

board for its use in setting the amount of the contributions to the various insurance programs by departments, divisions, and separate agencies of state government.

Passed the House March 14, 1975.

Passed the Senate May 5, 1975.

Approved by the Governor May 13, 1975.

Filed in Office of Secretary of State May 13, 1975.

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CHAPTER 39

[Substitute House Bill No. 651]

CHIROPRACTIC DISCIPLINARY PROCEEDINGS

AN ACT Relating to chiropractic disciplinary proceedings; amending section 3, chapter 171, Laws of 1967 as amended by section 12, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.030; amending section 11, chapter 171, Laws of 1967 and RCW 18.26.110; amending section 12, chapter 171, Laws of 1967 and RCW 18.26.120; amending section 13, chapter 171, Laws of 1967 and RCW 18.26.130; amending section 16, chapter 171, Laws of 1967 and RCW 18.26.160; amending section 17, chapter 171, Laws of 1967 and RCW 18.26.170; amending section 18, chapter 171, Laws of 1967 and RCW 18.26.180; amending section 27, chapter 171, Laws of 1967 and RCW 18.26.270; adding new sections to chapter 18.26 RCW; repealing section 26, chapter 171, Laws of 1967 and RCW 18.26.260; and declaring an emergency.

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

Section 1. Section 3, chapter 171, Laws of 1967 as amended by section 12, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.030 are each amended to read as follows:

The term "unprofessional conduct" as used in this chapter and chapter 18.25 RCW shall mean the following items or any one or combination thereof:

(1) Conviction in any court of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence;

(2) Fraud or deceit in the obtaining of a license to practice chiropractic;

(3) All advertising of chiropractic practice or business (~~which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety~~), other than professional cards, telephone listings, window and street signs, announcements of office openings or change in locations, as regulated by the board: PROVIDED, That nothing in this section shall prohibit public relations material which is distributed in a licensee's office or directly to a bona fide patient of a licensee: PROVIDED FURTHER, That any such public relations material does not have a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety;

(4) The impersonation of another licensed practitioner;

(5) Habitual intemperance;

(6) The wilful betrayal of a professional secret;

(7) Acts of gross misconduct in the practice of the profession;

(8) Aiding or abetting an unlicensed person to practice chiropractic;

(9) A declaration of mental incompetency by a court of competent jurisdiction;

(10) Failing to differentiate chiropractic care from any and all other methods of healing at all times;

(11) Practicing contrary to laws regulating the practice of chiropractic;

(12) Unprofessional conduct as defined in chapter 19.68 RCW;

(13) Violation of any ethical standard as established by the board;

(14) Suspension or revocation of license to practice chiropractic by competent authority in any state or foreign jurisdiction;

(15) Incompetency to practice chiropractic by reason of illness, drunkenness, excessive use of controlled substances, chemicals, or any other type of material or as a result of any mental or physical condition.

Sec. 2. Section 11, chapter 171, Laws of 1967 and RCW 18.26.110 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter;

(2) To establish and promulgate by rules and regulations ethical standards for the chiropractic profession including, but not limited to, regulations relating to advertising, or excessive charging for professional services;

(3) To investigate all complaints and charges of unprofessional conduct against any holder of a license to practice chiropractic and to hold hearings to determine whether such charges are substantiated or unsubstantiated;

~~((3))~~ (4) To employ necessary stenographic or clerical help;

~~((4))~~ (5) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;

~~((5))~~ (6) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding.

Sec. 3. Section 12, chapter 171, Laws of 1967 and RCW 18.26.120 are each amended to read as follows:

Any person, firm, corporation, or public officer may submit a written complaint to the secretary charging the holder of a license to practice chiropractic with unprofessional conduct, specifying the grounds therefor. If the board determines that such complaint merits consideration, or if the board shall have reason to believe, without a formal complaint, that any holder of a license has been guilty of unprofessional conduct, the chairman ~~((shall))~~ may designate three members to serve as a committee to hear and report upon such charges, or the board may sit as a whole to hear such charges, or the board may designate a hearing officer to hear and report to the board upon such charges.

Sec. 4. Section 13, chapter 171, Laws of 1967 and RCW 18.26.130 are each amended to read as follows:

~~((When a hearing committee is named))~~ Prior to any hearing being conducted, the secretary or the attorney for the board shall prepare a specification of the charge or charges of unprofessional conduct made against a license holder, a copy of which shall be served upon the accused, together with a notice of the hearing.

Sec. 5. Section 16, chapter 171, Laws of 1967 and RCW 18.26.160 are each amended to read as follows:

If a hearing officer or hearing committee has been appointed, within a reasonable time after holding a hearing, the hearing committee or hearing officer shall make a written report of its findings of fact and its recommendations, and the same shall be forthwith transmitted to the secretary, with a transcript of the evidence.

Sec. 6. Section 17, chapter 171, Laws of 1967 and RCW 18.26.170 are each amended to read as follows:

If a hearing officer or hearing committee has been appointed, and the board deems it necessary, the board may, after further notice to the accused, take further testimony at a second hearing before the full board(~~(; conducted as provided for hearings before the three man hearing committee)~~).

Sec. 7. Section 18, chapter 171, Laws of 1967 and RCW 18.26.180 are each amended to read as follows:

In any event, whether the board makes its determination on the findings of the ~~((hearing committee or on the findings of the committee as supplemented by a second hearing before the board))~~ board acting as a whole, or on the findings of the hearing officer or the hearing committee, or on the findings of the hearing officer or the hearing committee as supplemented by a second hearing before the board, the board shall determine the charge or charges upon the merits on the basis of the evidence in the record before it.

Sec. 8. Section 27, chapter 171, Laws of 1967 and RCW 18.26.270 are each amended to read as follows:

The procedure governing appeals to the superior court under ~~((Title 51 RCW, as amended))~~ chapter 34.04 RCW, the Administrative Procedure Act, shall govern in matters of appeal from a decision of the board(~~(; insofar as applicable and to the extent such procedure is not inconsistent with the type of review provided in this chapter)~~).

**NEW SECTION.** Sec. 9. In enforcing any provision of this 1975 amendatory act relating to the competency of a chiropractor to practice chiropractic, the board shall, upon probable cause, have authority to compel a chiropractor to submit to a mental or physical examination. Failure of a chiropractor to submit to such examination when directed shall constitute an admission of the allegations against him unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence: **PROVIDED, HOWEVER,** That upon request a chiropractor may obtain an independent mental or physical examination by a licensed physician of his choice, and the results of such examination shall also be considered by the board.

For the purposes of this section, every chiropractor licensed under this chapter who shall accept the privilege to practice chiropractic in this state shall by so practicing or by the making and filing of annual registration to practice chiropractic in this state, be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and, further, to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.

In any proceeding under this section, neither the record of proceedings nor the orders entered by the board shall be used against a chiropractor in any other proceeding.

NEW SECTION. Sec. 10. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 9 and 10 of this 1975 amendatory act shall be added to chapter 18.26 RCW.

NEW SECTION. Sec. 12. Section 26, chapter 171, Laws of 1967 and RCW 18.26.260 are each hereby repealed.

NEW SECTION. Sec. 13. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 26, 1975.

Passed the Senate May 5, 1975.

Approved by the Governor May 13, 1975.

Filed in Office of Secretary of State May 13, 1975.

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CHAPTER 40

[House Bill No. 130]

SMALL CLAIMS COURT—JUDGMENTS

AN ACT Relating to justice courts; and amending section 11, chapter 187, Laws of 1919 as amended by section 2, chapter 128, Laws of 1973 and RCW 12.40.110.

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

Section 1. Section 11, chapter 187, Laws of 1919 as amended by section 2, chapter 128, Laws of 1973 and RCW 12.40.110 are each amended to read as follows:

The judgment of said court shall be conclusive. If the ~~((defendant))~~ losing party fails to pay the judgment according to the terms and conditions thereof within twenty days, and the prevailing party so notifies the court, the justice before whom such hearing was had shall certify such judgment in substantially the following form:

Washington.

In the Justice's Court of ..... County, before ..... Justice of the Peace for ..... Precinct.

..... Plaintiff,

vs.

..... Defendant.

In the Small Claims Department.

This is to certify that in a certain action before me, the undersigned, had on this the ..... day of ..... 19.., wherein ..... was plaintiff and ..... defendant, jurisdiction of said defendant having been had