

WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS
RULES AND REGULATIONS

FILED IN THE OFFICE
SECRETARY OF STATE
WEST VIRGINIA

The following rules and regulations of the West Virginia Board of Chiropractic Examiners are supplementary to the law (Art. 16, Chap. 30, Code of W. Va., 1931, as amended) governing the practice of Chiropractic in West Virginia.

THIS DATE 10/7/80

obsolete, valid 11-7-80 to 1-1-83 when Bd failed to refile in 4000-2000 with 29A-2-5

RULE 1. METHOD OF PUBLIC NOTICE

Pursuant to Chap. 30, W. VA. Code, and prior to the adoption, amendment, or rescision 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 Chap. 30, W. Va. Code, and will be by advertising one time in one newspaper of general circulation in the cities of Charleston, Wheeling, and Huntington at least (30) thirty days prior to the date set for public hearing.

RULE 2. 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.

RULE 3. OFFICERS AND THEIR DUTIES

The officers of the West Virginia Board of Chiropractic Examiners shall consist of the Chairman, Vice Chairman, and Secretary-Treasurer.

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

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 submit a monthly report of the activities of his office to the Board; to maintain a diary of all in/out correspondence (mail and/or telephone) and submit this as a part of his monthly report of activities; and such other duties as are prescribed by law and/or the Board.

RULE 4. AGENTS OF THE WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS

The Board may, at its discretion, appoint agents to represent the Board in the discharge of the duties of the Board. No such appointed agent shall initiate any action without prior approval of the Board. Any such agent will be provided a detailed job description by the Board, and will confine his activities to that job description, except where he is given specific assignments by the Board to do otherwise.

RULE 5. MEETING OF THE BOARD

The West Virginia Board of Chiropractic Examiners (2) two meetings per year on the third Thursday of May and

Location to be designated by the Board.

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.

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

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

At all special meetings of the Board anyone not a member of the Board will be prohibited to enter into discussion with the Board, unless invited by a member of the Board, or unless said person has requested permission to enter in discussion with the Board. Such request must be in writing to the Secretary of the Board and will state the nature of the 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.

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, accompanied by payment of annual fees for such notices as set by the Board.

RULE 6. BOARD APPROVED SCHOOLS OR COLLEGES

Approved schools or colleges of chiropractic will be those which have status with an accrediting agency recognized by the United States Department of Health, Education, & Welfare as an acceptable accrediting agency for granting accreditation in chiropractic education.

RULE 7. PRE-PROFESSIONAL REQUIREMENTS FOR LICENSURE BY EXAMINATION

See Art. 10, Chap. 30, Sec. 4, of the W. Va. Code.

RULE 8. APPLICATION FOR LICENSURE

(a) Application for licensure and/or examination shall include evidence of moral character, and shall include a head and shoulders photograph of the applicant, as prescribed by the Board.

(b) Certified transcripts of grades attesting to the applicant's having met all the education requirements set forth in Art. 10, Chap. 30, Sec. 4, of the W. Va. Code, shall be sent directly to the Board by the schools and/or colleges he has attended.

(c) All applications, required forms, and fees for licensure examinations must be filed with the Secretary of the Board at least (2) two weeks prior to the date of the examination. Fees shall be submitted in the form of certified check or money order.

RULE 9. EXAMINATION FOR LICENSURE

The examination for a license to practice chiropractic shall cover the following subjects: Anatomy, physiology, chemistry, pathology, bacteriology, hygiene, diagnosis, gynecology, x-ray, geriatric principles of chiropractic, jurisprudence, and physiotherapy. 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 therefore shall have paid to the board a fee of (25) twenty-five dollars.

All applicants shall be required to secure an average grade of (75) seventy-five percent in all subjects; provided, that (60) sixty percent 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 (60) sixty percent.

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 Rule 8, to retake the entire examination.

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 for refusing a license to an applicant. The proctor shall be paid a fee to be set by the board for his or her services.

RULE 10. LICENSURE OF NATIONAL BOARD DIPLOMATES

The West Virginia Board of Chiropractic Examiners will recognize holders of certificates from the National Board of Chiropractic Examiners for the purposes of reciprocity provided the certificate holder has met the education requirements as specified in the statute governing the practice of Chiropractic in West Virginia.

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

All applicants applying with diplomate status shall pay to the board (100) one hundred dollars.

RULE 11. LICENSURE BY ENDORSEMENT/RECIPROCITY

An application for license by endorsement and/or reciprocity with other states which have requirements for licensure equal to West Virginia's, may be made on forms prescribed by the Board. Such applicants will be required to appear before the West Virginia Board of Chiropractic Examiners for an interview and a clinical proficiency examination. Educational requirements as set forth in Art. 16, Chap. 30, Sec. 4, will be adhered to. Such applicants shall pay to the board (100) one hundred dollars.

RULE 12. TEMPORARY PERMITS

Temporary permits to practice chiropractic in West Virginia may be issued at the discretion of the Board; however, such permits may be suspended or revoked on the same grounds as a permanent license as stated in the statute governing the practice of chiropractic in West Virginia.

RULE 13. SPECIAL EXAMINATIONS

Applications by Diplomates of the National Board of Chiropractic Examiners and applications for licensure by endorsement and/or reciprocity may be filed at any time. The Board, at its discretion, may conduct interviews and/or clinical proficiency examinations for these applicants at any regular or special meeting of the Board.

RULE 14. 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.

RULE 15. LICENSE RENEWAL QUALIFICATIONS

(a) 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 (12) twelve (50) fifty minute hours and a minimum of (2) two days per year. Such programs must be conducted by a faculty member(s) of a Board approved school or college of chiropractic, (approved schools or colleges or chiropractic will be those which have status with an accrediting agency recognized by the United States Department of Health, Education, & 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.

(b) 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 with a list of those in attendance at such seminars.

(c) Out-of-state license holders will not be required to meet continuing education requirements for license renewal.

(d) Newly graduated doctors of chiropractic who receive their initial license 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 Art. 16, Chap. 30, Sec. 7, of the W. Va. Code.

RULE 16. SCOPE OF PRACTICE

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.

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 of this Board.

RULE 17. CONDUCT OF PRACTICE

(a) 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.

(b) All licensees, practicing chiropractic in West Virginia shall use the word(s) "chiropractic" or "chiropractor" or "chiropractic physician" or the initials "D.C." in conjunction with their names on all signs, letterheads, business cards, and/or similar items of identification.

(c) Every licensee practicing in West Virginia shall publicly and prominently display the license issued him by the West Virginia Board of Chiropractic Examiners or a photostatic copy thereof in all offices, clinics, corporations, centers, and/or similar places of business wherein he is practicing.

(d) In the conduct of practice, no person holding a license to practice chiropractic shall: (1) Knowingly maintain a professional connection or association with a person who is in violation of the Chapter or Rules of the Board, or with a person who knowingly aids, assists, procures, or advises an unlicensed person to practice chiropractic contrary to the Chapter or Rules of the Board; (2) Fail to pay license renewal fees specified in the Chapter; (3) All practitioners shall conform to and abide by the ethical code which follows: The scope of a Code of Chiropractic Ethics comprises duties and obligations of chiropractors and patients, the duties and obligations of chiropractors to each other, and the reciprocal obligations of chiropractors and the public. The transcendent principles upon which chiropractic ethics are based are these: (1) The ultimate end and object of the chiropractor's effort should be: "The greatest good for the patient." (2) The rules of conduct of chiropractor and patient, and of chiropractors toward each other, should be but facets of the Golden Rule: "Therefore all things whatsoever ye would that men should do to you, do ye even so to them."

RULE 18. 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 Art. 16, Chap. 30, Sec. 7, of the W. Va. Code.

RULE 19. 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 (50) fifty dollars for each application for authorization to form a chiropractic corporation. See Art. 16, Chap. 30, Sec. 17, W. Va. Code.

RULE 20. PROCEDURE FOR SUSPENSION OR REVOCATION OF LICENSE

See Art. 16, Chap. 30, Sec. 8, of the W. Va. Code.

RULE 21. 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 of its members as a representative to this Federation and at least one other member as an alternative representative.

RULE 22. 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:

- (1) Is false, fraudulent, deceptive or misleading.
- (2) Represents intimidation or undue pressure.
- (3) Guarantees any cure.
- (4) Constitutes bait and switch tactics.
- (5) Makes claims of professional superiority which cannot be substantiated.

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

- (1) Informational advertising not contrary to the foregoing prohibitions.
- (2) Advertising in a newspaper, periodical or professional directory of fixed prices, or a stated range of prices, for specific routine professional services, provided such advertisement clearly states whether additional charges may be incurred for related services which may be required in individual cases.

The West Virginia Board Of Chiropractic Examiners

R. W. Knotts, D.C. — Secretary
112 Robert E. Lee Avenue
Elkins, W. Va. 26241

Henry Bailey, D.C.
142 MacCorkle Avenue, S. W.
St. Albans, W. Va. 25177



Charles M. Evans, D.C.
401 Third Avenue
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George E. Pickett, M.D., M.P.H.
State Director of Health
1800 Washington Street, East
Charleston, West Virginia 25305

Chairman and Members
Legislative Rule-making Committee

Dear Chairman and Members,

You have before you, for final review, proposed regulations governing the practice of Chiropractic in West Virginia. Board members have met with Mr. Edward R. Fleming, Jr., analyst for your Committee. He has pointed out changes and typographical errors that should be changed to make the rules comply with state law.

There are several typographical errors which we respectfully request be amended in the proposed regulations before you.

1. Rule 3 - Sets out the officers of the Board and their duties. The first paragraph of Rule 3 describes the third officer as Secretary-Treasurer. The word Treasurer should be deleted.
2. Rule 8 (a) - Requires evidence of moral character. This should read "good moral character."
3. Rule 9 - Sets out the subjects to be covered by examination. The word physiotherapy should be deleted.

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There are several sections that should be amended by adding words, sentences or phrases.

1. Rule 1 - Method of notice to the public. At the end of Rule 1 following Chapter 30 West Virginia Code should be added Chapter 29, Article 3.
2. Rule 2 - At the end of Rule 2 should be added "or other acceptable means".
3. Rule 5 - Refers to meetings and special meetings. At the end of paragraph 2 should be added a letter to the Secretary of State shall be sent stating date, time, and place of meetings or special meetings.
4. Rule 5 - Last phrase of last paragraph of Rule 5 stating (accompanied by payment of annual fee for such notice as set by the Board.) should be deleted.
5. Rule 9 - At the end of third paragraph should be added this sentence. The applicant shall pay all expenses incurred by the Board for retake of any examinations.
6. Rule 9 - Last paragraph of this rule should be added the following sentence. Not to exceed the hourly rate of the clerical help employed by the Board.
7. Rule 8 (c) - Amended by adding the phrase "or other acceptable means" to the last sentence of Rule 8 (c).
8. Rule 16 - Last sentence of this rule should be added the Chapter 30, Article 16-12.

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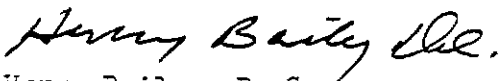
There are some rules or parts of rules we wish to withdraw. These might be re-worded and re-submitted at a later date.

1. Rule 6 - We wish to withdraw this rule. It is covered in the Code.
2. Rule 12 - Covering temporary permits. We wish to withdraw this rule.
3. Rule 13 - We wish to withdraw this rule.
4. Rule 15 (c) - We wish to withdraw this section of this rule.
5. Rule 4 - There seems to be question as to the intent of this rule. Perhaps the wording is bad. The intent was to allow the Board to hire part time clerical help to assist the Board in carrying out its duties. We wish to withdraw the wording of Rule 4 and submit the following wording.

Rule 4 - The Board may hire clerical help as needed to carry out the duties of the Board. Said personnel to be paid wages not to exceed those wages paid to state help for similar work.

We regret to have this many changes at this late date. We don't think these changes will effect the intent of the regulations to govern the smooth and orderly operation of our Board. We trust your committee will allow these changes at this point in the review procedure.

Very truly yours,



Henry Bailey, D. C.
Chairman
Board of Chiropractic Examiners

The West Virginia Board Of Chiropractic Examiners

R. W. Knotts, D.C. — Secretary
112 Robert E. Lee Avenue
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George E. Pickett, M.D., M.P.H.
State Director of Health
1800 Washington Street, East
Charleston, West Virginia 25305

May 16, 1980

The Honorable A. James Manchin
Secretary of State
State Capitol
Charleston, W. Va. 25305

*process papers
on obsolete rule
which expired on 1-1-83*

Dear Mr. Manchin:

Please find enclosed two (2) copies of the proposed rules and regulations of the West Virginia Board of Chiropractic Examiners as submitted to your office on 12-07-79.

A public hearing was held on 1-24-80, and we are submitting rules and regulations as amended as a result of that meeting.

We wish to continue with them as amended.

Sincerely,

A handwritten signature in cursive script that reads "R. W. Knotts D.C.".

R. W. Knotts, D. C., Secretary
The West Virginia Board of
Chiropractic Examiners

RWK:jt
Enc.
cc: Dr. Bailey
Dr. Ross

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SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 5-19-80