

HB84 ENROLLED



1 HB84
2 MJL3111-2
3 By Representative Woods
4 RFD: Boards, Agencies and Commissions
5 First Read: 04-Feb-25
6 PFD: 06-Jan-25



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Enrolled, An Act,

Relating to the Board of Chiropractic Examiners; to amend Sections 34-24-140, 34-24-145, and 34-24-165, Code of Alabama 1975, to permit board member election notices and ballots to be sent using multiple methods; to remove the board's authority to issue limited licenses; to prohibit students practicing under licensee supervision from using titles indicating licensure; to authorize the board to provide licensee continuing education requirements by rule; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-24-140, 34-24-145 and 34-24-165, Code of Alabama 1975, are amended to read as follows:

"§34-24-140

(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~~ at-large. One elected member of the board shall be elected from the state at-large and shall be an African-American.



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(b) Each elected member of or candidate for the board shall meet all of the following qualifications:

(1) A citizen and Being a resident of Alabama this state who has resided in this state for at least five years~~+~~.

(2) Being a graduate of a chartered chiropractic school or college~~, which that~~ required actual attendance in the school as a prerequisite to graduation~~+~~.

(3) ~~currently~~ 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~~+~~.

(4) ~~having~~ Having renewed his or her license to practice chiropractic by September 30 of the year in which~~the~~ an election shall take place~~+~~.

(5) Being of good moral character~~+~~.

(6) ~~and must not be~~ Not presently on probation relating to the practice of chiropractic in any state~~including this~~ state.

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

~~(c)~~ (d) 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 board shall~~mail~~ send a notice of the



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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~~ according to his or her permanent mailing address. The election provided for in this ~~section~~ subsection 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~~ announce the results. The board shall set a period for candidates to qualify and the date for the ballots to be ~~mailed sent~~. 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~~ sent. Not less than 14 days after the deadline for qualification, each licensed chiropractor shall be ~~mailed~~ sent 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 and time stamped not later than 14 business days after the ballots were ~~mailed~~ sent by the ~~board~~ independent agency. 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



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85 of the board shall take office ~~immediately upon~~ at the first
86 meeting of the board after the election and the executive
87 director of the board shall set the date of the first meeting
88 of the board after the election of the new board.

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

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

98 (2) The board ~~shall have the power to~~ may issue
99 subpoenas and compel the attendance of witnesses and the
100 production of all necessary papers, books, records,
101 documentary evidence and materials, or other evidence. Any
102 ~~person~~ individual failing or refusing to appear or testify
103 regarding any matter about which he or she may be lawfully
104 questioned or to produce any papers, books, records,
105 documentary evidence or materials, or other evidence in the
106 matter to be heard, after having been required by order of the
107 board or by a subpoena of the board to do so, upon application
108 by the board to any circuit judge of this state, may be
109 ordered to comply therewith; ~~and, upon~~ Upon failure to comply
110 with the order of the circuit judge, the court may compel
111 obedience by attachment as for contempt as in case of
112 disobedience of a similar order or subpoena issued by the



113 court. The president ~~and~~ or secretary-treasurer of the board
114 ~~shall have authority to~~ may issue subpoenas, and any board
115 member ~~shall have authority to~~ may administer oaths to
116 witnesses, ~~or to~~ take their affirmation. A subpoena or other
117 process of paper may be served upon any person named therein,
118 anywhere within ~~the State of Alabama~~ this state, by any
119 officer authorized to serve subpoenas or other process or
120 paper in civil actions, in the same manner as is prescribed by
121 law for subpoenas issued out of the circuit courts of this
122 state, the fees and mileage and other costs to be paid as the
123 board directs.

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

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

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

136 ~~(i)~~ (j) Each member of the board shall meet all
137 qualifications to be a candidate for his or her seat on the
138 board during his or her entire term. Any member who fails to
139 continue to meet the qualifications for his or her seat shall
140 forfeit his or her seat on the board and resign or the board



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seat shall be declared vacant by the board."

"§34-24-145

(a) The State Board of Chiropractic Examiners ~~is hereby authorized to~~ may 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~~ colleges ~~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~~ this state, and in the case of chiropractic students, also under the supervision of the ~~school~~ college. A sponsor may not supervise more than one student or graduate at one time. ~~The limited license shall expire immediately upon the board issuing the results of the second licensure examination~~ A student or graduate practicing chiropractic pursuant to this section may not 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.

~~(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) (b) The State Board of Chiropractic Examiners is empowered to establish~~ board may adopt rules ~~and regulations for the implementation of~~ to implement this section, including, ~~but not limited to,~~ providing academic, professional, and character requirements for eligible participants, defining the permitted scope of practice of ~~the~~



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169 limited licensee a student or graduate practicing chiropractic
170 pursuant to this section, and requiring fees for
171 participation.

172 (c) Any individual enrolled in or teaching a course of
173 study designed to develop chiropractic clinical skills in
174 which chiropractic activities are required as part of an
175 educational program sponsored by a chiropractic school or
176 college, or other educational program approved by the board,
177 shall do so only under the supervision of a licensed
178 chiropractor approved by the board. Such an individual may not
179 provide chiropractic services outside of the scope of the
180 educational program and setting, nor may he or she perform, or
181 supervise the performance of, any chiropractic service
182 provided on a fee-for-service basis without having first
183 obtained a license pursuant to this article.

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

188 (e) Licensure requirements shall not apply to an
189 individual pursuing a course of study leading to a doctor of
190 chiropractic degree, or postgraduate training which is
191 approved by the board, if the individual: (i) is designated by
192 a title indicating student status; (ii) is fulfilling clinical
193 training requirements for the attainment of a degree; and
194 (iii) is under the supervision of a chiropractor licensed
195 pursuant to this article.

196 (f) Nothing in this article shall be construed as



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preventing the practice of chiropractic services or activities provided by of either the following:

(1) Any individual licensed to practice chiropractic in this or another state who is employed as a professor or instructor by a chiropractic school or college located in this state.

(2) Any individual enrolled in or teaching a course of study designed to develop chiropractic clinical skills when chiropractic activities are required as part of an educational program sponsored by a chiropractic school or college, or other educational program approved by the board."

"§34-24-165

(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 to 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) The license renewal and permit renewal shall be accompanied by satisfactory evidence that the licensee or 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.

~~(b)~~ (c) A chiropractor may continue to practice or a permit holder may continue to own a chiropractic practice



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253 until December 31 of the year for which a license or permit is
254 issued. Any license ~~issued pursuant to this chapter~~ shall be
255 ~~automatically~~ suspended if not renewed before January 1. Any
256 chiropractor whose license is automatically suspended shall be
257 reinstated if all conditions for renewal have been satisfied
258 and upon payment of a reinstatement fee on or before January
259 31. Any chiropractor who seeks reinstatement due to nonrenewal
260 ~~after the above time~~ January 31 shall comply with Section
261 34-24-176.

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

277 ~~(d)~~ (e) The board may waive or reduce annual
278 registration and the payment of fees while any licensee is
279 prevented from practicing chiropractic by reason of physical
280 disability, temporary active duty with any of the Armed Forces



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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)~~ (f) The board shall ~~make~~ adopt rules ~~and regulations~~ as necessary ~~and proper for effectuating or enforcing~~ to enforce this article.

~~(f)~~ (g) 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. This requirement also shall apply in the same manner to any person who is not licensed as a chiropractor who applies for reinstatement of his or her permit pursuant to Section 34-24-123(b) .

(h) In addition to other requirements established by law and for the purposes of determining suitability for



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309 ~~renewal, the board, in its discretion, may require an~~
310 ~~individual seeking renewal~~ of a license to practice
311 chiropractic, the board may require an individual to submit a
312 complete set of fingerprints to the board. The board shall
313 submit the fingerprints provided by any such individual to the
314 State Bureau of Investigations. The fingerprints shall be
315 forwarded by the State Bureau of Investigations to the FBI for
316 a national criminal history record check. Costs associated
317 with conducting a criminal history background check shall be
318 borne by the individual seeking renewal. The board shall keep
319 information received pursuant this section confidential,
320 except that such information received and relied upon in
321 denying the renewal may be disclosed as may be necessary to
322 support the denial. This requirement also shall apply in the
323 same manner to any person who is not licensed as a
324 chiropractor who applies for ~~reinstatement or~~ renewal of his
325 or her permit pursuant to Section 34-24-123(b).

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

332 Section 2. This act shall become effective immediately.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 25-Feb-25, as amended.

John Treadwell
Clerk

Senate

06-May-25

Amended and Passed

House

06-May-25

Concurred in Senate
Amendment