



# A.S.B.C.E

THE OFFICIAL NEWSLETTER OF THE ALABAMA  
STATE BOARD OF CHIROPRACTIC EXAMINERS

126 Chilton Place, Clanton, Alabama, 35045  
Phone number 1-800-949-5838 or 1-205-755-8000  
Fax 1-205-755-0081

Newsletter January 2013  
**Volume 13, Issue 1**

## INSIDE THIS ISSUE :

<b>Adopted Rules</b>	7-11
<b>Disciplinary Actions</b>	5
<b>Meeting Dates</b>	14
<b>New Licensees</b>	6
<b>Non Renewed Licensees</b>	13
<b>Online Seminars</b>	2
<b>Presidential Message</b>	1&5
<b>Renewal Cards No Longer Mailed</b>	5
<b>The Real Story</b>	12-13
<b>Upcoming Seminars</b>	4-5

## Presidential Message

Dear colleagues and clinic owners:

The Board of Examiners would like to thank our outgoing consumer member Mr. Alan Sanderson for his service the past four years. We have enjoyed working with him and appreciate his insight in legislative matters. As I write this message the Governors office has yet to name the consumer member to the upcoming term but I understand they will name the new member by the beginning of 2013. The Board would also like to congratulate Dr. Ken Randolph on his re-election to a second full term. Dr. Randolph was actually elected for the third time in succession due to his first term being a partial term to replace Dr. Lett after his untimely death.

The complaints the past year have trended down from 21 in 2011 to 18

in 2012. The complaints we have seen this past year have included issues of sexual misconduct; trust accounting, and aiding in the unauthorized practice of Chiropractic as well as minor issues that were dismissed. The settlements in the trust accounting case and aiding in unauthorized practice case were \$30,000.00 and \$20,000 respectively. The two cases were some of the largest settlements in Board history. The issue of trust accounting has been an area we have seen increased complaints in over the past few years. The Board has very specific and detailed rules regarding trust funds and the proper disposition and accounting requirements of these funds. I would encourage any doctor wishing to accept any advance payments for services to be performed

Please see *Presidential Message* on page 5

## NON RENEW LIST

Please see page 13 for a list of licensees / clinic owners who did not complete the renewal process.

If you are on the list and continued to practice after January 1 you are practicing without a license and in violation of the Alabama Chiropractic Practice Act and the Chiropractic Rules and Regulations.

# Online Seminars

**CE 4 You** offers the following ONLINE courses until December 2013. For information contact Richard Schmitt at 1-301-717-7178.

1. "AIDS and Infectious Disease"
2. "Coding & Documentation"
3. "Extremity Adjusting"
4. "Faulty Movement Patterns"
5. "Low Tech Rehab in Whiplash"
6. "Radiology in Practice"
7. "Rehabilitation of the Athlete"
8. "Spinal Trauma"

**CE 4 You** offers the following ONLINE courses until August 2013. For information contact Richard Schmitt at 1-301-717-7178.

1. "Integrative Myofascial Release"
2. "The Perinatal and Pediatric Practice"

**DCHours.com** offers the following ONLINE courses until December 2013. For information contact Debbie Brendler at 1-800-811-0269.

1. "Alabama Board Rules & Regulations"
2. "Basic MRI Part I"
3. "Basic MRI Part II"
4. "Basic MRI Part III"
5. "Spinal Decompression"
6. "Spinal Pain Syndromes"
7. "The Neurology of Pain"

**DC Online** offers the following ONLINE courses until December 2013. For information contact William Moreau, D.C. at 1-712-260-2507.

1. "Active Care of the Lumbar Spine"
2. "Alabama Board Rules & Regulations"
3. "Assessment & Management of the Hip for the Health Care Provider"
4. "Bloodborne Pathogens"
5. "Chiropractic & Soft Tissue Care"
6. "Immunization, Making Informed Choices"
7. "Physical Assessment & Management of the Knee"
8. "Professional Boundaries & Chiropractic"
9. "Recognizing Skin Conditions"
10. "Risk Management"
11. "Segmental Drop Adjusting"
12. "Special Populations in Chiropractic: The Osteoporotic Patient"
13. "Spine in Sports"

**Logan College of Chiropractic** offers the following ONLINE courses until December 2013. For information contact Ralph Barrale, D.C. at 1-800-842-3234.

1. "Posture Practice Online 2013"

**New York Chiropractic College** offers the following ONLINE courses until May 2013. For information contact Cynthia Logatto at 1-516-796-5923.

1. "Master of Science Human Anatomy, Physiology: Urinary System, Acid / Base Balance Repro"
2. "Master Science Human Anatomy & Physiology Inst: Integumentary, Skeletal, \* Muscular System"

**Northwestern Health Science** offers the following ONLINE courses until December 2013. For information contact Sara George at 952-885-5446.

1. "Foundations of Evidence Informed Practice: Using Research in Practice"
2. "Foundations of Evidence Informed Practice: Overview"
3. "Foundations of Evidence Informed Practice: Types of Research"
4. "Informed Practice: Understanding Research"

**Palmer College of Chiropractic** offers the following ONLINE courses until December 2013. For information contact Kati Sproston at 1-563-884-5715.

1. "Activator Methods Track 1"
2. "Clinical Imaging (6)"
3. "Orthopedic Assessment & Interpretation"

**Texas Chiropractic College** offers the following ONLINE courses until December 2013. For information contact Keiria Proctor, at 800-533-9822.

1. "Benefits of Spinal Manipulation"
2. "Bone Physiology: Calcium & Phosphorus Metabolism"
3. "Cervical Ligament Injury"
4. "Chiropractic Treatment of Auto Accident Injuries"
5. "Chiropractic Treatment of Golf Injuries"
6. "Dermatology in Chiropractic Practice"
7. "Diagnosis & Clinical Issues Group"
8. "Documentation: Doctor & Patient Protection"
9. "Effective Testimony Tips & Strategies for Trials, Depositions & Arbitration"
10. "Evaluation of Whiplash Injuries"
11. "Exercise Strength & Conditioning"
12. "Fundamentals of Clinical Nutrition"
13. "Managing the Employee"
14. "Maximum Medical Improvement & Apportionment"
15. "Narrative Report Writing"
16. "Ominous Findings in the Head Pain Patient"
17. "Pain Management"
18. "Personal Injury Practice Series"
19. "Preparation Tips for Trials & Deposition"
20. "Spinal Cord Tumors & Myelopathy"
21. "The Temporomandibular Joint"
22. "Treatment Plans"
23. "Trials, Arbitrations & Mediations"
24. "Weight Loss Management: Fitness & Nutrition"

## **New Hearing Officer for the Board**

**Mr. James F. Hampton has been retained as a new hearing officer for the Board.**

**Mr. Hampton has been a practicing attorney in Montgomery for over 40 years. He graduated with a BS in Commerce and Business Administration from the University of Alabama and is also a graduate of the Cumberland School of Law, Samford University. From 1977-1979 he served as an Alabama Assistant Attorney General.**

**Mr. Hampton is licensed to practice and admitted in Alabama as well as the Northern, Middle and Southern U.S. District Courts for Alabama. He is also admitted to practice before the US Court of Appeals for the Fifth and Eleventh circuits and the US Supreme Court.**

### **Reminder**

**Please submit your certificates of attendance for continuing education to the Board as soon as you receive them. This makes the renewal process much easier. It is your responsibility to ensure your hours are submitted to the Board. Also, if you have already purchased your Section 136 Business License for the year 2012-13 please fax it to 205-755-0081 or email it to [debra.darnell@chiro.alabama.gov](mailto:debra.darnell@chiro.alabama.gov).**

### **Registering for the Online AL Law Hours Course at DC Online**

On the Board's homepage ([www.chiro.alabama.gov](http://www.chiro.alabama.gov)) click on DOnline.us

Click on Register

Click 2013 CEU Courses

Click continue

Click CEU Courses

Click continue

Click the box beside AL Rules 2 HR Alabama Board Rules and Regulations or the box beside the 4 HR course

Click continue

Select your method of payment and continue with payment

If you encounter difficulty please contact DC Online directly at 712-260-2507

Link for list of all DC Online Alabama approved courses [http://www.dconline.cc/alabama\\_CCE\\_Approvals\\_DOnline.htm](http://www.dconline.cc/alabama_CCE_Approvals_DOnline.htm)

Link for list of all DC Hours AL approved courses [https://ahs.prosperitylms.com/req/ahs\\_student/index.cfm?prog=18](https://ahs.prosperitylms.com/req/ahs_student/index.cfm?prog=18)



# Upcoming Seminars

The Seminars listed below have been approved by the Alabama Board for CCE

**Chiropractic Society of Alabama** presents the following course: For information contact Louis Poe, DC at 205-967-4444.

"Basic Laserology" 12 hours February 2-3 in Birmingham, AL.

**East West Acupuncture Seminars** presents the following course: For information contact Kim Dorsey, DC. at 801-621-4989.

"100 Hour Acupuncture Certification Course" January 11-13, February 8-10 and March 8-10 in Birmingham, AL.

**Florida Chiropractic Association** presents the following course: For information contact Jennifer L. Porro at 407-654-3225.

"FCA Panhandle Convention & Expo 2013" 65 hours February 7-10 in Sandestin, FL.

**Life Chiropractic College West** presents the following course: For information contact Kendra L. Holloway, DC at 510-780-4508.

"Validating Chiropractic 2013" 13 hours January 19-20 in Honolulu, HI, March 9-10 in Westford, MA and March 16-17 in Seattle, WA.

**Life University** presents the following course: For information contact Amber Lewis at 770-426-2753.

"Enhancing Patient Care & Professional Integration Through Strategic Planning" 13 hours February 22-23 in Orlando, FL.

**Logan College of Chiropractic** presents the following courses: For information contact Ralph Barrale, DC at 800-842-3234.

"Winter Symposium" 20 hours January 18-20 in Phoenix, AZ.

"Advanced Training in Class IV Laser Therapy" 8 hours January 26 and March 23 in Franklin, TN.

**National University of Health Sciences** presents the following courses: For information contact Jonathan R. Soltys, DC at 630-889-6622.

"Immune Dysregulation & Chronic Inflammation: Chronic Infections, Atop & Autoimmune " 19.5 hours February 7-10 in Tampa, FL.

"The Cox Technic System for Spine Pain Relief Part 1" 12 hours January 26-27 in Miami, FL and February 9-10 in San Diego, CA.

"The Cox Technic System for Spine Pain" 12 hours March 23-24 in Maui, HI.

**New York Chiropractic College** presents the following course: For information contact Cynthia Logatto at 516-796-5923

"Active Release Techniques" 21 hours January 3-6 in Kansas City, MO, January 10-13 in Iselin, NJ and January 17-20 in New Orleans, LA.

**Northwestern Health Sciences** presents the following courses: For information contact Sara George at 952-885-5446.

"Auto Injuries Differential Assessment" 12 hours January 19-20 in Louisville, KY.

"Next Level Results" 12 hours January 26-27 in Ft. Lauderdale, FL

"2013 Homecoming & Winter Gathering" 24.5 hours February 7-9 in Bloomington, MN.

**Palmer College of Chiropractic** presents the following courses: For information contact Kati Sproston at 563-884-5715.

"Activator Methods Spring 2013: Intermediate" 12 hours each: January 26-27 in Orlando, FL, February 2-3 in Houston, TX, February 7-9 in Honolulu, HI, February 16-17 in Sacramento, CA, March 2-3 in Columbus, OH, March 9-10 in Kansas City, KS, March 16-17 in San Diego, CA and Portland, OR, and March 23-24 in Denver, CO.

"Activator Methods Spring 2013: Basic" 12 hours each: January 26-27 in Orlando, FL, February 2-3 in Houston, TX, February 7-9 in Honolulu, HI, February 16-17 in Sacramento, CA, March 2-3 in Columbus, OH, March 9-10 in Kansas City, KS, March 16-17 in San Diego, CA and Portland, OR, and March 23-24 in Denver, CO.

**Parker University** presents the following course: For information contact Michelle Yungblut at 800-266-4723.

"Las Vegas Parker Seminar" 37.5 hours January 10-12 in Las Vegas, NV.

**Seminars in Chiropractic Research** presents the following course: For information contact Marty Drybread at 970-663-3716.

"Chiropractic Research: The Year in Review" 16 hours February 23-24 in Birmingham, AL.

**Texas Chiropractic College** presents the following courses: For information contact Monalisa Kellerbrew at 281-998-6028.

"The Doctor of The Future—The Seven Pillars of Health" 12 hours February 2-3 in Kennesaw, GA.

"Principles of Nutritional Support for Major Body

Systems" 12 hours February 27, March 2 and March 6 on a Southern Caribbean Cruise.  
 "Assessing Your Patients Nutritional Needs" 12 hours March 23-24 in Kennesaw, GA.

**Turning Point Logistic Systems** presents the following courses: For information contact Angel Tribuno, D.C. at 706-882-2092.

"CBP Drop Table Adjusting" 12 hours January 25-27 in Boise, ID.

"CBP Instrument Adjusting" 12 hours January 1-3 in Boise, ID.

"CBP Pediatrics" 12 hours March 9-10 in Marietta, GA.

"CBP Scoliotic Deformity Module 1" 12 hours February 22-23 in Park City, UT.

## REMINDER

**The Board no longer mails Renewal Cards or Clinic Permits. You now log back in to the same website you used for the renewal and click "Print Renewal Card" to print your card at any-time during the year.**

**As this is a PDF you may also save the file to your computer.**

## Advertising Physical Therapy

It is acceptable to openly advertise Physical Therapy services if you are properly trained.

Also, per the recent changes to the Physical Therapy Code it is now permissible for a DC to refer to a Physical Therapist.

## Disciplinary Actions

**David C. Todd, DC** (Birmingham, AL) License # 1825 - Consent Order dated November 8, 2012 assessing fines of \$3,200 guilty of violating one (1) count of §34-24-166(b)(2), one (1) count of §34-24-166(b)(11), and one (1) count of §34-24-166(b)(3).

*Presidential Message continued*

to review these rules to make sure your practice is compliant. The rules are simple to follow and insure the patient is protected from misuse of the funds.

We are approaching the end of the renewal period. As of Dec 19th we still had approximately 50 non renewed licensee's. and 3 non renewed clinics We still see doctors taking non approved continuing education courses which leave them scrambling at the last minute to find an approved course. Please check on any course you are register for to make sure that the course has been Alabama approved for credit and that the approval is for the current year.

The Board continues to improve operations and is currently working on adding an online database so you will be able to check online the status of your license / clinic renewal requirements such as business license, continuing education hours credited etc. We all look forward to a wonderful holiday season and prosperous new year.

Brian Wells, D.C.  
 President ASBCE

## **Groupon / Living Social Advertising**

**The Board office has received several inquiries regarding using Groupon / Living Social type websites for advertising. The Board's amended Advertising Rule 190-X-5-.04 simply prohibits false or fraudulent advertising. It is your (the D.C.'s) responsibility to ensure the accuracy of the content of any advertisement or suffer any adverse consequences for not doing so. Billing for these types of services can become a dilemma. Please contact your legal counsel as to the specific issues of violations of kickback laws relating to individuals receiving benefits from federal health care programs. It is ultimately the providers responsibility to ensure they are working within legal constraints.**

### **THANK YOU FOR YOUR POSITIVE COMMENTS**

Thanks a million...your website link and phone number together provided the information we needed.

**The Board received a commendation from the  
State Auditor of Alabama for a perfect Property Audit for 2012.**

*Congratulations to those licensed since October 2012*



**MELISSA JOANELLE BETTESS  
JUNIOR JOHNSON  
GERALD R. KREITZ  
DAVID ALAN LAFOLLETTE  
TRINA N. MUMALLAH  
BRIANNA ELIZABETH MURRAY  
BRIAN R. SMITH  
BRYAN WELLS  
STEVEN WETZONIS**

**OF MARIETTA, GA  
OF MOBILE, AL  
OF MUNFORD, AL  
OF ATTALA, AL  
OF ATHENS, AL  
OF DAPHNE, AL  
OF MOBILE, AL  
OF MONTGOMERY, AL  
OF MONROE, MI**



**This following rules were adopted and became effective November 23, 2012.  
Please place a copy in your Office Master Copy of the Rules and  
Regulations to avoid future violations of these rules.**

**RULE 190-X-2-.11 Renewal of License**

**(1) Annual Renewal Required.**

Each license shall be subject to renewal on September 30 of the year for which it is issued and every person having a valid license may on or before September 30<sup>th</sup> renew the license for the ensuing year by the payment to the State Board of Chiropractic Examiners of the fees set forth below. Each licensee shall complete a renewal form provided by the Executive Director of the Board. Renewal notices will be mailed or emailed in August of each year.

**(2) Continuing Professional Education Required.** A minimum of 18 hours of continuing education as approved by the Alabama State Board of Chiropractic Examiners is required annually for license renewal.

(a) As a condition of licensure renewal for those who are currently licensed and actively practicing in this state, a chiropractor must obtain every year a minimum of two (2) hours of continuing education in Board approved courses on chiropractic regulation and compliance with the Alabama Chiropractic Practice Act and Board rules. The two (2) hours are included in the minimum of 18 hours.

(b) Any individual who is initially licensed as a chiropractor in this state after October 1, 2011 shall complete as part of the continuing education requirement four (4) hours of continuing education in Board approved courses on chiropractic regulation and compliance with the Alabama Chiropractic Practice Act and Board Rules as a condition of renewal for the year following their initial licensure.

(c) Any licensed chiropractor in this State who does not reside or practice in Alabama shall not be required to complete the continuing education set forth in section (a) above; however once any such chiropractor resides in Alabama or returns to practice in Alabama in any manner the requirements of section (a) above shall be completed as a condition for the next renewal of his/her chiropractic license.

(d) The requirement set forth in (a) (b) and (c) above may be satisfied by distance based continuing education in addition to the distance based education allowed in paragraph (3).

**(3) No more than one third (1/3) of the required hours may be completed in a distance based continuing education format which complies with the provisions of this rule. Annually shall mean October 1 - September 30 of each year.**

(a.) All providers of distance based continuing education courses must be an entity approved by the Board.

(b.) Providers shall submit to the Board:

(aa.) the required fee and a completed FCLB Uniform Continuing Education Application,

(bb.) Curriculum Vitae of the course instructor(s).

(cc.) Proof of policies and procedures for implementation and evaluation of the course and the educational units.

(dd.) Electronic records of contact hours awarded to the licensee in a format and method specified by the Board.

**(4) All seminars, workshops, and / or conventions staged in or out of the State of Alabama must be submitted to the Board for their approval. After examination of the subject material, the Board, in its discretion, may grant credit towards license renewal. In determining whether credit is granted and the number of credit hours granted, the Board shall consider the apparent quality of the material taught and its professional value to the practitioner.**

The continuing educational requirement for the purpose of license renewal for any person who has graduated from a recognized CCE chiropractic college within the licensure year immediately preceding the licensure year indicated on the license renewal form except hours required in (2)(b) above may be met through attendance at a recognized CCE chiropractic college (a minimum of 18 hours). This applies only to the first license renewal period after initial licensing.

During the grace period (October 1 to December 31) for renewal, a licensee may complete any continuing education requirements for renewal that the licensee failed to complete during the prior fiscal year. Hours obtained during the grace period do not qualify or apply to the deferral procedure outlined below. Hours must be received in the board office before January 1 to avoid reinstatement.

**(5) Educational Requirement May be Waived or Deferred.**

A licensee who cannot complete the continuing educational requirements because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose a hardship may apply for a waiver or deferral of time to complete the continuing education requirements. Any waiver or deferral of time to complete the education requirements will be granted solely in the discretion of the board.

A licensee seeking a waiver or deferral must make application on the form provided by the Executive Director of the Board, prior to the December 31 license expiration for completion of the education requirement. For waivers or deferrals due to illness, the application form must be accompanied by a written statement from a physician stating the diagnosis, prognosis and length of time the licensee will be unable to practice or attend an educational program. Waivers or deferrals due to illness may be granted only to a licensee who has suffered a personal illness or personal disability of a nature that prevented or will prevent him/ her from engaging in the active practice of chiropractic for a significant portion of the continuing education period.

All licensees seeking waiver or deferral shall provide full and complete written documentation of the grounds supporting the reasons for which a deferral is sought. A licensee who requests a waiver or deferral of time to complete the required hours of continuing education shall not engage in the active practice of chiropractic beyond December 31 of any year and until the board grants the licensee's request for waiver or deferral.

**(6) Renewal Fee Required.**

(a) A fee not exceeding \$300.00 to be fixed by rule of the Board is required for annual license renewal. The renewal fee is \$300.00. This fee may be submitted in cashier's check, bank certified check, money order, or credit card.

(b) A licensee who 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 may request a waiver or reduction of the fee for annual renewal. The waiver or reduction shall be effective so long as the disability, temporary active duty or complete retirement continues. Licensee must notify the Board within fifteen (15) days from the onset of any claimed physical disability, temporary active duty or complete retirement as set forth above. Licensee shall notify the Board within fifteen (15) days when any such condition no longer is applicable. Forms for waiver or reduction of fees must be obtained from the Office of the Executive Director.

(7) **Late Penalty.** A penalty shall be charged any person who fails to pay the renewal fee by September 30. The late penalty for renewal during the month of October is fifty dollars (\$50), for renewal during the month of November is one hundred dollars (\$100) and for renewal during the month of December is two hundred and fifty dollars (250).

(8) **Lapsed License.** A chiropractor may continue to practice until December 31 of the year for which a license is issued subject to Code of Alabama (1975) Section 34-24-165(b).

Effective: 3/6/90, (1) amended 5/91, (4) amended 8/96, (4) amended 1/97, (1) amended 7/12/97, (4) amended 6/98, (6) amended 5/99, (1)(3)(4)(5)(6) amended 1/2000, (4) amended 12/2000, (2) (3) amended 2/2001, (2) amended 3/2002, (2)(d), (3), (4) amended 8/2003, (2)(a)(b)(c)(d)(e) 1/2004, (2)(a)(c)(e), (3)(a)(b)



amended 6/2006, (1)(2)(a) amended 10/06; (6)(a) amended 1/09, (1)(5)(6)(b) amended 3/2009, (2)(b)(c) (6) (c) amended 10/2011, (6)(a) amended 6/2012  
Authority: 34-24-165; 34-24-144; 34-24-176; 34-24-172

**RULE 190-X-2-.13 Replacement License / Permit or Name Change.**

**(1) Replacement**

- (a) Replacement license/permit must be requested in writing. The request for replacement must include the reason for request.
- (b) Replacement license/permit must be marked "replacement license/permit."
- (c) Replacement license/permit should contain date that original license/permit was issued and must be signed by the Board President and the Executive Director and contain the date the duplicate is issued.
- (d) Fee to be set by the Board.

**(2) Change of name on License/Permit.**

- (a) Any individual desiring a change of name on their license/permit must notify the Board in writing and enclose the following:
  - (i) The reason for the name change (i.e. the legal document used to change the name.)
  - (ii) Original license/permit, if available.
  - (iii) Fee to be set by the Board
- (b) The original license/permit will be destroyed upon issuance of a new license/permit so marked as "change of name license/permit."

Effective: 9/15/82; amended 6/92; amended 1/09; amended 1/2011; amended 4/2011; amended 4/2012  
Authority: 34-24-1; 34-24-6; 34-24-22; 34-24-144; 34-24-165

**RULE 190-X-5-.09 Chiropractic Records Required; Release of Records.**

(1) The Board finds and declares that the maintenance of an adequate record in the treatment of a patient is an essential component of the standard of care. Chiropractors and clinic permit holders should maintain legible well documented records reflecting the history, findings, diagnosis and course of treatment in the care of a patient. Patient records should be maintained by the treating chiropractor. Any licensee or clinic permit holder who fails to keep for a minimum of five (5) years all written chiropractic records which justify the particular course of treatment of the patient engages in immoral, and / or unprofessional conduct as defined in Rule 190-X-5-.05.

(2) The Board finds and declares that, while physical chiropractic records may rightfully be considered the property of the licensee or the chiropractic clinic facility where the licensee may be employed, the chiropractic patient is just as rightfully entitled to the information contained in any chiropractic records related to his or her care for any legitimate purposes, which such legitimate purposes certainly includes the obtaining of second chiropractic or medical opinions.

Upon request of a patient or authorized agent of a patient, licensees and clinic permit holders are required to, at a minimum, turn over to a patient or his or her authorized agent legible and accurate copies of any pertinent chiropractic records of the patient when requested to do so by the patient or his or her authorized agent for a legitimate purpose which is stated in writing and signed by the patient. The reasonable costs of reproducing copies of written or typed documents, or reports shall not be more than one dollar (\$1) for each page of the first 25 pages, not more than 50 cents (\$.50) for each page in excess of 25 pages, and a search fee of five dollars

**(\$5). If the records are mailed to the person making the request, reasonable costs shall include the actual costs of mailing. A person may also charge the actual cost of reproducing X-rays and other special chiropractic records.**

**The release of chiropractic records hereunder may not be made contingent upon payment of any other fee or charge owed by the patient. Failure to provide records to patient upon request in accordance with this rule shall constitute immoral or unprofessional conduct as defined in Rule 190-X-5-.05.**

**The fees provision of this rule shall not apply to records subpoenaed by the State Board of Chiropractic Examiners.**

**(3) Request for records from another healthcare practitioner or the Board of Chiropractic Examiners must be released within 10 working / business days.**

**(4) Upon receipt of a properly signed and executed release from the patient, the licensee or clinic permit holder, at his discretion, may release the original or a copy of x-ray film and a copy of the patient records, etc. to the patient or their designee.**

**(5) If the Board receives a complaint against a licensee or clinic permit holder where the licensee or clinic will not release the records to a patient at the patient's request, a letter from the Board will be sent via Certified Mail to the licensee / permit holder to release the records to the patient within 10 days of receipt of the certified letter, and submit proof that the records have been mailed to the patient (via Certified Mail) to the Board within 10 days as well. The licensee / permit holder must either submit to the Board proof of the mailing of the records or respond to the Board as to why the records cannot / will not be mailed within 10 days of receipt of the certified letter from the Board.**

**(6) If the Board has not received proof that the records have been released to the patient, or has not received a response from the licensee / permit holder within 15 days of the date the request was mailed from the Board's office, the chiropractor will be subject to discipline for unprofessional conduct.**

**(7) Transfer or Disposal of Records. When a licensee retires, terminates employment or otherwise leaves a chiropractic practice, the licensee / permit holder is responsible for ensuring that active patients receive notification and are given the opportunity to arrange for the transfer of their patient records. Such notification shall be provided no later than 30 days after retirement, termination or any other reason for leaving. A licensee or the chiropractic clinic which employs the licensee should not withhold information from a departing chiropractor which is necessary for the notification of patients. A licensee / permit holder or their estate(s) transferring patient records in connection with the sale of a practice shall notify the active patients no more than 30 days preceding the sale that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the patient record.**

**Effective: 10/1/82, amended 3/22/84, 7/6/93, (1)(3) amended 6/98, (2)(a)(b)(c) amended 8/99, amended 10/2006, amended (3)(4)(5)(6) 1/07, amended 1/2010 (2)(c)(3), (1) (7) amended 4/2012**

**Authority: 34-24-144; 34-24-165; 34-24-166(3)**

## **CHAPTER 190-X-6: RULES: ADOPTION, AMENDMENT OR REPEAL**

### **RULE 190-X-6-.01 Rule Making Proceedings**

#### **(1) Petition for adoption of Rules**

**Any person who wishes to propose that the Board adopt, repeal or amend any rule may do so on the form prescribed by the Board and supplied by the Executive Director.**

**The Board shall meet and consider any petition for adoption, repeal or amendment within sixty days of its submission.**

**(2) Notice.**

**The Board shall give at least thirty-five (35) days notice of any proposed action on any rule by publication in the Alabama Administrative Monthly in compliance with Code of Ala. 1975, 41-22-5; and by letter, a copy of proposed changes which is sent to the Alabama Administrative Monthly, to all legally constituted associations of chiropractors in the State of Alabama that has supplied the Executive Director with an address.**

**Any person who wishes to receive notice by mail of all proposed actions on rules may do so by requesting such notice from the Executive Director and paying an annual charge of \$10.00 to cover costs of the mailings. All annual subscriptions begin October 1 and expire September 30.**

**(3)Public Hearings.**

**The Board shall permit all interested persons reasonable opportunity to submit data, views or arguments concerning any proposed rule action. Data, views or arguments submitted in writing must be received by the Executive Director at least two (2) days before the date specified in the notice as the day of the public hearing. Those persons wishing to appear before the Board to present data, views or arguments orally must submit a request to appear before the Board to the Executive Director, and such request must be received by the Executive Director at least five (5) days before the deadline for comment.**

**(4) Board Decision.**

**The Board shall fully consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, the Board, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.**

**(5) Emergency Rules.**

**In the event the Board finds that an immediate danger to the public health, safety or welfare requires adoption of a rule upon fewer than thirty-five (35) days notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than thirty-five (35) days notice, the Board may adopt an emergency rule under the provision of the Administrative Procedure Act, Section 5(2).**

**(6)Compliance With Administrative Procedure Act.**

**All rules adopted by the Board shall otherwise substantively and procedurally comply with the provisions of the Alabama Administrative Procedure Act.**

**Effective: 10-1-82; amended 5/2012**

**Authority: 34-24-144; 34-24-165; 41-22-8**

**RULE 190-X-6-.02 REPEALED**

**RULE 190-X-6-.03 REPEALED**

**RULE 190-X-6-.04 REPEALED**

**RULE 190-X-6-.05 REPEALED**

**RULE 190-X-6-.06 REPEALED**



## **THE REAL STORY**

**By James Ward, Legal Counsel**

**There has been disinformation communicated from various sources claiming that the Alabama Supreme Court ruled that a physical therapist can legally perform spinal manipulations.**

**The Board does not believe any such representation is correct and feels it is important to briefly chronicle what actually happened concerning this issue.**

**A Montgomery physical therapist by the name of James Dunning advertised he could perform spinal manipulations for various conditions. The particular advertisement included his identification as follows:**

**THE ACUPUNCTURE & SPINE CLINIC**

**DR. JAMES DUNNING, DPT**

**Board Certified & Fellowship Trained**

**You've got drugs, surgery or us!**

**The Board's position was this advertising and / or the performance of spinal manipulations by a physical therapist was outside the scope of that profession as defined in the Physical Therapy Practice Act.**

**The Board brought this matter to the attention of the Physical Therapy Board who took no decisive action, rather stating the advertisement conformed with the Physical Therapy Act. As a result, the Board filed suit against Dunning in the Montgomery County Circuit Court. There is a provision in the Chiropractic Practice Act which provides authority to the Board to bring suit in its own name for the purpose of enjoining any person from violating the provisions of that Act. The Board asserted that Dunning, by advertising or performing a procedure outside his allowed scope, was practicing chiropractic without a license.**

**The Montgomery County Circuit Court framed the issue as a possible "overlap" between the Legislative Acts governing each of these Boards. The Court recognized that the Board was requesting an interpretation of these Acts and was asking the Court to render an opinion of Dunning's action for future proceedings. Unfortunately, the Circuit Court found that it was not authorized "to decide moot questions, abstract propositions or to give advisory opinions in connection with future cases."**

**The Board disagreed for many reasons not the least of which being that Dunning's acts were not in the "future" as they were occurring presently. The Board appealed to the Alabama Supreme Court and that Court without an opinion affirmed the Montgomery County Circuit Court.**

**By affirming the Circuit Court, the Alabama Supreme Court agreed that**

**a Circuit Court was not empowered to decide the issues raised by the Board. Neither the Circuit Court nor the Supreme Court by its affirmance specifically held that a physical therapist can lawfully perform spinal manipulations.**

**The Board's position remains unchanged - a physical therapist performing a spinal manipulation is the unlawful practice of chiropractic and outside the scope of the Physical Therapy Act as defined by the Legislature.**

## Life University Founder Dies

Dr. Sid Williams, founder of Life University passed away Thursday, December 27, at the age of 84 from complications of pneumonia. Williams founded Life University in 1974 and remained president until 2002.

## Non-Renewed Licensees & Clinics

BACHMAN, DAVID S DC	GUNTERSVILLE	AL
BROWN, KAREN DC	TUSCALOOSA	AL
DONNELLY, GEORGE DC	VENICE	FL
DONNELLY, LOIS A DC	VENICE	FL
ESTES, SHEILA S DC	BIRMINGHAM	AL
FOSS, AMY MAE DC		
HANCOCK, MICHAEL J DC	FOLEY	AL
HANSBROUGH, BRUCE A DC	PALM CITY	FL
HOLLADAY, MARK DC	HUNTSVILLE	AL
HOLZAPFEL, HAROLD P JR., DC		
JEFFERSON, DAVID II DC	BIRMINGHAM	AL
JONES, JEFFREY M DC	CHILDERSBURG	AL
KAPUT, EDWIN R DC	GRAND BLANC	MI
KWASMAN, HOWARD DC	BAKERSFIELD	CA
MCDONALD, C BLAKE DC	DENVER	CO
PAYNE, ALAN M DC	DESTIN	FL
POSSEHL, ROBERT R DC	FOLEY	AL
SANDERS, MONICA DC	ST SIMONS ISLAND	GA
SELTZER, AMANDA CLARK DC	WAPWALLOPEN	PA
SELTZER, JASON S DC	WAPWALLOPEN	PA
SNIPES, ERIC DC	WEST MONROE	LA
VICHETO, ANTHONY J DC	PRATTVILLE	AL
WILCOXON, JOEY DAVID DC	GALLIPOLIS	OH
COVINGTON SPINE CENTER, INC	ANDALUSIA	AL
HOLLADAY CHIROPRACTIC, INC	HUNTSVILLE	AL



## DATES TO CALENDAR

The Board will meet in:  
Clanton, AL  
January 11, 2013

### OUR MISSION

*To regulate and license doctors of chiropractic in order to protect the people of Alabama.*

### OUR VISION

*To ensure the people of Alabama will receive professional, ethical and quality care in utilizing chiropractic services to maximize health benefits.*

### OUR VALUES

*Excellence, integrity, communication and ethics.*

## 2013 State Holidays

The Board Office will be closed on the following:

**We're on the Web!**  
[www.chiro.alabama.gov](http://www.chiro.alabama.gov)

**New Year's Day**

**January 1**

**Robert E. Lee/**

**January 21**

**Martin Luther King, Jr.'s Birthday**

**George Washington/**

**February 18**

**Thomas Jefferson's Birthday**

### Board Members

R. Brian Wells, DC, **President**, Member District 3  
Kenneth J. Randolph, DC, **Vice – President**, Member District 4  
Larry H. Heaton, DC, **Secretary / Treasurer**, Member District 5  
Gerald J. Collins, DC, Member District 6  
Jerry S. Kirby, DC, Member District 2  
Gregory A. Kuhlmann, **DC**, Member District 1  
Peter E. Keen, **DC**, Member District 7  
James O. Gordon, DC, **Minority Member / Preceptor Director**  
Allen Sanderson, Consumer Member

James S. Ward, Esquire, Board Attorney

### **ASBCE**

126 Chilton Place  
Clanton, AL 35045

Sheila Bolton  
Executive Director

Administrative Assistants  
Debra Darnell (ext. 221)  
Amy Deavers (ext. 226)  
Carol Hickox (ext. 224)  
Wellness Hotline (ext. 223)

### **Phone**

(800) 949-5838  
(205) 755-8000

### **Fax**

(205) 755-0081

### E-mails

[sheila.bolton@chiro.alabama.gov](mailto:sheila.bolton@chiro.alabama.gov)  
[debra.darnell@chiro.alabama.gov](mailto:debra.darnell@chiro.alabama.gov)  
[amy.deavers@chiro.alabama.gov](mailto:amy.deavers@chiro.alabama.gov)