

# HB84 INTRODUCED



1 HB84  
2 MJL3111-1  
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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SYNOPSIS:

Under existing law, notice of an election and ballots on which to vote for members of the Board of Chiropractic Examiners must be mailed to licensees thereof.

This bill would allow other methods to be used in sending these notices and ballots.

Under existing law, the Board of Chiropractic Examiners may issue a limited license to a student or recent graduate to engage in the practice of chiropractic under the supervision of a licensee.

This bill would remove the board's authority to issue such a limited license and provide that a student practicing under the supervision of a licensee may not use a title indicating licensure.

Under existing law, a licensee must provide evidence of completing 18 hours of continuing education within the preceding year to renew a license.

This bill would provide that a licensee must provide evidence of completing professional education work in the number of hours and manner required by rule of the board.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.



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A BILL  
TO BE ENTITLED  
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



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57 district except one candidate for the board shall be elected  
58 from the state ~~at large~~ at large. One elected member of the  
59 board shall be elected from the state at-large and shall be an  
60 African-American.

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

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

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

68 (3) ~~currently~~ Currently engaged in the clinical  
69 practice of chiropractic and has been engaged in the clinical  
70 practice in this state for at least the five immediately  
71 preceding years ~~†~~.

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

75 (5) Being of good moral character ~~†~~.

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

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



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85           ~~(e)~~ (d) The elected members of the board shall be  
86 elected as provided in this subsection. In August of any year  
87 that the term of a member of the board expires, the ~~Board of~~  
88 ~~Chiropractic Examiners~~ board shall ~~mail~~ send a notice of the  
89 election of the board and the method of qualifying as a  
90 candidate to each active licensed chiropractor in the district  
91 where the vacancy occurs ~~at~~ according to his or her permanent  
92 mailing address. The election provided for in this ~~section~~  
93 subsection shall be conducted by an independent agency ~~such as~~  
94 ~~a certified public accounting firm~~ unless there is only one  
95 candidate for the board and in this situation, the board shall  
96 ~~certify~~ announce the results. The board shall set a period for  
97 candidates to qualify and the date for the ballots to be  
98 ~~mailed~~ sent. Candidates shall qualify by submitting their name  
99 to the executive director of the board during the qualifying  
100 period which shall be not less than 20 days nor more than 40  
101 days after the notice is ~~mailed~~ sent. Not less than 14 days  
102 after the deadline for qualification, each licensed  
103 chiropractor shall be ~~mailed~~ sent a ballot for the appropriate  
104 congressional district where the vacancy is to be filled. In  
105 order to be counted, the ballots shall be returned ~~by mail to~~  
106 ~~the independent agency postmarked~~ and time stamped not later  
107 than 14 business days after the ballots were ~~mailed~~ sent by  
108 the ~~board~~ independent agency. The results of the election  
109 shall be certified by the independent agency. The ballots  
110 shall be maintained for a period of six months by the  
111 independent agency. The candidate with a simple majority of  
112 the votes cast in each respective congressional district shall



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113 be elected to the board position for that congressional  
114 district. In the event no candidate in a district receives a  
115 majority of the votes, the board shall hold a run-off election  
116 in the same manner as provided in this subsection. The members  
117 of the board shall take office ~~immediately upon~~ at the first  
118 meeting of the board after the election and the executive  
119 director of the board shall set the date of the first meeting  
120 of the board after the election of the new board.

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

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

130 (2) The board ~~shall have the power to~~ may issue  
131 subpoenas and compel the attendance of witnesses and the  
132 production of all necessary papers, books, records,  
133 documentary evidence and materials, or other evidence. Any  
134 ~~person~~ individual failing or refusing to appear or testify  
135 regarding any matter about which he or she may be lawfully  
136 questioned or to produce any papers, books, records,  
137 documentary evidence or materials, or other evidence in the  
138 matter to be heard, after having been required by order of the  
139 board or by a subpoena of the board to do so, upon application  
140 by the board to any circuit judge of this state, may be



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141 ordered to comply therewith; ~~and, upon.~~ Upon failure to comply  
142 with the order of the circuit judge, the court may compel  
143 obedience by attachment as for contempt as in case of  
144 disobedience of a similar order or subpoena issued by the  
145 court. The president ~~and~~ or secretary-treasurer of the board  
146 ~~shall have authority to~~ may issue subpoenas, and any board  
147 member ~~shall have authority to~~ may administer oaths to  
148 witnesses, or ~~to~~ take their affirmation. A subpoena or other  
149 process of paper may be served upon any person named therein,  
150 anywhere within ~~the State of Alabama~~ this state, by any  
151 officer authorized to serve subpoenas or other process or  
152 paper in civil actions, in the same manner as is prescribed by  
153 law for subpoenas issued out of the circuit courts of this  
154 state, the fees and mileage and other costs to be paid as the  
155 board directs.

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

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

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

168 ~~(i)~~ (j) Each member of the board shall meet all



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169 qualifications to be a candidate for his or her seat on the  
170 board during his or her entire term. Any member who fails to  
171 continue to meet the qualifications for his or her seat shall  
172 forfeit his or her seat on the board and resign or the board  
173 seat shall be declared vacant by the board."

174 "§34-24-145

175 (a) The State Board of Chiropractic Examiners ~~is hereby~~  
176 ~~authorized to~~ may establish a preceptorship and extern program  
177 whereby chiropractic students enrolled in their last year at  
178 board-approved chiropractic colleges accredited by the Council  
179 of Chiropractic Education and recent chiropractic graduates of  
180 such ~~schools~~ colleges may ~~be issued a limited license to~~  
181 practice chiropractic under the direct on-premises supervision  
182 of a sponsor licensed to practice chiropractic in ~~the State of~~  
183 ~~Alabama~~ this state, and in the case of chiropractic students,  
184 also under the supervision of the ~~school~~ college. A sponsor  
185 may not supervise more than one student or graduate at one  
186 time. ~~The limited license shall expire immediately upon the~~  
187 ~~board issuing the results of the second licensure examination~~  
188 A student or graduate practicing chiropractic pursuant to this  
189 section may not use the title "chiropractic," "D.C.," or any  
190 word or title to induce the belief that he or she is engaged  
191 in the practice of chiropractic.

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

195 ~~(c) (b) The State Board of Chiropractic Examiners is~~  
196 ~~empowered to establish~~ board may adopt rules ~~and regulations~~





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197 ~~for the implementation of~~ to implement this section,  
198 including, ~~but not limited to,~~ providing academic,  
199 professional, and character requirements for eligible  
200 participants, defining the permitted scope of practice of ~~the~~  
201 ~~limited licensee~~ a student or graduate practicing chiropractic  
202 pursuant to this section, and requiring fees for  
203 participation.

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

208 "§34-24-165

209 (a) Every license to practice chiropractic or permit to  
210 own a chiropractic practice shall be subject to renewal on  
211 September 30 of the year for which it is issued with a grace  
212 period from October 1 to December 31 of each year. Every  
213 person having a valid license or permit may on or before  
214 September 30 renew the license or permit for the ensuing year  
215 by the payment to the board of a fee of not more than four  
216 hundred dollars (\$400), the exact amount to be fixed by rule  
217 of the board, ~~adopted in accordance with the Alabama~~  
218 ~~Administrative Procedure Act,~~ subject to the condition that no  
219 increase or decrease in any one year shall exceed twenty-five  
220 dollars (\$25). ~~The license renewal shall be accompanied by~~  
221 ~~satisfactory evidence that the person has completed during the~~  
222 ~~preceding year a minimum of 18 hours of professional~~  
223 ~~educational work approved by the board. The permit renewal~~  
224 ~~shall be accompanied by satisfactory evidence that the primary~~



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225 ~~permit holder has completed the number of approved continuing~~  
226 ~~education hours in the manner set forth and required by rule~~  
227 ~~of the board. The board, for good and reasonable cause shown,~~  
228 ~~may waive the education requirement.~~ The secretary-treasurer  
229 or the executive director of the board shall notify each  
230 licensee or permit holder at least 30 days prior to September  
231 30 of each year of the due date for renewal. In addition to  
232 the renewal fee, a late renewal penalty shall be assessed to  
233 any licensee or permit holder who fails to pay the renewal fee  
234 by September 30 of each year based on the following schedule:

235 (1) For renewal during the month of October, one  
236 hundred dollars (\$100).

237 (2) For renewal during the month of November, two  
238 hundred dollars (\$200).

239 (3) For renewal during the month of December, three  
240 hundred dollars (\$300).

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

245 (b) The license renewal and permit renewal shall be  
246 accompanied by satisfactory evidence that the licensee or  
247 primary permit holder has completed the number of approved  
248 continuing education hours in the manner set forth and  
249 required by rule of the board. The board, for good and  
250 reasonable cause shown, may waive the education requirement.

251 ~~(b)~~ (c) A chiropractor may continue to practice or a  
252 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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281 of the United States, or while any licensee is completely  
282 retired from the practice of chiropractic. The waiver of fees  
283 shall be effective so long as the disability, temporary active  
284 duty, or complete retirement continues.

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

288 ~~(f)~~ (g) In addition to other requirements established by  
289 law and for the purpose of determining suitability for  
290 reinstatement of a license to practice chiropractic, each  
291 individual seeking reinstatement shall submit a complete set  
292 of fingerprints to the board and the board shall submit the  
293 fingerprints provided by any such individual to the State  
294 Bureau of Investigations. The fingerprints shall be forwarded  
295 by the State Bureau of Investigations to the Federal Bureau of  
296 Investigation (FBI) for a national criminal history record  
297 check. Costs associated with conducting a criminal history  
298 background check shall be borne by the individual seeking  
299 reinstatement. The board shall keep information received  
300 pursuant to this section confidential, except that such  
301 information received and relied upon in denying reinstatement  
302 may be disclosed as may be necessary to support the denial.  
303 This requirement also shall apply in the same manner to any  
304 person who is not licensed as a chiropractor who applies for  
305 reinstatement of his or her permit pursuant to Section  
306 34-24-123 (b) .

307 (h) In addition to other requirements established by  
308 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.