

Chapter 682

1955 REPLACEMENT PART

Chiropodists

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682.010 Definitions. As used in this chapter:

(1) "Board" means the State Chiropractors' Examining Board.

(2) "Chiropractor" is defined as one who for hire or reward examines, diagnoses and treats abnormal nails, superficial excrescences occurring on the hands and feet, including corns, warts, callosities and bunions, and arch troubles, but who is not authorized to treat conditions requiring the use of anesthetics other than local, and who has qualified as a chiropractor within the meaning of this chapter, except as otherwise provided in this chapter, through a certificate of qualification or license issued by the State Chiropractors' Examining Board.

682.020 License required to practice chiropractic. (1) No person shall profess to be a chiropractor, or practice or assume the duties incident to chiropractic, without first obtaining from the board a license authorizing the practice of chiropractic in this state, except as otherwise provided in this chapter.

(2) It shall be deemed prima facie evidence of practicing chiropractic within the meaning of this chapter if any person uses the name or title chiropractor, D. S. C., foot expert, foot specialist, foot correctionist, or any other word, abbreviation or title to his name indicating that he was or is qualified and licensed to practice chiropractic.

682.030 Persons and practices not affected. (1) This chapter does not prevent:

(a) Any person, firm or corporation from manufacturing, selling, fitting or adjusting any shoe or appliance designed and intended to equalize pressure on different parts of the foot.

(b) The sale by licensed druggists of plasters, salves and lotions for the relief and cure of corns, warts, callosities and bunions.

(2) This chapter shall not be construed to apply to or interfere with:

(a) The practice of any person whose religion treats or administers to the sick or suffering by purely spiritual means, nor with any individual's selection of any such person.

(b) Physicians licensed by the State Board of Medical Examiners of this state, nor to surgeons of the United States Army, Navy and United States Public Health Service, when in actual performance of their official duties.

682.040 Qualifications of applicants. All applicants for a license to practice chiropractic under this chapter shall:

(1) Have attained the age of 21 years.

(2) Be of good moral character.

(3) Have at least one year of preprofessional education in a college or university whose standing is satisfactory to the board.

(4) Have graduated from a chiropractic school or college which, at the time of graduation of such applicants, required at least four full terms of instruction of eight months each, and which school or college is on the approved list of the Council on Education of the National Association of Chiropractors.

682.050 Examination of applicants; issuing license; fees; re-examination. Any person desiring a license to practice chiropractic shall be examined by the board in anatomy, chemistry, dermatology, diagnosis, materia medica, pathology, physiology, therapeutics, clinical and orthopedic chiropractic and such other subjects as the board may deem advisable, limited in their scope to the treatment of the human foot. If the applicant possesses the qualifications required by ORS 682.040 and passes the examination prescribed with a general average of 75 percent in all subjects, and not less than 60 percent in any one subject, he shall be issued a license by the board to practice chiropractic in this state. Each applicant, before taking the examination, shall pay to the secretary of the board an examination fee of \$50. Any applicant failing in the examination, and being refused a license, is entitled, at the expiration of six months from the time of the refusal, to a re-examination without the payment of an additional fee for such examination. [Amended by 1953 c.525 §6]

682.060 Time and place of examinations. Examinations to procure a license to practice chiropractic in this state shall be held annually and at such other times and places as the board shall fix.

682.070 Designation of licensees; publishing price for services prohibited. (1) All licensees shall be designated as "registered chiropractors" and shall not use any title or abbreviation thereof without the designation "registered chiropractor," "practice limited to the foot," and shall not mislead the public as to their limited professional qualifications to treat human ailments.

(2) Any duly licensed chiropractor must pursue his profession under his name only, as it appears in his license, and not under any

other name or trade name, using the title of "chiroprapist" and not any other title.

(3) The term "foot specialist" may be used as an explanatory term of the title "chiroprapist" and not as a substitute therefor and not alone.

(4) No price for services shall appear in any announcement or any printed matter or on any sign, used or published by any person licensed to practice chiropody in this state.

682.080 Recording and display of licenses. All licenses shall be recorded in the same manner as other medical licenses in the office of the county clerk of the county in which the licensee practices. The clerk shall register the name and address and date of the certificate in a book kept for such purposes as a part of the records of his office. The number of the book and the page therein containing the recorded copy shall appear on the face of the certificate over the name of the clerk recording it. The person thus registered shall pay to the county clerk a fee of \$1. The absence of such record of any license claimed to be held by any person shall be prima facie evidence that no license has been issued. All licenses granted under this chapter shall be conspicuously displayed at the office or other place of practice of the licensee.

682.090 Annual renewal of licenses. Every registered chiroprapist shall renew his license on July 1 of each year by paying to the secretary of the board a fee of \$15. If such renewal fee is not paid by October 1 of each year the license shall be considered revoked as of October 1 of that year and shall be reissued only upon application made within three years from the date of revocation and upon payment of a restoration fee of \$50. [Amended by 1953 c.525 §6; 1955 c.135 §1]

682.100 Suspension of licentiate for misconduct. The board may suspend any licentiate for a period not to exceed six months on account of any misconduct on the part of the licentiate if the misconduct would not justify a revocation of the license.

682.110 Grounds for revocation of license. The board, after due hearing, may refuse to grant or renew and may revoke any license issued under this chapter to a person, otherwise qualified, who:

(1) Obtained such license by fraudulent representations or dishonesty in taking an examination.

(2) Is convicted of a crime involving moral turpitude.

(3) Has made knowingly false and deceptive statements in advertising.

(4) Has conducted his business in a grossly unprofessional or dishonest manner.

(5) Is addicted to the liquor habit or the drug habit to such a degree as to render him unfit to practice.

(6) Persists in violating the rules and regulations of the board. [Amended by 1953 c.525 §6]

682.120 Notice and hearing. When a license has been granted it shall not be revoked or the renewal thereof refused without at least 15 days' notice to the licensee, who shall be entitled to a hearing by the board, and shall have the right to be represented by counsel. At least 10 days prior to the date of the hearing the licensee shall be notified of the filing of the charges and of the nature thereof.

682.130 Appeal from board decision. Any person licensed to practice chiropody in this state whose license is canceled by the board may, within 30 days after the cancellation thereof, have his right of action for reinstatement against the board in the circuit court of the county in which the licensee practices. If the person whose license has been canceled by the board, within 10 days after receiving information of the cancellation, gives notice to the secretary of the board in writing of his intention to file such suit, the action of the board in canceling the license of such person shall be suspended for a period of 30 days, but unless the suit is filed within the specified time the action of the board is final. If suit is filed against the board to reinstate such licensee within the specified time, the action of the board shall remain suspended until the validity of the license in question is adjusted by the court. In such suit the burden is upon the person whose license was canceled, as plaintiff, to show cause for reinstatement of his license.

682.140 Reissuance of licenses. The board may, at its discretion, in case a license has been revoked or the renewal thereof refused, reissue such license at the expiration of six months from the time such license was revoked.

682.150 State Chiroprapists' Examining Board; members; terms of office. A board of examiners to consist of three persons and

to be known as the State Chiropractors' Examining Board, hereby is created to carry out the purposes and enforce the provisions of this chapter. Two members of the board shall be appointed biennially by the Governor from chiropractors who have been residents of this state for at least two years and have held licenses as chiropractors for no less than two years. The third member of the board shall be the State Health Officer.

682.160 Powers of the board. The board shall elect a president and treasurer, have a common seal, and has the power to administer oaths. The headquarters of the board is the office of the secretary of the board. With the approval of the State Board of Health, the board has the power to make and enforce reasonable rules and regulations for the procedure of the board, for the conduct of examinations and the practice of chiropractic not inconsistent with the provisions of this chapter. [Amended by 1953 c.525 §6]

682.170 Payment of expenses; compensation of board members. All expenses incident to the execution of the provisions of this chapter, and a per diem of \$10 to members of the board when conducting examinations, shall be paid from the State Treasury upon warrant drawn by the Secretary of State, upon the presentation of the proper vouchers to be approved by the president and secretary of the board. Other than such necessary expenses as are incident to attending the meetings of the board, as provided in this chapter, the members of the board shall serve without pay, except as otherwise provided.

682.180 Additional compensation of secretary. The secretary shall receive as compensation for performing the duties of his office, and in addition to his salary as secretary for the State Board of Health, \$100 per annum, which shall be paid to the secretary in two semiannual payments of \$50 each, in the same manner as his salary is paid as secretary of the State Board of Health.

682.190 Disposition of receipts; continuing appropriation. (1) All examination fees and all other moneys received by the board, pursuant to the provisions of this chapter, shall be paid to the treasurer of the board who shall pay the same into the State Treasury semiannually, and they shall be placed by the State Treasurer to the credit of the General Fund. Ten percent of such gross amount shall

be, upon receipt, assigned to the State of Oregon, and shall become a part of the General Fund in the hands of the State Treasurer. The remainder of any such payment or payments, when so made, shall constitute and be considered as an appropriation of such sums or amounts from the General Fund for the purpose of education of chiropractors and in securing evidence and prosecuting violations of and the carrying out of the provisions of this chapter. However, \$3 of the annual renewal fee for license to be paid by each chiropractor shall be used exclusively by the board for educational purposes.

(2) All necessary expenses incurred in giving examinations to applicants for chiropractors' licenses and incidental to the renewal of such licenses and all necessary expenses incurred in education and in enforcing the provisions of the law relating to chiropractors, including the printing and issuing of licenses and other blanks, forms and papers required by the board, employing of investigators, special prosecutors and attorneys, whose duty it shall be to carry out the provisions of this chapter and any other matter, act or thing prescribed by the laws of the State of Oregon and to be performed by the board, or as provided in the rules and regulations hereafter to be made and filed by the board as provided in ORS 682.160, shall be paid from the funds made available to the board for such purposes. [Amended by 1953 c.525 §6; 1955 c.135 §2]

682.200 Enforcement of chapter. All sheriffs, constables and district attorneys within this state shall cooperate with the board in carrying out the provisions of this chapter and in prosecuting persons practicing chiropractic (podiatry) within this state who are not licensed as provided in this chapter and shall prosecute all other violations of this chapter.

682.210 Jurisdiction of courts. Circuit courts, justice courts, municipal courts acting as justice courts and district courts have jurisdiction in matters pertaining to the violation of ORS 682.020.

682.990 Penalties. Any person who knowingly violates any of the provisions of ORS 682.020 shall, upon conviction, be fined an amount not exceeding \$300, or be imprisoned in the county jail for a period not to exceed one year.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel