

Uncooked poultry is deemed to be misbranded if it is produced outside of this state but the label for the poultry contains the geographic outline of this state.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 14, 1989.

Passed the Senate April 13, 1989.

Approved by the Governor May 5, 1989.

Filed in Office of Secretary of State May 5, 1989.

CHAPTER 258

[Substitute House Bill No. 1958]

CHIROPRACTIC—MEMBERSHIP OF BOARDS AND LICENSING REQUIREMENTS REVISED

AN ACT Relating to board membership and licensing requirements; amending RCW 18.25.015, 18.25.017, 18.25.020, 18.25.030, 18.25.070, 18.25.090, 18.26.010, 18.26.020, 18.26.040, 18.26.070, and 18.26.090; and adding new sections to chapter 18.25 RCW.

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

Sec. 1. Section 1, chapter 53, Laws of 1959 as last amended by section 49, chapter 279, Laws of 1984 and RCW 18.25.015 are each amended to read as follows:

There is hereby created a state board of chiropractic examiners consisting of five practicing chiropractors and one consumer member to conduct examinations and perform duties as provided in this chapter.

Members of the board shall be appointed by the governor, who may consider such persons who are recommended for appointment by chiropractic associations of this state. For at least five years preceding the time of their appointment, and during their tenure of office, the members of the board must be actual residents of Washington(~~(-licensed to practice chiropractic in this state;))~~) and must be citizens of the United States. In addition, the doctors of chiropractic shall have been engaged in the active licensed practice of chiropractic in this state for a minimum of five years.

Appointments shall be for a term of ~~((three))~~ five years. Vacancies of members shall be filled by the governor as in the case of original appointment, such appointee to hold office for the remainder of the unexpired term. No board member shall serve more than two consecutive full terms.

A simple majority of the board members shall constitute a quorum of the board.

***Sec. 2. Section 2, chapter 53, Laws of 1959 as last amended by section 23, chapter 259, Laws of 1986 and RCW 18.25.017 are each amended to read as follows:**

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a ~~((secretary))~~ vice-chairman from its members. Meetings shall be held at least once a year at such place as the director of licensing shall determine, and at such other times and places as he or she deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall be compensated in accordance with RCW ~~((43.03-240))~~ 43.03.250 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, all to be paid out of the ~~((general fund))~~ health professions account on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

***Sec. 2 was vetoed, see message at end of chapter.**

Sec. 3. Section 5, chapter 5, Laws of 1919 as last amended by section 14, chapter 7, Laws of 1985 and RCW 18.25.020 are each amended to read as follows:

(1) Any person not now licensed to practice chiropractic in this state and who desires to practice chiropractic in this state, before it shall be lawful for him or her to do so, shall make application therefor to the director, upon such form and in such manner as may be adopted and directed by the director. Each applicant who matriculates to a chiropractic college after January 1, 1975, shall have completed not less than one-half of the requirements for a baccalaureate degree at an accredited and approved college or university and shall be a graduate of a chiropractic school or college accredited and approved by the board of chiropractic examiners and shall show satisfactory evidence of completion by each applicant of a resident course of study of not less than four thousand classroom hours of instruction in such school or college. Applications shall be in writing and shall be signed by the applicant in his or her own handwriting and shall be sworn to before some officer authorized to administer oaths, and shall recite the history of the applicant as to his or her educational advantages, his or her experience in matters pertaining to a knowledge of the care of the sick, how long he or she has studied chiropractic, under what teachers, what collateral branches, if any, he or she has studied, the length of time he or she has engaged in clinical practice; accompanying the same by reference therein, with any proof thereof in the shape of diplomas, certificates, and shall accompany said application with satisfactory evidence of good character and reputation.

(2) There shall be paid to the director by each applicant for a license, a fee determined by the director as provided in RCW 43.24.086 which shall

accompany application and a fee determined by the director as provided in RCW 43.24.086, which shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.

Sec. 4. Section 6, chapter 5, Laws of 1919 as last amended by section 10, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.030 are each amended to read as follows:

Examinations for license to practice chiropractic shall be made by the board of chiropractic examiners according to the method deemed by it to be the most practicable and expeditious to test the applicant's qualifications. Such application shall be designated by a number instead of his or her name, so that the identity shall not be discovered or disclosed to the members of the examining committee until after the examination papers are graded.

All examinations shall be in whole or in part in writing, the subject of which shall be as follows: Anatomy, physiology, ~~((hygiene, symptomatology, neurology, spinal pathology))~~ spinal anatomy, microbiology-public health, general diagnosis, neuromuscularskeletal diagnosis, x-ray, principles of chiropractic and adjusting, as taught by chiropractic schools and colleges. The board shall administer a practical examination to applicants which shall consist of diagnosis, principles and practice, x-ray, and adjustive technique consistent with chapter 18.25 RCW. A license shall be granted to all applicants ~~((who shall correctly answer))~~ whose score over each subject tested is seventy-five percent ~~((of all questions asked, and if any applicant shall fail to answer correctly seventy percent of the questions on any branch of said examination, he or she shall not be entitled to a license))~~. The board may enact additional requirements for testing administered by the national board of chiropractic examiners.

Sec. 5. Section 10, chapter 5, Laws of 1919 as last amended by section 17, chapter 7, Laws of 1985 and RCW 18.25.070 are each amended to read as follows:

(1) Every person practicing chiropractic shall, as a prerequisite to annual renewal of license, submit to the director at the time of application therefor, satisfactory proof showing attendance of at least twenty-five hours during the preceding ~~((three-year))~~ twelve-month period, at one or more chiropractic symposiums which are recognized and approved by the board of chiropractic examiners: PROVIDED, That the board may, for good cause shown, waive said attendance. The following guidelines for such symposiums shall apply:

(a) ~~((Symposiums which shall be approved by the board for licensees practicing or residing within the state of Washington are those sponsored or conducted by any chiropractic association in the state or an approved chiropractic college or other institutions or organizations which devote themselves to lectures or demonstrations))~~ The board shall set criteria for the

course content of educational symposia concerning matters which are recognized ~~((in))~~ by the state of Washington chiropractic licensing laws; it shall be the licensee's responsibility to determine whether the course content meets these criteria;

(b) The board shall adopt standards for distribution of annual continuing education credit requirements;

(c) Rules shall be adopted by the board for licensees practicing and residing outside the state who shall meet all requirements established by the board by rules and regulations.

(2) Every person practicing chiropractic within this state shall pay on or before ~~((the first day of September of each year))~~ his or her birth anniversary date, after a license is issued to him or her as herein provided, to said director a renewal license fee to be determined by the director as provided in RCW 43.24.086. The director shall, thirty days or more before ~~((September first of each year, mail to all chiropractors in the state))~~ the birth anniversary date of each chiropractor in the state, mail to that chiropractor a notice of the fact that the renewal fee will be due on or before ~~((the first of September))~~ his or her birth anniversary date. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

The failure of any licensed chiropractor to pay his or her annual license renewal fee ~~((by the first day of October following the date on which the fee was due))~~ within thirty days of license expiration shall work a forfeiture of his or her license. It shall not be reinstated except upon evidence that continuing educational requirements have been fulfilled and the payment of a penalty to be determined by the director as provided in RCW 43.24.086, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement. Should the licentiate allow his or her license to elapse for more than three years, he ~~((must))~~ or she may be reexamined as provided for in RCW 18.25.040 at the discretion of the board.

Sec. 6. Section 15, chapter 5, Laws of 1919 as last amended by section 24, chapter 259, Laws of 1986 and RCW 18.25.090 are each amended to read as follows:

On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his or her name the term chiropractor, D.C., or D.C.Ph.C., designating his or her line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." may be used only in conjunction with the word "chiropractic" or "chiropractor". Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer.

Sec. 7. Section 1, chapter 171, Laws of 1967 and RCW 18.26.010 are each amended to read as follows:

This chapter is passed:

(1) In the exercise of the police power of the state and to provide an adequate public agency to act as a disciplinary body for the members of the chiropractic profession licensed to practice chiropractic in this state;

(2) Because the health and well-being of the people of this state are of paramount importance;

(3) Because the conduct of members of the chiropractic profession licensed to practice chiropractic in this state plays a vital role in preserving the health and well-being of the people of the state; and

(4) ~~((Because the agency which now exists to handle disciplinary proceedings for members of the chiropractic profession licensed to practice chiropractic in this state is ineffective and very infrequently employed, and consequently there is no effective means of handling such disciplinary proceedings when they are necessary for the protection of the public health; and~~

~~(5))~~ Because practicing other healing arts while licensed to practice chiropractic and while holding one's self out to the public as a chiropractor affects the health and welfare of the people of the state.

Sec. 8. Section 2, chapter 171, Laws of 1967 and RCW 18.26.020 are each amended to read as follows:

Terms used in this chapter shall have the meaning set forth in this section unless the context clearly indicates otherwise:

(1) "Board" means the chiropractic disciplinary board;

(2) "License" means a certificate of license to practice chiropractic in this state as provided for in chapter 18.25 RCW;

(3) "Members" means members of the chiropractic disciplinary board;

(4) ~~(("~~Secretary" means the secretary of the chiropractic disciplinary board)) "Department" means the department of licensing;

(5) "Director" means the director of the department of licensing or the director's designee;

(6) "Chiropractor" means a person licensed under chapter 18.25 RCW.

Sec. 9. Section 1, chapter 46, Laws of 1980 and RCW 18.26.040 are each amended to read as follows:

There is hereby created the Washington state chiropractic disciplinary board of seven members to be composed of six chiropractic members to be appointed by the governor, and one member appointed by the governor who shall be representative of the public at large. ~~((Initial members shall be named within thirty days after May 2, 1979, whose names and addresses shall be promptly sent to the director of licensing, and such board shall meet and organize at a time and place to be determined by the director of licensing within sixty days after May 2, 1979 and after written notice to the named members of such date and place.~~

~~The director of licensing or the designee shall designate the terms of the initial members of the disciplinary board. For terms beginning on May 2, 1979, three members shall be designated for three-year terms; two members shall be designated for four-year terms, and two members shall be designated for five-year terms.~~

Subsequent designations)) For at least five years preceding the time of their appointment, and during their tenure of office, the chiropractic members of the board must be residents of Washington.

In addition, the doctors of chiropractic shall have been engaged in the active licensed practice of chiropractic in this state for a minimum of five years.

Board appointments shall be for a term of five years. No board member shall serve more than two consecutive full terms.

**Sec. 10. Section 2, chapter 46, Laws of 1980 as amended by section 28, chapter 287, Laws of 1984 and RCW 18.26.070 are each amended to read as follows:*

Members of the board may be compensated in accordance with RCW ((43.03.240)) 43.03.250 and may be paid their travel expenses while engaged in the business of the board in accordance with RCW 43.03.050 and 43.03-.060, with such reimbursement to be paid out of the ((general fund)) health professions account on vouchers signed by the director of licensing.

**Sec. 10 was vetoed, see message at end of chapter.*

Sec. 11. Section 9, chapter 171, Laws of 1967 and RCW 18.26.090 are each amended to read as follows:

The board shall elect from its members a chairman((;)) and vice-chairman, ((and secretary,)) who shall serve for one year and until their successors are elected and qualified. The board shall meet at least once a year or oftener upon the call of the chairman at such times and places as the chairman shall designate. ((Five)) A simple majority of the board members shall constitute a quorum ((to transact the business)) of the board.

NEW SECTION. Sec. 12. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of the department of licensing or the director's designee.

(3) "Chiropractor" means an individual licensed under this chapter.

(4) "Board" means the Washington state board of chiropractic examiners.

NEW SECTION. Sec. 13. Any member of the board may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office, after being given a written statement of the charges against him or her and sufficient opportunity to be heard thereon.

NEW SECTION. Sec. 14. (1) An individual may place his or her license on inactive status. The holder of an inactive license shall not practice chiropractic in this state without first activating the license.

(2) The inactive renewal fee shall be established by the director pursuant to RCW 43.24.086. Failure to renew an inactive license shall result in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon compliance with the rules established by the board.

(4) The provisions relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

NEW SECTION. Sec. 15. Sections 12 through 14 of this act are each added to chapter 18.25 RCW.

Passed the House April 18, 1989.

Passed the Senate April 13, 1989.

Approved by the Governor May 5, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 5, 1989.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 2 and 10, Substitute House Bill No. 1958 entitled:

"AN ACT Relating to board membership and licensing requirements."

RCW 43.03.240 specifically designates all part-time boards which perform regulatory or licensing functions with respect to a specific profession, occupation, business, or industry as class three groups for purposes of compensation. Members of boards classified as class three groups receive up to \$50 for each day during which the member attends an official meeting or performs statutorily prescribed duties. Both the Board of Chiropractic Examiners and the Chiropractic Disciplinary Board are included in the definition of the part-time boards under RCW 43.03.240.

Sections 2 and 10 of Substitute House Bill No. 1958 attempt to change the compensation of the Board of Chiropractic Examiners and the Chiropractic Disciplinary Board by amending their respective practice acts to refer to RCW 43.03.250. Enactment of these two sections would clearly be in conflict with RCW 43.03.240.

Additionally, the Office of Financial Management, pursuant to a statutory requirement, reviewed all part-time boards and reported to the Legislature in November, 1988. This report is under consideration by the respective legislative committees. This is the appropriate forum to consider changes in compensation for all boards within a class or changes in language to recategorize groups of boards from one class to another.

With the exception of sections 2 and 10, Substitute House Bill No. 1958 is approved."