

A.S.B.C.E.



The official Newsletter of the Alabama State Board of Chiropractic Examiners

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Presidential Message

Dear colleagues,

Since the beginning of the year, the Board has been very active dealing with issues that it feels will positively impact your practice. The first thing was a revamping of the advertising rule. The old rule was repealed and replaced with more concise and practical language. When the rule becomes effective in late April or early May 2008, you will no longer have to worry about disclaimers, specific font sizes, and other limitations that were difficult to understand. This change will allow DCs to promote their services and decrease the worry about compliance in advertising.

I would like to remind everyone that although the new rule makes it simpler to create advertising, it does not eliminate your responsibilities about writing ads that are truthful. Any attempts by licensees or clinic owners to circumvent the new advertising rule will bring strong consequences. I suggest that you read and familiarize yourself with the new advertising rule, which is enclosed in this newsletter.

You must understand that it will be your responsibility to make sure that "all" statements used in your advertising, regardless of the form, are true and factual. Any advertising statements that are deceiving, misleading, confusing, fraudulent will be deemed to be false. Any misrepresentation of your credentials, achievements, or affiliations will again be deemed false. As you see, the word false means many things. I would recommend that you look in the Webster Dictionary (and other sources) and read the definition of "false" so that you have a better understanding of its meaning. We do count on your professionalism and good character in complying with the new advertising rule.

The rule on trust accounting was also completely revised. The way you must manage pre-pay treatments is now very clear. It allows for some flexibility when the amount is \$500 or less.

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However, the rule specifically dictates how any moneys collected for treatment plans exceeding \$500 must be handled. Again, if you do promote and offer such incentive programs, you are expected to comply with every aspect of the accounting process. Be aware that until you have provided the services, you are considered a "trustee" of the money, and you are totally responsible for its disbursement and security. The Board will investigate any complaints related to trust accounting and expect you to show that you followed all requirements as stated in the trust accounting rule. Again, for those using prepaid treatment plans, please read the enclosed rule and make sure you implement all changes needed in your practice management to ensure you comply. It is your duty to protect assets the patient gives you.

At its last meeting, the Board also proposed changes to the preceptorship program, allowing multiple doctors in a group to qualify as a supervising doctor. In the past, only one DC could supervise a student doctor. The Board realizes that limiting supervision to one DC does in many instances restrict the student doctor's ability to work and learn when the supervising doctor has a day off. Allowing several qualified doctors within a (single location) practice to supervise the student doctor will benefit the student and the practice.

Another change was proposed to require all clinic owners to take 2 hours of Law CE each year, similar to license chiropractic. This should help clinic owners avoid being involved in rule violations

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Upcoming Seminars

Texas Chiropractic College offers the following on line courses until December 2008. For information contact Bitsy Hatch, DC at 1-800-533-9822

1. "Adjunctive Physiotherapy Procedure"
2. "Ancillary Diagnostic Testing & Procedures"
3. "Chiropractic Guide to Symptoms & Disease"
4. "Chiropractic Sports Medicine"
5. "Chiropractic Treatment and Golf Injuries"
6. "Chiropractic Treatment Auto Accident Injuries"
7. "Exercise Strength and Conditioning"
8. "Orthopedic & Neurologic Evaluation"
9. "Risk Management and Documentation Strategies"
10. "Sports Injuries"
11. "Weight Loss Management: Fitness & Nutrition"

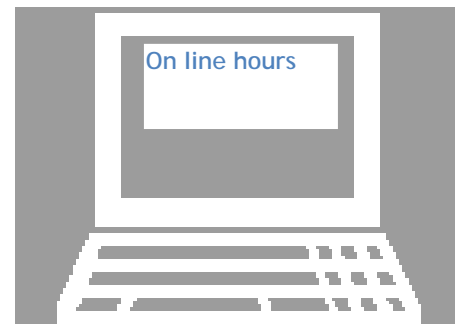
Palmer Institute for Professional Advancement offers the following ON-LINE courses until December 2008. For information contact Sharon Whitney at 1-563-884-5715.

1. "Case Studies in Chiropractic Cervical Spine 1"
2. "Ethical Issues in Chiropractic Practice"
3. "Immunizations: Making Informed Choices"
4. "Nutritional Interventions Course 1"
5. "Outcome Measures in Chiropractic"
6. "Patient Care in Radiology"
7. "Professional Boundaries & Chiropractic Practice"
8. "Risk Management & Record Keeping"
9. "Role of the Chiropractic in the Legal Process"
10. "Special Population – The Female Patient"
11. "Soft Tissue Care in Chiropractic"
12. "The Spine in Sports"

National University of Health Sciences offers the following ONLINE course until December 2008:

For information contact Jonathan R. Soltys, DC at 1-630-889-6622.

1. "Blocking Procedures in Chiropractic"
2. "Cartilage Support Supplements in the Treatment of Osteoarthritis"
3. "The Four Biggies of X-Ray Quality"
4. "Introduction to MRI"
5. "Nutrition for Musculoskeletal Trauma"
6. "Nutrition & Supplements for Gastro Intestinal Disorders"
7. "Radiation Safety"
8. "The Subluxation Challenge / the Treatment Case Study"
9. "Vascular Disease"
10. "Foundations of Whole Food Nutrition"
11. "Overcoming Weight Loss Resistance"
12. Integrating Functional Medicine in Clinical Practice"



University of Bridgeport / Chiro Credit offers the following ONLINE course until December 2008:

For information contact Paul Powers, DC at 1-860-463-9003.

1. "Neurology"
2. "Nutrition"
3. "Physical Diagnosis"
4. "Physical Therapy"
5. "Soft Tissue Injuries"

NOTE: Only 6 hours may be taken on-line per year.

In Alabama

Alabama State Chiropractic Association presents "2008 ASCA Annual Convention" for 18 hours on June 6-8, 2008 in Birmingham, Alabama. For information contact Angela Ing at 1-334-262-2228. (Includes 2 hours on Alabama Law)

Alabama State Chiropractic Association presents "Documentation & Radiology & Alabama Law" for 18 hours on August 9-10, 2008 in Mobile, Alabama. For information contact Angela Ing at 1-334-262-2228.

Chiropractic Society of Alabama presents "Extremity Adjusting & Alabama Law" for 12 hours on August 16-17, 2008 in Birmingham, Alabama. For information contact Dr. Poe at 1-205-681-1111.

ALABAMA LAW HOURS AVAILABLE ONLINE 24/7

DC Online presents "Alabama Rules and Regulations" available **On Line**. For information and registration contact William Moreau, DC at 1-712-260-2507. **(This seminar provides the required hours in Alabama Law.) (These may be taken in addition to the 6 hours in approved online courses allowed each year.)**

Alabama Law questions

Even after several years of Alabama law being required there appears to be confusion. If you have renewed your license at least one time then you have to obtain a minimum of two (2) hours of Alabama law for license renewal each year. Deadline is September

Every new licensee must obtain four (4) hours within 12 months of the issuance of their license. Example: if the license was issued on January 15, 2008, the licensee must obtain a minimum of 4 Law hours before January 14, 2009.

A rule has been proposed requiring non licensed clinic owners to obtain two (2) hours of Alabama law before they can renew the clinic permit each year.

The Board has seen a large decrease in the number of violations since the requirement was implemented.

CONDOLENCES

On February 2, 2008 **Dr. James C. Nolan** passed away. Dr. Nolan graduated Logan Chiropractic College in 1961 and received his Alabama license May 13, 1964. Dr. Nolan lived and practiced in Decatur. Dr. Nolan leaves behind a wife and three children and families. The Board and staff send regrets and condolences to the family and friends of Dr. Nolan.

Scope Question

Are the scope of practice items listed currently valid? School and athletic physicals, birth and death certificates?

Yes, these are within the scope. However, while doing school / athletic physicals the Alabama High School Athletic Association does not currently accept a DC athletic physical. Since AHSAA is a private entity the Board can not force them to accept the physical even though the DC can perform them.

NEW STAFF MEMBER

The Board welcomes a new member to the office. Amy Deavers joins the staff this month. The increase in staff will allow a faster turnaround time on request from licensees for Advisory Opinions and Declaratory Rulings and more time for complaint investigations.

Debra continues to handle the application and licensure processes and the seminar approvals.

Feel free to contact the Board staff with your questions.

Congratulations to those licensed since January 2008

Donald W. Bach
 Leslie M. Bryan
 Joseph J. Carpino
 Michelle L. Grimmett
 Howard Kwasman
 Charles J. Raley, IV
 Nicole S. Ussery

of Lincoln, Alabama
 of Fairhope, Alabama
 of Hurley, New York
 of Cullman, Alabama
 of Montgomery, Alabama
 of Crestview, Florida
 of Vestavia Hills, Alabama

Contact a Board member?

Should you contact a Board member regarding a potential complaint being filed against you?

NO, you should contact the Board's Executive Secretary for information. If you contact a Board member and the complaint goes through investigation and / or a hearing, the member must recuse from the proceedings. It is to your advantage to only contact the Board office for information on the process. (After the initial contact you may be instructed to have your attorney contact the Board legal counsel.)

For more information on the hearings process please plan to attend one of the Alabama Law seminars presented by James Ward. Board Legal Counsel.

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because of lack of knowledge about the Alabama Code and the Chiropractic Rules and Regulations.

As promised last year, this Board is working hard to streamline rules and regulations. We will continue to evaluate other rules to see if positive changes can be made.

Licensees and clinic owners must realize that while we are trying to improve rules and regulations to make them more equitable, the Board's main duties are to make sure that we only license qualified doctor and that the citizens of the State of Alabama are protected from misbehaving and unscrupulous practitioners. There cannot be any compromises when it comes to public safety and protection, and that must be understood by all.

More information about the advertising rule change will be forthcoming once it becomes effective. In the meantime, the current advertising rule still applies, and you should make sure that all your advertising conforms to the present rule.

Although the number of minor complaints has gradually decreased since the implementation of the yearly "Law Hours" requirement, we have observed an increase in more serious rules violations, such as unethical conduct, boundary issues, substance abuse, and fraudulent activities. We feel confident that the new changes in the advertising rule will further reduce the number minor complaints, and provide more time for the Board to focus on major rule violation cases.

We invite any licensee to call the board's office with questions regarding the rules and regulations. The Board believes in the old adage "a ounce of prevention is better then a pound of cure".

Chiropractically yours,

Gilles X. Beaumont, DC

**These rules were adopted and will go into effect on April 17, 2008.
Please place a copy in your Office Master copy of the Rules and
Regulations to use to avoid future violations of the rules.**

RULE 190-X-5-.04 Advertising

- (1) A chiropractor or non licensed clinic owner shall not make or cause to be made a false communication about the chiropractor or the chiropractor's services. A communication is false if it contains a material misrepresentation of fact or law or omits a material fact rendering the statement when considered as a whole to be false.
- (2) A communication is defined as information in any manner or medium designed or intended to attract public attention to the chiropractor or his/ her practice.
- (3) The chiropractor shall have ultimate responsibility for all communications which are approved by him or her or his or her agents or associates. All communications regardless of form, including but not limited to recorded and printed communications, shall be approved by the chiropractor. In the case of broadcast communications, the actual transmission shall be retained and in the case of printed communications, a copy of the publication in which the communication is displayed shall be retained. Copies of communications, including but not limited to the transmission and publication referenced above, shall be retained by the chiropractor for one hundred eighty (180) days following the final appearance or use of the communication. The chiropractor is responsible for making copies of the communications available to the Board within ten (10) days following a request by the board.

Author: ASBCE

Effective: 1/14/08

Authority: 34-24-166(5)(15)(20); 34-24-144; 34-24-165.

RULE 190-X-5-.07 Trust Accounting Procedures For Pre-Payment Plans.

A chiropractor who offers any treatment plan over five hundred dollars (\$500.00) which includes payment of fees for services, goods or appliances to be performed or supplied in the future i.e. prior to the furnishing or supplying of any services, goods or appliances shall comply with all of the following requirements.

a. Hold all funds in a separate federally insured checking account at a financial institution located in this State. No personal funds of any chiropractor or chiropractic practice shall ever be deposited in this separate account except for maintenance fees, such as service charges on the account.

b. Designate the separate account, as well as deposit slips and checks drawn thereon as "Trust Account".

RULES CONTINUED please place a copy in your Master Copy

c. Maintain for each patient from whom funds are deposited into the referenced account a signed and witnessed statement which explains fully and completely the services, goods or appliances to be provided and the terms and conditions of payment. This statement shall include provisions for an accounting to the patient upon request as well as provisions for the return of all unearned fees in the event the patient chiropractic relationship is terminated.

d. Funds may only be transferred to the chiropractor after the service, goods or appliance is performed or supplied and only in the amounts authorized in the statement referenced above.

e. The treatment plan shall include an accurate description of the services, goods or appliances to be performed or supplied as well as the period of time in which the referenced services, goods or appliances will be performed or supplied.

f. Complete records of such account funds shall be maintained for seven (7) years after the performance or supplying of the services goods or appliances or from the termination of treatment. In addition, records shall include a ledger of all funds received and payments made which must be patient specific.

Author: ASBCE

Effective: 1/14/08

Authority: 34-24-144; 34-24-165; 34-24-166(2)

RULE 190-X-5-.15 Use of Lasers.

Lasers approved by the Federal Drug Administration for therapeutic use may be utilized by a chiropractor as a treatment device provided the laser is used only within the allowable scope of practice of chiropractic in this state. The chiropractor is responsible for adhering to any laws applicable to the use of the above referenced lasers and knowing and following the appropriate protocol for their use.

Author: James Ward

Effective: 1/2008

Authority: 34-24-120; 34-24-144; 34-24-165

Meeting Dates

June 6-7, 2008 at the ASCA Convention in the Wynfrey Hotel in Birmingham, Alabama.

The Board will meet in Clanton, Alabama on the following dates:

July 18, 2008
 August 15, 2008
 September 19, 2008
 November 21, 2008

The Board will meet in Orange Beach, Alabama on October 17 & 18, 2008.

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Do you need a Clinic Owners permit?

Have you checked your paperwork on how you set your practice up? If anyone, other than another DC, owns any part (Even a fraction of one percent) of your practice they need a clinic permit.

In the coming weeks you will be contacted for a copy of you ownership documents. Please be prepared to submit as soon as requested.

The law requires non licensed owners to obtain an annual permit for the clinic.

If the licensed owner of a clinic passes away the spouse must obtain a permit in order to continue to operate the clinic.

To obtain a non licensed clinic permit please go to our website and complete the Initial Facility Permitting application and follow the easy directions.

S Graber writes:
Thank you to your team for the amazingly speedy turnaround on my application packet! Impressive! I'll be sending it back to you very soon.....

The Board staff does a great job helping applicants and licensees.

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2008 State Holidays

The Board office will be closed on the following:

Confederate Memorial DayApril 28
National Memorial Day.....May 26
Jefferson Davis' Birthday.....June 2
Independence Day.....July 4
Labor Day..... September 1
Columbus Day / Fraternal Day/ American Indian Heritage Day..... October 13
Veterans Day..... November 11
Thanksgiving.....November 27
Christmas Day.....December 25

ASBCE

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We're on the Web!

Visit us at:

www.chiro.alabama.gov

Advertising Rule Effective Date

Board Members

Gilles X. Beaumont, DC, President, Member District 1
R. Brian Wells, DC, Vice – President, Member District 3
Jerry L. Schreiner, DC Secretary / Treasurer, Member District 7
Gerald J. Collins, DC, Member District 6 / Preceptor Director
Jerry S. Kirby, Member District 2
Kenneth J. Randolph, Member District 4
Larry H. Heaton, DC, Member District 5
Ricardo Herring, DC, Minority Member
Jeanette Greene, Consumer Member

James S. Ward, Esquire, Board Attorney

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