

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

Com. Sub. for

HOUSE BILL No. 688

(By *Mr. [illegible]* originating in the Committee
on the Judiciary)



PASSED March 5, 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BUNDYTT
SECRETARY OF STATE
W.S. DATE 3-12-65

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COMMITTEE SUBSTITUTE
FOR
House Bill No. 688
(Originating in the Committee on the Judiciary.)

[Passed March 5, 1965; in effect ninety days from passage.]

AN ACT to amend and reenact article sixteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 practice, and offenses and penalties.

Be it enacted by the Legislature of West Virginia:

That article sixteen, chapter thirty of the code of West

Virginia, one thousand nine hundred thirty-one, as amended,
be amended and reenacted to read as follow:

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 mean-
3 ing 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" is hereby defined as physical diag-
9 nosis, nerve tracing, palpation of the segments of the
10 spinal column, and the adjustment of the misaligned seg-
11 ments of the spinal column to their normal position for
12 the purpose of relieving pressure upon spinal nerves.

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 three names recommended by the
7 West Virginia chiropractors' society, incorporated. Each
8 chiropractic member of the board shall have been a resi-
9 dent of and engaged in the practice of chiropractic in
10 this state for a period of at least five years preceding his
11 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
16 shall become and be members of the West Virginia board
17 of chiropractic examiners and said chiropractors shall no
18 longer be members of the medical licensing board of West
19 Virginia. Of such two chiropractic members of the med-
20 ical licensing board of West Virginia, the member whose
21 term of office sooner expires, shall serve on the West Vir-
22 ginia board of chiropractic examiners, for a two-year term
23 ending June thirtieth, one thousand nine hundred sixty-
24 seven, and the other such member shall serve for a three-
25 year term, ending June thirtieth, one thousand nine hun-
26 dred sixty-eight, or until their successors have been ap-
27 pointed and have qualified. On or before the first day of
28 July, one thousand nine hundred sixty-five, the governor
29 shall appoint the third member to serve for a term of one
30 year commencing on said first day of July, and on or be-
31 fore the first day of July of each year thereafter, the gov-
32 ernor shall appoint one member to serve for a term of
33 three years commencing on said first day of July; and
34 any member shall be eligible for reappointment. When
35 a vacancy in the membership of the board occurs for any

36 cause other than the expiration of a term, the governor
37 shall appoint a successor as a member of the board to fill
38 the unexpired portion of the term of office of the member
39 whose office has been vacated.

Sec. 4. Application for License; Qualification of Ap-
2 **plicant.**—Any person wishing to practice chiropractic in
3 this state shall apply to the secretary of the board for a
4 license so to practice. Each applicant shall establish the
5 fact to the board that he has satisfied the following re-
6 quirements: (a) That he is twenty-one years of age or
7 over; (b) that he is of good moral character; (c) that
8 he is a graduate of an accredited high school giving a
9 four-year course or has an education equivalent to the
10 same; (d) that he has attended for at least two aca-
11 demic years an academic college equal in standing to
12 the West Virginia university; (e) that he is a graduate
13 of a chiropractic school or college approved by the
14 West Virginia board of chiropractic examiners and ac-
15 credited by the American chiropractic association or the
16 international chiropractic association which requires for
17 graduation a resident course of not less than four aca-

18 demic years of nine months each, and active attendance
19 at the same for a minimum of four thousand hours of
20 fifty minutes each of classroom and laboratory instruc-
21 tion: *Provided*, That this requirement shall not be con-
22 strued to disqualify applicants that graduated from chiro-
23 practic schools or colleges before the passage of this
24 article which taught a resident course of at least three
25 academic years of eight months each or a minimum of
26 two thousand hours of fifty minutes each and required
27 active attendance upon the same. Attendance at the aca-
28 demic college as set forth in requirement (d) shall be
29 prior to completion of the chiropractic training as set
30 forth in requirement (e): *Provided, however*, That this
31 requirement of sequence of attendance at an academic
32 college and chiropractic school or college shall not apply
33 to those applicants who at the time of passage of this
34 article have completed or are in the process of fulfilling
35 the requirements set forth in (e) above; nor shall such
36 requirement of sequence of attendance at academic col-
37 lege and chiropractic school or college apply to such
38 applicants who have, subsequent to the passage of this

39 article, commenced the fulfillment of requirement (c) un-
40 der the educational provisions of the federal servicemen's
41 readjustment act now in force or as may hereafter be
42 amended, or such federal act of similar effect, benefit or
43 purpose as may hereafter be enacted by Congress.

Sec. 5. Examination; Certificates of License.—The ex-
2 amination for a license to practice chiropractic shall be
3 written and oral and shall cover the following subjects:
4 Anatomy and embryology, physiology, physical diagnosis
5 and symptomatology, chemistry, hygiene and sanitation,
6 bacteriology, chiropractic philosophy, chiropractic analy-
7 sis and nerve tracing, palpation and the art of adjusting.
8 The list of subjects may be re-grouped at the discretion
9 of the board.

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

15 All applicants shall be required to secure an average
16 grade of seventy-five per cent in all subjects: *Provided,*

17 That sixty per cent shall be the minimum grade in any
18 subject.

Sec. 6. Licensing Chiropractors from Other States.—

2 Persons licensed to practice chiropractic under the laws
3 of any other state, territory or the District of Columbia
4 having requirements equivalent to those of this article,
5 and extending like privileges to practioners of this state,
6 may in the discretion of the West Virginia board of
7 chiropractic examiners be licensed to practice in this
8 state without examination; but no license shall be issued
9 under the provisions of this section until the person
10 applying therefor shall have paid to the board a fee
11 of one hundred dollars. Any other state or the Dis-
12 trict of Columbia, whose chiropractic licensing law in-
13 cludes among its chiropractic training requirements,
14 graduation from a chiropractic school or college approved
15 by the American chiropractic association or the inter-
16 national chiropractic association with active resident at-
17 tendance thereat for a minimum of four thousand hours,
18 may, for the purpose of reciprocity and of this section,
19 be deemed the equivalent of the provision concerning
20 the length of attendance as included in section 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 twenty-five dollars
6 to the West Virginia board of chiropractic examiners.
7 The board shall notify each certificate holder by mail, at
8 least thirty days prior to July first each year, of the
9 necessity of renewing his (or her) certificate. The first
10 annual renewal fee shall be due on July one, one thou-
11 sand nine hundred sixty-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 fifty dollars as determined by the board; but no certifi-

22 cate 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 pro-
26 vided.

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 in
4 this state upon any one or more of the following grounds:

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

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

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

13 (d) malpractice;

14 (e) habitual drunkenness, or habitual addiction to the
15 use of narcotic or habit forming drugs;

16 (f) violation of any provision of this article regu-

17 lating the practice of chiropractic but such board may
18 not refuse to issue or may not suspend or revoke any
19 license upon the aforesaid grounds without notification in
20 writing to the chiropractor concerned, delivered by certi-
21 fied mail at his last known address, stating the action of
22 the board and their reason or reasons for such refusal,
23 suspension or ^{re}Avocation, granting unto such chiropractor
24 a reasonable opportunity to be heard at a fair and im-
25 partial hearing before such board in accordance with
26 the statutes of the state of West Virginia and due pro-
27 cess of law.

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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 chiroprac-
5 tor shall be doctor of chiropractic and shall be desig-
6 nated by the letters “D.C.”

Sec. 10. Use of Diagnostic Instruments.—Any chiro-
2 practor who has complied with the provisions of this
3 article may use any instruments for the purpose of diag-

4 nosis and analyses of diseases or abnormalities, and for
5 this purpose only, provided such instrument is used in a
6 school approved by the American chiropractic association,
7 the international chiropractic association, or their succes-
8 sors: *And provided further*, That the West Virginia
9 Board of Chiropractic examiners has placed the same on
10 an approved list.

Sec. 11. Duty of Chiropractor to Observe Health Reg-
2 **ulations; Report to Health Officer and Local Registrar of**
3 **Vital Statistics.**—Doctors of chiropractic shall observe and
4 be subject to all state and municipal regulations in re-
5 gard 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
8 as is required of other practitioners. It shall further be
9 the duty of doctors of chiropractic in this state to report
10 to the registrar of vital statistics of his magisterial dis-
11 trict, within ten days of its occurrence, any death which
12 may come under his supervision, with a certificate of
13 the cause of death and such correlative facts as may be
14 at the time required by the state department of health.

Sec. 12. Chiropractor Not Permitted to Perform Cer-

2 **tain Acts; Exception.**—No chiropractor shall be permit-
3 ted to prescribe any medicine or drugs now or hereafter
4 included 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 of
8 this state in addition to his license to practice chiroprac-
9 tic.

Sec. 13. Offenses; Penalties.—Each of the following

2 acts shall constitute a misdemeanor, punishable upon
3 conviction by a fine of not less than fifty dollars nor more
4 than three hundred dollars, or by imprisonment in the
5 county jail for not less than thirty days nor more than
6 one year, or both, in the discretion of the court, and each
7 day any person shall so violate any provisions of this
8 article shall constitute a separate and distinct offense:

- 9 (a) the obtaining of or attempt to obtain a license by
10 the use of fraud, deceit or wilful misrepresentation;
- 11 (b) the practice, or attempting to practice, as a chiro-
12 practor without a license granted under the provision

13 of this article, or practicing or attempting to practice
14 while said license is suspended, or after said license has
15 been revoked;

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

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

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

Sec. 14. Duties of Prosecuting Attorneys and Secre-
2 **tary of the Board.**—It shall be the duty of the several
3 prosecuting attorneys of this state to enforce the pro-
4 visions of this article, and it shall be the duty of the
5 secretary of the board, under the direction of said board,
6 to aid such attorneys in such enforcement.

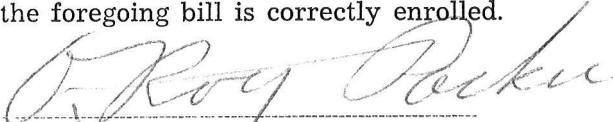
Sec. 15. Separability Clause.—The terms of this article
2 are declared to be separable; and should any word, phrase,
3 sentence or section hereof be declared unconstitutional
4 or otherwise invalid, the remainder of this article shall

5 not thereby be affected, but shall remain in full force
6 and effect.

Sec. 16. Repealer Clause.—All articles or parts of ar-
2 ticles in conflict with this article are hereby repealed to
3 the extent of such conflict.

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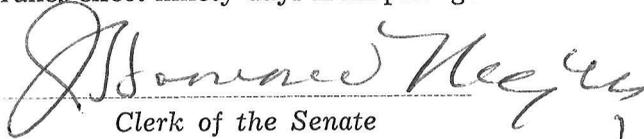
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee


Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 12th
day of March, 1965.


Governor



Presented to the Governor's office

March 9, 1965

9:55 a.m.