

for a failure so to do are liable to be punished for contempt. They shall obey the orders of and be bound by the admonition of the court upon each adjournment of the court; but if the regular jurors are ordered to be kept in the custody of the sheriff during the trial of the case, such alternate jurors shall also be kept in confinement with the other jurors; and except, as hereinafter provided, shall be discharged upon the final submission of the case to the jury. If, before the final submission of the case, a juror die, or become ill, so as to be unable to perform his duty, the court may order him to be discharged and draw the name of an alternate, who shall then take his place in the jury box and be subject to the same rules and regulations as though he had been elected as one of the original jurors.

Substitution  
in case of  
death or  
illness of  
juror.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate January 31, 1917.

Passed the House February 20, 1917.

Approved by the Governor March 3, 1917.

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## CHAPTER 38.

[S. B. 34.]

### REGULATING PRACTICE OF CHIROPODY.

AN ACT regulating the practice of chiropody; providing for the issuance of licenses therefor, and providing a penalty for the violation of the provisions of this act.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. For the purpose of this act the practice of chiropody is defined to be the surgical and medical treatment of bunions, corns, abnormal nails, warts, callosities and all superficial excrescences; but shall not include surgical operations upon the hands or feet for congenital or acquired deformities or conditions, requiring the uses

Chiropody  
defined.

of anaesthetics other than local, nor shall it include amputations.

SEC. 2. From and after sixty days from the taking effect of this act it shall be unlawful for any person to practice chiropody in this state without having first obtained a license so to do as in this act provided, and without having recorded such license in the office of the county clerk of the county where the licensee shall reside or practice his profession, and without having his said license on exhibition in a conspicuous place in his office or place of business.

License  
required.

SEC. 3. Licenses for the practice of chiropody shall be issued by the state board of chiropody without examination to all persons who shall within sixty days from the taking effect of this act have and maintain a fixed place of business with the necessary facilities for the sterilization of instruments, and who shall at the time of making application file with said board an affidavit to the effect that he or she has such fixed place of business, and is a resident of the state, and been engaged in the practice of chiropody in this state for at least two years prior to making application; said application to be accompanied by the certificate of two licensed physicians resident at the place of business of the applicant, to the effect that they are acquainted with the applicant and believe him or her to be a person of good moral character. Said applicant shall at the time of making application pay to the said board the sum of ten dollars (\$10.00).

License of  
existing  
practi-  
tioners.

Application  
fee.

SEC. 4. The state board of chiropody shall as herein provided examine applicants for licenses to practice chiropody and said board shall have the power to make such rules and regulations as may be necessary to properly conduct such examinations, such examinations to relate only to the following subjects: Anatomy and physiology, minor surgery and bandaging relating to the practice of chiropody; and all such examinations shall be conducted in the English language and may be written or partly written and partly oral.

Examination  
of appli-  
cants.

Record of  
licensees.

SEC. 5. The secretary of the state board of chiropody shall keep in a book kept for that purpose, a record showing the name, age, place of residence, the time spent in the study and practice of chiropody, the time spent in schools of chiropody, and the date of graduation therefrom and the degree if any, and the date and number of the license issued to such applicant, and whether the same was issued upon or without examination; and the copy of such record certified by the secretary of said board shall be *prima facie* evidence of the facts therein stated in all courts and all actions and proceedings where proof of such facts is competent.

Applications  
for license.

SEC. 6. Before any person shall be permitted to take an examination for the issuance of a license under the provisions of this act he or she shall file an application on a form to be prepared and furnished by the state board of chiropody, signed and verified by the applicant, showing that he or she is more than twenty-one years of age, and has education equivalent to at least two years in a public high school, or is a graduate of a school of chiropody requiring actual attendance of not less than eight months, and shall file a certificate signed by two licensed physicians of this state to the effect that they are acquainted with the applicant and believe him or her to be a person of good moral character. All licenses issued under the provisions of this act, whether with or without examination, shall be identical in form, and shall be numbered and recorded in the book kept for that purpose by the secretary of the state board of chiropody, and shall be signed by the president of said board, and attested by the secretary under the official seal of the board.

Re-examina-  
tions.

SEC. 7. An applicant who fails to pass an examination satisfactory to the board, and is therefor refused registration, shall be entitled at the expiration of one year from the date of the examination at which he failed, to a re-examination at a meeting of the board called for the examination of applicants, upon the payment of a fee of ten dollars (\$10.00) for each such re-examination.

SEC. 8. The minimum requirement for registration of applicants under this act shall be based upon a general average of seventy-five per cent of all the subjects involved taken collectively, and not less than fifty per cent in any one subject.

Minimum requirement.

SEC. 9. Every applicant for a license to practice chiropody shall pay to the secretary of the state board of chiropody for the use of the state the sum of twenty-five dollars (\$25.00) and a renewal for each year of one dollar (\$1.00).

License fee.

SEC. 10. It shall be deemed *prima facie* evidence of the practice of chiropody or as holding himself out as a practitioner of chiropody within the meaning of this act for any person to treat in any manner the human hand or foot by medical, surgical, or mechanical means or appliances, or to use the title "chiropodist" or any other words or letters which designate or tend to designate to the public that the person so treating or holding himself out to treat, is a chiropodist: *Provided, however,* That nothing in this act contained shall be construed or [as] conflicting with the business of a manicure in the care of the finger nails or toe nails.

Evidence of practice of chiropody.

SEC. 11. It shall be the duty of every one licensed to practice chiropody under the provisions of this act, to file his license and have the same recorded in the office of the county clerk in the county where the licensee resides or practices his profession, and the absence of such record in any county where such person shall practice or attempt to practice chiropody, shall be *prima facie* proof of the fact that such person is not licensed to practice chiropody; and it shall be unlawful for any person to practice or attempt to practice chiropody in any county without having first had his license recorded in said county as herein provided.

License to be filed with county clerk.

SEC. 12. It shall be the duty of the county clerk of each county to record in a book kept for that purpose, licenses issued under the provisions of this act and filed for

Clerk's record.

Fee.

record in his office, and to collect for such license so recorded a fee of one dollar (\$1.00), and to, at any time upon request of the state board of chiropody certify to the board a list of all licenses so recorded in his office giving the number of each license and the name of the licensee together with such other information as the board may require.

Revocation  
of license.

SEC. 13. The state board of chiropody may revoke any license under the provisions of this act upon proof being made that the holder of such license has been convicted of a violation of any of the provisions of this act, or of the commission of any crime involving moral turpitude, or that the license was procured by fraud or deceit practiced upon the board either in the presentation of any false statement as to the qualifications of the applicant or in the examination of the applicant, or for unprofessional conduct or inefficiency in the practice of his profession by the licensee; and unprofessional conduct shall include the employment of persons to solicit business for the licensee, the obtaining of any fee by fraud or misrepresentation, the wilful betrayal of professional secrets, the employment directly or indirectly of any student or unlicensed chiropodist to perform operations of any kind except dressing following an operation, advertising by means tending to deceive the public, or being habitually intemperate or grossly immoral. Before any license shall be revoked the licensee shall be furnished with a copy of the complaint or the charges against him, and be given a hearing before the state board of chiropody, and may be represented by legal counsel.

Record of  
refusals and  
revocations.

SEC. 14. In case the state board of chiropody shall refuse to grant a license upon application being made therefor under the provisions of this act, or in case the board shall revoke any license issued under the provisions of this act, the secretary of the board shall make and file in the records of this [his] office a concise statement of the grounds and reasons for such refusal or revocation, which statement together with the decision of the board in writ-

ing and signed by the president of the board shall remain a permanent record, and upon the revocation of any license as herein provided the secretary of the board shall notify the clerk of the county where such license is recorded of the fact of such revocation, and the clerk shall thereupon cancel the record in his office and note the fact that such license has been revoked.

Notice to county clerk.

SEC. 15. Any person feeling himself aggrieved by the order of the state board of chiropody in refusing to grant him a license or in revoking his license shall have the right to appeal to the superior court of the county where the meeting of the board was held at which the order refusing to grant a license, or revoking a license was entered.

Appeals to superior court.

SEC. 16. It shall be unlawful for any persons licensed to practice chiropody under the provisions of this act to use, advertise or display the title "doctor" or its synonyms independent of the title "chiroprapist" or its synonyms, and it shall be unlawful for any person to exhibit as his own any license that has not been issued to him.

Use of title "doctor."

SEC. 17. No person practicing chiropody in this state shall use any instruments which have not been thoroughly sterilized by methods approved by the state board of chiropody, since using them on some other person.

Sterilization of instruments.

SEC. 18. Nothing in this act contained shall be construed as preventing any licensed physician, surgeon, osteopath or other person licensed to treat the sick and afflicted, from treating the hands or feet by the methods and means permitted by his license, nor to prevent the domestic administration of family remedies, nor shall this act be construed to discriminate against any particular school of medicine or surgery or osteopathy and surgery, or any licensed system or mode of treating the sick or afflicted, or to interfere in any way with the practice of religion: *Provided*, That nothing herein shall be held to apply to or to regulate any kind of treatment by prayer.

Act not to affect practice of physicians and surgeons.

SEC. 19. If any provision of this act shall be held void or unconstitutional, all other provisions and all other sec-

Partial invalidity.

tions of the act which are not expressly held to be void or unconstitutional shall continue in full force and effect.

SEC. 20. Within thirty days after the taking effect of this act there shall be appointed by the governor a state board of chiropody consisting of three chiropodists in active practice within the State of Washington for at least two years, whose duties shall be as prescribed in the preceding sections of this act. Said board shall be appointed for a term of four years without salary, but shall be paid their actual traveling expenses when engaged in the work as herein provided, upon proper vouchers approved by the state auditor. All sums paid for licenses and examinations shall be paid into the state treasury in a separate fund and shall be paid out only upon warrants drawn by the state auditor, but in no case shall the amounts paid exceed the amounts obtained for licenses and examinations. Said board shall meet on the eighteenth day of July, 1917, and organize by electing a president and secretary, each of whom shall hold his office for four years, vacancies to be filled in the usual manner, and thereafter said board shall meet once every six months alternately at Seattle, Spokane and Tacoma for the purpose of holding examinations as herein provided, the time and place of said examinations to be given applicants by mail. The headquarters of said board shall be the place of residence of the secretary and each officer shall take the oath prescribed by law for public officers.

SEC. 21. Every person violating or failing to comply with the provisions of this act shall be guilty of a misdemeanor and punished accordingly.

Passed the Senate February 15, 1917.

Passed the House February 23, 1917.

Approved by the Governor March 5, 1917.

State  
board of  
chiropody.

Appoint-  
ment of  
board.

Meetings.

Violations  
of act.