

1 HB113
2 180807-1
3 By Representatives Wilcox and Sanderford
4 RFD: Boards, Agencies and Commissions
5 First Read: 07-FEB-17

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8 SYNOPSIS: Under existing law, termination dates are
9 established for enumerated state agencies. The
10 agencies are periodically reviewed by the Alabama
11 Sunset Committee. After the review process is
12 completed, the committee prepares its
13 recommendations for the agencies to the Legislature
14 in the form of sunset bills which either continue,
15 terminate, or continue with modification each
16 agency reviewed.

17 This bill would provide for the continuance
18 of the State Board of Chiropractic Examiners until
19 October 1, 2021, with the following change: To
20 delete conflicting language relating to the renewal
21 date of a license.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to the Alabama Sunset Law; to continue the
2 existence and functioning of the State Board of Chiropractic
3 Examiners until October 1, 2021, with certain modifications;
4 to amend Section 34-24-165, Code of Alabama 1975, so as to
5 delete conflicting language relating to the renewal date of a
6 license.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Pursuant to the Alabama Sunset Law, the
9 Sunset Committee recommends the continuance of the State Board
10 of Chiropractic Examiners until October 1, 2021, with the
11 additional recommendation for statutory change as set out in
12 Section 3.

13 Section 2. The existence and functioning of the
14 State Board of Chiropractic Examiners, created and functioning
15 pursuant to Sections 34-24-120 to 34-24-177, inclusive, Code
16 of Alabama 1975, is continued until October 1, 2021, and those
17 code sections are expressly preserved.

18 Section 3. Section 34-24-165 of the Code of Alabama
19 1975, is amended to read as follows:

20 "§34-24-165.

21 "(a) Every license to practice chiropractic or
22 permit to own a chiropractic practice shall be subject to
23 renewal on September 30 of the year for which it is issued
24 with a grace period from October 1 to December 31 of each
25 year. Every person having a valid license or permit may on or
26 before September 30 renew the license or permit for the
27 ensuing year by the payment to the ~~State Board of Chiropractic~~

1 ~~Examiners~~ board of a fee of not more than four hundred dollars
2 (\$400), the exact amount to be fixed by rule of the board,
3 adopted in accordance with the Alabama Administrative
4 Procedure Act, subject to the condition that no increase or
5 decrease in any one year shall exceed twenty-five dollars
6 (\$25). The license renewal shall be accompanied by
7 satisfactory evidence that the person has completed during the
8 preceding year a minimum of 18 hours of professional
9 educational work approved by the board. The permit renewal
10 shall be accompanied by satisfactory evidence that the primary
11 permit holder has completed the number of approved continuing
12 education hours in the manner set forth and required by rule
13 of the board. The board, for good and reasonable cause shown,
14 may waive the education requirement. The secretary-treasurer
15 or the executive director of the board shall notify each
16 licensee or permit holder at least 30 days prior to September
17 30 of each year of the due date for renewal. In addition to
18 the renewal fee, a late renewal penalty shall be assessed any
19 licensee or permit holder who fails to pay the renewal fee by
20 September 30 of each year based on the following schedule:

21 "(1) For renewal during the month of October, one
22 hundred dollars (\$100).

23 "(2) For renewal during the month of November, two
24 hundred dollars (\$200).

25 "(3) For renewal during the month of December, three
26 hundred dollars (\$300).

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

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

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

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

9 "~~The State Board of Chiropractic Examiners~~ board
10 shall make rules and regulations as necessary and proper for
11 effectuating or enforcing this article.

12 "(f) In addition to other requirements established
13 by law and for the purpose of determining suitability for
14 reinstatement of a license to practice chiropractic, each
15 individual seeking reinstatement shall submit a complete set
16 of fingerprints to the ~~State Board of Chiropractic Examiners~~
17 board and the board shall submit the fingerprints provided by
18 any such individual to the State Bureau of Investigations. The
19 fingerprints shall be forwarded by the State Bureau of
20 Investigations to the Federal Bureau of Investigation (FBI)
21 for a national criminal history record check. Costs associated
22 with conducting a criminal history background check shall be
23 borne by the individual seeking reinstatement. The ~~State Board~~
24 ~~of Chiropractic Examiners~~ board shall keep information
25 received pursuant to this section confidential, except that
26 such information received and relied upon in denying
27 reinstatement may be disclosed as may be necessary to support

1 the denial. In addition to other requirements established by
2 law and for the purposes of determining suitability for
3 renewal, the board, in its discretion, may require an
4 individual seeking renewal of a license to practice
5 chiropractic to submit a complete set of fingerprints to the
6 ~~State Board of Chiropractic Examiners~~ board. The board shall
7 submit the fingerprints provided by any such individual to the
8 State Bureau of Investigations. The fingerprints shall be
9 forwarded by the State Bureau of Investigations to the FBI for
10 a national criminal history record check. Costs associated
11 with conducting a criminal history background check shall be
12 borne by the individual seeking renewal. The ~~State Board of~~
13 ~~Chiropractic Examiners~~ board shall keep information received
14 pursuant this section confidential, except that such
15 information received and relied upon in denying renewal may be
16 disclosed as may be necessary to support the denial. This
17 requirement also shall apply in the same manner to any person
18 who is not licensed as a chiropractor who applies for
19 reinstatement or renewal of his or her permit pursuant to
20 Section 34-24-123(b).

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

1 Section 4. The Legislature concurs in the
2 recommendations of the Sunset Committee as provided in
3 Sections 1, 2, and 3.

4 Section 5. This act shall become effective
5 immediately upon its passage and approval by the Governor, or
6 its otherwise becoming law.