WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
SENATE BILL NO. 333

(By Mr. )

PASSED  March 9, 1976

In Effect  ninety days from Passage

FILED IN THE OFFICE OF SECRETARY OF STATE OF WEST VIRGINIA

THIS DATE 3/18/76
AN ACT to amend and reenact sections two, five, seven, nine, ten, twelve and thirteen, article sixteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the definition of chiropractic; creating a continuing education clause; increasing and updating the subjects for which applicants to practice chiropractic are to be examined; clarifying the title of doctor of chiropractic; updating the approved diagnostic instrument list; prohibiting use of physio-therapeutic devices unless qualified; and providing offenses and penalties.

Be it enacted by the Legislature of West Virginia:

That sections two, five, seven, nine, ten, twelve and thirteen, 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 follows:

ARTICLE 16. CHIROPRACTORS.

§30-16-2. Definitions.

1 The following words, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

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

3 (b) "Chiropractor" shall mean a practitioner of chiropractic;

4 (c) "Chiropractic" is that science and art which utilizes the inherent recuperative powers of the body
and the relationship between the musculo-skeletal structures and functions of the body, particularly of the spinal column and the nervous system, in the restoration and maintenance of health.

The practices and procedures which may be employed by doctors of chiropractic are based on the academic and clinical training received in and through accredited chiropractic colleges. These shall include the use of diagnostic, analytical and therapeutic procedures specifically including the adjustment and manipulation of the articulations and adjacent tissues of the human body, particularly of the spinal column; included is the treatment of intersegmental disorders for alleviation of related neurological aberrations. Patient care and management is conducted with due regard for environmental and nutritional factors, as well as first aid, hygiene, sanitation, rehabilitation and physiological therapeutic procedures designed to assist in the restoration and maintenance of neurological integrity and homeostatic balance.

§30-16-5. Examination; certificates of license.

The examination for a license to practice chiropractic shall be written and oral and shall cover the following subjects: Anatomy, physiology, chemistry, pathology, bacteriology, hygiene, diagnosis, gynecology, x-ray, geriatrics, principles of chiropractic, and jurisprudence. 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 percent in all subjects: Provided, that sixty percent shall be the minimum grade in any subject.

§30-16-7. License; annual renewal fee; effect of failure to renew; reinstatement.

All holders of certificates of license to practice chiropractic in this state shall renew them annually on or
before the first day of July of each year: (1) By payment of a renewal fee of twenty-five dollars to the board, and (2) except for those holders with forty years of practice as of the effective date of this section, by presentation to the board of evidence of attendance of at least twelve classroom hours of continuing education each year. The board shall notify each certificate holder by mail, at least thirty days prior to the first day of July of each year, of the necessity of renewing his (or her) certificate. The first annual renewal fee shall be due on the first day of July, one thousand nine hundred sixty-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 presentation of evidence of attendance of at least twelve classroom hours of continuing education for each year such license has been suspended, 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 fifty 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 lapse has passed the examination in this article provided.

§30-16-9. Who may practice chiropractic; title of chiropractor.

Any chiropractor who has complied with the provisions of this article shall thereupon be entitled to practice chiropractic in this state. The title of chiropractor shall be doctor of chiropractic and shall be designated by the letters “D.C.” The titles “D.C.”, doctor of chiropractic, chiropractor, chiropractic physician are interpreted as the same.

§30-16-10. Use of diagnostic instruments.

Any chiropractor who has complied with the provisions of this article may use any instrument, or procedure, for
§30-16-12. Chiropractor not permitted to perform certain acts; exception.

No chiropractor shall be permitted to prescribe any medicine or drugs now or hereafter included 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 chiropractic; nor shall any chiropractor use any physio-therapeutic devices in his practice until he has certified to the board that he has completed at least ninety classroom hours in the use of these procedures.

§30-16-13. Offenses; penalties.

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

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

(b) The practice, or attempting to practice, as a chiropractor 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 provisions 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 regulating the practice of chiropractors.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In 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 17th day of , 1976

Governor
PRESENTED TO THE GOVERNOR

Date 3/1/76
Time 4:25 p.m.