Chapter 684

1967 REPLACEMENT PART

Chiropractors

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684.010 Definitions. As used in this chapter:

(1) "Board" means the State Board of Chiropractic Examiners.

(2) "Chiropractic" is defined as that system of adjusting with the hands the articulations of the bony framework of the human body, and the employment and practice of physiotherapy, electrotherapy, hydrotherapy and minor surgery.

(3) "Drugs" means all medicines and preparations and all substances, except food and water, used or intended to be used for the diagnosis, cure, treatment, mitigation or prevention of diseases or abnormalities of man, which are recognized in the latest editions of the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia, official National Formulary, or any supplement to any of them, or otherwise established as drugs.

(4) "Minor surgery" means the use of electrical or other methods for the surgical repair and care incident thereto of superficial lacerations and abrasions, benign superficial lesions, and the removal of foreign bodies located in the superficial structures; and the use of antiseptics and local anesthetics in connection therewith.

[Amended by 1953 c.541 §2]

684.020 License required to practice chiropractic. It is unlawful for any person to practice chiropractic in this state unless he first obtains a license, as provided in this chapter.

684.030 Application of public health laws. Chiropractic physicians shall observe and be subject to all state and municipal regulations relating to the control of contagious and infectious diseases, sign birth and death certificates, and report all matters pertaining to public health to the proper health officers the same as other practitioners.

684.040 Application for license; qualifications of applicants; fees. (1) Any person wishing the right to practice chiropractic in this state after July 21, 1953, shall make application to the board, upon such form and in such manner as may be provided by the board, 15 days prior to any board meeting.

(2) Each applicant shall:

(a) Furnish the board with satisfactory affidavits of good moral character.

(b) Present to the board his diploma or satisfactory evidence of having graduated from a standardized high school accredited to the University of Oregon or any other university of equal standing, or a certificate signed by a state superintendent of public instruction or similar officer to the effect that such applicant has had scholastic preparation equivalent in all respects to that demanded for graduation from high school giving a four-year course of instruction in the state from which said certificate is issued.

(c) Present a certificate of proficiency in the fundamental sciences issued to the applicant pursuant to ORS 676.040.

(d) Present to the board satisfactory evidence that he has had at least two years satisfactory liberal arts and sciences study, or either, in a college or university accredited by either the Northwest Association of Secondary and Higher Schools or a like regional association or in a college or university in Oregon approved for granting degrees by the Oregon State Board of Education prior to matriculation into a chiropractic college.

(e) Present to the board his diploma or other satisfactory evidence of his graduation from a chiropractic school or college approved by the board, and in addition thereto said chiropractic school or college shall require for graduation a period of actual attendance of four years of at least nine months each with a schedule of minimum educational requirements enumerated in subsection (4) of ORS 684.050.

(3) Each applicant for a license shall pay to the secretary-treasurer of the board a fee of $25, $10 of which shall accompany the application and the balance upon the issuance of the license.

(4) Any person who prior to October 31, 1953, has entered into a course of study in an approved chiropractic college which would have permitted him to take the examination under the provision of chapter 62, Oregon Laws 1941, shall be permitted to be examined for a license to practice chiropractic in the State of Oregon under the terms of chapter 62, Oregon Laws 1941, providing he shall make application therefor and shall pass said examination prior to March 1, 1958.

[Amended by 1953 c.432 §2]

684.050 Examination of applicants; issuing license. (1) Examinations for license to practice chiropractic shall be made by the board according to the method deemed to be the most practicable to test the applicant's qualifications.

(2) Each applicant shall be designated by a number instead of the name so that the identity of the applicant will not be disclosed to the examiners until the papers are graded.

(3) All examinations shall be in writing, the subjects of which shall be in accordance with subsection (4) of this section. A license shall be granted to all applicants who correctly answer 75 percent of all questions asked under each subject, and if any applicant fails to answer correctly 75 percent of the questions on any branch of the examinations he is not entitled to a license. The applicant shall, however, be given credit for all branches passed.

(4) The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is anatomy, histology, embryology, physiology, chemistry, pathology, obstetrics and gynecology, public health and hygiene, toxicology, dietetics, diagnosis, theory and practice of chiropractic, minor surgery, physiotherapy, electrotherapy, hydrotherapy, clinics, eye-ear-nose-throat, jurisprudence, proctology, and such other subjects as the board may, from time to time, require, except internal medicine and major surgery. The minimum number of hours shall be not less than 4,000.

684.060 Reciprocity. Persons licensed to practice chiropractic under the laws of any other state having the requirements of this chapter may, in the discretion of the board, be issued a license to practice in this state without examination, upon payment of the fee of $25 as provided in this chapter.

684.070 Recording license; effect of failure to record. (1) Every person who receives a license from the board shall have it recorded in the office of the county clerk of the county in which he resides and shall have it likewise recorded in the counties to which he subsequently moves for the purpose of practicing chiropractic.

(2) The failure or the refusal on the part of the holder of a license to have it recorded before he begins to practice chiropractic in this state, after having been notified by the board to do so, is sufficient grounds to revoke or cancel a license.

684.080 Book of license records. The county clerk of each county in this state shall keep for public inspection, in a book provided for that purpose, a complete list and description of the licenses recorded by him. When any license is presented to him for record he shall stamp upon the face thereof, his signed memorandum of the date when the license was presented for record.

684.090 Annual registration; fees; failure to register. (1) Each person practicing chiropractic within this state shall, on or before January 1 of each year, after a license is issued to him, pay to the board an annual registration fee of $15. The secretary of the board shall, on or before November 1 of each year, mail to the last-known address of all licensed chiropractors in this state a notice that the registration fee will be due on or before January 1 next following.

(2) The failure, neglect or refusal of any person holding a license or certificate to practice under this chapter to pay the annual fee of $15 during the time his license remains in force shall, after a period of 30 days from January 1 of each year, ipso facto, work a forfeiture of his license or certificate and it shall not be restored except upon the written application therefor and a payment to the board of a fee of $30, but a licentiate who fails, refuses or neglects to pay such annual fee within that period shall not be required to submit to an examination for the reissuance of a license.

(3) Any licentiate who fails, from any cause, to register his license within one year from January 1 preceding shall have his license registered only upon written application, the payment to the board of a fee of $35 and reexamination at a regular meeting of the board.

[Amended by 1957 c.40 §1]

684.100 Refusal, suspension or revocation of licenses; grounds; procedure; reissuance of licenses. (1) The board may refuse to grant a license to any applicant who desires to practice chiropractic in this state or may suspend or revoke such a license upon any of the following grounds:

(a) The employment of fraud or deception in applying for a license or in passing an examination as provided in this chapter.

(b) The practice of chiropractic under a false or assumed name.

(c) The impersonation of another practitioner of like or different name.

(d) A conviction of a crime involving moral turpitude. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, is conclusive evidence of the conviction.

(e) Commitment to a mental institution.

A copy of the record of commitment, certified to by the clerk of the court entering the commitment, is conclusive evidence of the commitment.

(f) Habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him from the performance of his professional duties.

(g) Unprofessional or dishonorable conduct.

(h) The procuring or aiding or abetting in procuring an abortion, and for the purpose of this subsection an abortion means the removal from the womb of a woman the product of conception at any time prior to delivery of the child; provided, that nothing in this chapter shall be construed to authorize any licentiate under this chapter to perform an abortion.

(i) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be permanently cured.

(j) The obtaining of any fee through fraud, or misrepresentation.

(k) The wilful betrayal of a professional secret.

(L) The use of any advertising in which untruthful, improper, misleading or deceptive statements are made.

(m) The advertising of techniques or modalities to infer or imply superiority of treatment or diagnosis by the use thereof.

(n) Knowingly permitting or allowing any person to use his certificate in the practice of any system or mode of treating the sick or afflicted.

(o) Advertising either in his own name or under the name of another person, or clinic, or concern, actual or pretended, in any newspaper, pamphlet, circular or other written or printed paper or document, professing superiority to or a greater skill than that possessed by fellow chiropractic physicians.

(p) Aiding or abetting the practice of any of the healing arts by an unlicensed person.

(q) The use of his name under the designation, "Doctor," "Dr.," "D.C.," "Chiropractor," "Chiropractic D.C.," "Chiropractic Physician," or "Ph.C.," or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise.

(r) The advertising or holding oneself out to treat diseases or other abnormal conditions of the human body by any secret formula, method, treatment or procedure.

(2) Any person who is a licentiate, or who is an applicant for a license to practice chiropractic against whom any of the grounds listed in subsection (1) of this section for revoking or refusing a license is presented to the board, with a view of having the board revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before the board in person or by attorney, and witnesses may be examined by the board respecting the guilt or innocence of the accused. Within 20 days after the hearing, the board shall give notice of its final decision to the applicant or licentiate. A final decision made under this section may be appealed to the circuit court of the county in which the applicant or licentiate resides within 30 days after the notice of final decision of the board has been received by the licentiate or applicant. The review shall be conducted by the court as a suit in equity.

(3) The board may at any time after two years of the refusal or revocation or cancellation of registration under this section, by a majority vote, issue a new license or grant a license, to the person affected, restoring him to, or conferring on him, all the rights and privileges of and pertaining to the practice of chiropractic as defined and regulated by this chapter. Any person to whom such rights have been restored shall pay to the secretary-treasurer the sum of $25 upon issuance of a new license.
[Amended by 1953 c.556 §2]

684.110 Prohibited practices. (1) Without first complying with the provisions of this chapter, no person shall:

(a) Practice or attempt to practice chiropractic.

(b) Buy, sell or fraudulently obtain a diploma or license to practice chiropractic, whether recorded or not.

(c) Use the title "Chiropractic," "D.C.," "Chiropractor," "Chiropractic D.C.," or "Ph.C.," or any word or title to induce belief that he is engaged in the practice of chiropractic.

(d) Place upon any door a sign for the purpose of displaying any of the titles mentioned in paragraph (c) of this subsection.

(2) The display of such titles or any of them fraudulently obtained is prima facie evidence that such person is fraudulently engaged in the practice of chiropractic and subject to this chapter.

(3) No person practicing under this chapter shall administer or write prescriptions for, or dispense drugs, practice optometry or naturopathy or do major surgery. [Amended by 1953 c.541 §2]

684.115 Application of chapter. (1) Nothing in this chapter shall be deemed to prevent one licensed under this chapter from the administration of the anesthetics or antiseptics authorized in subsection (3) of ORS 684.010 or the use of radiopaque substances administered by mouth or rectum necessary for Roentgen diagnostic purposes.

(2) Nothing in this section or ORS 684.010 shall be interpreted as authorizing the administration of any substance by the penetration of the skin or mucous membrane of the human body for a therapeutic purpose. [1953 c.541 §2]

684.120 Chapter not applicable to other methods of healing. Nothing in this chapter shall be construed to interfere with any other method or science of healing in this state.

684.130 State Board of Chiropractic Examiners; appointment, qualifications, terms and removal of members. (1) A board hereby is established to be known as the State Board of Chiropractic Examiners. The board shall be composed of three chiropractors who are residents of this state and have practiced chiropractic in this state for one year. Annually, upon the expiration of the term of one of the members of the board, the Governor shall appoint one practitioner to the board to serve for a period of three years.

(2) The Governor shall fill vacancies on the board, occasioned by death or otherwise. Upon sufficient proof to the Governor of the inability or misconduct of a member of the board, the member shall be dismissed and the Governor shall appoint his successor from some licensed chiropractor residing in this state.

684.140 Officers of board. The board shall annually elect a president, a vice president and a secretary-treasurer from its membership. The secretary-treasurer of the board shall give a bond in the sum and with the sureties the board deems proper. The secretary of the board shall keep a record of the proceedings of the board which shall be open to public inspection at all times during business hours.

684.150 Powers and duties of board. (1) The board shall adopt a seal which shall be affixed to all licenses issued by it. The board shall from time to time adopt such rules and regulations as it deems proper and necessary for the performance of its work. The board has authority to administer oaths, take affidavits, summon witnesses and take testimony as to matters pertaining to its duties. A majority of the board constitutes a quorum.

(2) The board shall meet as a board of examiners on the first Tuesday following the second Monday of January and July of each year and at such times and places as may be found necessary for the performance of its duties.

(3) The board shall adopt a schedule of minimum educational requirements, which shall be without prejudice or discrimination as to the different colleges teaching chiropractic.

684.160 Compensation and expenses of board members. (1) A member, other than one employed in full-time public service, may receive a payment of $20 for each day or portion thereof during which he is actually engaged in the performance of his official duties. In addition, all members may receive actual and necessary travel and other expenses incurred in the performance of their official duties within limits as provided by law or by the Department of Finance and Administration under ORS 292.220 and 292.230.

(2) Such per diem and mileage, and other incidental expenses necessarily connected with the board shall be paid out of the account of the State Board of Chiropractic Examiners and not otherwise.
[Amended by 1967 c.10 §2]

Note: The duties, powers and functions of the Department of Finance and Administration were transferred to the Department of Finance or the Department of General Services. See 1967 c.419 §31.

684.170 Disposition of receipts. All moneys from whatever source that come into the possession of the board shall be paid to the secretary-treasurer thereof, who shall, within 30 days of the receipt of such moneys, deposit them with the State Treasurer, who shall credit such moneys to the Chiropractic Board Fund.
[Amended by 1967 c.637 §31]

Note: The 1967 amendments to ORS 684.170 become operative July 1, 1969. Until then, ORS 684.170 (1957 Replacement Part) remains in effect.

684.180 Disposition of examination fees; accounting for funds; report to Governor. (1) All examination fees received by

the board under this chapter shall be paid to the secretary-treasurer of the board who shall at the end of each year deposit them with the State Treasurer, and the State Treasurer shall place the money as received in a special fund of the State Board of Chiropractic Examiners and shall pay the same out in warrants drawn by the Secretary of State, upon vouchers issued and signed by the president and secretary-treasurer of the board. The moneys so received and placed in the fund may be used by the board in defraying expenses in carrying out the provisions of this chapter.

(2) The secretary-treasurer shall keep a true and accurate account of all funds received and all vouchers issued by the board. On December 1 of each year he shall file with the Governor a report of all receipts and disbursements and the proceedings of the board for the fiscal year.

684.190 Enforcement of chapter. (1) The district attorneys shall prosecute all persons charged with violation of any of the provisions of this chapter. The secretary-treasurer of the board, under the direction of the board, shall aid the district attorneys in the enforcement of this chapter.

(2) The district court of Multnomah County and the justice courts of the several counties have concurrent jurisdiction with the circuit courts in the enforcement of this chapter.

684.990 Penalties. Violation of any of the provisions of subsection (1) of ORS 684.110 is punishable, upon conviction, by a fine of not less than $50 nor more than $200, or by imprisonment in the county jail for not less than 30 days nor more than one year, or by both. All subsequent offenses shall be punished in like manner.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 December 1, 1967.

Robert W. Lundy
Legislative Counsel