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
By West Virginia MAR 3 MAR 18 1955
D. Pitt O'Brien
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-

Section 1. License Required.—It shall be unlawful for any person to practice or offer to practice, in this state, chiropractic, as hereinafter defined, without a license issued by the West Virginia board of chiropractic examiners: Provided, That any certificate or license herefore issued under the laws of this state, authorizing its holder to practice chiropractic, shall in no way be affected by the enactment of this article; except that the holder of every such certificate of license shall be subject to all the provisions of this article respecting the requirements and obligations herein prescribed for the continuance in force of such certificate of license.

Sec. 2. Definitions.—The following words, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section;
(a) "Board" shall mean the West Virginia board of chiropractic examiners;
(b) "Chiropractor" shall mean a practitioner of chiropractic;
(c) "Chiropractic" shall mean the science of locating and correcting interference with nerve transmission without the use of drugs or surgery.

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

The chiropractic members of the board shall be appointed for a term of office of three years. The two chiropractic members of the medical licensing board of West
Virginia in office on the date this article takes effect shall become and be members of the board. Of such two members of the medical licensing board of West Virginia, the member whose term of office sooner expires, shall serve for a two-year term ending June thirtieth, one thousand ninety and the other such member shall serve for a three-year term, ending June thirtieth, one thousand ninety-eight, or until their successors have been appointed and have qualified. On or before the first day of July next after this act takes effect, the governor shall appoint the third member to serve for a term of one year commencing on said first day of July, and on or before the first day of July of each year thereafter, the governor shall appoint one member to serve for a term of three years commencing on said first day of July; and any member shall be eligible for reappointment. When a vacancy in the membership of the board occurs for any cause other than the expiration of a term, the governor shall appoint a successor as a member of the board to fill the unexpired portion of the term of office of the member whose office has been vacated.
Sec. 4. Application for License; Qualifications of Applicant.—Any person wishing to practice chiropractic in this state shall apply to the secretary of the board for a license so to practice. Each applicant shall establish the fact to the board that he has satisfied the following requirements:

(a) that he is twenty-one years of age or over;
(b) that he is a good moral character;
(c) that he is a graduate of an accredited high school giving a four year course or has an education equivalent to the same;
(d) that he has attended for at least two academic years an academic college equal in standing to the West Virginia University;
(e) that he is a graduate of a chiropractic school or college approved by the West Virginia board of chiropractic examiners which requires for graduation a resident course of not less than four academic years of nine months each, and active attendance at the same for a minimum of four thousand hours of fifty minutes each of classroom and laboratory instruction: Provided, however, that this requirement shall not be construed to disqualify
applicants that graduated from chiropractic schools or colleges before the passage of this act which taught a resident course of at least three academic year of eight months each or a minimum of two thousand hours of fifty minutes each and required active attendance upon the same. Attendance at the academic college as set forth in requirement (d) shall be prior to completion of the chiropractic training as set forth in requirement: (e) Provided, however, That this requirement of sequence of attendance at an academic college and chiropractic school or college shall not apply to those applicants who at the time of passage of this act have completed or are in the process of fulfilling, the requirements set forth in (e) above; nor shall such requirement of sequence of attendance at academic college and chiropractic school or college apply to such applicants who have subsequent to the passage of this act commenced the fulfillment of requirement (e) under the educational provisions of the federal servicemen's readjustment act now in force or as may hereafter be amended, or such federal act of similar effect, benefit or purpose as may hereafter be enacted
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.—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
them annually on or before the first day of July of each year by payment of a renewal fee of five dollars to the West Virginia board of chiropractic examiners. The board shall notify each certificate holder by mail, at least thirty days prior to July first each year, of the necessity of renewing his (or her) certificate. The first annual renewal fee shall be due on July one, one thousand nine hundred fifty-five.

The failure to renew a certificate of license to practice chiropractic shall operate as an automatic suspension of the rights and privileges granted by its issuance. A certificate of license suspended by a failure to make an annual renewal thereof as herein provided may be reinstated by the board upon payment of all fees that would have been paid had the certificate holder maintained his certificate in good standing, and the payment to the board of a reinstatement fee of not to exceed twenty-five dollars as determined by the board; but no certificate shall be reinstated after a lapse of three years. After a lapse of three years, license may be issued only 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 deceptive
15 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-
practor.—Every chiropractor who has complied with the
provisions of this article shall thereupon be entitled to
practice chiropractic in this state. The title of chirop-
practor shall be doctor of chiropractic and shall be design-
nated by the letters D. C.

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

Sec. 11. Duty of Chiropractor to Observe Health
Regulations; Report to Health Officer and Local Registrar
of Vital Statistics.—Doctors of chiropractic shall observe
and be subject to all state and municipal regulations in
regard to the control of infectious diseases, and to any and
all other matters pertaining to public health, and shall
report to the public health officer in the same manner as
is required of other practitioners. It shall further be the
duty of doctors of chiropractic in this state to report to
the registrar of vital statistics of his magisterial district,
within ten days of its occurrence, any death which may
come under his supervision, with a certificate of the cause
of death and such correlative facts as may be at the time
required by the state department of health.

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

Sec. 13. Offenses; Penalties.—Each of the following acts
shall constitute a misdemeanor, punishable upon convic-
tion by a fine of not less than fifty dollars nor more than
three hundred dollars.

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

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

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

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

(e) the violation of any provision of this article regu-
larizing the practice of chiropractors.

Sec. 14. **Duties of Prosecuting Attorneys and Secretary
of the Board.**—It shall be the duty of the several prose-
cuting attorneys of this state to enforce the provisions of
this article, and it shall be the duty of the secretary of
the board, under the direction of said board, to aid such attorneys in such enforcement.

Sec. 15. Separability Clause.—The terms of this article are declared to be separable; and should any work, phrase, sentence or section hereof be declared unconstitutional or otherwise invalid, the remainder of this article shall not thereby be affected, but shall remain in full force and effect.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

[Signature]

Chairman House Committee

Originated in the House of Delegates

Takes effect...to days from passage.

[Signature]

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

The within...Vetoed...this the 16th

day of March, 1955.

[Signature]

William E. Marland
Governor

Filed in the Office of the Secretary of State of West Virginia

[Stamp]

D. E. F. C. C. B. E. N.
SECRETARY OF STATE