

room, who wilfully and knowingly permits therein any assemblage of persons prohibited by the provisions of section 3 of this act, or who, after notification by the sheriff of the county or the police authorities that the premises are so used, permits such use to be continued, is guilty of a misdemeanor and punishable by imprisonment in the county jail for not more than one year or by a fine of not more than five hundred dollars (\$500.00) or both.

Penalty.

Passed the Senate February 26, 1917.

Passed the House March 6, 1917.

Vetoed by the Governor March 20, 1917.

Passed over the Governor's veto January 14, 1919.

CHAPTER 4.

[H. B. 390, Session of 1917.]

REGULATING PRACTICE OF OSTEOPATHY.

AN ACT to regulate the system, method or science of healing known as osteopathy as taught and practiced by graduates of schools of osteopathy and surgery recognized by the Association of Osteopathic Colleges and creating a board of examination and registration for the regulation of the same and providing penalties for the violation of this act and declaring that this act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

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

SECTION 1. There is hereby created a board of osteopathic examiners of the State of Washington to consist of five members, who shall be licensed active practitioners of osteopathy in this state. Within thirty days after the passage of this act the Governor shall appoint five members to this board. The Governor shall also have the power to fill any and all vacancies. The appointment of each member

Board of
examiners.

shall be for a term of three years, and until his successor is appointed and qualified: It shall require the affirmative vote of the majority of the members of said board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize the issuance of any certificate as in this act provided.

SEC. 2. Each member of said board shall before entering upon the duties of his office, take the constitutional oath of office, and shall, in addition, make oath that he is a graduate of a school giving a regular course in osteopathy and surgery and a licensed practitioner of osteopathy of this state. The president and secretary-treasurer shall be empowered to administer the oath of office.

Oath of office.

SEC. 3. Said board shall be organized on or before the fifteenth day of June, 1917, by electing from its members a president, vice-president and secretary-treasurer who shall hold their respective positions during the pleasure of said board. Said board shall hold its regular meetings on the first Tuesday of January and July of each year, alternating between the eastern and western part of the State of Washington, excepting that the first meeting shall be held the first Tuesday in August 1917. Special meetings of the board may be held at such time and place as the board may designate.

Organization and meetings.

SEC. 4. Two forms of certificates shall be issued by said board under the seal thereof, and signed by the president and secretary-treasurer: First, a certificate authorizing the holder thereof to practice osteopathy; second, a certificate authorizing the holder thereof to practice osteopathy and surgery.

Certification.

In order to procure a certificate to practice osteopathy, the applicant for such certificate must file with said board at least thirty days prior to a regular meeting thereof, satisfactory testimonials of

Practice of osteopathy, qualifications.

good moral character, and a diploma issued by some legally chartered school of osteopathy and surgery, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of Osteopathic Colleges for that year, or satisfactory evidence of having possessed such diploma, and he must file with such diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made upon a blank furnished by said board, and it shall contain such information concerning said medical instruction and the preliminary education of the applicant as said board may by rule provide: Applicants who have failed to meet the requirements must be rejected.

Application.

Practice of
osteopathy
and surgery,
qualifica-
tions.

An applicant for a license to practice osteopathy and surgery must furnish evidence that he has served for not less than one year as interne in a thoroughly equipped hospital which shall have had at least twenty-five beds for each interne devoted to the treatment of medical, surgical, gynecological and special diseases, and he also must have had a service of six weeks, or the equivalent thereof in the maternity department of the same or some other hospital, during which time he shall have attended or participated in the attendance upon not less than six confinements. He shall furnish evidence that he has had sufficient experience in and a practical working knowledge of pathology, and the administering of anaesthetics: *Provided* That when an applicant who has graduated before July, 1917, has not completed one year as interne as above provided, he

must furnish evidence that he has been engaged in the active practice of osteopathy for a period of at least two years prior to that date: *Provided further*, That any person holding a valid unrevoked certificate to practice osteopathy in the State of Washington who is a graduate of a college recognized by the Association of Osteopathic Colleges and desiring a certificate to practice osteopathy and surgery shall be examined in surgery and the management of surgical cases (including anaesthetics) and be granted said certificate if satisfactorily passing said examination.

SEC. 5. In addition to the requirements above set forth, such applicants for a certificate must be personally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice osteopathy, and shall be in whole or in part in writing on the following fundamental subjects, to-wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry, toxicology, physiology, obstetrics, general diagnosis, hygiene, principles and practice of osteopathy and any other branches thereof that the board shall deem advisable. *Provided*, That those seeking a certificate to practice osteopathy and surgery shall also taken [take] an examination in surgery and the management of surgical cases (including anaesthetics) before being granted said certificate. Examination in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. All applicants must obtain not less than sixty per cent in any one subject. The examination papers shall form a part of the records of the board and shall be kept on file by the secretary for a period of one year after examination. In said examination the applicant shall be known and designated by number

Examination
of applicants.

only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application.

Examination
and license
fees.

SEC. 6. Each applicant on making application shall pay the secretary-treasurer of the board a fee of twenty-five dollars (\$25.00) which shall be paid to the State Treasurer by said secretary-treasurer and used to defray the expenses and compensation of said board. In case the applicant's credentials are insufficient, or in case he does not desire to take the examination, the sum of fifteen dollars (\$15.00) shall be returned. All persons licensed to practice osteopathy or osteopathy and surgery within this state who are engaged in active practice shall pay on or before the first day of May of each year to the secretary-treasurer of the said board a renewal license fee of five dollars (\$5.00), except that the first payment after the passage of this act shall be paid on or before the first day of August 1917. This fee shall be reduced to two (\$2.00) dollars after 1925. Licenses not so renewed will not be valid. The secretary-treasurer shall thirty (30) days or more before May 1st of each year mail to all active practitioners of osteopathy or osteopathy and surgery in this state at their last known address a notice of the fact that the renewal fee will be due on or before the first of May: except that the first notice after the passage of this act shall be sent on or before July 11, 1917. Nothing in this act shall be construed so as to require that the receipt shall be recorded as original licenses are required to be recorded.

Annual
license fee.

Disposition
of fees.

All money received or collected by said board or any member or officer thereof, during any month, shall be turned over, before the tenth day of the succeeding month to the State Treasurer together with a verified statement showing the sources from which such money was derived. The secretary-treas-

urer of said board shall give surety bond to be approved by and deposited with the auditor of the state, in the sum of one thousand dollars (\$1,000), the cost of said bond shall be paid by the state.

Bond by secretary-treasurer.

Each member of said board shall receive a compensation of five dollars (\$5.00) per day for each day in which he is actually and necessarily engaged in attendance upon meetings of the board, in going to and returning from the place of meeting, and all necessary expenses incurred in attending such meetings. All such compensation and expenses, and all other expenses incident to the execution of the provisions of this act shall be paid by the State Treasurer upon warrants drawn by the State Auditor upon the presentation of proper vouchers to be approved by a majority of said board, as in the case of state officers: *Provided* The expense does not exceed the receipts of said board. The secretary-treasurer of said board shall receive a compensation to be determined by said board not to exceed fifty (\$50.00) dollars per annum.

Per diem and traveling expenses of board.

Compensation of secretary-treasurer.

SEC. 7. Said board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act, with the result of such application. Said record shall be evidence of all the proceedings of said board which are set forth therein.

Records of board.

SEC. 8. Every person holding a certificate authorizing him to practice osteopathy or osteopathy and surgery in this state, must have it recorded in the office of the county clerk of the county in which the holder of said certificate is practicing his profession, and the fact of such recording shall be indorsed on the certificate by the county clerk recording the same. Every such person, on each change of his residence, must have the certificate recorded in the county to which he shall have changed his

Recordation of certificates.

residence. The absence of such record shall be *prima facie* evidence of the want of possession of such certificate. And any person holding a certificate to practice osteopathy or osteopathy and surgery in this state who shall attempt to practice osteopathy or osteopathy and surgery in this state without first having filed his certificate with the county clerk as herein provided, shall be guilty of a misdemeanor.

Penalty for failure to record.

SEC. 9. The county clerk shall keep in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours. The county clerk shall forthwith give written notice to the secretary of the board, notifying him of the name of each licensee recorded after this act shall go into effect, together with the date of such recording.

County clerk's record and duties.

SEC. 10. Said board must refuse a certificate to any applicant guilty of unprofessional conduct; but before such refusal the applicant must be cited by citation, signed by the secretary-treasurer of the board, and sealed with its seal. No such citation shall be issued except upon a sworn complaint filed with the secretary-treasurer of the board, charging the applicant with having been guilty of unprofessional conduct, and setting forth the particular act constituting such unprofessional conduct. On filing of such complaint the secretary-treasurer must forthwith issue a citation and make the same returnable at a regular or special meeting of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant of the time and place when and where the matter of said unprofessional conduct shall be heard, the particular unprofessional conduct with which the applicant is charged, and that the applicant shall file his written answer, under oath, within

Refusal of certificate for unprofessional conduct.

Procedure.

twenty days next after service upon him of said citation, or default will be taken against him, and his application for certificate refused. The attendance of witnesses at such hearing shall be compelled by subpoenas issued by the secretary-treasurer of the board under its seal; and said secretary-treasurer shall in no case refuse to issue any such subpoena, upon a fee of twenty cents being paid him for each subpoena. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of summons and subpoenas generally and all provisions of the statutes of this state then in force relating to subpoenas are hereby made applicable to the subpoenas provided for herein. If any person refuses to obey a subpoena served upon him in accordance with the statutes of this state then in force providing for the manner of service [of] subpoenas, the fact of such refusal shall be certified by the secretary-treasurer of said board, under the seal thereof, to the superior court of the county in which the service was had and the said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempt for disobedience of process of the court, and should said court find that the subpoena had been legally served and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, testimonies of witnesses may be taken, the same as in civil cases, and all the provisions of the statutes of this state then in force as to the taking of testimony are hereby made applicable to the taking of depositions under this section. If the applicant shall fail to file with the secretary-treasurer of said board his answer, under oath, to the charges made against him, within twenty

days after service on him of said citation or within such further time as the board may give him, and the charges on their face be deemed sufficient by the board, default shall be entered against him and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. No certificate shall be refused on the grounds of unprofessional conduct unless the applicant has been guilty of such conduct within two years next preceding his application. Whenever any holder of a certificate to practice osteopathy or osteopathy and surgery in this state is guilty of unprofessional conduct, as the same is defined in this act, and said unprofessional conduct has been brought to the attention of the board in the manner hereinafter pointed out, or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, it shall be their duty to, and they must, revoke the same at once, and the holder of said certificate shall not be permitted to practice osteopathy or osteopathy and surgery in this state. But no revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary-treasurer in all cases of revocation shall enter on his register the fact of such revocation and shall certify the fact of such revocation under the seal of the board, to the county clerk of each county in which the certificate of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register the certificate of such person,

Certificates procured by fraud or mistake to be revoked.

Revocations certified to county clerk.

the following: "This certificate was revoked on the — day of —, —." giving the day, month and year of revocation in accordance with certification to him by the secretary-treasurer. The record of such revocation so made by said county clerk shall be *prima facie* evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said revocation. From the time of the revocation of a certificate the holder thereof shall be disqualified from practicing osteopathy or surgery in this state.

SEC. 11. The words "unprofessional conduct," as used in this chapter, are hereby declared to mean: Unprofessional conduct defined.

First. The procuring, or aiding or abetting in procuring a criminal abortion.

Second. The willfully betraying of a professional secret.

Third. All advertising of any kind or character other than the carrying of a professional card, window or street sign.

Fourth. All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed.

Fifth. Conviction of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.

Sixth. Habitual intemperance.

Seventh. The personation of another licensed practitioner of a like or different name.

Eighth. Exploiting or advertising through the press, or by the use of handbills, circulars or other periodicals, other than professional cards, giving only name, address, profession, office hours and telephone connections.

SEC. 12. In any case of the refusal or revocation of a license by said board under the provisions of this act, said board shall file a brief and concise Record of revocation and refusal of licenses.

statement of the grounds and reasons for such refusal or revocation in the office of the secretary-treasurer of said board, which said statement, together with the decision of said board, in writing, shall remain of record in said office.

SEC. 13. In any case of the refusal or revocation of a license by said board under the provisions of this act, the applicant whose application shall be so refused, and the licentiate whose license shall be so revoked by said board, shall have the right to appeal from the decision so refusing or revoking such license within thirty days after the filing of such decision in the office of the secretary-treasurer of said board, as hereinbefore in this chapter provided. Such appeal shall be to the superior court in and for the county in which was held the last general meeting of said board, prior to the refusal of such license, in the case of such refusal; and to the superior court in and for the county in which the hearing was had upon which such license was revoked, in case of such revocation. In any case a person desiring to take such appeal shall serve or cause to be served upon the secretary-treasurer of said board, a written notice of such appeal, which shall contain a statement of the grounds of such appeal, and shall file in the office of such secretary-treasurer an appeal bond, with good and sufficient surety, to be approved by said secretary-treasurer to the State of Washington, conditioned for the speedy prosecution of such appeal, and the payment of such cost as may be adjudged against him upon such appeal. Said secretary-treasurer shall within ten (10) days after the service of said notice of appeal, and the filing and approval of said appeal bond, transmit to the clerk of the superior court to which such appeal is taken, a certified copy, under the seal of said board, of the decision of said board, and the grounds thereof in the case of the refusal

Appeals
from action
of board.

Transcript
of board
proceedings
filed in su-
perior court.

of the license; and in addition thereto, a certified copy under such seal of the complaint in the case of the revocation of a license, together with the bond and notice of appeal. The clerk of such court shall thereupon docket such appeal causes, and they shall stand for trial in all respects as ordinary civil actions, and like proceedings be had thereon. Upon such appeal said cause shall be tried *de novo*. Either party may appeal from the judgment of said superior court to the supreme court of the state in like manner as in civil actions within sixty (60) days after the rendition and entry of such judgment in said superior court. If such judgment shall be in favor of the party appealing from the decision of said board, and in case said examining board does not appeal from said judgment within sixty (60) days, then in that case, said board shall, at the end of said sixty (60) days, and immediately upon the expiration thereof, issue to such successful party the usual license to practice osteopathy or osteopathy and surgery in this state, and in addition thereto, shall reinstate upon the records of said board the name of such successful applicant, in case of the revocation of his license by such board. In case of such appeal to the supreme court by said board, no such license shall be issued nor reinstatement be required until the final determination of said cause, and as hereinafter provided. In case the final decision of the supreme court be against said medical examining board, then, and in that case, said court shall make such order in the premises as may be necessary, and said board shall act accordingly: *Provided*, That in no case shall an appeal bond be required of said board, nor shall any costs be adjudged or taxed against the same.

Appeal to
supreme
court.

Costs not
taxable to
board.

SEC. 14. Any person who shall practice or attempt to practice, or hold himself out as practicing osteopathy or osteopathy and surgery in this state,

Illegal prac-
tice a mis-
demeanor.

without having, at the time of so doing, a valid, unrevoked certificate as provided in this act, shall be guilty of a misdemeanor. In each such conviction the fine shall be paid, when collected, to the State Treasurer, and shall constitute a special fund to be used by the board created in this act, for the prosecution of illegal practitioners as defined in this act, and the said board is authorized to prosecute all persons guilty of a violation of the provisions of this act.

Disposition of fines.

SEC. 15. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in such certificate, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

False personation of certificate holder.

SEC. 16. Any person assuming to act as a member of the state board of osteopathic examiners without so being, or who shall sign, or subscribe, or issue, or cause to be issued, or seal, or cause to be sealed, a certificate authorizing any person to practice osteopathy or osteopathy and surgery in this state, shall be guilty of a misdemeanor.

Wrongfully acting as board member.

SEC. 17. Any person who holds a license authorizing him to practice osteopathy from a board of medical examiners heretofore existing, under the provision of any laws of this state, past or present, shall be entitled to practice osteopathy in this state the same as if issued under this act: *Provided*, That all licenses herein mentioned may be revoked for unprofessional conduct, in the same manner and upon the same grounds as if issued under this act. *Provided, further*, That the term osteopathy, as used in this act, shall be held to be the practice and procedure as taught and recognized by the regular

Licenses under pre-existing laws.

Recognized practice of osteopathy.

colleges of osteopathy. *Provided, further,* That no one shall be permitted to practice surgery who has not a license therefor.

SEC. 18. All persons granted licenses or certificates under this act shall be subject to the state and municipal regulations relating to the control of contagious diseases, the reporting and certifying to births and deaths, and all matters pertaining to public health; and all such reports shall be accepted as legal.

Subject to health regulations.

SEC. 19. Nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies, or the practice of midwifery; nor shall this act apply to any commissioned medical officer in the United States army, navy, or marine hospital service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry; nor shall this act apply to any practitioner from any other state or territory in which he resides. *Provided,* That such practitioner shall not open an office or appoint a place of meeting patients or receive calls within the limits of this state.

Persons exempt from provisions of act.

This act shall not be construed to apply in any manner to any other system or method of treating the sick or afflicted or to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer.

Scope of act.

SEC. 20. On all cards, signs, letter heads, envelopes and bill heads used by those licensed by this act to practice osteopathy or osteopathy and surgery the word "osteopathic" shall always immediately precede the word "physician" and if the word "surgeon" is used in connection with said name, the word "osteopathic" shall also immediately precede said word "surgeon."

Advertising matter to carry word "osteopathic."

Interchange-
able terms. SEC. 21. The words "certificates" and "li-
censes" shall be known as interchangeable terms in
this act.

Repealing
clause. SEC. 22. All acts and parts of acts in conflict
herewith are hereby repealed.

Emergency. SEC. 23. This act is necessary for the immediate
preservation of the public peace, health and safety,
and shall take effect immediately.

Passed the House February 24, 1917.

Passed the Senate March 5, 1917.

Vetoed by the Governor March 17, 1917.

Passed over the Governor's veto January 21,
1919.

CHAPTER 5.

[H. B. 61, Session of 1917.]

REGULATING CHIROPRACTIC PRACTICE.

AN ACT to authorize and regulate the practice of Chiropractic, to provide for the licensing and examination of Chiropractors, to create a state board of examination and registration, to provide for the appointment of same, to establish rules and regulations governing said board, to provide a curriculum, and establish a standard of efficiency, to provide prerequisites and establish a fee for examination, to provide for the disposal of the fund arising from said fee, to regulate the holding of meetings of said board and issuance of license to practice Chiropractic, to provide a penalty for practicing Chiropractic without a license as provided by this act, and to repeal all acts and parts of acts in conflict herewith.

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

Board of
examiners. SECTION 1. That there is hereby created and
established a board to be known by the name and
style of the state board of chiropractic examiners,
and said board shall be composed of three (3) prac-
ticing chiropractors of integrity and ability, who
shall be residents of the state for a period of at