

AMENDED IN ASSEMBLY APRIL 5, 1917.

ASSEMBLY BILL

No. 9

INTRODUCED BY MR. ARGABRITE

(BY REQUEST)

JANUARY 12, 1917.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

AN ACT

AUTHORIZING AND REGULATING THE PRACTICE OF CHIROPRACTIC IN THE STATE OF CALIFORNIA; CREATING A STATE BOARD OF CHIROPRACTIC EXAMINERS; PROVIDING FOR THE APPOINTMENT OF THE SAME; DEFINING ITS POWERS, DUTIES AND EMOLUMENTS; TO PROVIDE A STANDARD OF EDUCATION FOR CHIROPRACTORS; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT; TO PROVIDE FOR THE EXAMINATION AND LICENSING OF CHIROPRACTORS IN THE STATE OF CALIFORNIA, AND TO REPEAL ANY OR ALL PARTS OF ANY ACT OR ACTS IN CONFLICT WITH THIS ACT.

The people of the State of California do enact as follows:

- 1 SECTION 1. A board is hereby created and established to be
- 2 known as the board of chiropractic examiners of the State of
- 3 California. Said board shall be composed of six persons who
- 4 are graduates of and hold diplomas issued to them by a legally
- 5 chartered school or college of chiropractic, after having taken
- 6 the residence course therein, which said school or college shall
- 7 have had, at the time of the issuance of said diploma, a resi-
- 8 dence course of at least one school year of not less than eight

1 months, and each of said persons shall present to the governor
2 satisfactory evidence of good moral character and integrity,
3 and shall have been a citizen of and practicing chiropractic in
4 the State of California for a period of not less than two years
5 next preceding the date of the going into effect of this act. No
6 person, who holds a diploma issued to him by any school or
7 college of any science or profession, which said science or pro-
8 fession is other than chiropractic and has particularly to do
9 with the health of human beings, shall be eligible to appoint-
10 ment on said board; and appointments shall be so made that no
11 more than two persons shall serve simultaneously as members
12 of said board, whose first diplomas were issued by the same
13 school or college of chiropractic.

14 Sec. 2. The governor of the State of California shall, on or
15 before the first Tuesday in September, 1917, appoint six chiro-
16 practors who shall possess the qualities and qualifications as
17 specified and set forth in section one of this act, to constitute
18 the membership of said state board of chiropractic examiners;
19 tenure in office of said members shall be so arranged as to time
20 that two shall serve one year, two shall serve two years and two
21 shall serve the full term of three years. Annually thereafter,
22 or as there may be vacancies on said board, the governor shall
23 appoint members who shall be selected from among those
24 licensed under and by virtue of this act, and who shall possess
25 the qualities and qualifications as specified and set forth in
26 section one of this act. No person in any manner owning any
27 interest in any school, college or institution engaged in chiro-
28 practic instruction shall be appointed to said board. The gov-
29 ernor shall have the power, and upon the presentation of suffi-
30 cient evidence to substantiate the charge, shall remove any
31 member of the board for neglect of duty, incompetency, con-
32 tinued refusal or failure to act in his official capacity on said
33 board, or for unprofessional conduct. Each appointee shall,
34 before entering upon the duties of his office, take the constitu-
35 tional oath of office. A license to practice chiropractic within
36 the State of California shall be issued to the individual mem-
37 bers of said first board at the first meeting of said board herein

1 provided, upon the payment of the regular fee as provided for
2 in this act.

3 Sec. 3. Within thirty days after their appointment, and
4 annually thereafter, said board of examiners shall convene and
5 elect from its members a president, secretary and treasurer.
6 Said board shall meet, for the examination of applicants for
7 license to practice chiropractic, on or before the first Tuesday
8 in April of each year, in the city of Los Angeles and on or
9 before the first Tuesday in October of each year in the city of
10 San Francisco; *provided, however*, that additional or adjourned
11 meetings may, at the discretion of the board, be held at any
12 county seat in the state. Notice of each regular or special meet-
13 ing shall be given twice each week for two weeks next preceding
14 each such meeting in one daily newspaper published in the city
15 of San Francisco, one published in the city of Sacramento, one
16 published in the city of Los Angeles and one published in the
17 city of San Diego, which notices shall specify the time and place
18 of meeting for the examination of applicants. The board shall
19 receive, through its secretary, applications to practice chiro-
20 practic to be issued as provided in this act; and shall, on or
21 before the first day of January of each year transmit to the
22 governor of the State of California, a full report of all of its
23 proceedings, together with a report of its receipts and disburse-
24 ments for the year next preceding such report. The board
25 shall, on or before the first day of January of each year, com-
26 pile a complete directory giving the names and addresses of all
27 persons who hold unrevoked licenses to practice chiropractic
28 in this state, said license having been issued under and by virtue
29 of this act. Said directory shall contain in addition to the
30 names and addresses of said persons, the names and symbols
31 indicating the titles or degrees, and the names of the schools or
32 colleges having conferred such degrees or titles upon each of
33 said persons, and the date of issuance, by the board, of said
34 license. It shall be the duty of any person holding license
35 under this act, to report immediately each change of address,
36 giving both the old and new address.

1 SEC. 4. The office of the board shall be in the city of Sacra-
 2 mento. Suboffices may be established in Los Angeles and San
 3 Francisco, and such records as may be necessary may be trans-
 4 ferred temporarily to such suboffices. Legal proceedings
 5 against the board may be instituted in any one of said three
 6 cities.

7 SEC. 5. The board shall adopt a seal, which shall be affixed
 8 to all licenses issued by it, and may from time to time adopt
 9 such rules as may be necessary to enable said board to carry
 10 into effect the provisions of this act. It shall require the affirm-
 11 ative vote of three members of said board to carry any motion
 12 or resolution, to adopt any rule, to pass any measure, or to
 13 authorize the issuance of any certificate provided for in this
 14 act. The board shall issue a certificate to any applicant who
 15 shall fulfill the requirements of this act. Any member of the
 16 board may administer oaths in any matter pertaining to the
 17 duties of the board, and the board shall have authority to take
 18 evidence in any matter cognizable by it. The board shall keep
 19 a record of all its proceedings, a part of which record shall con-
 20 sist of a register of all applications for license to practice chiro-
 21 practie, and the action of the board upon each such application.

22 SEC. 6. The board is authorized to prosecute all persons
 23 guilty of violation of this act, and shall have power to employ
 24 legal counsel for such purposes, and shall employ such clerical
 25 assistance as it may deem necessary. The board shall fix the
 26 salary of the secretary not to exceed the sum of one thousand
 27 two hundred dollars per annum, and the sum to be paid to other
 28 members of the board not to exceed ten dollars per diem each
 29 for each day of actual service in the discharge of official duties
 30 of said board, and the board may at its discretion add to said
 31 sum necessary traveling expenses of members to and from the
 32 place of the meeting of the board.

33 SEC. 7. All fees collected on behalf of the state board of
 34 chiropractic examiners of California, and the receipts of all
 35 funds shall be reported at the beginning of each month for the
 36 month preceding to the state controller, and at the same time
 37 the entire amount of such collections shall be paid into the

1 treasury of the state and shall be credited to a fund to be known
 2 as the state board of chiropractic examiners' contingent fund,
 3 which fund is hereby created. Said contingent fund shall be
 4 for the use of the state board of chiropractic examiners, and
 5 from it shall be paid all salaries and other expenses necessarily
 6 incurred in carrying into effect the provisions of this act. An
 7 amount not to exceed one thousand dollars may be drawn from
 8 the contingent fund herein created, said amount to be used as
 9 a revolving fund where cash advances are necessary. All
 10 expenditures from said revolving fund shall be substantiated
 11 by vouchers and itemized statements at the end of each fiscal
 12 year or at any time when demand therefor is made by the board
 13 of control.

14 SEC. 8. Every applicant for a license to practice chiro-
 15 practie shall pay to the secretary of the board a fee of twenty-
 16 five dollars, which shall be paid to the treasurer of the board by
 17 the secretary thereof. In case the applicant's credentials are
 18 insufficient, or in case he does not take the examination, the
 19 sum of fifteen dollars shall be returned to said applicant.

20 SEC. 9. One form of certificate shall be issued by the board
 21 of chiropractic examiners of the State of California, which said
 22 certificate shall be designated "license to practice chiropractic"
 23 and shall authorize the holder thereof to practice chiropractic
 24 in the State of California; provided, however, that said certifi-
 25 cate shall not authorize the holder thereof to administer any
 26 drug or drugs, or what are known as medicinal preparations,
 27 to, or in any manner penetrate or sever the tissues of human
 28 beings, or to practice obstetrics.

29 SEC. 10. Every applicant for license must file with the
 30 board at least two weeks prior to the regular or special meeting
 31 thereof, satisfactory evidence of good moral character, and
 32 every applicant must show that he has attended two courses of
 33 study, each such course to have been of not less than thirty-two
 34 weeks duration and not less than one thousand two hundred
 35 hours for each of such courses, or a total time of not less than
 36 sixty-four weeks and two thousand four hundred hours; *pro-*
 37 *vided, however, that said courses shall not necessarily have*

1 been pursued continuously or consecutively. Every appli-
 2 cation shall be made upon a form furnished by the board,
 3 which form shall contain such information concerning the
 4 instruction and the preliminary education of the applicant as
 5 this act provides; *provided, however,* that nothing in this
 6 section shall be construed as to apply to applicants for exam-
 7 ination as set forth in section eighteen of this act. In addition
 8 to the requirements hereinbefore provided, on or after the first
 9 day of September, 1921, every applicant for a license as herein
 10 provided, shall present to the board satisfactory evidence that
 11 he is a high school graduate or the equivalent thereof. Every
 12 applicant shall make affidavit, stating that each and every
 13 statement made in, and all entries made upon, the application
 14 presented by him to said board, are correct and true.

15 SEC. 11. Applicants for certificates under this act, except
 16 as hereinafter provided and set forth in section eighteen of
 17 this act, shall file satisfactory evidence of having pursued in a
 18 legally chartered school or college of chiropractic the residence
 19 course consisting of the following minimum requirements,
 20 to wit:

21	Group 1—700 hours:		
22	Anatomy -----		600 hours
23	Histology -----		100 hours
24	Group 2—450 hours:		
25	Physiology -----		350 hours
26	Chemistry and Toxicology -----		100 hours
27	Group 3—310 hours:		
28	Pathology -----		240 hours
29	Bacteriology -----		70 hours
30	Group 4—440 hours:		
31	Diagnosis -----		350 hours
32	Hygiene and Sanitation -----		90 hours
33	Group 5—500 hours:		
34	Theory -----	}	500 hours
35	Practice -----		
36	Technic -----		
37			2,400 hours
38	Total -----		

1 In the course of study as herein outlined, the hours specified
 2 shall be actual work in the classroom, laboratory, clinic or
 3 hospital, and at least eighty per cent of actual attendance shall
 4 be required; *provided, however,* that the hours herein required
 5 in any one subject need not exceed seventy-five per cent of the
 6 number specified, but that the total number of hours in all
 7 subjects of each group shall not be less than the total number
 8 specified for such group.

9 SEC. 12. Applicants for certificate of license, as provided
 10 for in this act, except as is set forth in section eighteen hereof,
 11 shall pass an examination in the subjects, specified in section
 12 eleven of this act. All examinations shall be practical in
 13 character and shall be according to the teachings of chiro-
 14 practic, and designed to ascertain the fitness of the applicant
 15 to practice chiropractic; and shall be conducted in the English
 16 language, and at least a portion of the examination in each
 17 subject shall be in writing. There shall be at least ten ques-
 18 tions on each subject, the answers to which shall be marked
 19 on a scale of zero to ten on each question. Each applicant
 20 shall obtain no less than a general average of seventy-five per
 21 cent, and not less than sixty per cent on any two subjects;
 22 *provided,* that any applicant shall be granted a credit of one
 23 per cent upon the general average for each year of actual
 24 practice since graduation. The examination papers shall form
 25 a part of the records of the board and shall be kept on file by
 26 the secretary for a period of one year after each examination.
 27 In said examination the applicant shall be known and desig-
 28 nated by number only, said number to be assigned by the secre-
 29 tary of the board, and the name attached to the number shall
 30 be kept secret until after the board has finally voted upon the
 31 application. The secretary of the board shall in no instance
 32 participate as an examiner in any examination held by the
 33 board, nor vote upon any application for a certificate of
 34 license. All questions on all subjects in which examination
 35 is required under this act shall be provided by the board upon
 36 the morning of the day upon which examinations are given in
 37 said subjects; and when it shall be shown that the secretary

1 or any member of the board has in any manner given any
2 information, in advance or during examination, to any appli-
3 cant it shall be the duty of the governor to remove such person
4 from the board of examiners or from the office of secretary.

5 SEC. 13. Said board shall revoke the certificate of license
6 issued under this act to any person guilty of unprofessional
7 conduct. Said board shall adopt rules of practice and pro-
8 cedure pursuant and under and by virtue of the laws of the
9 State of California, by which any person charged with unpro-
10 fessional conduct may be tried. In every instance where a
11 person is charged with unprofessional conduct, such person,
12 before suspension or revocation of his license, shall be cited to
13 appear and be given an opportunity to defend himself by
14 counsel or otherwise in said trial by said board. In the event
15 the certificate of license of any person is revoked or suspended,
16 the secretary shall enter upon the register the fact of such
17 suspension or revocation, under the seal of the board, to the
18 county clerk of the county or counties in which the certificate
19 of the person whose certificate has been revoked is recorded at
20 the time of such revocation. The words "unprofessional con-
21 duct" as used in this act, are hereby declared to mean:

22 *First*—The procuring or aiding or abetting in the procuring
23 of a criminal abortion.

24 *Second*—The wilfully betraying of a professional secret.

25 *Third*—All advertising which is intended to or has a
26 tendency to deceive the public or impose upon credulous or
27 ignorant persons, and so be harmful or injurious to the public
28 morals or safety, or the advertising of a chiropractor that he
29 is practicing medicine, surgery or osteopathy in the State of
30 California, for which he does not at the time of so doing hold
31 an unrevoked certificate of license to practice such method or
32 system issued to him by a board, which said board has been
33 legally constituted and established by law in the State of
34 California.

35 *Fourth*—All advertising of any means whereby the monthly
36 periods of women can be regulated or the menses reestablished
37 if suppressed.

1 *Fifth*—Conviction of any offense involving moral turpitude,
2 in which case the record of such conviction shall be prima facie
3 evidence.

4 *Sixth*—Habitual intemperance.

5 *Seventh*—The personation of another licensed chiropractor.

6 *Eighth*—The use, by the holder of a license issued under
7 this act, in a sign or advertisement in connection with his
8 practice, of any fictitious name.

9 *Ninth*—The use by a holder of a license to practice chiro-
10 practic of any drug or what is known as medicinal preparation
11 in or upon the body of human beings, or the puncturing or
12 severing of the tissues of the body or bodies of human beings.

13 *Tenth*—Advertising, directly, indirectly or in substance,
14 upon any card, sign, newspaper advertisement, or other written
15 or printed sign or advertisement, that the holder of such certifi-
16 cate or any other person, company or association by which he
17 is employed, or in whose service he is, will treat, cure or
18 attempt to treat or cure, any venereal disease, or will treat or
19 cure, or attempt to treat or cure, any person afflicted with any
20 venereal disease, lost manhood, sexual weakness; or being
21 employed by, or being in the service of any person, company
22 or association so advertising.

23 *Eleventh*—The use by the holder of a license to practice
24 chiropractic of the letters "M. D.," or the words "doctor of
25 medicine," or the term "surgeon," or the term "physician,"
26 or the word "osteopath," or the letters "D. O.," or any other
27 letters, prefixes or suffixes, the use of which would indicate
28 that he was practicing a profession for which he held no license
29 from the State of California.

30 *Twelfth*—The procuring of a license, as issued under this
31 act, by fraud or misrepresentation.

32 SEC. 14. Every person holding a certificate of license
33 authorizing him to practice chiropractic as set forth in this
34 act shall file said certificate of license for record in the office
35 of the county clerk of the county or counties in which the
36 holder thereof shall practice, and the fact of such recordation
37 shall be endorsed on said certificate by the clerk of the county

1 or counties in which said certificate of license is recorded; and
2 any person who shall practice chiropractic in any county
3 within the State of California without first having filed his
4 certificate with the county clerk or clerks of the county or
5 counties in which said person shall practice as provided herein
6 shall be guilty of a misdemeanor and shall be punished by a
7 fine of not more than one hundred dollars, or by imprisonment
8 of not more than sixty days or by both such fine and imprison-
9 ment.

10 SEC. 15. The clerk of the several counties shall keep in a
11 book provided for the purpose a complete list of all certificates
12 of license as provided in this act, and the dates of filing of said
13 certificates, and said record shall be open to the public for
14 inspection during office hours.

15 SEC. 16. Any person who shall practice, or attempt to
16 practice, or who shall advertise or hold himself out as prac-
17 ticing chiropractic in the State of California without having
18 at the time of so doing a valid and unrevoked certificate as
19 provided in this act, or who shall in any sign or advertisement
20 use the letters "D. C.," or the words "doctor of chiropractic,"
21 or the term "chiropractor" or any other letter or letters or
22 word or words, indicating thereby that he is practicing, or
23 entitled to practice chiropractic in the State of California,
24 without having at the time of so doing a valid and unrevoked
25 certificate of license as provided in this act, shall be guilty
26 of a misdemeanor and upon conviction thereof shall be punished
27 by a fine of not more than six hundred (600) dollars or
28 imprisonment in the county jail for a term of not more than
29 one hundred and eighty (180) days, or by both such fine and
30 imprisonment. Upon conviction of a person for violation of
31 this act, the fine, when collected, shall be paid to the
32 treasurer and a report thereof made to the state controller.

33 SEC. 17. Nothing in this act shall be construed to prohibit
34 service in case of emergency, or the domestic administration of
35 chiropractic, nor shall this act apply to any chiropractor in
36 any other state or territory who is actually consulting with
37 a licensed chiropractor in this state; provided, that such

1 sulting chiropractor shall not open an office or appoint place to
2 receive patients within the limits of this state; nor shall any-
3 thing in this act be construed to prohibit or regulate healing
4 by prayer or religious faith, nor to interfere with the practice
5 of religion in the State of California.

6 [SEC. 18. Any person of good moral character who is a
7 resident of this state and who shall have practiced chiroprac-
8 tic in the State of California for a period of not less than five
9 years prior to the enactment or approval of this act, or any
10 person of good moral character and a resident of this state
11 who is a graduate and holds a diploma issued by a legally char-
12 tered school or college of chiropractic with a resident course
13 of one year and who shall make application to the board of
14 chiropractic examiners within sixty days after the date of the
15 going into effect of this act, or any person enrolled in any
16 legally chartered school or college of chiropractic with a resi-
17 dence course prior to the date of the passage and approval of
18 this act, and who shall make application to said board within
19 sixty days after the date of his graduation from said school,
20 shall be given an oral, practical and clerical examination. In
21 making such application to the board, the applicant] shall
22 have set forth therein and given the following information,
23 to wit: The full name and address of the applicant, the length
24 of time and where he has been engaged in the practice of chiro-
25 practice in this state, in what manner and from whom he
26 received his instruction and training in chiropractic, and the
27 nature and character of any or all of the methods used by said
28 applicant in relation to the health of human beings.

29 SEC. 19. Any person who holds an unrevoked certificate to
30 practice chiropractic, which said certificate was issued to said
31 person by a chiropractic examining board, or by any other
32 board or officer authorized by law to issue a license entitling
33 the holder thereof to practice chiropractic in the District of
34 Columbia, or in any state or territory of the United States, or
35 with proof satisfactory to the board of chiropractic examiners
36 of the State of California that the copy of said certificate
37 presented to said board is a true and correct copy, shall upon

1 the presentation of said certificate or a copy thereof, to the
2 board of chiropractic examiners of the State of California and
3 payment of the fee of twenty-five dollars, be entitled to and
4 shall receive a certificate of license to practice chiropractic in
5 the State of California without examination; *provided, how-*
6 *ever,* that the requirements of the said chiropractic examining
7 board, or other board or officer of the state having issued said
8 certificate were in no degree or particular less than those
9 which were required for the issuance of a license to practice
10 chiropractic in the State of California at the time of the
11 issuance of such certificate.

12 **[SEC. 19a. Chiropractic is hereby declared not to be a**
13 **system or mode of treating diseases, injuries, deformities or**
14 **other physical or mental conditions of human beings within**
15 **the meaning of an act to amend an act entitled "An act to**
16 **regulate the examination of applicants for license, and to**
17 **practice of those licensed, to treat diseases, injuries, deformi-**
18 **ties or other physical or mental conditions of human beings,**
19 **establish a board of medical examiners, to provide for the**
20 **appointment and to prescribe their powers and duties." and**
21 **repeal an act entitled "An act for the regulation of the practice**
22 **of medicine and surgery, osteopathy and other systems and**
23 **modes of treating the sick and afflicted in the State of Cal-**
24 **ifornia, and for the appointment of a board of medical exam-**
25 **iners in the matter of said regulation," approved March**
26 **1907, and acts amendatory thereof, and also to repeal all o-**
27 **ther acts in conflict with this act, approved June 2, 1913, by am-**
28 **ending sections two, three, four, five, eight, nine, ten, ele-**
29 **ven, twelve, thirteen, fourteen, seventeen and eighteen and ad-**
30 **diting a new section thereto to be numbered twelve and one-**
31 **half, relating to the practice of chiropody, and any acts amend-**
32 **atory thereof.]**

33 **SEC. 20. Any or all parts of any act or acts in conflict**
34 **with this act are hereby repealed.**