPRACTOR.** A person licensed to practice chiropractic in this state.
- (2) **CHIROPRACTIC AGREEMENT or AGREEMENT.** A contract between a chiropractor and a patient or his or her legal representative in which the chiropractor or the chiropractor's chiropractic practice agrees to provide chiropractic services to the patient for an agreed upon fee and period of time.
- (3) **CHIROPRACTIC PRACTICE.** A chiropractor or a chiropractic practice of a chiropractor that charges a periodic fee for chiropractic services and which does not bill a third party any additional fee for services for patients covered under a chiropractic agreement. The per visit charge of the practice shall be less than the monthly equivalent of the periodic fee.
 - (b) A chiropractic agreement is not insurance, may not be deemed an insurance arrangement, and is not subject to state insurance laws.
 - (c) A patient or legal representative shall not forfeit any insurance benefits or Medicare benefits by purchasing medical services or products outside the system.
 - (d) A chiropractor offering, marketing, selling, or entering into a chiropractic agreement may not be required to obtain a certificate of authority or license other than to maintain a current license to practice chiropractic in this state.
 - (e) A chiropractic agreement is not a discount medical plan.
 - (f) To be considered a chiropractic agreement for the purposes of this section, the agreement shall satisfy all of the following:
 - (1) Be in writing.
 - (2) Be signed by a chiropractor, or agent of the chiropractor, and the patient or his or her legal representative.
 - (3) Allow either party to terminate the agreement upon written notice of at least 30 days to the other party.
 - (4) Describe the scope of health care services that are covered by the periodic fee.
 - (5) Specify the periodic fee and any additional fees outside of the periodic fee for ongoing health care.
 - (6) Specify the duration of the agreement and any automatic renewal periods and require that no more than 12 months of the periodic fee be paid in advance.
 - (7) Prominently state in writing that is conspicuously visible and in bold font all of the following:
 - a. The agreement does not constitute health insurance of the laws of this state.
 - b. An uninsured patient that enters into an agreement may still be subject to tax penalties under the Patient Protection and Affordable Care Act, Public Law 111-148, for failing to obtain insurance.
 - c. Patients insured by health insurance plans that are compliant with the Patient Protection and Affordable Care Act already have coverage for certain preventive care benefits at no cost to the patient.
 - d. Payments made by a patient for services rendered under a chiropractic agreement may not count toward the patient's health insurance deductibles and maximum out-of-pocket expenses.
 - e. A patient is encouraged to consult with the patient's health insurance plan before entering into the agreement and receiving care.
 - (8) Provide that, upon termination of the agreement by the patient, all unearned fees are to be returned to the patient.

(g) A chiropractor providing chiropractic services under a chiropractic agreement may decline to accept a patient if, in the chiropractor's opinion, the patient's medical condition is such that the provider is unable to provide the appropriate level and type of health care the patient requires. The chiropractor may discontinue care for patients under the chiropractic agreement under any of the following conditions:

- (1) The patient fails to pay the periodic fee.
- (2) The patient has performed an act of fraud.
- (3) The patient repeatedly fails to adhere to the recommended treatment plan.
- (4) The patient is abusive or presents an emotional or physical danger to the staff or other patients of the chiropractic practice.
- (5) The chiropractor or the chiropractor's chiropractic practice discontinues operation as a chiropractic practice.
- (6) Any other condition consistent with the Chiropractic Practice Act or the rules of the Alabama State Board of Chiropractic Examiners.

(Act 2018-390, §2.)

Section 34-24-140 Board of Chiropractic Examiners - Creation; composition; powers and duties.

(a) There is created and established a State Board of Chiropractic Examiners. The board shall be composed of nine members. Eight members of the board shall be active licensed chiropractors elected as provided in this section. Seven of the elected members shall be elected one from each congressional district in this state except as otherwise provided in Section 34-24-141. Any candidate for or member of the board shall be a resident of the appropriate congressional district except one candidate for the board shall be elected from the state at large. One elected member of the board shall be elected from the state at-large and shall be an African-American. Each elected member of or candidate for the board shall meet the following qualifications: A citizen and resident of Alabama who has resided in this state for at least five years; a graduate of a chartered chiropractic school or college, which required actual attendance in the school as a prerequisite to graduation; currently engaged in the clinical practice of chiropractic and has been engaged in the clinical practice in this state for at least the five immediately preceding years; having renewed his or her license to practice chiropractic by September 30 of the year in which the election shall take place; of good moral character; and must not be presently on probation relating to the practice of chiropractic in any state including this state.

(b) One member of the board shall be a consumer member appointed by the Governor. Neither the consumer member, nor his or her spouse, shall be a chiropractor. The consumer member shall not be an immediate family member of a chiropractor, nor shall he or she be employed in the chiropractic field.

(c) The elected members of the board shall be elected as provided in this subsection. In August of any year that the term of a member of the board expires, the Board of Chiropractic Examiners shall mail a notice of the election of the board and the method of qualifying as a candidate to each active licensed chiropractor in the district where the vacancy occurs at his or her permanent mailing address. The election provided for in this section shall be conducted by an independent agency such as a certified public accounting firm unless there is only one candidate for the board and in this situation, the

board shall certify the results. The board shall set a period for candidates to qualify and the date for the ballots to be mailed. Candidates shall qualify by submitting their name to the executive director of the board during the qualifying period which shall be not less than 20 days nor more than 40 days after the notice is mailed. Not less than 14 days after the deadline for qualification, each licensed chiropractor shall be mailed a ballot for the appropriate congressional district where the vacancy is to be filled. In order to be counted, the ballots shall be returned by mail to the independent agency postmarked not later than 14 business days after the ballots were mailed by the board. The results of the election shall be certified by the independent agency. The ballots shall be maintained for a period of six months by the independent agency. The candidate with a simple majority of the votes cast in each respective congressional district shall be elected to the board position for that congressional district. In the event no candidate in a district receives a majority of the votes, the board shall hold a run-off election in the same manner as provided in this subsection. The members of the board shall take office immediately upon election and the executive director of the board shall set the first meeting of the board after the election of the new board.

(d) Whenever a vacancy occurs on the board, whether by death, resignation of a member, or other cause, the vacancy shall be filled in the same manner as the original election or appointment for the remainder of the term of office.

(e)(1) The board may employ investigators, inspectors, attorneys, and any other agents, employees, and assistants as may from time to time be necessary, and may use any other means necessary to bring about and maintain a rigid administration and enforcement of state and federal law.

(2) The board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence and materials, or other evidence. Any person failing or refusing to appear or testify regarding any matter about which he or she may be lawfully questioned or to produce any papers, books, records, documentary evidence or materials, or other evidence in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so, upon application by the board to any circuit judge of this state, may be ordered to comply therewith; and, upon failure to comply with the order of the circuit judge, the court may compel obedience by attachment as for contempt as in case of disobedience of a similar order or subpoena issued by the court. The president and secretary-treasurer of the board shall have authority to issue subpoenas, and any board member shall have authority to administer oaths to witnesses, or to take their affirmation. A subpoena or other process of paper may be served upon any person named therein, anywhere within the State of Alabama, by any officer authorized to serve subpoenas or other process or paper in civil actions, in the same manner as is prescribed by law for subpoenas issued out of the circuit courts of this state, the fees and mileage and other costs to be paid as the board directs.

(f) The board shall employ an executive director who shall be responsible for the administration of board policy. The executive director may be licensed to practice chiropractic in this state as provided in this article.

(g) The board shall publish annually a directory listing all permit holders and all persons licensed to practice chiropractic in Alabama. Copies of the directory shall be made available from the executive director at a cost set from time to time by rule of the board.

(h) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(i) Each member of the board shall meet all qualifications to be a candidate for his or her seat on the board during his or her entire term. Any member who fails to continue to meet the qualifications for his or her seat shall forfeit his or her seat on the board and resign or the board seat shall be declared vacant by the board.

Acts 1959, No. 108, p. 612, §2; Acts 1985, No. 85-613, p. 938, §3; Acts 1989, No. 89-237, p. 321, §2; Acts 1993, No. 93-150, p. 213, §3; Acts 1995, No. 95-402, p. 837, §1; Act 2003-352, p. 921, §1; Act 2006-295, p. 602, §1; Act 2009-31, p. 98, §3; Act 2013-414, p. 1568, §1; Act 2015-275, §1.)

Section 34-24-140.1 Board of Chiropractic Examiners - Rulemaking authority.

(a) The Legislature finds and declares all of the following:

(1) A primary goal of the provision of health care is to prioritize patient safety and wellness.

(2) The board is in the best position to determine the practice of chiropractic that prioritizes patient safety and wellness.

(3) The power to make rules regulating the practice of chiropractic includes the power to prohibit unlicensed persons from practicing chiropractic and the power to regulate how licensed persons practice chiropractic.

(4) It is the intent of the Legislature in enacting this section to immunize the State Board of Chiropractic Examiners and its members from liability under state and federal anti-trust laws for the adoption of a rule that prioritizes patient safety and wellness but may be anti-competitive when the effect on public safety and wellness is clearly demonstrated and documented by the State Board of Chiropractic Examiners.

(b) Subject to subsection (c), a rule adopted by the board may define and regulate the practice of chiropractic in a way that prioritizes patient safety and wellness, even if the rule is anti-competitive when the effect on public safety and wellness is clearly demonstrated and documented by the State Board of Chiropractic Examiners.

(c) A rule adopted by the board may supplement or clarify any statutory definition but may not conflict with any statute that defines the practice of chiropractic.

(d) Nothing in this section shall be construed to constrict or expand the current rights and privileges of any individual governed by the State Board of Chiropractic Examiners beyond that which existed prior to the ruling in the United States Supreme Court decision *N.C. State Bd. of Dental Examiners v. FTC*, 135 S.Ct 1101(2015).

(e) Nothing in this section shall be construed to constrict or expand the current duties or responsibilities of the members of the State Board of Chiropractic Examiners in any context outside of federal or state anti-trust immunity beyond that which existed prior to the ruling in the United States Supreme Court decision *N.C. State Bd. of Dental Examiners v. FTC*, 135 S.Ct 1101(2015).

(Act 2017-147, §§1-3.)

Section 34-24-141 Board of Chiropractic Examiners - Membership.

The members of the board shall be elected or appointed, as provided in Section 34-24-140, for a term of four years and the terms shall be staggered. In the event that there are two or more board members serving from the same congressional district based on

redistricting, the members of the board shall serve until their term expires, and the vacancy shall be filled from any congressional district where no member resides as the term or terms expire. In the event the State of Alabama gains or loses a congressional seat, the districts shall be based on the last congressional districting plan having seven districts. No member shall serve more than two consecutive full terms on the board, effective January 1, 1990. A member of the board may be removed by the Governor for neglect of duty or just cause. Before taking office, the members of the board shall take and file with the Secretary of State the constitutional oath of office required by Section 279 of the Constitution of Alabama of 1901.

(Acts 1959, No. 108, p. 612, §3; Acts 1985, No. 85-613, p. 938, §3; Acts 1989, No. 89-237, p. 321, §2; Acts 1995, No. 95-402, p. 837, §1; Act 2003-352, p. 921, §1.)

Section 34-24-142 Board of Chiropractic Examiners - Compensation of members.

Each member of the board shall be entitled to receive a per diem at the rate of 80 percent of the rate established by Section 34-24-54 for each day or any portion thereof that the member of the board is in attendance at a meeting of the board or any function of the board, plus an amount not to exceed the per diem expense and transportation costs allowed to Alabama state employees for in-state travel for each day actively engaged in the duties of their office. All expenditures by the board shall be made only on requisition signed by the president or the executive director of the board.

(Acts 1959, No. 108, p. 612, §4; Acts 1989, No. 89-237, p. 321, §2; Act 2003-352, p. 921, §1; Act 2009-31, p. 98, §3.)

Section 34-24-143 Disposition of funds; audit; refunds; records.

All examination fees, certification fees, renewal fees, and other similar funds received by the board under the provisions of this article shall be deposited in the State Treasury to the credit of the State Board of Chiropractic Examiners, and all such funds are hereby appropriated to the board to defray the expenses incurred in carrying out the provisions of this article. The expenses shall include printing, stamps, stationery, clerical help, travel, and other necessary expenditures. In all cases, any fee which is received by the board shall not be refunded, and no applicant shall have the right to recover any part of a fee accompanying his or her application for licensure or otherwise paid to the board except on the death, disability, or retirement from practice of any applicant or licensee between payment of any fee and the expiration of his or her current renewal or the issuance of the initial license or permit or on the failure of the board to conduct any scheduled examination. The books and records of the board shall be subject to state audit in the same manner and to the same extent as any other state agency. The secretary-treasurer or the executive director shall keep a true and accurate account of all funds received by the board and all expenditures made by the board.

(Acts 1959, No. 108, p. 612, §5; Acts 1989, No. 89-237, p. 321, §2; Act 2006-295, p. 602, §1; Act 2009-31, p. 98, §3; Act 2013-414, p. 1568, §1.)

Section 34-24-144 Board of Chiropractic Examiners - Officers; meetings; rules and regulations; bond.

The members of the State Board of Chiropractic Examiners shall convene within 30 days after their election or appointment and elect a president, vice-president, and

secretary-treasurer from among their members, and thereafter the board shall elect, annually, after the commencement of the term of any board member, a president, vice-president, and secretary-treasurer from among the members of the board. The board shall meet at least twice a year and shall set by rule the regular meeting schedule of the board. The board shall adopt a seal, which shall be affixed to all licenses issued. Five members of the board shall constitute a quorum. However, the board may appoint hearing panels consisting of no fewer than three board members. The consumer member of the board may be a member of each hearing panel. The hearing panels are authorized to conduct hearings in the same manner as the full board is authorized to conduct hearings. The board may from time to time adopt necessary rules and regulations for the performance of its duties. The secretary-treasurer and the executive director of the board shall give bond in the principal sum of one thousand dollars (\$1,000), payable to the State of Alabama, for the faithful performance of their duties. The premiums for the bond shall be paid by the board from funds appropriated for its use.

(Acts 1959, No. 108, p. 612, §6; Acts 1989, No. 89-237, p. 321, §2; Acts 1995, No. 95-402, p. 837, §1; Act 2003-352, p. 921, §1; Act 2006-295, p. 602, §1; Act 2009-31, p. 98, §3.)

Section 34-24-145 Establishment of preceptorship, etc., authorized; issuance and expiration of limited license; board to establish rules, etc., for implementation of section.

(a) The State Board of Chiropractic Examiners is hereby authorized to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at board-approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such schools may be issued a limited license to practice chiropractic under the direct on-premises supervision of a sponsor licensed to practice chiropractic in the State of Alabama, and in the case of chiropractic students, also under the supervision of the school. The limited license shall expire immediately upon the board issuing the results of the second licensure examination.

(b) The State Board of Chiropractic Examiners shall prohibit the use of more than one limited license student or graduate to one sponsor licensed to practice chiropractic.

(c) The State Board of Chiropractic Examiners is empowered to establish rules and regulations for the implementation of this section, including, but not limited to, providing academic, professional, and character requirements for eligible participants, defining the permitted scope of practice of the limited licensee, and requiring fees for participation.

(d) The State Board of Chiropractic Examiners shall implement and perform all powers and duties transferred to it pursuant to Act 81-217, H. 213, 1981 Regular Session (Acts 1981, p. 271).

(Acts 1983, No. 83-586, p. 919, §§1-3; Acts 1989, No. 89-237, p. 321, §2.)

Section 34-24-160 Application; qualifications of applicant; fee.

(a) Any person wishing the right to practice chiropractic shall make application to the State Board of Chiropractic Examiners in the form as the board may prescribe.

(b) In addition to other requirements established by law and for the purpose of determining an applicant's suitability for a license to practice chiropractic, each

applicant shall submit a complete set of fingerprints to the State Board of Chiropractic Examiners. The board shall submit the fingerprints provided by each applicant for a license to practice chiropractic to the Alabama Bureau of Investigation (ABI). The fingerprints shall be forwarded by the ABI to the Federal Bureau of Investigation (FBI) for a national criminal history record check. Costs associated with conducting a criminal history background check shall be borne by the applicant. The State Board of Chiropractic Examiners shall keep information received pursuant to this section confidential, except that such information received and relied upon in denying the issuance of a license to practice chiropractic in this state may be disclosed as may be necessary to support the denial. This requirement also shall apply to any person who is not licensed as a chiropractor who applies for a permit pursuant to Section 34-24-123(b).

(c) Each applicant shall be of good moral character, a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(d) Each applicant shall be a graduate of a chartered chiropractic school or college accredited by the council of chiropractic education which teaches only attendance courses and requires a minimum four-year standard college course.

(e) An applicant for licensure who graduated from chiropractic college after January 1, 2010, shall have a bachelor's degree from an accredited college or university. Absent a bachelor's degree, the requirement may be met by an academic graduate degree from a regionally accredited college or university and proof that the applicant has taken a nationally recognized standardized test commensurate with that applicant's graduate degree.

(f) The application shall be signed by the applicant in his or her own handwriting, and shall be notarized, and shall recite the history of the applicant's educational qualifications, how long he or she has studied chiropractic, what collateral branches, if any, he or she has studied, the length of time he or she has engaged in clinical practice, with proof thereof in the form of diplomas, certificates, transcripts, etc.

(g) Each applicant shall submit with his or her application satisfactory evidence of good character and reputation.

(h) Each applicant for licensure shall pay to the board a fee of not less than fifty dollars (\$50) and not more than one hundred fifty dollars (\$150), the exact amount to be fixed annually by resolution of the State Board of Chiropractic Examiners. The fee shall accompany the application. A fee of not less than fifty dollars (\$50) and not more than one hundred fifty dollars (\$150), the exact amount to be fixed by resolution of the State Board of Chiropractic Examiners shall be paid for any subsequent examination.

(Acts 1959, No. 108, p. 612, §7; Acts 1978, No. 767, p. 1107, §1; Acts 1989, No. 89-237, p. 321, §2; Act 2006-295, p. 602, §1; Act 2009-31, p. 98, §3; Act 2013-414, p. 1568, §1.)

Section 34-24-161 Examinations; issuance and replacement of license; identification of office.

(a) Each applicant, who matriculated into a chiropractic college after January 1, 1973, must pass parts one and two of the examination administered by the National Board of Chiropractic Examiners or other national examination as approved by the board. In

addition, each applicant must pass an examination administered by the board on this article and the rules of the board.

(b) The State Board of Chiropractic Examiners shall prescribe rules and regulations regarding which national examination shall be administered, the conduct of and times and places of examinations, and requirements for successful completion of examinations. A license shall be issued for each applicant who successfully completes the examination.

(c) Irrespective of the requirements in subsections (a) and (b), the board may license an applicant if the applicant is licensed in another state that, in the opinion of the board, has standards of practice or licensure equal to or stricter than the requirements imposed by this article. If the applicant graduated from chiropractic college after January 1, 2010, he or she must have a bachelor's degree from an accredited college or university. Absent a bachelor's degree, the requirement may be met by an academic graduate degree from a regionally accredited college or university and proof that the applicant has taken a nationally recognized standardized test commensurate with that applicant's graduate degree.

(d) Upon completion of all requirements for licensure an applicant shall be issued a license. The fee for issuance of a license shall be established by rule of the board. Each license shall be dated and numbered in the order of issuance and shall be signed by the executive director and the president of the board.

(e) Replacement licenses:

(1) Any licensee whose license is lost or destroyed may be issued a replacement license upon making application to the board. The application must be accompanied by an affidavit setting out the facts concerning the loss or destruction.

(2) Name change. Any licensee whose name is changed by marriage or court order may surrender his or her license and apply for a replacement license.

(3) The fee for any replacement license shall be established by rule of the board.

(f) Each licensed chiropractor who is actively engaged in practice or who holds himself or herself out as a chiropractor shall place or cause to be placed in a conspicuous place at the entrance of his or her office or place in which he or she practices a sign in intelligible lettering not less than one inch in height containing the name of the chiropractor and in lettering no smaller than half the size of the name of the chiropractor, the words "CHIROPRACTOR" or "CHIROPRACTIC." The intent of this requirement is that the office of the licensee be clearly identified by name and profession.

(g) Any licensee or permittee upon request shall be issued a duplicate license upon payment of a fee to be established by rule of the board.

(Acts 1959, No. 108, p. 612, §8; Acts 1985, No. 85-613, p. 938, §3; Acts 1989, No. 89-237, p. 321, §2; Acts 1997, No. 97-149, p. 190, §3; Act 2003-352, p. 921, §1; Act 2009-31, p. 98, §3; Act 2013-414, p. 1568, §1; Act 2015-275, §1.)

Section 34-24-162.1 Application; licensure by credentials.

(a) Every person who desires to practice chiropractic within the State of Alabama shall file an application prescribed by the board. Notwithstanding the method of obtaining licensure or any particular requirement set forth herein, every person as a prerequisite to licensure must be at least 21 years of age, of good moral character, a citizen of the

United States or, if not a citizen of the United States a person who is legally present in the United States with appropriate documentation from the federal government, a graduate of a chiropractic school or college accredited and recognized by the board and must satisfy any other requirement set forth in any rule adopted by the board.

(b) Any individual who possesses a current license in any state, who has passed a state licensure examination approved by the board and who has, since graduation from chiropractic school, participated in a clinical residency or practiced chiropractic in the Armed Forces or with the Public Health Service shall be eligible for licensure if an application is received by the board within 18 months of the completion of the subject residency or Armed Forces or Public Health Service commitment. All of the above applicants shall pay a fee which shall accompany the application.

(c) Licensure by credentials may be utilized to evaluate the theoretical knowledge and clinical skill of a chiropractor when an applicant for licensure by credentials holds a chiropractic license in another state. The board may promulgate rules relating to licensure by credentials in addition to any statutory requirements.

(d) An applicant for licensure by credentials must meet all of the following:

(1) The chiropractor shall have engaged in the active practice of chiropractic or full-time chiropractic education for the five years immediately preceding his or her application. The active practice of chiropractic or full-time chiropractic education shall mean spending a minimum of at least 5,000 hours engaged in these activities during the relevant time period.

(2) The applicant must hold a current, valid, unrevoked, and unexpired license in a state having examination standards regarded by the State Board of Chiropractic Examiners as an equivalent to the Alabama standards.

(3) The board of examiners in the state of current practice must verify or endorse that the applicant's license is in good standing without any restrictions.

(4) The chiropractor shall not be the subject of a pending disciplinary action in any state in which the individual is or has been licensed which shall be verified by a query to the National Practitioner Data Bank, the Health Integrity Protection Data Bank, the Federation of Chiropractic Licensing Board CINBAD Databank, or any other pertinent bank currently existing or which may exist in the future.

(5) The applicant must provide a written statement agreeing to be interviewed at the request of the board.

(6) The individual must successfully pass a written jurisprudence examination.

(7) The applicant must submit affidavits from two licensed chiropractors practicing in the same geographical area where the applicant currently is practicing or teaching attesting to the applicant's moral character, standing, and ability.

(8) The applicant must provide the board with an official transcript with school seal from the chiropractic school which issued the applicant's professional degree or execute a request and authorization allowing the board to obtain the transcript.

(9) The applicant must not be the subject of any pending or final action from any hospital revoking, suspending, limiting, modifying, or interfering with any clinical or staff privileges.

(10) The applicant must not have been convicted of a felony, a misdemeanor involving moral turpitude, any offense relating to controlled or legend drugs or any offense which

would interfere with or impair the ability of the applicant to practice chiropractic with reasonable skill and safety to his or her patients.

(11) The board may consider or require other criteria including, but not limited to, any of the following:

- a. Questioning under oath.
- b. Results of peer review reports from constituent chiropractic societies or federal chiropractic services.
- c. Substance abuse testing or treatment.
- d. Proof of no physical or psychological impairment that would adversely affect the ability to practice chiropractic with reasonable skill and safety.
- e. Participation in continuing education.
- f. Background checks for criminal or fraudulent activities.
- g. An agreement to initiate practice within the State of Alabama within a period of one year from the date of the issuance of a license.
- h. Proof of professional liability coverage and that coverage has not been refused, declined, cancelled, non-renewed, or modified.
- i. In the event an applicant has or is practicing in a state which allows an applicant to prescribe or administer drugs, the applicant has not been the subject of any disciplinary action or is subject to the pendency of any disciplinary action or enforcement proceeding of any kind in connection with these activities. This paragraph applies regardless of whether or not a separate permit or license was issued to engage in the described activities.

(12) The board may refuse to grant a license to an applicant who does not comply with the requirements of Section 34-24-166(a) or who has engaged in any acts constituting the disciplinary grounds set forth in Section 34-24-166(b). The board may further take disciplinary action authorized by this chapter if the board learns or discovers subsequent to the issuance of a license that the individual engaged in any acts constituting the disciplinary grounds set forth in Section 34-24-166(b).

(13) The board may promulgate rules relating to licensure by credentials including applicable fees in addition to any requirements by law.

(Act 2013-414, p. 1568, §2.)

Section 34-24-163 Issuance of certificates to persons practicing on January 1, 1960.

Notwithstanding any section of this article or any other law to the contrary, the board shall issue a license to practice chiropractic without examination to any person in the active practice of chiropractic in the State of Alabama on January 1, 1960; provided, that the person shall make a written application to the board on forms and in the manner prescribed by the board; and provided further, that the person produces evidence satisfactory to the board that he or she is a graduate of a school or college of chiropractic recognized by the board and is of good moral character. Such application shall be accompanied by a \$25 application fee. Any person who is in the Armed Forces of the United States and who otherwise meets the qualifications of this section and was actively in the practice of chiropractic in this state before becoming a member of the Armed Forces of the United States shall have 90 days after discharge or resignation from the Armed Forces of the United States in which to make application. The provisions of this section shall be further governed by the portions of this article which

specifies methods for revocation, refusal, or suspension of licenses, or rules and regulations governing retirement or surrender of licenses.

(Acts 1959, No. 108, p. 612, §21; Acts 1989, No. 89-237, p. 321, §2.)

Section 34-24-164 License to be recorded with judge of probate.

Every person who receives a license to practice chiropractic shall have it recorded in the office of the judge of probate of each county in which he practices and shall likewise have it recorded in the counties to which he may subsequently remove for the purpose of practicing chiropractic and shall pay a fee to the judge of probate in each county in which the license is recorded. No person shall engage in the practice of chiropractic until the license is recorded by the judge of probate.

(Acts 1959, No. 108, p. 612, §11; Acts 1989, No. 89-237, p. 321, §2.)

Section 34-24-165 Renewal, suspension, retirement, etc., of license; waiver of fees; inactive license.

(a) Every license to practice chiropractic or permit to own a chiropractic practice shall be subject to renewal on September 30 of the year for which it is issued with a grace period from October 1 to December 31 of each year. Every person having a valid license or permit may on or before September 30 renew the license or permit for the ensuing year by the payment to the board of a fee of not more than four hundred dollars (\$400), the exact amount to be fixed by rule of the board, adopted in accordance with the Alabama Administrative Procedure Act, subject to the condition that no increase or decrease in any one year shall exceed twenty-five dollars (\$25). The license renewal shall be accompanied by satisfactory evidence that the person has completed during the preceding year a minimum of 18 hours of professional educational work approved by the board. The permit renewal shall be accompanied by satisfactory evidence that the primary permit holder has completed the number of approved continuing education hours in the manner set forth and required by rule of the board. The board, for good and reasonable cause shown, may waive the education requirement. The secretary-treasurer or the executive director of the board shall notify each licensee or permit holder at least 30 days prior to September 30 of each year of the due date for renewal. In addition to the renewal fee, a late renewal penalty shall be assessed any licensee or permit holder who fails to pay the renewal fee by September 30 of each year based on the following schedule:

- (1) For renewal during the month of October, one hundred dollars (\$100).
- (2) For renewal during the month of November, two hundred dollars (\$200).
- (3) For renewal during the month of December, three hundred dollars (\$300).

A chiropractor may continue to practice or a permit holder may continue to own a chiropractic practice until December 31 of the year for which a license or permit is issued subject to subsection (b).

(b) Any license issued pursuant to this chapter shall be automatically suspended if not renewed before January 1. Any chiropractor whose license is automatically suspended shall be reinstated if all conditions for renewal have been satisfied and upon payment of a reinstatement fee on or before January 31. Any chiropractor who seeks reinstatement due to nonrenewal after the above time shall comply with Section 34-24-176.

(c) Any licensee who is no longer in active practice may apply for retirement of his or her license by submitting an affidavit to that effect on a form supplied by the executive director. A licensee whose license is retired is excused from the professional education requirement specified in this article. The annual fee for maintenance of a retired license may not be more than one-half of the amount required by this article for an active license. Any license issued pursuant to this section shall be automatically suspended if not renewed before January 1. Any chiropractor whose license is automatically suspended shall be reinstated if all conditions for renewal have been satisfied and upon payment of a reinstatement fee on or before January 31. Any chiropractor who seeks reinstatement due to nonrenewal after the above time shall comply with Section 34-24-176.

(d) The board may waive or reduce annual registration and the payment of fees while any licensee is prevented from practicing chiropractic by reason of physical disability, temporary active duty with any of the Armed Forces of the United States, or while any licensee is completely retired from the practice of chiropractic. The waiver of fees shall be effective so long as the disability, temporary active duty, or complete retirement continues.

(e) The board shall make rules and regulations as necessary and proper for effectuating or enforcing this article.

(f) In addition to other requirements established by law and for the purpose of determining suitability for reinstatement of a license to practice chiropractic, each individual seeking reinstatement shall submit a complete set of fingerprints to the board and the board shall submit the fingerprints provided by any such individual to the State Bureau of Investigations. The fingerprints shall be forwarded by the State Bureau of Investigations to the Federal Bureau of Investigation (FBI) for a national criminal history record check. Costs associated with conducting a criminal history background check shall be borne by the individual seeking reinstatement. The board shall keep information received pursuant to this section confidential, except that such information received and relied upon in denying reinstatement may be disclosed as may be necessary to support the denial. In addition to other requirements established by law and for the purposes of determining suitability for renewal, the board, in its discretion, may require an individual seeking renewal of a license to practice chiropractic to submit a complete set of fingerprints to the board. The board shall submit the fingerprints provided by any such individual to the State Bureau of Investigations. The fingerprints shall be forwarded by the State Bureau of Investigations to the FBI for a national criminal history record check. Costs associated with conducting a criminal history background check shall be borne by the individual seeking renewal. The board shall keep information received pursuant this section confidential, except that such information received and relied upon in denying renewal may be disclosed as may be necessary to support the denial. This requirement also shall apply in the same manner to any person who is not licensed as a chiropractor who applies for reinstatement or renewal of his or her permit pursuant to Section 34-24-123(b).

(g) The board shall also establish an inactive license for persons who desire to be licensed in Alabama but who actually practice in another state. The annual fee for maintenance of an inactive license shall be one-half of the amount required by this section for an active license.

(Acts 1959, No. 108, p. 612, §19; Acts 1964, 1st Ex. Sess., No. 167, p. 232, §1; Acts 1969, No. 608, p. 1113, §1; Acts 1978, No. 769, p. 1109, §1; Acts 1989, No. 89-237, p. 321, §2; Acts 1997, No. 97-149, p. 190, §3; Act 98-650, p. 1427, §1; Act 99-662, 2nd Sp. Sess., p. 120, §1; Act 2003-352, p. 921, §1; Act 2009-31, p. 98, §3; Act 2013-414, p. 1568, §1; Act 2015-275, p. 760, §1; Act 2017-53, §3.)

Section 34-24-166 Refusal, revocation, or suspension - Grounds; rules; disciplinary action.

(a) The State Board of Chiropractic Examiners may refuse to grant a license or permit to any applicant who is not of good moral character and reputation or has a history of narcotic addiction or has previously been convicted of a felony or any crime of moral turpitude or has previously been diagnosed as having a psychopathic disorder.

(b) The State Board of Chiropractic Examiners may invoke disciplinary action as outlined in subsection (c) whenever the licensee or permit holder shall be found guilty of any of the following:

(1) Fraud in procuring a license or permit, or any fraud in obtaining money or other thing of value.

(2) Immoral conduct.

(3) Unprofessional conduct.

(4) Habitual intoxication or addiction to the use of drugs.

(5) Conviction of a felony or any crime of moral turpitude.

(6) Conviction for violation of any narcotic or controlled substance statute.

(7) Unlawful invasion of the field of practice of any other health practitioner when the licensee is not licensed to practice such profession.

(8) Division of fees or agreeing to split or divide fees received for professional services with any person for bringing or referring a patient.

(9) Continuing to practice after suspension or revocation of license.

(10) A violation of any order issued by the board.

(11) Engaging in the incompetent practice of chiropractic.

(12) Aiding the unauthorized practice of chiropractic.

(13) Advertising in any manner which violates the rules and regulations established by the board.

(14) A violation of any of the provisions of this article or any rule or regulation adopted by the board.

(15) Patient abandonment.

(16) The suspension, revocation, or probation by another state of a license to practice chiropractic or permit to operate or own a chiropractic office or practice. A certified copy of the record of suspension, revocation, or probation shall be conclusive evidence of the suspension, revocation, or probation.

(17) The inability to practice chiropractic with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

(c)(1) The Board of Chiropractic Examiners shall establish rules and regulations which shall govern the practice of chiropractic and shall detail prohibited acts stated in this article. The board shall have the power and it shall be its duty as a consumer protection

agency to impose any of the sanctions set forth in subdivision (2) against any licensee or permit holder upon a determination of guilt of any of the above enumerated grounds. (2) When the board finds any licensee or permit holder guilty of any of the grounds set forth in subsection (b), the board may enter an order imposing one or more of the following penalties:

- a. Revoke the license to practice chiropractic or permit.
- b. Suspend the license to practice chiropractic or permit.
- c. Enter a censure on the license or permit.
- d. Issue an order fixing a period and terms of probation best adapted to protect the public health and safety and to rehabilitate the licensee or permit holder.
- e. Impose an administrative fine not to exceed eight thousand dollars (\$8,000) for each count or separate offense.
- f. Impose restrictions on the scope of practice.
- g. Impose peer review or professional education requirements.
- h. Assess the costs of the disciplinary proceedings.
- i. Issue a reprimand.
- j. Assess the costs for the monitoring of any licensee or permit holder as ordered by the board.

(3) 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.

(d) The board may in an emergency situation, when danger to the public health, safety, and welfare requires, suspend any license or permit without a hearing or with an abbreviated hearing in accordance with the following sections of this article.

(e) Any person who engages in the unlawful practice of chiropractic, or who violates any provision of this chapter, shall be guilty of a Class C misdemeanor.

(f)(1) When the issue is whether or not a licensee is physically or mentally capable of practicing chiropractic with reasonable skill and safety to patients, then, upon a showing of probable cause to the board that the licensee is not capable of practicing chiropractic with reasonable skill and safety to patients, the board may order and direct the licensee in question to submit to a physical, mental, or laboratory examination, or any combination thereof, to be performed by a physician designated or approved by the board. The expense of the examination shall be borne by the licensee who is examined. The board may collect and expend funds available to the board as necessary to adequately provide for the operational expenses of the wellness program.

(2) Every person issued a license to practice chiropractic in this state or issued a permit in this state upon a showing of probable cause as provided in subdivision (1), shall be deemed to have given consent to submit to a mental, physical, or laboratory examination, or to any combination thereof, and to waive all objections to the admissibility of the testimony or examination reports of the examining physician on the ground that the reports constitute privileged doctor-patient communications.

(g) It shall be the duty and obligation of the board to promote the early identification, intervention, treatment, and rehabilitation of chiropractors licensed to practice in the state who may be impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances or as a result of any physical or mental condition. The board may enter into an agreement for any of the following:

- (1) Contracting with providers for treatment programs.
- (2) Receiving and evaluating reports of suspected impairment from any source.
- (3) Intervening in cases of verified impairment.
- (4) Referring impaired chiropractors to treatment programs.
- (5) Monitoring the treatment and rehabilitation of impaired chiropractors.
- (6) Providing post-treatment monitoring and support of rehabilitated impaired chiropractors.
- (h) All information, interviews, reports, statements, memoranda, or other documents furnished to the board are confidential and shall be used by the board only in the exercise of the proper function of the board and shall not be public records nor available for court subpoena or for discovery proceedings.
(*Acts 1959, No. 108, p. 612, §12; Acts 1969, No. 609, p. 1114, §1; Acts 1989, No. 89-237, p. 321, §2; Act 2003-352, p. 921, §1; Act 2006-553, p. 1271, §1; Act 2013-414, p. 1568, §1; Act 2015-275, §1.*)

Section 34-24-167 Refusal, revocation, or suspension - Notice of hearing; procedure.

- (a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice in writing delivered either by personal service as in civil actions or by certified mail, return receipt requested. Delivery of the notice referred to in this subsection shall constitute commencement of the contested case proceeding.
- (b) The notice shall include:
 - (1) A statement of the time, place, and nature of the hearing;
 - (2) A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - (3) A reference to the particular sections of the statutes and rules involved;
 - (4) A short and plain statement of the matters asserted. If the State Board of Chiropractic Examiners is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished; and
 - (5) The summons and complaint shall be mailed at least 35 days prior to the scheduled date of the hearing. The board may specify in its rules and regulations the period for reasonable notice in the event service is refused or returned.
- (c) If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the party.
- (d) Opportunity shall be afforded all parties to respond and present evidence and argument on all material issues involved and to be represented by counsel at their own expense.
- (e) Informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing. The attorney for the State Board of Chiropractic Examiners shall have the authority to make any settlement offer to any respondent in a disciplinary proceeding. Such offer shall not be binding upon the State Board of Chiropractic Examiners.
- (f) The record in a contested case shall include:

- (1) All pleadings, motions, and intermediate rulings;
 - (2) All evidence received or considered and all other submissions;
 - (3) A statement of all matters officially noticed;
 - (4) All questions and offers of proof, objections, and rulings thereon;
 - (5) All proposed findings and exceptions;
 - (6) Any decision, opinion, or report by the hearing officer at the hearing; and
 - (7) All staff memoranda or data submitted to the hearing officer or members of the board in connection with their consideration of the case.
- (g) Oral proceedings shall be open to the public. Oral proceedings shall be recorded either by mechanized means or by qualified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the board for at least five years from the date of the decision and shall be made available for inspection by the public, except in those cases where the proceedings shall be ordered sealed by order of the court.
- (Acts 1959, No. 108, p. 612, §13; Acts 1989, No. 89-237, p. 321, §2.)*

Section 34-24-168 Refusal, revocation, or suspension - Guidelines for conduct of hearing; settlement by guilty plea.

The board shall specify in its rules and regulations specific guidelines to govern all hearings.

(Acts 1959, No. 108, p. 612, §14; Acts 1989, No. 89-237, p. 321, §2; Act 2013-414, p. 1568, §1.)

Section 34-24-170 Costs and fines.

The board shall specify in its rules and regulations a schedule of costs or fines, or both, to be imposed upon any person or permit holder who has been found guilty of a violation of Sections 34-24-166 or 34-24-161(f), each not to exceed eight thousand dollars (\$8,000) per violation.

(Acts 1959, No. 108, p. 612, §16; Acts 1989, No. 89-237, p. 321, §2; Act 2003-352, p. 921, §1; Act 2013-414, p. 1568, §1.)

Section 34-24-172 Restoration of license.

Repealed by Act 2015-275 effective August 1, 2015.

(Acts 1959, No. 108, p. 612, §18; Acts 1989, No. 89-237, p. 321, §2; Act 2003-352, p. 921, §1; Act 2013-414, p. 1568, §1.)

Section 34-24-173 Rules of evidence in contested cases.

In contested cases:

- (1) The rules of evidence as applied in nonjury civil cases in the circuit courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The board shall give effect to the rules of privilege recognized by law. Except as hereinafter provided, objections to evidentiary offers may be made and shall be noted in

the record. Whenever any evidence is excluded as inadmissible, all such evidence existing in written form shall remain a part of the record as an offer of proof. The party seeking the admission of oral testimony may make an offer of proof by means of a brief statement on the record describing the testimony excluded. All rulings on the admissibility of evidence shall be final and shall appear in the record. Subject to these requirements, when a hearing will be expedited and interests of the parties will not be prejudiced substantially, any part of the evidence may be received or may be required to be submitted in verified form; provided, the adversary party shall not be denied the right of cross-examination of the witness. The testimony of the parties and witnesses shall be made under oath.

(2) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the board. Upon request, parties shall be given an opportunity to compare the copy with the original.

(3) A party may conduct cross-examination required for a full and true disclosure of the facts, except as otherwise limited by law.

(4) Official notice may be taken of all facts of which judicial notice may be taken and of other scientific and technical facts within the specialized knowledge of the board.

(5) The experience, technical competence, and specialized knowledge of the board may be utilized in the evaluation of the evidence.

(6) The board's interpretation of its own rules and regulations in contested cases shall be final and conclusive and shall not be set aside upon judicial review.

(7) The board shall have the power to issue subpoenas and to compel the attendance of any witness or the production of any book, writing, or other document in the possession, custody, or control of any person. Any person refusing to produce any book, writing, or other document or to appear to testify, without legal excuse, at such hearing of the board, after having been served with a subpoena issued by the board, shall be guilty of contempt; and upon certification of such act by the board to the judge of the circuit court of whose jurisdiction the hearing is held or is to be held, the judge shall punish the same as though committed before him.

(Acts 1989, No. 89-237, p. 321, §2.)

Section 34-24-174 Form and content of final order.

(a) The final order in a proceeding shall be in writing and made a part of the record and include findings of fact and conclusions of law separately stated, and it shall be rendered within 45 days:

(1) After the hearing is concluded, if conducted by the board;

(2) After the board accepts any proposed findings of fact and conclusions of law or proposed final order from any party in a disciplinary hearing;

(3) After a recommended order, or findings and conclusion are submitted to the board and mailed to all parties, if the hearing is conducted by a hearing officer; or

(4) The 45-day period may be waived or extended with the consent of all parties.

(b) Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, shall be accompanied by a statement of the underlying facts of record which support the findings.

(c) If the board finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such findings in the final order, which shall be appealable or enjoicable from the date rendered.

(d) Parties shall be notified either personally or by certified mail return receipt requested of any order and, unless waived, a copy of the final order shall be so delivered or mailed to each party or to his or her attorney of record.

(Acts 1989, No. 89-237, p. 321, §3.)

Section 34-24-175 Appeal from final decision, judicial review.

(a) Any party whose license or permit is sanctioned as provided herein, shall not be required to file a motion for rehearing to exhaust his or her remedies available from the board.

(b) Any party sanctioned as provided herein, may file a petition for judicial review in the circuit court where the board office is located. The filing of the petition must be within 30 days of the date of the board's final decision.

(c) Within 30 days after receipt of the petition for judicial review or within such additional time as the court may allow, the board shall transmit to the reviewing court the original or a certified copy of the entire record and transcript of the proceedings under review. Any party seeking judicial review of any sanction imposed by the board shall be responsible for all costs associated with preparation, transcription, reproduction, and transmittal of the proceedings under review.

(d) Other than specified in this statute, any judicial review of the board's final decision shall be conducted in accordance with the provisions for review of final agency decisions of contested cases in Sections 41-22-20 and 41-22-21.

(Acts 1989, No. 89-237, p. 321, §4; Act 2013-414, p. 1568, §1.)

Section 34-24-176 Reinstatement of license.

Except as otherwise provided in subsection (b) or (c) of Section 34-24-165, any chiropractor who desires to return to the active practice of chiropractic shall submit an application for reinstatement accompanied by a nonrefundable reinstatement fee and a penalty. The amount of the reinstatement fee and penalty shall be established by rule of the board. The applicant shall possess good moral character and meet the educational requirements existing at the time of his or her initial licensing. The board, as a condition of reinstatement, may require the completion of a designated number of continuing education hours, the successful completion of refresher courses at a board approved accredited chiropractic college, or the passing of a law exam, or all of the above if required by the board.

(Acts 1989, No. 89-237, p. 321, §5; Act 2003-352, p. 921, §1; Act 2013-414, p. 1568, §1; Act 2015-275, §1.)

Section 34-24-177 Nonrenewal pending payment of administrative fine; refund.

The board shall not renew the annual certificate of registration as set forth in Section 34-24-123, 34-24-165, or 34-24-176 of any licensee or permit holder against whom an administrative fine has been assessed by the board until the fine is paid in full. In the event that the fine is subsequently reduced or set aside on judicial review as provided in

the Alabama Administrative Procedure Act, the licensee or permit holder shall be entitled to a prompt refund of the amount of the fine, but shall not be entitled to interest thereon. If any order issued by the board or if any agreement between the board and any licensee or permit holder allows for the payment of fines or costs in installments, the licensee or permit holder shall be allowed to renew his or her license or permit provided the payments are current.

(Act 2006-295, p. 602, §2; Act 2015-275, §1.)

Professional Services by Vendor

	FY 2016	FY 2017	FY 2018	FY 2019
Administrative Services				
Alabama Interactive LLC	\$ -	\$ 150.00	\$ -	\$ 600.00
Department of Finance	820.01	563.76	-	-
McKinney & Lively, Pc	300.00	100.00	200.00	400.00
Veritext Corporate Services Inc	-	-	-	3,125.25
Freedom Court Reporting	674.90	714.00	-	-
Onin Staffing	2,147.20	817.94	2,752.27	906.14
Katie Penry	-	-	-	1,640.00
AIDB	-	-	-	21.15
National Property Management Assn				
Capitol City Chapter	-	-	-	90.00
DC Online	1,200.00	1,175.00	800.00	1,275.00
Fed of Chiropractic Licensing	-	595.00	-	-
Ala Assoc of Regulatory Boards	300.00	250.00	-	450.00
Legislative Service Agency	890.00	1,280.00	650.00	1,270.00
State Personnel Department	2,080.00	2,139.00	1,787.00	2,209.00
SurveyMonkey Inc	-	300.00	-	-
U.S. Department of Homeland Security	75.00	125.00	75.00	-
Total Administrative	8,487.11	8,209.70	6,264.27	11,986.54
Data Processing				
Office of Information Technology	-	-	2,513.50	13,338.77
Department of Finance	34,681.73	33,083.43	30,813.39	4,240.78
TSA	-	-	-	850.00
Total Data ProceSSION	34,681.73	33,083.43	33,326.89	18,429.55
Legal Professional				
Ward & Wilson LLC	28,940.24	22,966.81	20,137.65	21,308.28
Total Legal Profession	28,940.24	22,966.81	20,137.65	21,308.28
Wellness Program				
Michael Clay Caver	8,950.00	11,050.00	10,200.00	10,200.00
Total Wellness Program	8,950.00	11,050.00	10,200.00	10,200.00
Total Professional Services	\$ 81,059.08	\$ 75,309.94	\$ 69,928.81	\$ 61,924.37

Board Members

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS

BRIAN WELLS, D.C., PRES.
 BRAD RUSSELL, D.C., VICE-PRES.
 KIMBERLY OGLETREE, D.C., SEC /TRES.
 J. MATTHEW YOUNGBLOOD, D.C.
 JOHN D. NEILL, D.C.
 RENEE PHILPOT BOWEN, D.C.
 ALLAN LOWMAN, D.C. (PRECEPTOR)
 KENNETH RANDOLPH, D.C.
 JOHN SEGREST, CONSUMER MEMBER



SHEILA BOLTON
 EXECUTIVE DIRECTOR
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CURRENT BOARD MEMBERS AND OFFICIALS

<u>Board Members</u>	<u>Position</u>	<u>City</u>	<u>Termination Date</u>
Hon. Brian Wells, D.C. District 3	President	Anniston, AL	12/31/21
Hon. Brad Russell, D.C. District 6	Vice-President	Birmingham, AL	12/31/22
Hon. Kimberly Ogletree, DC African American Member	Secretary / Treasurer	Montgomery, AL	12/31/22
Hon. J Matthew Youngblood District 1 --		Mobile, AL	12/31/23
Hon. John Neill, D.C. District 2	Member	Montgomery, AL	12/31/21
Hon. Renee Philpot – Bowen, D.C. District 4	Member	Jasper, AL	Partial Term 12/31/20
Hon. Travis Allan Lowman, DC District 5 Preceptor Director	Member	Decatur AL	12/31/22
Hon. Kenneth J. Randolph, D.C. District 7 –	Member	Tuscaloosa, AL	12/31/23
Hon. John Segrest	Consumer Member Appt. 1/11/19	Prattville, AL	Partial Term 12/31/20

Signed: Sheila Bolton
 Executive Director

Dated: 2/10/2020

Board's Response to Significant Issues

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS

BRIAN WELLS, D.C., PRES.
BRAD RUSSELL, D.C., VICE-PRES.
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August 24, 2020

Maria L. Catledge
Director, Operational Division
Examiners of Public Accounts
P O Box 302251
Montgomery, AL 36130-2251

Re: Significant items

Dear Ms. Catledge:

In regard to your request I am submitting the following in response to the significant items from the Sunset Audit:

1. The Board has not had a meeting since the significant issue letter was received, it is on their September 10, 2020 agenda. They will most likely suspend collecting the fees until legislation is passed to authorize the fees.

To my knowledge the above clearly outlines the Boards response to these items.

Very truly yours,

Sheila Bolton, CPM II
Executive Director

SB/ms