

House of Delegates

NO. 83.

THE SPEAKER—Hygiene.

By the HOUSE OF DELEGATES, January 7, 1947.

Introduced, read first time and referred to the Committee on Hygiene.

By order, JOHN A. MENTON, Chief Clerk.

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Sections 441, 446, 448 and 449 of Article 43 of the Annotated Code of Maryland (1939 Edition and 1943 Supplement), title "Health", sub-title "Chiropractic", relating to the State Board of Chiropractic Examiners and clarifying the provisions of the law relating to the practice of chiropractic and prohibiting certain types of advertising.

1 SECTION 1. *Be it enacted by the General Assembly of Mary-*
2 *land, That Sections 441, 446, 448 and 449 of Article 43 of the*
3 *Annotated Code of Maryland (1939 Edition, and 1943 Sup-*
4 *plement), title "Health", sub-title "Chiropractic", be and*
5 *they are hereby repealed and re-enacted, with amendments,*
6 *to read as follows:*

1 441. There is hereby created and established a board to
2 be known by the name and style of the State Board of Chiro-
3 practice Examiners, and said board shall be composed of
4 three (3) resident course graduated practicing Chiropractors
5 of integrity and ability, who shall be residents of the State
6 of Maryland and who shall have practiced Chiropractic in
7 the State for a period of at least five (5) consecutive years.
8 [No two members of said board shall be graduates of the
9 same school or college of Chiropractic.]

1 446. (a) Examinations for license to practice Chiropractic
2 shall be made by said Board according to the method deemed
3 by it to be most practicable and expeditious to test the appli-
4 cant's qualifications. Such application shall be designated
5 by a number instead of his or her name so that the identity
6 will not be discovered or disclosed to the members of the
7 board until after the examination papers are graded.

8 (b) All examinations in the preclinical basic sciences shall
9 be in writing, the subjects of which shall be as follows: Ana-
10 tomy and Histology, physiology, pathology, chemistry and
11 bacteriology, and the clinical subjects symptomatology, chiro-
12 practic principles, orthopedy, neurology and hygiene; chiro-
13 practic technic and practice, physical diagnosis, [and]
14 roentgenology and modalities may be either written or oral
15 at the discretion of the Board. A license shall be granted

16 to all applicants who shall correctly answer seventy-five per-
 17 centum (75%) of all questions asked, and if any applicant
 18 shall fail to answer correctly sixty percentum (60%) of the
 19 questions on any branch of said examination he or she shall
 20 not be entitled to a license.

21 (c) Chiropractic is hereby defined to be a drugless health
 22 system, the basic principle of which teaches that disease is
 23 caused by interference with the transmission of nerve im-
 24 pulses. The practice of Chiropractic is defined as diagnosis,
 25 the location of disaligned or displaced vertebrae of the human
 26 spinal column, the procedure preparatory to and the adjust-
 27 ment by hand of such misaligned or displaced vertebrae of
 28 the spinal column and its articulations, by any method not
 29 including the use of drugs, surgery or obstetrics, *osteopathy,*
 30 *optometry or podiatry, or any branch of medicine for the*
 31 *purpose of relieving such interference and aiding in the*
 32 *restoration of health, providing that nothing herein con-*
 33 *tained shall be construed to prohibit the use of by any li-*
 34 *icensed Chiropractor of all necessary electrical, mechanical,*
 35 *dietetic and sanitary measures incident to the care of the*
 36 *human body, [nor any branch of medicine, nor osteopathy.]*
 37 for the purpose of relieving such interference.

1 448. (a) The State Board of Chiropractic Examiners may
 2 refuse to grant or may revoke a license to practice Chiro-
 3 practic in this State, or may cause a licentiate's name to be
 4 removed from the records in the office of the [recorder of
 5 deeds] *Clerk of a Court* of this State upon any of the fol-
 6 lowing grounds, to wit: The attempt to do other than is
 7 permitted under this license in an effort to deceive the public,
 8 the employment of fraud or deception in applying for a li-
 9 cense or in passing an examination provided for in this
 10 sub-title, the practice of Chiropractic under a false or assumed
 11 name, or the impersonation of another practitioner of like
 12 or different name, the conviction of a crime involving moral
 13 turpitude, habitual intemperance in the use of ardent spirits,
 14 narcotics or stimulants to such an extent as to incapacitate
 15 him or her for the performance of his or her professional
 16 duties, repeated convictions before the Board of a licensee
 17 using false and misleading advertising *or advertising other*
 18 *than herein indicated,* and practicing without having been
 19 issued an annual renewal certificate. Any person who is a
 20 licentiate, or is an applicant for a license to practice Chiro-
 21 practic against whom any of the foregoing grounds for re-
 22 voking or refusing a license is presented to said Board with
 23 a view of having the Board revoke or refuse to grant a license,
 24 shall be furnished with a copy of the complaint, and shall
 25 have a hearing before said Board in person or by attorney,
 26 or both, and witnesses may be examined by said Board re-
 27 specting the guilt or innocence of said accused.

28 *Each chiropractor may exhibit on the door or wall of the*
 29 *building wherein he practices not more than two signs on*
 30 *which may be placed the name and title or degree of such*
 31 *person, the letters of which shall not exceed three inches*
 32 *square, and may also exhibit such sign on the door of his*
 33 *office and may insert advertising in telephone book which*
 34 *may consist of not more than two inches, containing the*
 35 *name, address, telephone number and office hours only. Any*
 36 *person practicing chiropractic who shall solicit or advertise*
 37 *by mail, card, newspaper, pamphlet, radio or otherwise to*
 38 *the general public except as herein authorized shall be guilty*
 39 *of a misdemeanor, and upon conviction thereof, shall be fined*

40 *not less than Fifty Dollars (\$50.00) nor more than Three*
 41 *Hundred Dollars (\$300.00) for each offense, but notices by*
 42 *mail to bona fide patients of times for periodic examinations*
 43 *shall not be constituted as soliciting or advertising.*

44 [(b)] (c) Said Board may at any time within two years
 45 of the refusal or revocation or cancellation of registration
 46 under this section, by a majority vote, issue a new license or
 47 grant a license to the person affected, restoring him to or
 48 conferring upon him all rights and privileges of, and per-
 49 taining to the practice of Chiropractic as defined and regu-
 50 lated by this sub-title. Any person to whom such have been
 51 restored shall pay to the secretary-treasurer the sum of \$25
 52 upon issuance of a new license.

53 [(c) After two years have elapsed a licensee can only be
 54 reinstated through re-examination, except in case the appli-
 55 cant is able to convince the Board of reputability and effi-
 56 ciency through continuous practice during the period of re-
 57 newals have elapsed.]

1 449. (a) Every person who shall receive a license from the
 2 State Board of Chiropractic Examiners shall have it recorded
 3 in the office of the [recorder of deeds of the county] *clerk*
 4 *of court of the county or the clerk of the Superior Court of*
 5 *Baltimore City, as the case may be,* of which he resides and
 6 shall likewise have it in the counties to which he shall sub-
 7 sequently remove for the purpose of practicing Chiropractic.

8 (b) The failure or refusal on the part of the holder of a
 9 license to have it recorded before he or she shall begin the
 10 practice of Chiropractic in this State after having been noti-
 11 fied by the State Board of Chiropractic Examiners to do so,
 12 shall be sufficient grounds to revoke or cancel a license and
 13 render it null and void. The [recorder] *clerk of the court*
 14 shall keep for public inspection, in a book provided for that
 15 purpose, a complete list and description of the licensees re-
 16 corded by him. When any such license shall be presented
 17 to him for record he shall stamp upon the face thereof his
 18 signed memorandum of date when such license was presented
 19 for record.

1 SEC. 2. *And be it further enacted,* That this Act shall take
 2 effect June 1, 1947.