

*Retired.*

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955



# ENROLLED

HOUSE BILL No. 153

(By Mr. Watson)



PASSED Mar 9 1955

In Effect 90 days from Passage



Filed in the Office of the Secretary of State  
for West Virginia  
MAR 18 1955  
D. PITT O'BRIEN

**ENROLLED**  
**COMMITTEE SUBSTITUTE FOR**  
**House Bill No. 153**

(Originating in the Committee on the Judiciary)

[Passed March 9, 1955; in effect ninety days from passage.]

AN ACT to repeal article sixteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof a new article of chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to be designated article sixteen, relating to the creation, organization, powers and duties of the West Virginia board of chiropractic examiners for the licensing of chiropractors and the examination, licensing, revocation and suspension of licenses, annual renewal of licenses of chiropractors, regulation of chiropractic, and offenses and penalties.

*Be it enacted by the Legislature of West Virginia:*

That article sixteen, chapter thirty of the code of West Vir-

ginia, one thousand nine hundred thirty-one, as amended, be repealed; and that a new article of chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be enacted, to be designated article sixteen, to read as follows:

**Article 16. Chiropractors.**

Section 1. *License Required.*—It shall be unlawful for  
2 any person to practice or offer to practice, in this state,  
3 chiropractic, as hereinafter defined, without a license  
4 issued by the West Virginia board of chiropractic ex-  
5 aminers: *Provided*, That any certificate or license hereto-  
6 fore issued under the laws of this state, authorizing its  
7 holder to practice chiropractic, shall in no way be affected  
8 by the enactment of this article; except that the holder  
9 of every such certificate of license shall be subject to all  
10 the provisions of this article respecting the requirements  
11 and obligations herein prescribed for the continuance in  
12 force of such certificate of license.

Sec. 2. *Definitions.*—The following words, unless the  
2 context clearly indicates otherwise, shall have the meaning  
3 ascribed to them in this section;

4 (a) "Board" shall mean the West Virginia board of  
5 chiropractic examiners;

6 (b) "Chiropractor" shall mean a practitioner of chiro-  
7 practic;

8 (c) "Chiropractic" shall mean the science of locating  
9 and correcting interference with nerve transmission with-  
10 out the use of drugs or surgery.

Sec. 3. *Board of Chiropractic Examiners.*—There shall  
2 be a board, known as the "West Virginia board of chiro-  
3 practic examiners", composed of the director of health  
4 ex officio and three licensed chiropractors appointed by  
5 the governor by and with the advice and consent of the  
6 senate from a list of names recommended by the West  
7 Virginia chiropractor's society, incorporated. Each chiro-  
8 practic member of the board shall have been a resident  
9 of and engaged in the practice of chiropractic in this state  
10 for a period of at least three years immediately preceding  
11 his appointment.

12 The chiropractic members of the board shall be ap-  
13 pointed for a term of office of three years. The two chiro-  
14 practic members of the medical licensing board of West

15 Virginia in office on the date this article takes effect shall  
16 become and be members of the board. Of such two mem-  
17 bers of the medical licensing board of West Virginia, the  
18 member whose term of office sooner expires, shall serve for  
19 a two-year term ending June thirtieth, one thousand nine  
20 hundred fifty-seven and the other such member shall  
21 serve for a three-year term, ending June thirtieth, one  
22 thousand nine hundred fifty-eight, or until their successors  
23 have been appointed and have qualified. On or before the  
24 first day of July next after this act takes effect, the  
25 governor shall appoint the third member to serve for a  
26 term of one year commencing on said first day of July, and  
27 on or before the first day of July of each year thereafter,  
28 the governor shall appoint one member to serve for a term  
29 of three years commencing on said first day of July; and  
30 any member shall be eligible for reappointment. When  
31 a vacancy in the membership of the board occurs for any  
32 cause other than the expiration of a term, the governor  
33 shall appoint a successor as a member of the board to  
34 fill the unexpired portion of the term of office of the  
35 member whose office has been vacated.

Sec. 4. *Application for License; Qualifications of Appli-*

2 *cant.*—Any person wishing to practice chiropractic in this  
3 state shall apply to the secretary of the board for a license  
4 so to practice. Each applicant shall establish the fact to  
5 the board that he has satisfied the following requirements:

6 (a) that he is twenty-one years of age or over;

7 (b) that he is a good moral character;

8 (c) that he is a graduate of an accredited high school  
9 giving a four year course or has an education equivalent  
10 to the same;

11 (d) that he has attended for at least two academic  
12 years an academic college equal in standing to the West  
13 Virginia University;

14 (e) that he is a graduate of a chiropractic school or  
15 college approved by the West Virginia board of chiro-  
16 practic examiners which requires for graduation a resi-  
17 dent course of not less than four academic years of nine  
18 months each, and active attendance at the same for a  
19 minimum of four thousand hours of fifty minutes each of  
20 classroom and laboratory instruction: *Provided, however,*  
21 That this requirement shall not be construed to disqualify

22 applicants that graduated from chiropractic schools or  
23 colleges before the passage of this act which taught a  
24 resident course of at least three academic year of  
25 eight months each or a minimum of two thousand  
26 hours of fifty minutes each and required active attend-  
27 ance upon the same. Attendance at the academic college  
28 as set forth in requirement (d) shall be prior to comple-  
29 tion of the chiropractic training as set forth in require-  
30 ment: (e) *Provided, however,* That this requirement of  
31 sequence of attendance at an academic college and chiro-  
32 practic school or college shall not apply to those applicants  
33 who at the time of passage of this act have completed or  
34 are in the process of fulfilling, the requirements set forth  
35 in (e) above; nor shall such requirement of sequence of  
36 attendance at academic college and chiropractic school or  
37 college apply to such applicants who have subsequent to  
38 the passage of this act commenced the fulfillment of re-  
39 quirement (e) under the educational provisions of the  
40 federal servicemen's readjustment act now in force or as  
41 may hereafter be amended, or such federal act of similar  
42 effect, benefit or purpose as may hereafter be enacted

43 by Congress.

Sec. 5. *Examination; Certificates of License.*—The examination for a license to practice chiropractic shall be written and oral and shall cover the following subjects: anatomy and embryology, physiology, physical diagnosis and symptomatology, chemistry, hygiene and sanitation, bacteriology, chiropractic philosophy, chiropractic analysis and nerve training, palpation and the art of adjusting. The list of subjects may be regrouped at the discretion of the board.

The board shall issue certificates of license to all applicants who shall successfully pass the said examination, but no license shall be issued under this section until the person applying therefor shall have paid to the board a fee of twenty-five dollars.

All applicants shall be required to secure an average grade of seventy-five per cent in all subjects: *Provided, however,* That sixty-five per cent shall be the minimum grade in any subject.

Sec. 6. *Licensing Chiropractors from Other States.*—

2 Persons licensed to practice chiropractic under the laws



3 of any other country, state, territory, province or the  
4 District of Columbia having requirements equivalent to  
5 those of this article, and extending like privileges to  
6 practitioners of this state, may in the discretion of the  
7 West Virginia board of chiropractic examiners be licensed  
8 to practice in this state without examination; but no  
9 license shall be issued under the provisions of this section  
10 until the person applying therefor shall have paid to the  
11 board a fee of one hundred dollars. Any other country,  
12 state, territory, province or the District of Columbia,  
13 whose chiropractic licensing law includes among its  
14 chiropractic training requirements, graduation from a  
15 chiropractic school or college with active resident attend-  
16 ance thereat for a minimum of four thousand hours,  
17 may, for the purpose of reciprocity and of this sec-  
18 tion, be deemed the equivalent of the provision concern-  
19 ing the length of attendance as included in section  
20 four-(e).

Sec. 7. *License; Annual Renewal Fee; Effect of Failure*  
2 *to Renew; Reinstatement.*—All holders of certificates of  
3 license to practice chiropractic in this state shall renew

4 them annually on or before the first day of July of each  
5 year by payment of a renewal fee of five dollars to the  
6 West Virginia board of chiropractic examiners. The  
7 board shall notify each certificate holder by mail, at least  
8 thirty days prior to July first each year, of the necessity  
9 of renewing his (or her) certificate. The first annual  
10 renewal fee shall be due on July one, one thousand nine  
11 hundred fifty-five.

12 The failure to renew a certificate of license to practice  
13 chiropractic shall operate as an automatic suspension of  
14 the rights and privileges granted by its issuance.

15 A certificate of license suspended by a failure to make  
16 an annual renewal thereof as herein provided may be  
17 reinstated by the board upon payment of all fees that  
18 would have been paid had the certificate holder main-  
19 tained his certificate in good standing, and the payment  
20 to the board of a reinstatement fee of not to exceed  
21 twenty-five dollars as determined by the board; but no  
22 certificate shall be reinstated after a lapse of three years.  
23 After a lapse of three years, license may be issued only  
24 after the former certificate holder subsequent to said

25 lapse has passed the examination in this article provided.

Sec. 8. *Refusal to Issue; Suspension or Revocation of*

2 *License.*—The board may either refuse to issue or may  
3 suspend or revoke any license to practice chiropractic  
4 in this state upon any one or more of the following  
5 grounds:

6 (a) the employment of fraud or deception in applying  
7 for a license or permit to practice chiropractic, or in pass-  
8 ing the examination provided for in this article;

9 (b) practicing or attempting to practice under a name  
10 other than one's own;

11 (c) conviction of a crime involving moral turpitude as  
12 shown by a certified copy of the record of the trial court;

13 (d) gross malpractice;

14 (e) advertising by means of knowingly false or decep-  
15 tive statements;

16 (f) habitual drunkenness, or habitual addiction to the  
17 use of narcotic or habit forming drugs;

18 (g) violation of any provision of this article regulating  
19 the practice of chiropractic.

Sec. 9. *Who May Practice Chiropractic; Title of Chiro-*

2 *practor*.—Every chiropractor who has complied with the  
 3 provisions of this article shall thereupon be entitled to  
 4 practice chiropractic in this state. The title of chiro-  
 5 practor shall be doctor of chiropractic and shall be desig-  
 6 nated by the letters D. C.

Sec. 10. *Use of Mechanical Devices*.—Any chiropractor  
 2 who has complied with the provisions of this act may  
 3 use any instruments that are used in regularly chartered  
 4 chiropractic schools or colleges to analyze or diagnose  
 5 diseases or abnormalities. The x-ray may be used for  
 6 diagnostic purposes only and it may be used only by  
 7 those who have completed the course and are in posses-  
 8 sion of a diploma or certificate issued by a regularly  
 9 chartered chiropractic school or college teaching radiology,  
 10 recognized by the West Virginia board of chiropractic  
 11 examiners.

Sec. 11. *Duty of Chiropractor to Observe Health*  
 2 *Regulations; Report to Health Officer and Local Registrar*  
 3 *of Vital Statistics*.—Doctors of chiropractic shall observe  
 4 and be subject to all state and municipal regulations in  
 5 regard to the control of infectious diseases, and to any and

6 all other matters pertaining to public health, and shall  
7 report to the public health officer in the same manner as  
8 is required of other practitioners. It shall further be the  
9 duty of doctors of chiropractic in this state to report to  
10 the registrar of vital statistics of his magisterial district,  
11 within ten days of its occurrence, any death which may  
12 come under his supervision, with a certificate of the cause  
13 of death and such correlative facts as may be at the time  
14 required by the state department of health.

Sec. 12. *Chiropractor Not Permitted to Perform Certain*  
2 *Acts; Exception.*—No chiropractor shall be permitted to  
3 prescribe any medicine or drugs now or hereafter in-  
4 cluded in materia medica, or to administer any such  
5 medicine or drugs; and no chiropractor shall perform any  
6 minor or major surgery, practice obstetrics or practice  
7 osteopathy, unless duly licensed to do so by the laws  
8 of this state in addition to his license to practice chiro-  
9 practic.

Sec. 13. *Offenses; Penalties.*—Each of the following acts  
2 shall constitute a misdemeanor, punishable upon convic-

3 tion by a fine of not less than fifty dollars nor more than  
4 three hundred dollars.

5 (a) The obtaining of or attempt to obtain a license by  
6 the use of fraud, deceit or wilful misrepresentation;

7 (b) the practice, or attempting to practice, as a chiro-  
8 practor without a license granted under the provisions of  
9 this article, or practicing or attempting to practice while  
10 said license is suspended, or after said license has been  
11 revoked;

12 (c) the use of any title to induce belief that the user  
13 of said title is engaged in the practice of chiropractic, if  
14 the user of said title has not fully complied with the pro-  
15 visions of this article;

16 (d) the buying, selling or fraudulent procurement of  
17 any diploma of, or license to practice, chiropractic;

18 (e) the violation of any provision of this article regu-  
19 lating the practice of chiropractors.

Sec. 14. *Duties of Prosecuting Attorneys and Secretary*


2 of the Board.—It shall be the duty of the several prose-  
3 cuting attorneys of this state to enforce the provisions of  
4 this article, and it shall be the duty of the secretary of

5 the board, under the direction of said board, to aid such  
6 attorneys in such enforcement.

Sec. 15. *Separability Clause*.—The terms of this article  
2 are declared to be separable; and should any work, phrase,  
3 sentence or section hereof be declared unconstitutional or  
4 otherwise invalid, the remainder of this article shall not  
5 thereby be affected, but shall remain in full force and  
6 effect.

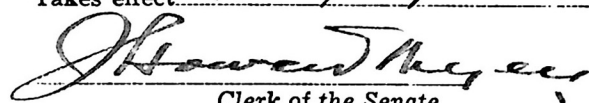
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


  
Chairman Senate Committee

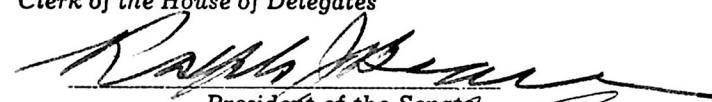
  
Chairman House Committee

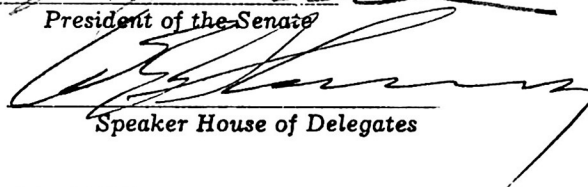
Originated in the House of Delegates

Takes effect 90 days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within Vetoed this the 16<sup>th</sup>  
day of March, 1955.

  
Governor

Filed in the Office of the Secretary of State  
of West Virginia  
MAY 18 1955  
D. PITT COHEN  
SECRETARY OF STATE