APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 190

Department or Agency: Alabama State Board of Chiropractic Examiners

Rule No.: 190-X-5-.09

Rule Title: Chiropractic Records Required; Release Of Records

Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	Yes
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	Yes
Is there another, less restrictive method of regulation available that could adequately protect the public?	No
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved?	No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule?	NA
Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	Yes
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?	No

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Does the proposed rule have an economic impact?	No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer: Amy Deavers

Amy W Deavers

Date: Monday, June 15, 2026

REC'D & FILED

JUN 15, 2026

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Chiropractic Examiners

RULE NO. & TITLE: 190-X-5-.09 Chiropractic Records Required; Release Of Records

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:
The Alabama State Board of Chiropractic Examiners proposes amending this rule as it pertains to the transfer or disposal of records when licensees retire, terminate employment or otherwise leave a chiropractic practice

TIME, PLACE AND MANNER OF PRESENTING VIEWS:
Written or oral comments may be submitted to the Alabama State Board of Chiropractic Examiners, 1700 Yellowleaf Road, Clanton, AL 35045, telephone 205-755-8000

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Tuesday, August 4, 2026

CONTACT PERSON AT AGENCY:
Kelli Smith
kelli.smith@chiro.alabama.gov
205-755-8000

Amy Deavers
Amy W Deavers

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

190-X-5-.09 Chiropractic Records Required; Release Of Records.

(1) The Board finds and declares that the maintenance of an adequate record in the treatment of a patient is an essential component of the standard of care. Chiropractors and clinic permit holders should maintain legible well documented records reflecting the history, findings, diagnosis and course of treatment in the care of a patient. Patient records should be maintained by the treating chiropractor. Any licensee or clinic permit holder or permit holder who fails to keep for a minimum of five (5) years all written chiropractic records which justify the particular course of treatment of the patient engages in unprofessional conduct as defined in Rule 190-X-5-.05.

(2) The Board finds and declares that, while physical chiropractic records may rightfully be considered the property of the licensee or the chiropractic clinic facility where the licensee may be employed, the chiropractic patient is just as rightfully entitled to the information contained in any chiropractic records related to his or her care for any legitimate purposes, which such legitimate purposes certainly includes the obtaining of second chiropractic or medical opinions.

(a) Upon request of a patient or authorized agent of a patient, licensees and clinic permit holders are required to, at a minimum, turn over to a patient or his or her authorized agent legible and accurate copies of any pertinent chiropractic records of the patient when requested to do so by the patient or his or her authorized agent for a legitimate purpose which is stated in writing and signed by the patient. The reasonable costs of reproducing copies of written or typed documents, or reports shall not be more than one dollar ($1) for each page of the first 25 pages, not more than 50 cents ($.50) for each page in excess of 25 pages, and search fee of five dollars ($5). If the records are mailed to the person making the request, reasonable costs shall include the actual costs of mailing. A person may also charge the actual cost of reproducing X-rays and other special chiropractic records.

(b) The release of chiropractic records hereunder may not be made contingent upon payment of any other fee or charge owed by the patient. Failure to provide records to a patient upon request in accordance with this rule shall constitute immoral or unprofessional conduct as defined in Rule 190-X-5-.05.

(c) The fees provisions of this rule shall not apply to records subpoenaed by the State Board of Chiropractic Examiners.

(3) Request for records from another healthcare practitioner or the Board of Chiropractic Examiners must be released within 10 working/business days.

(4) Upon receipt of a properly signed and executed release from the patient, the licensee or clinic permit holder, at his discretion, may release the original or a copy of x-ray film and a copy of the patient records, etc. to the patient or their designee.

(5) If the Board receives a complaint against a licensee or clinic permit holder where the licensee or clinic will not release the records to a patient at the patient's request, a letter from the Board will be sent via Certified Mail to the licensee/permit holder to release the records to the patient within 10 days of receipt of the certified letter, and submit proof that the records have been mailed to the patient (via Certified Mail) to the Board within 10 days as well. The licensee/permit holder must either submit to the Board proof of the mailing of the records or respond to the Board as to why the records cannot/will not be mailed within 10 days of receipt of the certified letter from the Board.

(6) If the Board has not received proof that the records have been released to the patient, or has not received a response from the licensee/permit holder within 15 days of the date the request was mailed from the Board's office, the chiropractor will be subject to discipline for unprofessional conduct.

(7) Transfer or Disposal of Records. When a licensee retires, terminates employment or otherwise leaves a chiropractic practice, the licensee/permit holder is responsible for ensuring that ~~active patients~~patients treated by the retiring, terminated or departing licensee within six months receive reasonable notification and are given the opportunity to arrange for the transfer of their patient records. Such notification shall be provided no later than 30 days after retirement, termination or any other reason for leaving. A licensee or the chiropractic clinic which employs the licensee should not withhold information from a departing chiropractor which is necessary for the notification of patients. A licensee/permit holder or their estate(s) transferring patient records in connection with the sale of a practice shall notify the ~~active patients~~patients treated by the licensee/permit holder within six months of the sale of the practice no more than 30 days preceding the sale that the records are being transferred and should provide the patient

with information sufficient to secure the transfer of the patient record.
Author: Board of Chiropractic Examiners
Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(2).
History: Filed September 30, 1982. **Amended:** Filed February 16, 1984. **Amended:** Filed May 18, 1993; effective June 22, 1993. **Amended:** Filed September 28, 1998; effective November 2, 1998. **Amended:** Filed January 28, 2000; effective March 3, 2000. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Amended:** Filed August 13, 2007; effective September 17, 2007. **Amended:** Filed January 29, 2010; effective March 5, 2010. **Amended:** Filed October 18, 2012; effective November 22, 2012. **Amended:** Filed January 21, 2014; effective February 25, 2014. **Amended:** Published _____; effective _____.