

# A.S.B.C.E.



The official Newsletter of the Alabama State Board of Chiropractic Examiners

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## Presidential Message

Dear colleagues,

Looking back at the last year, I realize that it is not always easy to try to make the right decisions. We have had our share of challenges over the past twelve months and overall I feel that the Board did an excellent job at tackling the different issues confronted.

As we start the New Year, I am relieved to see that there will be continuity on the Board. Licensees in District 7 reelected Dr. Schreiner to a second four year term and I was reelected to the Board for District 1. I want to thank Dr. Lyle Cole for his willingness to run for the District 7 Board position. We knew that either candidate would be a great asset to the Board. As many of you may recall, Dr. Cole previously served on the Board of Chiropractic Examiners. Both of these candidates were willing to commit a lot of their personal and family time in order to provide four years of diligent work for the benefit of the profession. I want to personally thank them for their unselfish commitment and desire to serve the people of Alabama and chiropractic.

It is a given fact that there will be more challenges facing the Board in the upcoming year. Many important issues are still being worked on, and we hope we will see them resolved in the best interest of the public, while not abridging on the doctors' right to practice.

As a whole this board learned a lot last year and I feel that we are now better

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prepared in meeting new and unresolved issues. I mentioned in my previous presidential message that you had elected the right people for the job and I still stand by my comments. Having the same board members return, for at least the next two years, we provide for stability and continuity. By the time another four years come about, we should have a Board that has consistency and steadiness, being able to help and guide newly elected members in their position and duties.

Recently, we adopted a few changes to the advertising rule. I know that some may have reservations about it, but I ask that you give it some time, and see how it improves things for all of us. In my opinion, it will expand the way doctors can advertise. Eight out of nine board members are licensed chiropractors. We all understand the need to advertise. But at the same time, we realize that a balance must be maintained to assure consumer and public protection.

In closing, I want to wish everyone a Happy and Prosperous New Year!

Chiropractically yours,

*Gilles X. Beaumont, DC*

## Disciplinary Actions

**Scott K. Hannen, DC** (Ozark, Alabama ) License #1377 Consent order- dated October 29, 2007 - assessing fines \$2,000.00 and cost of \$1,000.00- guilty of violating § 34-24-166(b)(13)(16) in connection with Advertising.

**Bruce D. Thompson, DC** (Muscle Shoals, Alabama) License # 1932 Consent order dated November 1, 2007- assessing fines of \$1,000.00 -guilty of violating § 34-24-166(b)(13) advertising violations.

### ELECTION RESULTS

#### District 1

The Board and staff congratulate Dr. Gilles X. Beaumont as the reelected member. Dr. Beaumont is serving his second term and he will serve until 12/2011.

#### District 7

The Board and staff congratulate Dr. Jerry L. Schreiner as the reelected member. Dr. Schreiner is serving his second term and he will serve until 12/2011.

# Medicare Toolkits Available

The Alabama Department of Senior Services / State Health Insurance Assistance Program (SHIP) and Alabama SMP- Empowering Seniors to Prevent Healthcare Fraud have developed a Medicare Protection Toolkit.

Making any change to Medicare is a serious matter! Help your senior patients protect themselves from becoming a victim of a Medicare scam.

Please help the Senior Citizens of Alabama obtain needed information to help in making decisions regarding their Medicare coverage.

Toolkits may be obtained by calling the local Area Agency on Aging at 1-800-243-5463, or by going online to [www.Alabama.Ageline.gov](http://www.Alabama.Ageline.gov).

# 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"

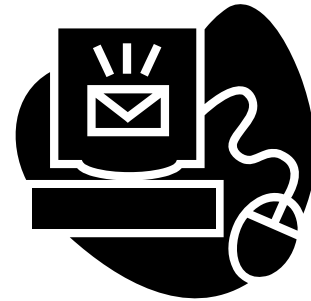
**Palmer Institute for Professional Advancement** offers the following ON-LINE courses until December 2008. For information contact Sharon Whitney at 1-563-884-5715.

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"



**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 per year may be taken on-line.**

## In Alabama

**Alabama State Chiropractic Association** presents "Spinal Imaging in Chiropractic" for 12 hours on January 26-27, 2008 in Huntsville, Alabama. For information contact Angela Ing at 1-334-262-2228.

**Alabama State Chiropractic Association** presents "Nutrition Application for Contemporary Chiropractic Practice" for 12 hours on February 16-17, 2008 in Birmingham, Alabama. For information contact Angela Ing at 1-334-262-2228.

**Seminars in Chiropractic Research** presents "Chiropractic Research: The Year in Review" for 16 hours on March 8 & 9, 2008 in Birmingham, Alabama. For information contact Marty Drybread, DC at 1-970-663-3716.

## **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.)**

## *What does the Board staff do?*

The office staff processed application requests from over fifty (50) applicants this year. Of those applicants thirty four (34) came for the Jurisprudence examination given at the Board office. There were forty two (42) new licensees this year.

At the time of this newsletter, the staff had processed over seven hundred fifty (750) license renewals. As some of you know, the staff goes beyond the mandates of the Code of Alabama and makes many phone calls to remind licensees of what is needed for their renewal.

The staff processed over thirty (30) complaints this year. This number is down considerably from past years. The Board attributes this decrease to increased awareness of changes in the rules, through the Alabama law hours required for license renewal.

The office staff processed over nine thousand (9,000) outgoing correspondence. This included four newsletters and over one thousand (1,000) license verifications.

This is only a small part of the activities the staff performs. Remember these ladies work very hard to make your licensure easy. Please be respectful and courteous when they contact you for needed information.

## **NATIONAL BOARD CCAT**

In September 2007 the National Board launched the first Web-based Chiropractic College Assessment Test (CCAT) for individuals who are interested in a health-related career.

The test is optional and is useful in assessing a student's academic preparation for a chiropractic college curriculum. It measures the prospective student's ability in problem solving skills, mathematics (quantitative reasoning skills), biology, chemistry and physics.

The CCAT takes about one and a half hours to complete, and examinees have the option to request their scores be sent to the chiropractic colleges of their choice.

The test is for those who are considering chiropractic as a profession, who want to know if there is a particular subject that requires additional preparation.

A student can take the CCAT when they are considering a career in chiropractic if they want to assess their aptitude and / or academic preparation. The test can be taken while a student is completing prerequisites prior to applying to chiropractic college or when the student applies or has been accepted to a chiropractic college but has not yet completed the first academic year.

## **Use of Lasers - proposed new rule**

In an effort to clarify which lasers are acceptable and within the scope of chiropractic, the Board recently proposed a new rule. The rule has no effect on any professions only on the Chiropractic profession. The rule will be discussed at the January meeting.

## Updates on the New Advertising Rule

Recently a letter was sent to the licensees in Alabama explaining the amendments to the Advertising Rule. This article reiterates the letter for those who did not receive a copy.

The first change is to exempt novelty items from the definition of advertising. (See Board Rule 190-X-5-.04(2)). Novelty items include pens, pencils, coffee mugs, hats, tee shirts, etc. and normally will include only basic contact or geographical information.

The next change was to move from Board rule 190-X-5-.04(3)(j) to Board rule 190-X-5-.04(3)(s) the requirements when photographs of a licensee is included. If individuals in your office who are not licensed are included, they must also be identified, i.e. "Dr. Joe Jones and staff". A requirement identifying persons depicted as either actual patient(s) or model(s) as the case may be has been added.

As a result of the new amendments, you no longer have to use "capital letters" in the disclaimer required when free or fixed price services are advertised. The other requirements concerning legibility, audibility, etc. remain. (See Board Rule 190-X-5-.04(3)(o) and (p)).

A new disclaimer requirement has been added (Board Rule 190-X-5-.04(3)(r)). This new disclaimer "Results may vary in individual cases" is required whenever a chiropractor advertises conditions treated, services available, benefits of chiropractic treatment, etc. in any medium. Please note, however, advertisements which only list identifying information or hours of operation will not require this disclaimer.

The requirement concerning testimonials have also been changed and now allow you to include testimonials of those not your patients as long as all other provisions of the rule are satisfied and you include the language "Not actual patient" (See Board rule 190-X-5-.04(4)).

Finally, for sake of clarity, the rule contains in one place a definition of "legible" that must be utilized whenever any advertisement must contain any of the disclaimers found in the rule. Remember, legibility will depend on the format of the advertisement - only 10 point font will not be legible on a billboard but in all likelihood would be in a yellow page advertisement.

These amendments became effective November 28, 2007; however, these changes cannot or will not be applied retroactively. The Board will determine on a case by case basis, in the event of any complaint whether the advertisement was already disseminated or incapable or being changed prior to dissemination. As to existing printed materials such as brochures, etc. labels or a rubber stamp may be useful in obtaining compliance.

A copy of the revised rule is available on our website [www.chiro.alabama.gov](http://www.chiro.alabama.gov) and will also be in the January newsletter. If you have questions on the rule please fax or email them to the Board office. Optional Advisory Opinions are still available but adding this disclaimer should resolve many potential violations.

In closing, the Board, which includes four new members, believes if you carefully read the revised rule you will be able to comply without difficulty. The key is to take the time to know what is required and rely on your good judgment, not on others, since you are ultimately responsible.

The full content of the rule is on pages 6-8. Please place a copy in your Master Copy of the Rules.

## Congratulations to those licensed since October

### 2007

Adam William Balog  
 Cynthia P. Cardwell  
 Robert R. Dugan, III  
 Patricia P. Howard  
 Jeffrey M. Jones  
 John Yongsok Kim  
 Marc William Lerner  
 Daniel F. Massa  
 Kimberly Ogletree  
 James K. Olszewski  
 Robert Joseph Ragone  
 Robert J. Rigsby  
 James Michael Shell  
 Sarah A. Strother  
 Michael Gregory Tenn  
 Leroy A. Tolman

of Birmingham, Alabama  
 of Titus, Alabama  
 of Daphne, Alabama  
 of Maylene, Alabama  
 of Cucamonga, California  
 of Fultondale, Alabama  
 of Lawrenceburg, Tennessee  
 of Huntsville, Alabama  
 of Birmingham, Alabama  
 of Huntsville, Alabama  
 of Madison, Alabama  
 of Jasper, Alabama  
 of Monroe, Louisiana  
 of Birmingham, Alabama  
 of Hoover, Alabama  
 of Albany, Georgia

### Rules - Updated

The Board adopted amendments to 190-X-5-.04 Advertising. The final text is in this newsletter, please place a copy in your office master copy of the Rules and Regulations.

## Newsletters download on website only

Please be advised that beginning January 2008 the Board will no longer mail paper newsletters out. The Board will no longer send paper newsletters. All interested parties should visit [www.chiro.alabama.gov](http://www.chiro.alabama.gov) select the newsletter button and print the PDF copy of the current newsletter.

The newsletter is published quarterly by placing the PDF on the Board website. Past newsletters will remain on the website for several months, in case a licensee needs a reprint. The Board will continue to email notices for the first part of 2008 to remind licensees to visit the website when the newsletter is posted.

This rule was adopted and is now in effect. 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) Statement of Policy. It is the policy of the Board that advertising by licensed practitioners of chiropractic should be regulated in order to fulfill the duty of the State of Alabama to protect the health, safety, and welfare of its residents, while not abridging any rights guaranteed to the practitioners or to the public by the Constitution of the United State and the Constitution of the State of Alabama, as construed by the United States Supreme Court and the Alabama Supreme Court. To that end, the Board permits the dissemination of legitimate information to the public concerning the science of chiropractic and individual practitioners thereof. Such dissemination of information must be done in accordance with the rule which is designed to reasonably facilitate the flow of accurate information and prevent fraudulent, false, deceptive, misleading and confusing advertising. Informational advertising not contrary to the prohibitions in this rule shall be deemed appropriate means of informing the public of the availability of professional services.

(2) Definition. As used in this rule the term "advertising" means any communication whatsoever, disseminated by any means whatsoever, to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, or selling professional services, or offering to perform professional services or inducing members of the public to enter into any obligation relating to such professional services. Advertising shall not include novelty items.

(3) Certain Advertising Prohibited. Any chiropractor who disseminates or causes to be disseminated or allows to be disseminated any advertising which is in any way false, misleading, or which has the capacity or tendency to deceive, or mislead the recipient in any manner, shall be deemed to be in violation of Code of Ala. 1975, 34-24-166(16). Any advertisement or advertising shall be deemed by the Board to be false, deceptive, or misleading and in violation of Code of Ala. 1975, 34-24-166(16), if the Board determines that the advertising displays any of the following characteristics:

(a) The advertising contains a misrepresentation of any fact or facts.

(b) The advertising has the capacity or tendency to mislead, or deceive any potential recipient when, because of its contents or in the context in which it is presented, it fails to disclose relevant or material facts or makes only partial disclosure of relevant or material facts.

(c) The advertising makes claims or conveys the impression of professional superiority or other superior attributes which cannot be substantiated by the chiropractor, who shall have the burden of proof.

(d) The advertising contains laudatory or flamboyant claims or statements about any individual chiropractor, group or groups of chiropractors, or particular chiropractic office, clinic or center.

(e) The advertising has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures.

(f) The advertising guarantees the results of any service, painless treatment, or to perform any procedure painlessly.

(g) Some portion of the advertising or the advertising when taken as a whole is likely to appeal to a lay person's fears, ignorance or anxieties regarding his state of health or his physical or mental well-being.

(h) Some portion of the advertising or the advertising when taken as a whole is likely to intimidate or exert undue pressure on the recipient.

(i) The advertising fails to conspicuously identify the chiropractor or chiropractors referred to in the advertising as practitioners of chiropractic by use of the term "chiropractor," "chiropractors," "chiropractic," "D.C.," "chiropractic physician," or "chiropractic physicians."

(j) The advertising fails to conspicuously identify both the name of the licensed chiropractor and the name of the professional corporation or association, office, clinic or other entity under which the chiropractor does business, if the chiropractor does business under some such corporation or association or other entity. If a surname is utilized in connection with the name of any such office, clinic, etc., and the individual(s) is a licensee, then the advertisement must include his or her full name in addition to all other licensees employed by or associated with the office, clinic, etc. If the surname utilized is of an individual(s) who is not a licensee, this shall be conspicuously disclosed.

(k) The advertising constitutes an invasion into the field of practice of other health practitioners when the chiropractor is not licensed to practice such profession.

RULES CONTINUED please place a copy in your Master Copy

(l) The advertising appears in a classified directory or listing, or otherwise under a heading which when considered together with the advertisement, has the capacity or tendency to be deceptive, misleading or confusing with respect to the professional status of the chiropractor.

(m) The advertising concerns a transaction that is in itself illegal.

(n) The advertising employs testimonials which in themselves or when taken together with the remainder of the advertisement, have the capacity or tendency to mislead, deceive, confuse, intimidate or exert undue pressure.

(o) The advertising quotes prices for professional services: provided, however, that advertising may quote fixed prices for specific routine services if such advertising includes the following disclaimer: ADDITIONAL CHARGES MAY BE INCURRED FOR RELATED SERVICES WHICH MAY BE REQUIRED IN INDIVIDUAL CASES. No such advertising shall be (1) published unless it contains clearly legible language: (2) broadcast unless it contains clearly audible language, or (3) televised unless it contains in both clearly legible and audible language the above disclaimer which must be distinguishable from the rest of the text. Legible shall mean at least 10 point font.

(p) The advertising offers gratuitous services or discounts in connection with professional services; provided, however, that advertising may offer gratuitous services or discounts if:

1. Such advertising includes the following disclaimer: ADDITIONAL CHARGES MAY BE INCURRED FOR RELATED SERVICES WHICH MAY BE REQUIRED IN INDIVIDUAL CASES. No such advertising shall be (1) published unless it contains clearly legible language: (2) broadcast unless it contains clearly audible language, or televised unless it contains in both clearly legible and audible language the above disclaimer which must be distinguishable from the rest of the text. Legible shall mean at least 10 point font.

2. Such advertising is not otherwise false, fraudulent, deceptive, misleading or confusing.

(q) The advertising states that there will be no out of pocket expense (N.O.O.P.E.) to the patient.

(r) Whenever a chiropractor advertises any service in any medium the advertisement will have to include the language, "Results may vary in individual cases."

(s) If photographs of any licensee(s) appear in any advertisement, the licensee(s) name must be conspicuously identified. In order to prevent the public from being misled or confused, any photograph of a non licensee(s) appearing in any advertisement must conspicuously identify the person(s) as such. In any advertising in any medium which includes pictures or photographs the person(s) depicted must be clearly identified as either actual patient(s) or model(s) as the case may be. If the advertisement is published, this language must be clearly legible. If the advertisement is broadcast, this language must be clearly audible. If the advertisement is televised this language must be legible and audible.

(t) No applicant for licensure to practice chiropractic or unlicensed practitioner shall advertise in the state in any way.

(4) Testimonials. No advertisement containing a testimonial of your patient may be disseminated unless the chiropractor has first submitted to the Board an authorization from the person making the testimonial regarding the claims made in the testimonial. The authorization must be signed by your patient and witnessed. The Board will maintain the authorizations in a separate advertising file for each chiropractor. Notwithstanding the requirements of this particular paragraph but subject to the remaining provisions of this rule, a chiropractor may utilize testimonials of individuals who are not patients only if the following language is included "Not actual patient". If the advertisement is published, this language must be clearly legible. If the advertisement is broadcast, this language must be clearly audible. If the advertisement is televised this language must be legible and audible.

(5) The chiropractor shall have ultimate responsibility for all advertisements which are approved by him or her or his or her agents or associates. All advertisements regardless of form, including but not limited to recorded and printed advertisements, shall be approved by the chiropractor. In the case of broadcast advertisements, the actual transmission shall be retained and in the case of printed advertisements, a copy of the publication in which the advertisement is displayed shall be retained. Copies of advertisements, including but not limited to the transmission and publication referenced

RULES CONTINUED please place a copy in your Master Copy

above, shall be retained by the chiropractor for 180 days following the final appearance or use of the advertisements. The chiropractor is responsible for making copies of the advertisements available to the Board within 10 days following a request by the board.

(6) No advertisement shall contain any reference to any professional degree, not regulated by a professional licensing entity of the state of Alabama.

(7) For all advertising disclaimers, "legible" shall mean at least ten (10) point font. Disclaimer(s) must be distinguishable from the rest of the text.

Effective: 3/6/90, (r) amended 5/97, (j) 6/2000; (4) 2/2001; (j) 6/2002; (o), (p)(1); (5) 10/2003; (6) 12/2003, (3)(j)(r)(s)(t)(4)(6)(7) amended 10/2007

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

## CONDOLENCES

On December 7, 2007 **Dr. James Michael Brown** passed away. Dr. Brown graduated Life University in 1997 and received his Alabama license October 24, 1997. Dr. Brown lived in Huntsville and practiced at Rocket City Chiropractic. Dr. Brown leaves behind a wife and four children. Memorials may be made to the Brown Family Scholarship Fund at Compass Bank. The Board and staff send regrets and condolences to the family and friends of Dr. Brown.

# The Flu & You

As part of the Alabama Department of Public Health's Emergency Preparedness you may order forms to distribute to your patients regarding Flu and how to avoid an epidemic.

If you would like to order some of the forms please go to:  
<http://www.adph.org/pandemicflu/Default.asp?id=744>.

Please print and complete the FaxBack Order Form and the brochures will be mailed to you.

## Returned Mail Fee

There is a \$25 resending fee to reprocess mail when it is returned for an incorrect address, failure to sign for certified mail, etc. The mail cannot be resent until the fee is received.

All changes of address are required to be submitted to the Board in writing within 15 days of the change. It is very important your correct address be on file at all times.



## MEETING DATES

**January 11–12, 2008** Board meetings at the Board office in Clanton Alabama.

**March 7 & 8, 2008** Board meetings and hearings at the Board office in Clanton.

**June 6–7, 2008** Board meetings at the ASCA convention in Birmingham, Alabama.

*Please visit the Secretary of State's website for exact meeting information.*

### **ASBCE**

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## **NON RENEW LIST**

Please see website for list of licensees who have not completed the renewal process.

If your name is on the list please contact the Board immediately regarding license renewal.

### **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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