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IN THE SENATE

BY SENATOR MOODY
BY REQUEST

SENATE BILL NO. 93

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act creating a State Board of Chiropractic Examiners; providing for its appointment; defining and prescribing its powers and duties; providing for licensing, examination and registration of chiropractors in the state of Alaska; providing for prosecution and penalties for violation of the Act; repealing Secs.35-3-21 to 35-3-30, inclusive, as amended by Ch. 53, SLA 1955; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. STATE BOARD: APPOINTMENT: REMOVAL: VACANCIES.

There is hereby created and established a Board of Chiropractic Examiners, to be known as the State Board of Chiropractic Examiners.

The Governor of the State of Alaska, shall, within thirty (30) days after the taking effect of this Act, appoint three (3) chiropractors of good moral character. Provided, that no person shall be appointed as a member of said Board who is an officer or employee of, or who is financially interested in, any school or college of chiropractic, medicine, surgery or osteopathy, and provided further, that no more than one member of said Board shall be a graduate of the same school or college of chiropractic. Said original Board members shall have been licensed at the time

1 of the passage of this Act under the provisions of Secs. 35-3-21
2 to 35-3-30, inclusive, ACLA 1949 as amended by Ch. 53, SLA 1955.

3 Said members shall be so classified by the Governor that
4 the term of office of one shall expire in one (1) year, one in
5 two(2) years, one in three(3) years. Annually thereafter the
6 Governor shall appoint successors, who shall be licensed chiro-
7 practors and possess all other qualifications specified herein,
8 who in addition have been continuously engaged in the practice
9 of chiropractics within the State of Alaska for two years imme-
10 diately prior thereto, to serve for a period of three (3) years
11 each and further, shall fill all vacancies in said Board caused
12 by death, or otherwise, by appointing licensed chiropractors
13 with all the other qualifications specified herein, within
14 thirty (30) days after the occurrence of any vacancy for the un-
15 expired term. Upon sufficient proof to the Governor of the in-
16 ability or misconduct of a member of said Board, and after oppor-
17 tunity or proper hearing said member shall be dismissed and such
18 dismissal shall create a vacancy which the Governor shall fill for
19 the unexpired term.

20 Sec. 2. STATE BOARD: INTERNAL ORGANIZATION: DUTIES. Said
21 Board of Chiropractic Examiners shall convene within thirty (30)
22 days after their appointment and organize by electing a President,
23 Vice President and a Secretary-Treasurer from the membership,
24 which said officers so elected, shall hold office for a period
25 of one (1) year.

26 Said Board shall have authority to administer oaths, take
27 affidavits, summon witnesses and take testimony as to matters
28 pertaining to their several duties, adopt a seal, which shall be
29 affixed to all licenses issued, adopt reasonable rules and regu-

1 lations for the transaction of business, and by-laws relating to
2 the enforcement of the provisions of this Act and not inconsis-
3 tent therewith.

4 Said Board shall hold regular meetings to examine applicants
5 and to transact business, commencing on the second Mondays of
6 January and July, in each calendar year.

7 Said Board shall meet in the City of Juneau in said State of
8 Alaska.

9 Sec. 3. CHIRPRACTIC DEFINED. Chiropractic is defined as
10 the science, art, and philosophy of things natural; a system of
11 locating and adjusting the subluxations of the articulations of the
12 human spine and its adjacent tissues for the correction of the
13 cause of disease. Any licensee under this Act shall be permitted
14 to employ X-ray and all other necessary procedure to arrive at a
15 Chiropractic analysis but nothing herein shall authorize the
16 holder of a chiropractic license to prescribe or administer drugs,
17 perform surgery or practice obstetrics.

18 Sec. 4. APPLICATION FOR LICENSE: EXAMINATION AND REEXAMINA-
19 TION: FEES. Any person, except as hereinbefore and hereinafter
20 provided, desiring to practice chiropractic, before it shall be
21 lawful to so practice, shall fifteen (15) days prior to the meet-
22 ing of the Board, make a written application to the secretary-
23 treasurer of said Board for a license to practice such profession.
24 Applicants for examination shall make application in manner and
25 form as prescribed by said Board. In case an applicant fails
26 the first examination, he shall be entitled to a re-examination
27 in the subjects in which he failed upon payment of a ten (\$10.00)
28 dollar fee. If he should again fail any subject he shall be re-
29 quired to pay the regular examination fee and to retake the

1 entire examination.

2 Between meetings of the Board, the Board may issue temporary
3 permits to practice Chiropractic to an applicant if he meets the
4 educational and moral qualifications set out in Sec. 5 of this Act.
5 A fee of twenty-five (\$25.00) dollars shall be charged for a tem-
6 porary permit and said temporary permit shall expire after the
7 next examination given by the Board has been graded.

8 The Board shall prepare written questions on the subject
9 herein enumerated, to-wit: anatomy, physiology, pathology,
10 chemistry, bacteriology, symptomatology, chiropractic analysis,
11 hygiene, sanitation, nerve tracing, spinal analysis, X-ray and the
12 principles and practice of Chiropractic. The Board shall fairly
13 mark and grade the written answers thereto and shall require a
14 grade of seventy-five (75%) per centum in each subject hereinbefore
15 so enumerated, and the written answers of the prospective licen-
16 tiate shall be open for inspection as public record for a period
17 of one (1) year from the date of the examination. The Board shall
18 further require each prospective licentiate to give a clinical
19 demonstration of vertebral palpation, nerve tracing and adjusting,
20 all of which shall be done solely for the purpose of determining
21 whether the applicant is qualified to practice chiropractic.

22 An applicant after the effective date of this Act may, upon
23 the payment of a fee of fifty (\$50.00) dollars, be granted a
24 license, without examination, providing that the applicant submits
25 satisfactory evidence to the Board that he has been licensed to
26 practice chiropractic in another state under qualifications sub-
27 stantially equivalent to those specified in this Act for a license
28 to practice chiropractic.

29 All applicants qualified to practice chiropractic shall be

1 granted a license to practice chiropractic as defined in Sec. 3.

2 Sec. 5. QUALIFICATIONS AND SHOWING OF APPLICANT. Any per-
3 son of good moral character, shall be eligible for examination
4 who is a graduate of an accredited high school or equivalent and
5 of a chiropractic school or college teaching chiropractic and re-
6 quiring for graduation the completion of a course of study of at
7 least four thousand (4,000) fifty-five (55) minute class hours
8 in the subjects set out in Sec. 4.

9 Accreditation of a chiropractic school or college by either
10 the International Chiropractors Association or the National Chirs-
11 practic Association shall be prima facie evidence that said school
12 meets the requirements of this Act.

13 In addition to the other requirements set out in this section,
14 all applicants after January 1, 1969, shall show that he has had
15 two years of pre-chiropractic college in an institution accredited
16 by any state, federal or regional accrediting organization.

17 Sec. 6. LICENSES ISSUED PRIOR TO ADOPTION OF THIS ACT. A
18 license issued under the provisions of Secs. 35-3-21 to 35-3-30,
19 inclusive, ACLA 1949, as amended by Ch. 53, SLA 1955 shall be valid
20 under the provisions of this Act. Said license holder shall be
21 subject to the provisions of this Act and all valid rules and
22 regulations adopted pursuant thereto.

23 Sec. 7. STUDENTS OF CHIROPRACTIC. No person shall practice
24 chiropractic nor hold himself out as a chiropractor in this state
25 without first obtaining a license as provided herein, provided,
26 however, that nothing in this Act shall prevent students of any
27 chartered chiropractic school or college within the state from
28 chiropractically analyzing and adjusting the human body under the
29 supervision of a competent instructor within such school or college.

1 Sec. 8. LICENSES: RENEWAL FEES. Every person licensed
2 under the provisions of this Act shall between November 1 and
3 December 31 of each calendar year thereafter, pay to the State
4 Board of Chiropractic Examiners a license renewal fee of five
5 (\$5.00) dollars. Failure to do so after due notice as hereinafter
6 provided shall be grounds to revoke a license and render it null
7 and void, provided that when a practitioner's license shall have
8 been revoked under this section, the Board may, in its discretion,
9 renew such license upon application and payment of fees in arrears.

10 The Secretary-Treasurer of the State Board of Chiropractic
11 Examiners shall, fifteen (15) days or more, before November 1 of
12 each year, mail to all licensed chiropractors in this state,
13 notice that said renewal fee is due and payable as above provided.

14 Sec. 9. LICENSES: FORM. All licenses issued hereunder
15 shall be signed by the President and Secretary-Treasurer of the
16 State Board of Chiropractic Examiners, and shall be attested by
17 the official seal of the Board.

18 Sec. 10. REFUSAL AND REVOCATION OF LICENSE. The Board may
19 either refuse to issue or may suspend or revoke any license for
20 any one or more of the following causes:

21 (1) Conviction of a felony, as shown by a certified
22 copy of the judgment of conviction.

23 (2) The obtaining of or an attempt to obtain a license,
24 or practice in the profession for money, or any other thing of
25 value, by fraudulent misrepresentation.

26 (3) Gross malpractice, or gross incompetence.

27 (4) Practicing, or attempting to practice under a name
28 other than one's own.

29 (5) Advertising by means of knowingly false or decep-

1 tive statements.

2 (6) Habitual drunkenness, or habitual addiction to the
3 use of morphine, cocaine, or other habit-forming drugs.

4 (7) Willfully practicing beyond the scope of practice
5 as herein provided.

6 Sec. 11. REFUSAL OR REVOCATION OF LICENSE: NOTICE AND
7 HEARING. The Board may neither refuse to issue nor to renew
8 nor suspend nor revoke any license for any causes unless the
9 person accused has been served personally or by registered mail
10 with written notice of the accusation not less than twenty (20)
11 days prior to the date set for hearing. The hearing shall be
12 public and the person accused shall be given the right to have
13 such charges proved at a public hearing before the Board, at a
14 time and place to be set by the Board. The Board shall have the
15 power to compel the attendance of witnesses and the production of
16 relevant books and papers for the investigation of matters that
17 may come before them and the presiding officer of said Board may
18 administer the requisite oaths, and it shall have the same
19 authority to compel the giving of testimony as is conferred on
20 courts of justice. The Board shall prescribe rules of procedure
21 for all hearings provided for in this Act. The Board shall not
22 be bound by the usual common law or the statutory rules of evi-
23 dence, or by any technical or formal rules of procedure, or
24 pleadings and specifications to charges other than specifically
25 provided for in this Act, but may conduct such hearings in such
26 manner as is best calculated to ascertain the truth of the charges
27 made and substantial rights of all parties interested. The Board
28 and all parties involved are entitled to be represented by legal
29 counsel, if they so elect.

1 Sec. 12. RIGHT TO APPEAL. Any person whose license has
2 been cancelled, suspended or revoked by the Board shall have the
3 right to file a petition within thirty (30) days thereafter in
4 the court of the judicial district where the petitioner resides.
5 It shall be the court's duty to set the matter for hearing upon
6 thirty (30) days written notice to the Board, and thereupon take
7 testimony and to examine into the facts in the case and to deter-
8 mine whether the petitioner is entitled to have his license re-
9 voked, cancelled or suspended under the provisions of this Act.

10 Sec. 13. DISPOSITION AND USE OF MONEYS BY BOARD. Within
11 ten (10) days after the close of every meeting of the Board, the
12 Secretary-Treasurer shall turn over to the Department of Revenue
13 all sums received under this Act and take a receipt therefore.
14 The funds shall be placed to the credit of the General Fund in the
15 Chiropractic Account, which Account is hereby established. Such
16 moneys are hereby appropriated continuously to be used in the
17 administration and enforcement of this Act. All expense incident
18 to the proper functioning of said Board shall be paid out of
19 said Account and not otherwise. Payments from said Account shall
20 be made only on warrants drawn by the Commissioner of Administra-
21 tion upon vouchers issued and signed by the President and Secre-
22 tary-Treasurer of the Board.

23 Any funds belonging to or accredited to the Territorial
24 Alaska Board of Chiropractic Examiners shall be transferred to
25 the Chiropractic Account as above provided.

26 The members of said Board shall receive a per diem of twenty-
27 five (\$25.00) dollars for each day which they shall be actually
28 engaged in the discharge of their duties in meetings of the Board,
29 and mileage at the rate of seven (7) cents per mile necessarily

1 traveled in going to and from Board meetings.

2 In addition, all members of the Board shall be reimbursed
3 for reasonable expenses actually expended in performing the duties
4 of their office.

5 Any surplus remaining at the close of any fiscal year in
6 the Account of the Board, over and above five thousand (\$5,000.00)
7 dollars, after payment of all expenses of the Board, shall within
8 ten (10) days thereafter, be paid into the General Fund of the
9 state.

10 Sec. 14. APPLICABILITY OF ACT: EXEMPTIONS. This Act shall
11 not apply to any commissioned officer of the United States Army,
12 Navy, Marine Hospital Service in the discharge of his official
13 duties, or to any chiropractor who is legally qualified to prac-
14 tice in the state or territory in which said chiropractor resides
15 when in actual consultation with a licensed chiropractor of this
16 state.

17 Sec. 15. PENALTIES. Any person violating any of the provi-
18 sions of this Act shall be deemed guilty of a misdemeanor and
19 upon conviction thereof shall be punished by a fine of not less
20 than fifty (\$50.00) dollars, nor more than three hundred (\$300.00)
21 dollars, or be imprisoned for not more than three (3) months, or
22 shall be subject to both such fine and imprisonment.

23 Sec. 16. STATE AND LOCAL REGULATIONS. Chiropractors
24 licensed hereunder shall observe and be subject to all state and
25 municipal regulations relative to reporting deaths and all mat-
26 ters pertaining to the public health with equal rights and obli-
27 gations as granted to licensure of other schools of healing, and
28 such reports shall be accepted by the officers of the department
29 to which the same are made. Licensed chiropractors, within the

1 scope of the right of practice provided in this Act, shall have
2 the same general rights as licensed practitioners of other schools
3 of healing with respect to handling of cases and the rendering
4 of health services under the provisions of any insurance policy
5 or program and public health, welfare and assistance laws and
6 regulations now or hereafter in force, and no plan, program, in-
7 surance policy or other matter shall be approved by any official
8 of any city, county or state which discriminates against chiro-
9 practors. The intent of this provision is to give and grant the
10 right to the sick, injured and maladjusted people of this state
11 the right to be treated by the practitioner of their choice, but
12 provided, however, that this section shall not be construed as
13 taking from the governing authorities of all state, county and
14 municipal hospitals, or any public or privately supported hospital,
15 either in whole or in part, the complete control and management
16 of such hospitals, with power to make rules and regulations for
17 such hospitals and determining who shall be on the staff of such
18 hospitals.

19 Sec. 17. REPEAL. Secs. 35-3-21 to 35-3-30, inclusive, as
20 amended by Ch. 53, SLA 1955, are hereby repealed.

21 Sec. 18. SEVERABILITY. If any section or part of this Act
22 shall be declared unconstitutional or invalid, such adjudication
23 shall not affect the validity or force of any other section or
24 parts.

25 Sec. 19. EFFECTIVE DATE. This Act shall take effect
26 immediately upon its passage and approval or upon its becoming
27 law without such approval.

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