

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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1998 Jan 27

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Bd. of Chiropractic Examiners TITLE NUMBER: 4

CITE AUTHORITY §30-16-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Rules of the West Virginia Board
of Chiropractic Examiners

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE
MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT
BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE
FILED WITH THE SECRETARY OF STATE.

Modifications due to change by Legislative Rule-Making Review
Committee

James J. Mays

TITLE 4
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS
SERIES 1
RULES OF THE WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS

4-1-1. General.

- 1.1. These rules established the organization, operation and licensing of chiropractors by the West Virginia Board of Chiropractic Examiners.
- 1.2. Authority. -- WV Code 30-16-1 et seq.
- 1.3. Filing Date, --
- 1.4. Effective Date. --

4-1-2. Method of public notice.

2.1. Pursuant to Article 16, chapter thirty of the West Virginia Code, and prior to the adoption, amendment or recession of any rule by the West Virginia Board of Chiropractic Examiners, the secretary shall give public notice of the date set for public hearing on such rules. Such notice will be in accordance with the rules of chapter thirty and article three, chapter twenty-nine-A of the West Virginia Code, include advertising in one (1) newspaper of general circulation in the cities of Charleston, Wheeling and Huntington at least thirty (30) days prior to the date set for public hearing.

4-1-3. Payment of fees.

The payment of any and all fees to the West Virginia Board of Chiropractic Examiners shall be by certified check or money order or other acceptable means.

4-1-4. Officers and their duties.

4.1. The officers of the West Virginia Board of Chiropractic Examiners shall consist of the chairman, vice chairman and secretary.

4.2. The chairman shall be elected from the membership of the West Virginia Board of Chiropractic Examiners for a term of one (1) year. His duty shall be to preside over all meetings of the Board. In his absence the vice chairman will act in his place.

4.3. The secretary may be elected or appointed by the Board. The secretary's term of office will be at the pleasure of the Board. In the absence of the secretary, the Board shall appoint a temporary secretary to act in that position for the duration of the secretary's absence. The duties of the secretary will be to keep a recording of proceedings and actions of the Board: to maintain a diary of all in/out correspondence (mail and/or telephone) and submit this as part of his monthly report of activities; and such other duties as are prescribed by law and/or the Board.

4-1-5. Agents of the West Virginia Board of Chiropractic Examiners.

The Board may hire clerical help as needed to carry out the duties of the Board. Said personnel are to be paid wages not to exceed those wages paid to state help for similar work.

4-1-6. Meeting of the Board.

6.1. The West Virginia Board of Chiropractic Examiners will hold two (2) meetings per year on the third Thursday of May and November at a location to be designated by the Board.

6.2. The Board may hold such special meetings as it may deem necessary to the conduct of its business. The time, place and date of such meetings shall be at the discretion of the Board and/or its chairman. All members of the Board shall be notified in advance thereof. A letter to the Secretary of State shall be sent stating the date, time and place of the meeting or special meetings.

6.3. All meetings of the Board shall be conducted in accordance with Robert's Rules of Order.

6.4. At the regular meeting of the Board any interested persons who are affected by the business of the Board may enter into discussion with the Board.

6.5. At all special meetings of the Board anyone not a member of the Board will be prohibited from entering into discussion with the Board, unless invited by a member of the Board, or unless said person has requested permission to enter into discussion with the Board. Such request must be in writing to the Secretary of the Board and will state the nature of business to be discussed. The date, time and place of such discussion will be at the discretion of the chairman. The secretary shall give such person(s) prior notification as to date, time and place of such meeting.

6.6. Any person(s) desiring notification of all regular and special meetings of the Board may receive same by making a request in writing to the secretary.

4-1-7. Pre-professional requirements for licensure by examination.

8.1. An application for licensure and/or examination shall include evidence of good moral character, and shall include a head and shoulder photograph of the applicant, as prescribed by the Board.

8.2. Certified transcripts of grades attesting to the applicant's having met all the educational requirements set forth in section four, article sixteen, chapter thirty of the West Virginia Code, shall be sent directly to the Board by the schools and/or colleges he/she has attended.

8.3. All applications, required forms and fees for licensure examinations must be filed with the secretary of the Board at least six (6) weeks prior to the date of examination.

4-1-9. Examination for licensure.

9.1. The examination for a license to practice chiropractic shall cover the following subjects: Anatomy, physiology, chemistry, pathology, hygiene, diagnosis, gynecology, X-ray, geriatrics, principles of chiropractic and jurisprudence. The list of subjects may be regrouped at the discretion of the Board.

9.2. 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.

9.3. All applicants shall be required to secure an average grade of seventy-five percent (75%) in all subjects: Provided, that sixty percent (60%) shall be the minimum grade in any subject. Applicants may retake those parts of the examination in which they failed to achieve a grade of sixty percent (60%). The applicant shall pay all expenses incurred by the Board for re-examination.

9.4. No applicant will be permitted to retake parts of the examination more than twice. Any applicant failing to pass these re-examinations may resubmit in full an application, as described in Section 8 of these rules, to retake the entire examination.

9.5. The Board shall be empowered to employ a proctor to supervise the applicants during the time the examination is in progress. The proctor shall have the authority to report any applicant suspected of fraud, deception or any other form of cheating during the course of the examination, and such a report shall be grounds of refusing a license to an applicant. The proctor shall be paid a fee to be set by the Board for his/her services. Said fee shall not exceed the hourly rate paid to other clerical help employed by the Board.

4-1-10. Licensure of National Board Diplomates.

10.1. The West Virginia Board of Chiropractic Examiners may recognize holders of certificates from the National Board of Chiropractic Examiners for the purpose of reciprocity provided they are licensed in another state with same requirements as specified in the statute governing the practice of Chiropractic in West Virginia.

10.2. In addition to the application and documents as required in Section 8 of these rules, these applicants shall have transcripts of grades and verification of the diplomate status sent directly to the West Virginia Board of Chiropractic Examiners for an interview and a clinical proficiency examination.

10.3. All applicants applying with diplomate status shall pay to the Board one hundred dollars.

4-1-11 . Licensure by endorsement/reciprocity.

All applicants applying for license by endorsement and or reciprocity who are licensed to practice under the laws of any other state, territory or the District of Columbia having requirements equivalent to those of this article (Code 30-16-6) and extending like privileges to practitioners of this State, may at the discretion of the West Virginia Board of Chiropractic Examiners be licensed to practice in this State without examination, but no license shall be issued under the provisions of this section until the person applying therefor shall have paid to the board a fee of one hundred dollars. Education requirements as set forth in section four, article sixteen, Chapter thirty of the West Virginia Code will be adhered to.

4-1-13. Review of Applications.

All applications for licensure shall be reviewed by the Board at a meeting of the Board. No application shall be accepted or rejected without the concurrence of the majority of the board members.

13.1. All educational programs conducted in West Virginia for purposes of meeting the license renewal requirements must have prior approval of the West Virginia Board of Chiropractic Examiners. Such programs shall consist of a minimum total of twelve (12) fifty (50) minute hours and a minimum of two (2) days per year. Such programs must be conducted by a faculty member(s) of a Board approved school or college of chiropractic recognized by the United States Department of Health, Education and Welfare as an acceptable accrediting agency for granting accreditation in chiropractic education, unless otherwise approved by the Board. The Board, at its discretion, may also approve programs conducted by recognized authorities from fields other than chiropractic.

13.2. The method of recording attendance at such seminars will be the responsibility of the sponsoring group. It will also be the responsibility of said group to provide the Board a list of those in attendance at such seminars.

13.3. Newly graduated doctors of chiropractic who receive their initial licensure in the year of their graduation will not need to meet the above education requirements for that fiscal year (July 1 to July 1). However, such persons shall be required to meet all other aspects of license renewal as defined in section seven, article sixteen, chapter thirty of the West Virginia Code.

4-1-14. Scope of practice.

14.1. In the conduct of the practice of chiropractic no chiropractor shall perform any service that is beyond the scope of his education, training and experience.

14.2. The practice of chiropractic will include and permit the use of such diagnostic and treatment procedures as are taught by Board approved chiropractic colleges except as prohibited by law and/or the Rules and Regulations for this Board, and according to section twelve, article sixteen, chapter thirty of the West Virginia Code.

4-1-15. Conduct of practice.

15.1. No person holding a license to practice chiropractic shall conduct such practice under any name other than his own unless practicing as an employee of a clinic, center or institution.

15.2 All licensees, practicing chiropractic in West Virginia, shall use the word(s) "Chiropractic" or "Chiropractor Physician" or the initials "D.C." in conjunction with their names on all signs, letterheads, business cards and/or similar places of business wherein he is practicing.

15.4. In conduct of practice, no person holding a license to practice Chiropractic shall:

(a.) Knowingly maintain a professional connection or association with a person who is in violation of the chapter or the rules of the Board or with a person who knowingly aids, assists, procures or advises an unlicensed person to practice chiropractic contrary to Article 16 Chapter 30 of the West Virginia Code.

(b.) Fail to pay license renewal fees specified in Article 16, Chapter 30 of the West Virginia Code.

4-1-16. Addresses of Licensees.

Every licensee practicing in West Virginia shall inform the Board of the addresses whereat he is practicing and shall inform the Board of any change of addresses or removals from a place of practice. A licensee's failure to receive notification of license renewal due to his failing to advise the Board of a change of address shall not constitute an error on the part of the Board, nor shall it exonerate the licensee from making such renewal as set forth in section seven, article sixteen, chapter thirty of the West Virginia Code.

4-1-17. Chiropractic Corporations.

The West Virginia Board of Chiropractic Examiners requires that chiropractors under its licensing authority must obtain its prior authorization before beginning to act as a Chiropractic Corporation and requires a fee of fifty dollars (50) for each application for authorization to form a chiropractic corporation. See section seventeen, article sixteen, chapter thirty of the West Virginia Code.

4-1-18. Procedure for suspension or revocation of license.

See section eight, article sixteen, chapter thirty of the West Virginia Code.

4-1-19. Federation of Chiropractic Licensing Boards.

This Board shall become a member of the Federation of Chiropractic Licensing Boards. At the annual meeting of the West Virginia Board of Chiropractic Examiners the members of the Board shall appoint at least one (1) of its members as a representative to this Federation at least one (1) member as an alternative representative.

4-1-20. Advertising.

In order to extend the sphere of respect, recognition and integrity of the profession, the individual doctor of Chiropractic shall refrain from advertising or soliciting for patronage that harms the public. The Board prohibits advertising that:

- (a) Is false, fraudulent, deceptive, or misleading.
- (b) Represents intimidation or undue pressure
- (c) Guarantees any cure
- (d) Constitutes bait and switch tactics
 - 1. something free, as bait, to get patient into the office
 - 2. something free, as bait, then the procedure is switched and charges are levied on the patient for related procedures not expected by the patient during the same office visit.
- (e) makes claims of professional superiority which cannot be substantiated.
- (f) does not make it clear that services are being offered by a chiropractor, doctor of chiropractor, chiropractic physician.

The following shall be deemed appropriate means of informing the public of the availability of professional services:

- (a) informational advertising not contrary to the foregoing prohibitions.
- (b) advertising in a newspaper, periodical or professional directory of fixed prices for specific routine professional services; Provided,

That such advertisement clearly states whether additional charges may be incurred for related services which may be required in individual cases.

