

CHAPTER 36.

[S. B. 12.]

REGULATION OF DRUGLESS HEALING.

AN ACT regulating and licensing the practice of treating the sick and afflicted without the use of drugs, creating a board of examiners for such practitioners, defining the powers and duties of such board, regulating the use of certain professional terms and abbreviations, defining the term "drugless therapeutics," creating a drugless practitioners' fund, defining what shall be unprofessional conduct, making an appropriation from funds created by collection of license fees, prescribing penalties for the violation of this act, and repealing all acts and parts of acts in conflict herewith.

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

Appointment
of board of
examiners.

SECTION 1. The governor shall appoint a board of examiners to be known as the board of drugless examiners of the State of Washington, consisting of eight drugless physicians as hereinafter provided. The members to be appointed as follows: two mechano-therapists, two suggestive therapists, two food scientists, two physcultopaths. In selecting the members of said board, the Washington Association of Drugless Physicians shall certify to the governor the names of sixteen of its members, each a graduate of a legally chartered college of drugless therapeutics who shall have practiced continuously in the State of Washington four years prior to June 30th, 1919. The governor may appoint members to the said board of drugless examiners who are not members of the Washington Association of Drugless Physicians: *Provided*, said members are regularly licensed under this act and graduates of chartered drugless colleges, which members shall serve for the term of six years and until their successors are appointed: *Provided*, that the first board shall be appointed within thirty days

after the taking effect of this act. The members of said board to serve as follows: two for two years, three for four years, and three for six years. All vacancies on said board shall be filled by the governor, and the Washington Association of Drugless Physicians shall certify to the governor for such purposes, the names of five (5) of its members: *Provided*, said members shall be regularly licensed by this board. No member of said board shall serve for more than two (2) terms in succession, nor shall any person financially interested in any medical or drugless school be appointed to said board. The board shall elect from its members a president, a secretary, and a treasurer, for a term of two (2) years, and shall adopt a seal. It shall hold examinations alternately at Spokane and Seattle, Washington, said examinations to begin at 9 o'clock a. m., on the first Monday of February and August of each year. Examinations to continue at least one (1) day and until all applications are properly disposed of. The secretary shall keep a record of all proceedings, including the register of applicants for licenses, giving their age, a description of their education in drugless therapeutics, and results of examinations. Said record shall be *prima facie* evidence of the matters therein contained.

Officers of board.

Examinations.

Secretary's records.

SEC. 2. Each member of said board before entering upon the duties of his office, shall take an oath that he will honestly perform his duties, and also make oath that he is a graduate of a chartered college of drugless therapeutics.

Oaths.

SEC. 3. Only persons desiring to practice drugless therapeutics in this state shall apply to said board of examiners for a license and pay a fee of twenty-five dollars (\$25.00) as hereinafter specified, which sum in no case shall be refunded. If at a time appointed, or at the next regular examina-

License fee.

Qualifica-
tions en-
titled to
license.

tion, he or she shall prove he or she has completed a residence course of three entire sessions of thirty-six weeks each at a chartered drugless school, the entrance requirements of which was a high school education, or its equivalent and shall pass an examination in the following subjects, to-wit: anatomy, physiology, hygiene, symptomatology, urinalysis, dietetics, hydrotherapy, radiography, electrotherapy, gynecology, obstetrics, psychology, mechanical and manual manipulation, they shall be granted a license by said board, or if the school attendance of said applicant was prior to the passage of this act a diploma from a chartered drugless school, the entrance requirements of which was a common school education or its equivalent, and two years continuous practice in this state shall suffice; or if the applicant has no diploma but has been in continuous practice in any of the drugless systems herein mentioned for the past four years, two years of which shall have been in continuous practice in one place in this state, he or she shall be allowed to practice: *Provided*, said applicant shall take an examination on the following subjects: anatomy, physiology, hygiene, symptomatology, mechanical and manual manipulation. After such examination, the board, if five (5) members consent, shall grant the applicant a license to practice drugless therapeutics in the State of Washington. The examinations shall be both scientific and practical and thoroughly test the fitness of the candidate. All answers to questions peculiar to any school of therapeutics shall be scrutinized and their sufficiency passed upon by the members of the board belonging to such school and their decisions shall be final, but the following subjects, to-wit: anatomy, physiology, hygiene, urinalysis and gynecology, shall be construed to be in common with all systems herein mentioned, and each candidate shall be examined in each of

Examina-
tions.

said subjects: *Provided*, after 1921, the following subjects shall be construed as common to all systems, to-wit: anatomy, physiology, hygiene, urinalysis, symptomatology, hydrotherapy and gynecology. The board may refuse to grant a license to, or may revoke the license of any person guilty of unprofessional conduct, subject to the right of appeal within ninety (90) days, to the superior court of the county where the board met when said license was refused, or revocation made. Any license granted without a full and fair compliance with the provisions of this act may be cancelled in any action brought in the name of the state by the prosecuting attorney of the county where the examination was held, or said action may be brought by the attorney general; and if a license is denied an applicant shall have the right to petition the superior court where said examination was held for an order compelling said board to issue said license.

Refusal, revocation, and cancellation of licenses.

Continuous practice as herein provided shall be construed to apply to drugless physicians who have actually been practicing in this state, even if they have not received a license under the present medical laws.

Continuous practice construed.

SEC. 4. The following forms of certificates shall be issued by said board under the seal thereof, and signed by the president and secretary:

Forms of certificates to practice.

First. A certificate authorizing the holder thereof to practice mechanotherapy;

Second. A certificate authorizing the holder thereof to practice suggestive therapeutics;

Third. A certificate authorizing the holder thereof to practice food science;

Fourth. A certificate authorizing the holder thereof to practice physcultopathy;

Fifth. A certificate for any other separate and co-ordinate system of drugless practice, and such system shall be given two representations on the

board: *Provided*, they shall show evidence of not less than fifty graduates, practicing in this state, whose requirements shall be no less than as set forth in this act. Practitioners hereunder shall confine their practice to the subjects and system or systems represented by their certificate or certificates granted by said board. The applicant for an examination must file at least thirty days prior to a regular meeting satisfactory testimonials of good moral character and a diploma issued by some legally chartered drugless college, or satisfactory evidence of having possessed such diploma, except as herein otherwise provided, and must fill out a blank application to be sworn to before some person authorized to take acknowledgments, showing that he or she is the person named in the diploma, is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made on a blank furnished by said board, and shall contain such other information concerning the instruction and preliminary education of the applicant as said board may by rule adopt.

SEC. 5. All money received by said board or any member thereof, shall be turned over before the tenth day of the succeeding month to the state treasurer, together with verified statement showing the source from which it was derived. The treasurer of said board shall give a surety bond to be approved by and deposited with the auditor of the state in the sum of one thousand dollars (\$1,000.00). Each member of the board of examiners shall receive a compensation from said fund of five dollars (\$5.00) for each day in which he is actually engaged in attendance upon the meetings of the board, in going to and returning from meetings, and all necessary expenses incurred in attending such meet-

Affidavits
and testi-
monials re-
quired.

Disposition
of moneys
collected.

Treasurer's
bond.

Compensa-
tion and ex-
penses of
examiners.

ings, all such compensation and premium for treasurer's bond, also postage and printing, shall be paid by the state treasurer from funds accumulated by license fees herein provided for, same to be paid on warrants drawn by the state auditor upon presentation of proper vouchers approved by said board.

All the fees collected under the provisions of this act shall be credited to a fund to be known as "the drugless practitioner's fund," and at the end of each three year period, any amount of money accumulated in said fund over and above the sum of two hundred and fifty dollars (\$250.00) shall be part of the general fund and shall accordingly be transferred by the state treasurer from said "drugless practitioner's fund" to the general fund. The secretary of said board shall receive a compensation not to exceed one hundred dollars (\$100.00) per annum.

Drugless
practitioner's
fund.

Transfer to
general fund.

Salary of
secretary.

SEC. 6. Before engaging in practice, the holder shall file his license for record with the county clerk in the county where he resides. Upon removal to another county he shall file his license in like manner. Such clerk shall keep in the record book of said licenses an index, showing the date and page record, and on demand shall furnish the secretary of the board a list of licenses on file. Upon notice to the clerk of the death or removal of a licensee, or revocation of a license, he shall note the same upon the records.

Recordation
of licenses.

SEC. 7. All persons granted licenses or certificates under this act, shall be subject to the state and municipal regulations, relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health; and all such reports shall be accepted as legal.

Health and
vital statistics
regulations.

SEC. 8. Nothing in this act shall be construed as to prohibit service in the case of emergency, or

Persons ex-
cepted from
provisions
of act.

the domestic administration of families' remedies, nor shall this act apply to any commissioned health officer in the United States army, navy or marine hospital service, in discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry, nor to any duly licensed physician in the practice of medicine, or surgery, nor to a person duly licensed to practice osteopathy, from using or recommending drugless methods of healing in the course of their practice, nor shall this apply to any practitioner from any other state who visits this state in response to a call to treat a particular patient: *Provided*, such practitioner shall not open an office or appoint a place of meeting patients within the limits of this state, nor shall this act be construed to discriminate against any particular school of drugless therapeutics or to interfere in any way with the practice of religion: *Provided*, also that nothing in this act shall be held to apply to, or regulate any kind of treatment by prayer.

Unprofessional conduct defined.

SEC. 9. The words "unprofessional conduct" as used in this act is hereby declared to mean:

First. The procuring, aiding or abetting in procuring a criminal abortion.

Second. The wilful betraying of a professional secret.

Third. Advertising any means or remedy whereby the monthly periods of women can be regulated, or menses re-established.

Fourth. Conviction of any offense involving moral turpitude.

Fifth. Habitual intemperance.

Sixth. The personation of another licensed practitioner.

Seventh. Exploiting or advertising through the press, or by the use of hand bills, circulars or other

periodicals, other than professional cards, giving only name, address, profession, office hours and telephone connections.

Eighth. All advertising which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons.

Ninth. Conspiring to bring or cause to be brought any action in court against any licensed practitioner for alleged malpractice or agree with anyone for a share or part of any sum of money to be recovered in such action: *Provided*, that nothing herein shall be construed to prevent any licensed practitioner from testifying against any other licensed practitioner in any action for alleged malpractice.

SEC. 10. Any person not heretofore authorized by law who shall practice or attempt to practice or hold himself out as practicing drugless therapeutics in the State of Washington without having obtained the license herein provided for, contrary to any provisions of this act shall be guilty of a misdemeanor, and shall be punished as provided by law for such offenses. Any person shall be regarded as practicing within the meaning of this act who shall use, prescribe, direct or recommend, any drugless treatment for the relief of any wound, fracture, bodily injury, or disease, either mental or physical: *Provided*, this act shall not be construed to discriminate against any particular school of drugless therapeutics, or to interfere in any way with the practice of religion: *Provided*, also, that nothing in this act shall be held to apply to or regulate any kind of treatment by prayer.

Illegally practicing.

SEC. 11. The examination held by the state board of drugless examiners under this act shall be conducted in accordance with the following regulations:

Examination regulations.

Affidavits.

First. Each applicant is required to make an affidavit setting forth his age, place of residence, time and place of each course of lectures, or other work connected with his drugless education and the date of graduation, or length of time in practice. The affidavit must be corroborated by the exhibition of a certificate from the proper officers of the college, showing that the applicant had completed the prescribed course for graduation. No advance standing shall be recognized for work done at other than drugless colleges.

Fee not returnable on failure to pass.

Second. A fee of twenty-five dollars (\$25.00) must accompany the application. This fee is under no consideration to be returned, but if the applicant should fail to secure an average of sixty-five per cent (65%), and should be denied a license, such applicant shall, without paying a further fee and without losing his classification under the provisions of this act, be permitted to take another examination any time within two years. Drugless practitioners who hold a diploma from a legally incorporated drugless school who have practiced in this state two years previous to the passing of this act and those having no diploma but who have been in continuous practice in this state for three years, shall be given a credit of fifteen per cent (15%) on the general average.

Credits.

Conduct of examinations.

Third. The examination shall be in charge of three or more of the members of the board of examiners, and the papers of candidates shall be known by numbers which shall be arranged as follows: envelopes shall be numbered and each containing a blank corresponding to the number, on which blank the applicant shall write his name and address, and return to the envelope, sealed by the applicant, and delivered to the examiners. Each candidate shall place on his paper the number given him and the year of graduation.

Fourth. Examination papers will be collected, and sent to the member or members of the board in charge of that subject. Such member or members shall examine the papers and place the mark opposite each candidate's number. These marks shall be sent to the secretary, who shall tabulate them and present them to the members of the board at a meeting which shall be held at the time of the examination or within thirty days thereafter. When the markings are completed, the envelopes containing the names are to be opened and the names placed opposite their respective numbers.

Fifth. No dishonest methods will be tolerated, and any candidate disregarding these rules shall be debarred from further examination.

Sixth. Each subject for examination shall be covered by ten questions, and two hours' time shall be allowed for each subject. All of the questions given on the subjects of anatomy, physiology and hygiene must be approved by five members of said board, and all of the questions on the other subjects mentioned in common in this law shall be approved by at least four members of the entire board.

Seventh. No candidate shall be allowed to leave the examination room after the question papers have been distributed, until the questions are answered and delivered to the examiners in charge.

Eighth. All examinations shall be in English. Within twenty days after a license is granted or refused, the reasons shall be set forth in writing and placed with the papers used in the examination, and all of said examination papers shall be filed with the secretary of the board within thirty days after said license has been granted or refused.

SEC. 12. The term "separate and co-ordinate system" as used in this act is defined as follows: Definitions.

Food
Science.

Food Science: is the science of treating disease through the chemical action of foods, water, non-medicinal herbs, roots, barks and all natural food elements other than pharmaceutic drugs and poisons, to bring about a normal condition of health.

Mechano-
Therapy.

Mechano-Therapy. Is a system of therapeutics which enables the practitioner to know how to apply scientifically the mechanics of hydrotherapy, dietetics, circumstances, idea and manual manipulation for the stimulation of phycho and physiological action to establish a normal condition of the body.

Suggestive
Therapeutics.

Suggestive Therapeutics. Is a system of healing which enables the practitioner to know how to offer suggestions that will cause the mind of the patient to overcome the disease of the body and bringing mind and body into harmony, and both into harmony with environment.

Physcult-
opathy.

Physcultopathy. Is a system of healing which enables the practitioner to know the scientific effect of movements on the body and how to direct a system of mechanical gymnastics that restore the diseased parts or functions to a normal condition.

Drugless
therapeutics
defined.

SEC. 13. The term "drugless therapeutics," as used in this act consists of hydrotherapy, dietetics, electro-therapy, radiography, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body, but shall in no way include the giving, prescribing or recommending of pharmaceutic drugs and poisons for internal use, the purpose of this act being to confine practitioners hereunder to drugless therapeutics.

The words "certificate" and "license" shall be known as interchangeable terms.

Advertising
matter.

SEC. 14. On all cards, books, papers, signs, or other written or printed means of giving informa-

tion to the public on any system of practice, the practitioner shall use after or below his name the proper term designating the special line of drugless practice in which he is engaged, and shall not use after his name the letters, "M. D." or Doctor of Medicine and Surgery, nor "D. O." or Doctor of Osteopathy, or "D. C." or Doctor of Chiropractic.

SEC. 15. There is hereby appropriated from the drugless practitioners' fund the sum of twelve hundred dollars (\$1,200.00) for the purpose of defraying the expenses and paying the amounts herein provided for the next biennium: *Provided, however,* that in no event shall the expenditures herein provided exceed the actual collections on hand in such fund.

Appropriation,
\$1,200.00.

SEC. 16. All acts and parts of acts in conflict herewith are hereby repealed to the extent that they might affect the drugless systems mentioned.

Repealing
clause.

SEC. 17. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be punished as provided by law.

Penalty for
violations
of act.

Passed the Senate January 27, 1919.

Passed the House February 11, 1919.

Approved by the Governor February 18, 1919.