

March 6, 1969

Honorable John D. Rockefeller, IV
Secretary of State
State Capitol Building
Charleston, West Virginia

Dear Mr. Rockefeller:

Enclosed and attached hereto, please find original and one copy of the Rules and Regulations of the West Virginia Board of Chiropractic Examiners.

I would appreciate your filing them in accordance with Chapter 29A of the Code of West Virginia, as amended.

Very truly yours,

Herman L. Ballard, D.C.

Herman L. Ballard
Secretary

HLB/bjj
Enclosures (2)

*obsolete
valid 4-6-69
for ~~4-4-77~~
1-21-76*

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3/6/69

WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS
RULES AND REGULATIONS

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.

RULE 1. EXAMINATIONS

(a) The board members shall explain the regulations covering the examinations and taking of same to those qualified applicants admitted to the 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 license to an applicant. The proctor shall be paid a fee not to exceed \$15.00 per day for his or her services.

(b) Forms for applications for licenses and forms of the tests given to applicants shall be prescribed by the board from time to time. (July 18, 1966)

RULE 2. SUSPENSION, REVOCATION OR REFUSAL TO LICENSE

The board may refuse to issue a license to any person otherwise qualified or shall suspend or revoke the license of any chiropractor guilty of malpractice. For the purpose of these rules and regulations, any one of the following acts by a licensed chiropractor shall be declared as constituting malpractice:

(a) Advertising free examinations, consultations, X-rays or treatments as an inducement to secure new or additional patients.

(b) Making a public claim of superiority in education, training or skill as a chiropractor.

(c) Knowingly practicing in the employment of, or in association with, any person who is practicing in an unlawful or unprofessional manner.

(d) Allowing outside interests to conduct or hold a clinic in his office for the purpose of selling or obtaining patients for a course of treatments.

(e) Unethical advertising. Chiropractic advertising, whether through radio, television, newspapers, periodicals, directories, by direct mail, or by any other public means, shall deal strictly with the principles of chiropractic as a health science. The copies shall not be flamboyant; shall not promise cures or radical results; shall not adversely criticize other health sciences; shall not make claims that cannot be substantiated by standard laboratory and diagnostic procedures; and shall not make statements that might be construed as false or misleading.

(f) Conviction of a felony.

(g) Incompetency or gross unprofessional conduct which clearly displays unreasonable lack of skill or fidelity to performance of minimum standards of good chiropractic care.

(h) Practicing contrary to the provisions of the laws governing chiropractic. (July 18, 1966)

RULE 3. RECIPROCITY

Applicants for licenses shall be granted in accordance with the statutes of the state of West Virginia, and forms for licenses by reciprocity shall be prescribed by the board from time to time. (July 18, 1966)

RULE 4. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS

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 educational requirements as specified in the statute governing the practice of Chiropractic in West Virginia and is otherwise qualified and eligible for a license to practice chiropractic in West Virginia. (July 18, 1966)

RULE 5. TEMPORARY PERMITS

Temporary permits to practice chiropractic in West Virginia may be issued, at the discretion of the Board;

(a) In instances where the applicant indicates a desire to practice in an area of the State wherein there is not, in the opinion of the board, a sufficient number of regularly licensed chiropractors to serve the public need and maintain the public health, and then only to the following class of applicants:

(1) Graduates of Chiropractic schools or colleges who are qualified to practice chiropractic in this State and who have applied for a license to practice. The permit will be issued to applicants who qualify to take the examination prior to a regular meeting of the board and will remain in force until the applicant has taken the examination and his grades reported to him. In the

event the applicant fails one or more parts of the examination, the temporary permit will become null and void until such time as the applicant takes the examination again at which time the permit may be renewed.

(b) An applicant for a license to practice chiropractic by reciprocity may, at the discretion of the board, be granted a temporary permit to practice chiropractic until such time as the board has considered his application for a reciprocal license. In the event the board acts favorably on his application the temporary permit will be replaced by a permanent license. In the event the application is acted upon unfavorably, the temporary permit will become null and void and the applicant prohibited from practicing chiropractic in this state.

(c) A temporary permit to practice chiropractic in West Virginia 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. (July 22, 1967)

RULE 6. PROCEDURES FOR SUSPENSION OR REVOCATION

(a) Origin of cases: Cases before the West Virginia Board of Chiropractic Examiners may originate, on the motion of any member of the board or the verified complaint of any other person.

(b) All complaints shall be in writing; shall be filed with the secretary of the board in triplicate; shall state facts sufficient to justify the exercise of jurisdiction by the board, and may be accompanied by any other pertinent documents.

(c) Upon receipt of any such complaint or request, within the jurisdiction of the board, the secretary shall:

(1) Acknowledge its receipt.

(II) Give it a case number and enter it in his record book.

(III) Retain a copy of the complaint and transmit the original to the chairman of the board.

(IV) Set a time and place for hearing and forward a notice of the same together with a copy of the complaint to the accused by registered mail, return receipt requested.

(d) Thereafter, all proceedings shall be in accordance with Chapter 29 A, Article 5, West Virginia Code of 1931, as amended. (July 18, 1966)

RULE 7. DIAGNOSTIC AND ANALYTICAL INSTRUMENTS.

The West Virginia Board of Chiropractic Examiners shall annually approve a list of diagnostic and analytical instruments in accordance with Section 10, Article 16 and such approved list shall, within thirty days after approval of the same by the board, be forwarded to each licensed chiropractor and those persons who have been issued temporary permits which are valid at that time, the same to be sent via regular mail to the last known address as reflected in the files of the board.

The following list of diagnostic or analytical instruments is approved and may be used by a Doctor of Chiropractic in the State of West Virginia:

Achilliometer
 Adjusting tables--Stationary or Hy-Lo, Manual or
 Electric in mode of operation as far
 raising or lowering patient to
 position for adjusting.

Analagraph
 Arthrodial Protractors
 Baumanometer or other mercury or aneroid type blood
 pressure instruments.

Cervical Chair
 Chirometer
 Chirograph
 Chirotherm
 Derma Therma-o-graph
 Dynamometer
 Electrocardiograph
 Electrograph
 Endocardiograph
 Flexometer
 Goniometer
 Heartometer
 Hemoglobinometer
 Knee Posture Table
 Nervoscope
 Nervometer
 Neurocalograph
 Neurocalometer
 Neurotempometer
 Ophthalmoscope
 Otoscope
 Pelvic Bench
 Petechiometer
 Posture Analyzer
 Posture Constant Chairs
 Posturometer
 Reflex Hammer (Percussion Hammer)
 Sensory brush
 Spinalyzer
 Spirometer
 Stethoscope
 Thermeter
 Thermometer
 Thermoscribe
 Tuning Fork
 Visual Nerve Tracing Instrument
 Wharton's Wheel (Neurological pinwheel)
 X-ray Machine and accessories--To be used for diagnostic
 and analytical X-rays only.
 (July 22, 1967)

RULE 8. AMENDMENTS

All amendments of these rules and regulations shall be made in accordance with the procedures set forth in Chapter 29A, Article 3, West Virginia Code of 1931, as amended.