

CHAPTER 171.

[Engrossed House Bill No. 855.]

CHIROPRACTORS—DISCIPLINARY BOARD.

AN ACT relating to chiropractors.

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

Chiropractic disciplinary board. Purpose.

Section 1. This act 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;

(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.

Definitions.

Sec. 2. Terms used in this act 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.

Sec. 3. The term "unprofessional conduct" as used in this act and chapter 18.25 RCW shall mean the following items or any one or combination thereof:

Unprofessional  
conduct,  
defined.

(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 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;

(4) The impersonation of another licensed practitioner;

(5) Habitual intemperance;

(6) The wilful betrayal of a professional secret;

(7) Repeated acts of immorality, or repeated 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) Practicing other healing arts, whether licensed to so do or not, while holding one's self out to the public as a chiropractor;

(13) Unprofessional conduct as defined in chapter 19.68 RCW.

Chiropractic  
disciplinary  
board—  
Composition.

Sec. 4. There is hereby created the Washington state chiropractic disciplinary board to be composed of three members to be named by the Washington Chiropractors Association, Incorporated and three members to be named by the Chiropractic Society of Washington and one additional member who shall be the director of the department of motor vehicles or his designee from the department of motor vehicles. Initial members shall be named within thirty days after the effective date of this act, whose names and addresses shall be promptly sent to the director of motor vehicles, and such board shall meet and organize at a time and place to be determined by the director of the department of motor vehicles within sixty days after the effective date of this act and after written notice to the named members of such date and place.

Vacancies on  
the board.

Sec. 5. Vacancies on the board shall be filled as provided for initially for the position for which a vacancy exists. The vacancy shall be filled within thirty days of the existence thereof and the director of the department of motor vehicles shall be informed of the name and address of the person named to fill the vacancy.

Removal.

Sec. 6. 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 and sufficient opportunity to be heard thereon.

Expenses and  
per diem.

Sec. 7. Members of the board may be paid twenty-five dollars per diem for time spent in per-

forming their duties as members of the board and may be repaid their necessary traveling and other expenses while engaged in the business of the board, with such per diem and reimbursement for expenses to be paid out of the general fund on vouchers approved by the budget director and signed by the director of motor vehicles: *Provided*, That the amount for expense will not be more than twenty-five dollars per day, except for traveling expense which shall not be more than ten cents per mile.

Sec. 8. The board may meet, function, and exercise its powers at any place within the state.

Meetings,  
location.

Sec. 9. The board shall elect from its members a chairman, 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 members shall constitute a quorum to transact the business of the board.

Officers—  
Meetings—  
Quorum.

Sec. 10. Members of the board shall be immune from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board.

Immunity  
from suit for  
good faith  
acts.

Sec. 11. The board shall have the following powers and duties:

Powers and  
duties of  
board.

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

(2) 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) To employ necessary stenographic or clerical help;

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

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

Chiropractic disciplinary board—Complaints of unprofessional conduct.

Sec. 12. 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 designate three members to serve as a committee to hear and report upon such charges.

Hearing committee—Notice.

Sec. 13. When a hearing committee is named, the secretary 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.

Hearing—Notice—Rights of accused.

Sec. 14. The time of hearing shall be fixed by the secretary as soon as convenient, but not earlier than thirty days after service of the charges upon the accused. The secretary shall issue a notice of hearing of the charges, which notice shall specify the time and place of hearing and shall notify the accused that he may file with the secretary a written response within twenty days of the date of service. Such notice shall also notify the accused that a stenographic record of the proceeding will be kept, that he will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses and evidence in his own behalf, to cross-examine witnesses testifying against him, to examine witnesses testifying for him, to examine such documentary evidence as may be produced

against him, and to have witnesses subpoenaed by the board.

Sec. 15. Subpoenas issued by the board to compel the attendance of witnesses at any investigation or hearing shall be served in accordance with the provisions of law governing the service of subpoenas in court actions. The board shall issue subpoenas at the request and on the behalf of the accused. In case any person contumaciously refuses to obey a subpoena issued by the board or to answer any proper question put to him during the hearing or proceeding, the board may petition the superior court of any county in which the proceeding is held or in which such person resides or is found and the said court shall issue to such person an order requiring him to appear before the board or its hearing committee, there to produce evidence if so ordered, or there to give testimony concerning the matter under investigation or question. Any failure to obey such order of the court may be punished by the court as a civil contempt may be punished.

Witnesses—  
Subpoenas—  
Contempt.

Sec. 16. Within a reasonable time after holding a hearing, the committee 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.

Written report  
of findings.

Sec. 17. If 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.

Further hear-  
ings before  
full board.

Sec. 18. 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, the board shall determine the charge or charges

Full board  
shall deter-  
mine charges.

Chiropractic disciplinary board.

upon the merits on the basis of the evidence in the record before it.

Guilty—Written findings—Order—Service on accused.

Sec. 19. If a majority of the members of the board then sitting vote in favor of finding the accused guilty of unprofessional conduct as specified in the charges, or any of the charges the board shall prepare written findings of fact and may thereafter prepare and file in the office of the director of motor vehicles a certificate or order of revocation or suspension, in which case a copy thereof shall be served upon the accused, or the board may reprimand the accused, as it deems most appropriate.

Not guilty—Dismissal of charge—Public exoneration of accused.

Sec. 20. If the license holder is found not guilty, or if less than a majority of the members then sitting vote for a finding of guilty, the board shall forthwith order a dismissal of the charges and the exoneration of the accused. When a proceeding has been dismissed, either on the merits or otherwise, the board shall relieve the accused from any possible odium that may attach by reason of the charges made against him by such public exoneration as is necessary, if requested by the accused to do so.

Effect of filing order in office of director of motor vehicles—Exception.

Sec. 21. The filing by the board in the office of the director of motor vehicles of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this act, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice chiropractic in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension: *Provided*, That if the licensee seeks judicial review of the board's decision pursuant to the provisions of this act, such revocation or the period of such suspension shall be stayed and shall not be effective or

commence to run until final judgment has been entered in any proceeding instituted under the provisions of this act and the licensee's judicial remedies are exhausted hereunder.

Sec. 22. The certificate or order of revocation or suspension shall contain a brief and concise statement of the ground or grounds upon which the certificate or order is based and the specific terms and conditions of such revocation or suspension, and shall be retained as a permanent record by the director of motor vehicles.

Certificate  
or order—  
Contents—  
Retention.

Sec. 23. The director of motor vehicles shall not issue any license or any renewal thereof to any person whose license has been revoked or suspended by the board except in conformity with the terms and conditions of the certificate or order of revocation or suspension, or in conformity with any order of reinstatement issued by the board, or in accordance with the final judgment in any proceeding for review instituted under the provisions of this act.

Finding of  
guilty—Effect  
on license  
division.

Sec. 24. Any person whose license has been revoked or suspended by the board shall have the right to a judicial review of the board's decision. Such review shall be initiated by serving on the secretary a notice of appeal and filing such notice of appeal either in the superior court of Thurston county, or in the superior court of the county in which the appellant resides, within thirty days after the filing of the certificate or order of revocation or suspension in the office of the director of motor vehicles.

Judicial re-  
view—Time  
limitation.

Sec. 25. The secretary shall, within twenty days after the service of the notice of appeal, transmit to the clerk of the superior court to which the appeal is taken a transcript of the record before the board, certified under the seal of the board, together with a certified copy of the board's written findings.

Transcript  
of hearing.



Chiropractic disciplinary board—Judicial review—Scope of review—Finality.

Sec. 26. The findings of the board, if supported by the preponderance of evidence, shall be final and conclusive. The review in the superior court shall be limited to determining whether the findings of the board are supported by the preponderance of evidence and whether the proceedings of the board were erroneous as a matter of law, or in violation of due process, or so arbitrary or capricious as to amount to an abuse of discretion, or contrary to any constitutional right, power, privilege or immunity.

Judicial review—Procedure.

Sec. 27. The procedure governing appeals to the superior court under Title 51 RCW, as amended, 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 act.

Appeal to the supreme court.

Sec. 28. An aggrieved party may secure a review of any final judgment of the superior court. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

Failure of board to file order—Effect.

Sec. 29. If the board finds the holder of any license guilty of unprofessional conduct and fails to file a certificate or order of revocation or suspension in the office of the director of motor vehicles within thirty days, the license holder shall have the right to a judicial review of such finding of the board in the same manner and to the same extent as if the certificate or order had been filed.

Other healing arts prohibited.

Sec. 30. No person licensed as a chiropractor shall engage in the practice of healing arts other than as a chiropractor, unless he first surrenders his chiropractic license to the director of motor vehicles and discontinues the use of the name chiropractor whether by way of advertising or in any other manner which might signify he is practicing as a chiropractor within the meaning of this act.

Sec. 31. 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. Severability.

Sec. 32. The provisions of section 3 (12) and section 30 of this act shall not apply to persons holding a license to practice other healing arts as of the effective date of this act, but shall only apply to persons so licensed after the effective date of this act. Limitation,  
other healing  
arts—Applica-  
bility.

Passed the House March 8, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 172.

[Engrossed Substitute House Bill No. 76.]

### PUBLIC ASSISTANCE—CHILD, EXPECTANT MOTHERS, ADULT RETARDED CARE.

AN ACT relating to public assistance; amending section 5, chapter 90, Laws of 1965 extraordinary session and RCW 74.32.040; adding new sections to chapter 26, Laws of 1959 and to Title 74 RCW; repealing section 4, chapter 30, Laws of 1965 and RCW 74.13.030; repealing sections 74.14.010, 74.14.020, 74.14.030, 74.14.040, 74.14.050, 74.14.060, 74.14.070, 74.14.080, 74.14.090, 74.14.100, 74.14.110, 74.14.120, 74.14.130, 74.14.140, and 74.14.150, chapter 26, Laws of 1959 and RCW 74.14.010, 74.14.020, 74.14.030, 74.14.040, 74.14.050, 74.14.060, 74.14.070, 74.14.080, 74.14.090, 74.14.100, 74.14.110, 74.14.120, 74.14.130, 74.14.140, and 74.14.150; repealing section 6, chapter 90, Laws of 1965 extraordinary session and RCW 74.32.050; and prescribing penalties.

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

Section 1. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows: New section.