

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 730
Department or Agency: Alabama State Board of Podiatry
Rule No.: 730-X-5-.01
Rule Title: Definitions
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

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

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

Keith E. Warren
Keith E. Warren

Date

Tuesday, June 11, 2024

REC'D & FILED
JUN 12, 2024
LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF PODIATRY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Podiatry

RULE NO. & TITLE: 730-X-5-.01 Definitions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to repeal an advertising rule regarding representation of a podiatrist that is no longer needed.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments will be received by the Board until 4:00 p.m. on Friday, August 2, 2024. Comments should be directed to Keith E. Warren, Executive Director, 2777 Zelda Road, Montgomery, Alabama 36106 or via email at keithH@alstateboard.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, August 2, 2024

CONTACT PERSON AT AGENCY:

Keith E. Warren  
Executive Director  
2777 Zelda Road  
Montgomery, Alabama 36106  
334-420-7237

*Keith E. Warren*

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Keith E. Warren

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

**730-X-5-.01            Definitions.**

(1) Advertising is the communication of information in a manner designed to attract public attention to the practice of one or more podiatrists.

(2) Fraudulent Or Misleading Advertising. Fraudulent or misleading advertising is advertising which:

- (a) Contains a misrepresentation of facts; or
- (b) Is likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts; or
- (c) Is intended or is likely to create false or unjustified expectations of favorable results; or
- (d) Implies unusual or superior podiatric ability; or
- (e) Contains other representations or implications that in reasonable probability will cause an ordinary and prudent person to misunderstand or be deceived; or
- ~~(f) Unless otherwise excused by these rules, does not contain the following disclaimer in conspicuous form: "No representation is made about the quality of the podiatric services to be performed or the expertise of the podiatrist performing such services."~~

**Author:** Copeland, Franco, Screws & Gill, P.A.

**Statutory Authority:** Code of Ala. 1975, §§ 34-24-252, 34-24-276, as amended.

**History:** Filed May 18, 1988. **Amended:** Published June 28, 2024; effective \_\_\_\_\_.