

Alabama State Board of Chiropractic Examiners

Proposed Amended Rule

190-X-1-.16 Declaratory Rulings.

(1) ~~The Board may issue declaratory rulings to any person substantially affected by a rule~~ upon petition of any person substantially affected by a rule, with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. ~~Such rulings shall be issued provided~~ Any such petition shall comply with the requirements of Code of Alabama 1975 §41-22-11 and the following:

(a) All petitions shall be in writing and shall be sent to the Executive Director of the Alabama Board of Chiropractic Examiners by registered mail with return receipt requested and shall specifically state that it is a "request for a declaratory ruling."

~~(b) (a) The petitioner shows that he/she~~ The petition shall state with particularity facts sufficient to show the person/entity seeking relief is substantially affected by the rule in question and shall also state sufficient facts to permit the Board to make a valid determination.

~~(b) ——— Sufficient facts are supplied in the request to permit the Board to make a valid determination, and~~

~~(e) ——— The request arises from an actual question or controversy.~~

~~(2) ——— A request for a declaratory ruling must be in writing and must specifically state that it is a "request for a declaratory ruling."~~

(2) Provided that the petition or the matters stated therein arise from an actual question or controversy, the Board shall do one or more of the following:

(a) Issue a declaratory ruling with respect to the validity of one of the Board's rules; or

(b) Issue a declaratory ruling with respect to the applicability to any person/entity, property or state of facts of any rule of the Board or statute enforceable by the Board; or

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(c) Issue a declaratory ruling with respect to the meaning and scope of any order of the Board.

(3) If the petition does not meet the requirements set out above, the petition shall be returned and the party shall be notified in writing of this failure and shall further be notified of their right to submit the petition again.

~~(3) ————— Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Section 11.~~

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 41-22-11.

History: Filed September 30, 1982. Amended 4/2016;6/2018