

THE CHIROPRACTIC INITIATIVE ACT OF CALIFORNIA

Initiative measure approved by the electors
November 7, 1922, effective December 21, 1922.

An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith.

This act cannot be codified by the Legislature because of the constitutional limitations on the powers of the Legislature with reference to them.

The people of the state of California do enact as follows:

§ 1. Board of examiners, membership, appointment, qualifications, per diem expenses

A board is hereby created to be known as the "State Board of Chiropractic Examiners," hereinafter referred to as the board. The board shall consist of seven members appointed by the Governor. Each member shall be a citizen of the United States and shall have been a resident of California for five years. Two members shall be public members. Each licensee member shall have had at least five years of licensure in this state prior to appointment. Each licensee member must have pursued a resident course in an approved chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

Not more than two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic, nor shall more than two members be residents of any one county of the state. And no person who is or within one year of the proposed appointment has been an administrator, policy board members, or paid employee of any chiropractic school or college shall be eligible for appointment to the board. Each member of the board shall receive a per diem in the amount provided in Section 103 of the Business and Professions Code for each day during which he is actually engaged in the discharge of his duties, together with his actual and necessary travel expenses incurred in connection with the performance of the duties of his office, such per diem, travel expenses and other incidental expenses of the board or of its members to be paid out of the funds of the board hereinafter defined and not from the state's taxes.

(Initiative Measure, Stats. 1923, p. 1xxxviii, § 1. Amended by Stats. 1959, c. 1768, p. 4252, § 1; Stats. 1961, c. 706, p. 1948, § 1; Stats. 1971, c. 1755, p. 3785, § 2; Stats. 1976, c. 263, p. 547, § 1.)

§ 2. Board of examiners, terms, removal of members

The Governor shall appoint the members of the board. Each appointment shall be for the term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified or until one year has elapsed since the expiration of his term whichever first occurs. No person shall serve more than two consecutive terms on the board nor be eligible for appointment thereafter until the expiration of four years from the expiration of such second consecutive term, effective January 2, 1974. The Governor may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

(Initiative Measure, Stats. 1923, p. 1xxxix, § 2. Amended by Stats. 1971, c. 1755, p. 3785, § 3.)

§ 3. Organization; executive officer; quorum; vote required; records

The board shall elect a chairman and vice chairman and a secretary to be chosen from the members of the board. The board shall employ an executive officer and fix his salary with the approval of the Director of Finance. Elections of the officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

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It shall require the affirmative vote of four members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this act. The executive officer shall receive a salary to be fixed by the board, together with his actual and necessary traveling expenses incurred in connection with the performance of such duties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the Governor or his designee, a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

(Initiative Measure, Stats. 1923, p. 1xxxix, § 3. Amended by Stats. 1947, c. 151, p. 677, § 1, adopted Nov. 2, 1948; Stats. 1971, c. 1755, p. 3785, § 4.; Stats. 1976, c. 263, p. 548, § 2.)

§ 4. Powers of board

The board shall have power:

- (a) To adopt a seal, which shall be affixed to all licenses issued by the board.
- (b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public. Such rules and regulations shall be adopted, amended, repealed and established in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature.
- (c) To examine applicants and to issue and revoke licenses to practice chiropractic, as herein provided.
- (d) To summon witnesses and take testimony as to matters pertaining to its duties; and each member shall have power to administer oaths and take affidavits.
- (e) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.
- (f) To determine minimum requirements for teachers in chiropractic schools and colleges.
- (g) To approve chiropractic schools and colleges whose graduates may apply for licenses in this state. The following shall be eligible for approval:
 - (1) Any chiropractic school or college having status with the accrediting agency and meeting the requirements of Section 5 of this act and the rules and regulations adopted by the board.
 - (2) Any chiropractic school or college initially commencing instruction prior to the effective date of the amendments to this section approved by the electors at the November, 1976, general election, provided such school or college meets the requirements of Section 5 of this act and the rules and regulations adopted by the board and provided such school or college attains status with the accrediting agency within a time period commencing on the effective date of this provision and ending March 1, 1980.
 - (3) Any chiropractic school or college initially commencing instruction subsequent to the effective date of the amendments to this section approved by the electors at the November, 1976, general election, provided such school or college meets the requirements of Section 5 of this act and the rules and regulations adopted by the board and provided such school or college attains status with the

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accrediting agency within a time period not exceeding three years following such commencement of instruction.

Upon submission of evidence satisfactory to the board that the accrediting agency has unreasonably denied status to a chiropractic school or college approved under paragraph (2) or (3) of this subdivision by not considering the application for status submitted by that school or college in a timely manner, by denying the application for status submitted by that school or college without good cause, or by imposing arbitrary and capricious additional requirements upon that school or college as conditions for the attainment of status, the board shall grant an extension of the time period for the attainment of status specified in the paragraph under which that school or college is approved, as it applies to that school or college, of at least six months but no more than one year. Prior to the expiration of such extension or of any additional extension the board grants, the board shall determine whether that school or college has been unreasonably denied status by the accrediting agency for any of the reasons specified in the immediately preceding sentence during the extension. Should the board determine such unreasonable denial of status during the extension has occurred, the board shall grant an additional extension of the time period for the attainment of status, as it applies to that school or college, of at least six months but no more than one year.

As used in this section, “accrediting agency” means (1) the Accrediting Commission of the Council on Chiropractic Education, other chiropractic school and college accrediting agencies as may be recognized by the United States Commissioner of Education, or chiropractic school and college accrediting agencies employing equivalent standards for accreditation as determined by the board, (2) in the event such commission ceases to exist or ceases to be recognized by such commissioner, a chiropractic school and college accrediting agency as may be designated by the board or chiropractic school and college accrediting agencies employing equivalent Standards for accreditation as determined by the board, or (3) in the event such commission ceases to exist or ceases to be recognized by such commissioner, no other such accrediting agency is recognized by such commissioner, and no such accrediting agency is acceptable to the board, the board.

As used in this section, “status” means correspondent status, status as a recognized candidate for accreditation, accredited status, or other similar status as may be adopted and used by the accrediting agency.

As used in this section, “in a timely manner” means within the time deadlines as may be established by the accrediting agency for submission of applications, consideration of applications submitted, acceptance or rejection of applications submitted, and other similar functions, as those time deadlines are interpreted by the board.

As used in this section, “without good cause” means not in accordance with rules and regulations that may be established by the accrediting agency as conditions for the attainment of status, as those rules and regulations are interpreted by the board.

As used in this section, “arbitrary and capricious additional requirements” means requirements which may be imposed by the accrediting agency as conditions for the attainment of status during the time period specified for the attainment of status by a chiropractic school or college that, in the board’s judgment, cannot be satisfied within such time period or do not serve to improve the educational standards or quality of such school or college.

(h) The board may employ such investigators, clerical assistants, commissioners on examination and other employees as it may deem necessary to carry into effect the provisions of this act, and shall prescribe the duties of such employees.

(Initiative Measure, Stats. 1923, p. 1xxxix, § 4. Amended by Stats. 1947, c. 151, p. 677, § 2, adopted Nov. 2, 1948; Stats. 1970, c. 643, p. 1261, § 1; Stats. 1976, c. 263, p. 548, § 3; Stats. 1978, c. 307, p. 636, § 1.)

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§ 5. License to Practice: Fee: Educational Requirements

License to Practice: Fee: Educational Requirements. It shall be unlawful for any person to practice chiropractic in this state without a license so to do. Any person wishing to practice chiropractic in this state shall make application to the board 45 days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. Proof of graduation from an approved chiropractic school or college, as defined in Section 4, must reach the board 15 days prior to any meeting thereof. Each application must be accompanied by a licensee fee of not more than one hundred dollars (\$100), as determined by the board. Except in the cases herein otherwise prescribed, each applicant shall present to the board at the time of making such application a diploma from a high school and a transcript of 60 prechiropractic college credits satisfactory to the board, or proof, satisfactory to the board, of education equivalent in training power to such high school and college courses.

The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is as follows, except as herein otherwise provided:

Group 1	Anatomy, including embryology and histology	14%
Group 2	Physiology	6%
Group 3	Biochemistry and clinical nutrition	6%
Group 4	Pathology and bacteriology	10%
Group 5	Public health, hygiene and sanitation	3%
Group 6	Diagnosis, dermatology, syphilology and geriatrics, and radiological technology, safety, and Interpretation	18%
Group 7	Obstetrics and gynecology and pediatrics	3%
Group 8	Principles and practice of chiropractic, physical therapy, psychiatry, and office procedures	25%
	Total	85%
Electives		15%

Any applicant who had matriculated at a chiropractic college prior to the effective date of the amendments to this section submitted to the electors by the 1977-1978 Regular Session on the Legislature shall meet all requirements that existed immediately prior to the effective date of those amendments but need not meet the change in requirements made by said amendments.

(Initiative Measure, Stats. 1923, p. 1xxxix, § 5. Amended by Stats. 1947, c. 151, p. 678, § 3, adopted Nov. 2, 1948; Stats. 1960, c. 14, p. 135, § 1; Stats. 1975, c. 771, p. 1791, § 1.

§ 6. Board of examiners, meetings, offices, examinations

(a) The office of the board shall be in the City of Sacramento. Suboffices may be established in Los Angeles and San Francisco, and such records as may be necessary may be transferred temporarily to such suboffices. Legal proceedings against the board may be instituted in any one of the three cities.

(b) The board shall meet as a board of examiners at least twice each calendar year, at such times and places as may be found necessary for the performance of its duties.

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(c) Examinations shall be written, oral, and practical, covering chiropractic as taught in chiropractic schools or colleges, designed to ascertain the fitness of the applicant to practice chiropractic. Said examination shall include at least each of the subjects as set forth in Section 5 hereof. Identity of the applicants shall not be disclosed to the examiners until after examinations have been given final grades. A license shall be granted to any applicant who shall make a general average of 75 percent, and not fall below 60 percent in more than two subjects or branches of the examination and receive a 75 percent score in all parts of the practical examination as designed by the board. Any applicant failing to make the required grade shall be given credit for the branches passed, and may, without further cost, take the examination at the next regular examination on the subject in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of 1 percent on the general average.

(d) An applicant having fulfilled the requirements of Section 5 and paid the fee thereunder, and having obtained a diplomate certificate from the National Board of Chiropractic Examiners, may offer such certificate together with a transcript of grades secured in said national board examination, and the California Board of Chiropractic Examiners may accept same in lieu of all or a portion of the California board examination as determined by the board.

(Initiative Measure, Stats. 1923, p. xc, § 6. Amended by Stats. 1971, c. 1755, p. 3786, § 5; Stats. 1976, c. 263, p. 550, § 5.)

§ 7. Certificate to practice; issuance; practice authorized

One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated "License to practice chiropractic," which license shall authorize the holder thereof to practice chiropractic in the State of California as taught in chiropractic schools or colleges; and, also, to use all necessary mechanical, and hygienic and sanitary measures incident to the care of the body, but shall not authorize the practice of medicine, surgery, osteopathy, dentistry or optometry, nor the use of any drug or medicine now or hereafter included in materia medica.

(Initiative Measure, Stats. 1923, p. xc, § 7.)

§ 8. Blind persons

No blind person shall be denied admission into any college or school of chiropractic or denied the right to take any examination given by such school or college or denied a diploma or certificate of graduation or a degree or denied admission into any examination for a state license or denied a regular license to practice chiropractic on the ground that he is blind.

(Formerly § 1000-8.1, added by Stats. 1949, c. 500, p. 859, § 1, adopted Nov. 7, 1950. Renumbered § 1000-8 and amended by Stats. 1971, c. 1755, p. 3787, § 7.)

§ 9. Issuance of licenses to licensees of other states

Notwithstanding any provision contained in any other section of this act, the board, upon receipt of the fee specified in Section 5, shall issue a license to any person licensed to practice chiropractic under the laws of another state, provided said state then had the same general requirements as required in this state at the time said license was issued, and provided that such other state in like manner grants reciprocal registration to chiropractic practitioners of this state.

The applicant shall also provide a certificate from the other state stating that he was licensed by that state, that he has not been convicted of unprofessional conduct, and that there is no charge of unprofessional conduct pending against him.

(Initiative Measure, Stats. 1923, p. xc, § 9. Amended by Stats. 1960, c. 14, p. 136, § 2, adopted Nov. 8, 1960. Amended by Stats. 1971, c. 1755, p. 3787, § 8.)

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§ 10. Rules of professional conduct; denial, suspension or revocation of license; reissuance

(a) The board may by rule or regulation adopt, amend or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of professional service and the protection of the public. Such rules or regulations shall be adopted, amended, or repealed in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature.

(b) The board may refuse to grant, or may suspend or revoke, a license to practice chiropractic in this state, or may place the licensee upon probation or issue a reprimand to him, for violation of the rules and regulations adopted by the board in accordance with this act, or for any cause specified in this act, including, but not limited to: The employment of fraud or deception in applying for a license or in passing an examination as provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; a plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense substantially related to the practice of chiropractic; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed; or the advertising, directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license or any other person, company or association by which he or she is employed, or in whose services he or she is, will treat, cure, or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of any person, company or association so advertising. The proceedings for the refusal to grant, suspension or revocation of a license upon any of the foregoing grounds shall be conducted in accordance with chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature, and the board shall have all the powers granted therein. The secretary on all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such revocation under the seal of the board to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person the following: "This certificate was revoked on the _____ day of _____," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(c) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, reissue said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the fee specified in Section 5 upon the issuance of a new license.

(Initiative Measure, Stats. 1923, p. xci, § 10. Amended by Stats. 1947, c. 151, p. 679, § 4, adopted Nov. 2, 1948; Stats. 1960, c. 14, p. 136, § 3, adopted Nov. 8, 1960; Stats. 1970, c. 643, p. 1261, § 2; Stats. 1978, c. 307, p. 640, § 3.)

§ 11. Repealed by Stats. 1971, c. 1755, p. 3787, § 9

Historical and Statutory Notes

The repeal of Initiative Measure, Stats. 1923, p. xci, § 11, approved by the electors Nov. 7, 1922, was approved by the electors at the election held June 6, 1972.

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The repealed section required recordation of licenses and required a list of licensees be kept by the county clerk, which list was to be open to public inspection.

§ 12. Renewal fee

Licenses issued under the provisions of this section expire at 12 midnight on the last day of the month of birth of licentiates of the board.

On or before July 1, 1991, the board shall establish regulations for the administration of a birth month renewal program. Each person practicing chiropractic within this state shall, on or before the last day of their month of birth of each year, after a license is issued to them as herein provided, pay to the Board of Chiropractic Examiners a renewal fee of not more than one hundred fifty dollars (\$150) as determined by the board. The secretary shall mail to all licensed chiropractors in this state, on or before 60 days prior to the last day of the month of their birth each year, a notice that the renewal fee will be due on or before the last day of the month of their birth next following. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses. The failure, neglect or refusal of any person holding a license or certificate to practice under this act in the State of California to pay the annual fee during the time their license remains in force shall, after a period of 60 days from the last day of the month of their birth automatically work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor and the payment to the board of a fee of twice the annual amount of the renewal fee in effect at the time the restoration application is filed except that a licentiate who fails, refuses or neglects to pay the annual tax within a period of 60 days after the last day of the month of his or her birth of each year shall not be required to submit to an examination for the reissuance of the certificate.

(Initiative Measure, Stats. 1923, p. xcii, § 12. Amended by Stats. 1947, c. 151, p. 680, § 5, adopted Nov. 2, 1948; Stats. 1960, c. 14, p. 137, § 4, adopted Nov. 8, 1960; Stats. 1975, c. 771, p. 1792, § 2, eff. Sept. 16, 1975; Stats. 1978, c. 306, p. 635, § 2, eff. June 29, 1978; Stats. 1983, c. 533, § 2, eff. July 28, 1983; Stats. 1988, c. 1094, § 1.)

§ 12.5. Authority of legislature to fix fees payable by applicants and licensees and per diem compensation of Board of Chiropractic

The Legislature may by law fix the amounts of the fees payable by applicants and licensees and the amount of the per diem compensation payable to members of the board.

(Added by Stats. 1959, c. 1768, p. 4253, § 2.)

§ 13. Health regulations, death certificates, reports

Chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to all matters pertaining to the public health, and shall sign death certificates and made reports as required by law to the proper authorities, and such reports shall be accepted by the officers of the departments to which the same are made.

(Initiative Measure, Stats. 1923, p. xcii, § 13.)

§ 14. Receipts; deposit; monthly report; state board of chiropractic examiners' fund; use

The executive officer shall at the end of each month report to the State Controller the total amount of money received by the board from all sources, and shall deposit with the State Treasurer the entire amount of such receipts, and the State Treasurer shall place the money so received in a special fund, to be known as the "State Board of Chiropractic Examiners' Fund". Such fund shall be expended in accordance with law for all necessary and proper expenses in carrying out the provisions of this act, upon proper claims approved by said board or a finance committee thereof.

(Initiative Measure, Stats. 1923, p. xcii, § 14. Amended by Stats. 1971, c. 1755, p. 3787, § 10.)

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§ 15. Noncompliance with and violations of act

Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain a license to practice chiropractic, whether recorded or not, or who shall use the title “chiropractor” or “D.C.” or any word or title to induce, or tending to induce belief that he or she is engaged in the practice or chiropractic, without first complying with the provisions of this act; “(or any licensee under this act who uses the word “doctor” or the prefix “Dr.” without the word “chiropractor,” or “D.C.” immediately following his or her name) or the use of the letters “M.D.” or the words “doctor of medicine,” or the term “surgeon,” or the term “physician,” or the word “osteopath,” or the letters “D.O.” or any other letters, prefixes or suffixes, the use of which would indicate that he or she was practicing a profession for which he or she held no license from the State of California, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) and not more than seven hundred fifty dollars (\$750), or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment.

(Initiative Measure, Stats. 1923, p. xcii, § 15. Amended by Stats. 1988, c. 1094, § 2.)

§ 16. Exceptions to application of act; construction of act

Nothing in this act shall be construed to prohibit service in case of emergency, or the domestic administration of chiropractic, nor shall this act apply to any chiropractor from any other state or territory who is actually consulting with a licensed chiropractor in this state; provided, that such consulting chiropractor shall not open an office or appoint a place to receive patients within the limits of the state; nor shall this act be construed so as to discriminate against any particular school of chiropractic, or any other treatment; nor to regulate, prohibit or apply to any kind of treatment by prayer; nor to interfere in any way with the practice of religion. Nor shall this act apply to persons who are licensed under other acts.

(Initiative Measure, Stats. 1923, p. xcii, § 16.)

§ 17. Enforcement of act

It shall be the duty of the board to aid attorneys and law enforcement agencies in the enforcement of this act.

(Initiative Measure, Stats. 1923, p. xciii, § 17. Amended by Stats. 1971, c. 1755, p. 3787, § 11.)

§ 1000-18. Repeal of conflicting provisions in medical practice act

Nothing herein shall be construed as repealing the “medical practice act” of June 2, 1913, or any subsequent amendments thereof, except in so far as that act or said amendments may conflict with the provisions of this act as applied to persons licensed under this act, to which extent any and all acts or parts of acts in conflict herewith are hereby repealed.

(Initiative Measure, Stats. 1923, p. xciii, § 18.)

§ 19. Severability

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The electors hereby declare that they would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

(Initiative Measure, Stats. 1923, p. xciii, § 19.)

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§ 20. Intent of the amendments approved by the electors at the November 1978, general election

Intent of the amendments approved by the electors at the November 1978, general election. In approving the amendments to this act submitted to the electors at the November 1978, general election, it is the intent of the people of the State of California to respond to a decision of the Superior Court of the County of Los Angeles which held that the board's interpretation of the amendments to this act approved by the electors at the November 1976, general election did not reasonably provide adequate opportunity for two chiropractic colleges then instructing students in California to apply for an obtain status as Recognized Candidates for Accreditation by the Accrediting Commission of the Council on Chiropractic Education. The people deem the amendments to the act approved by the electors at the November 1978, general election to reasonably provide adequate opportunity for the two chiropractic colleges which were the subject of the aforementioned decision, other chiropractic schools and colleges instructing students as of the effective date of the amendments to this act approved by the elector sat the November 1976, general election, and chiropractic schools and colleges which may be established and commence instruction following the effective date of the amendments to this act approved by the electors at the November 1976, general election, to attain status with the accrediting agency, as those terms are defined in subdivision (g) of Section 4. All courts shall be guided by this statement of intent in any decisions they may render relative to this act, but nothing in this act shall be construed to proscribe judicial review of any actions of the board relative to the administration and enforcement of this act.

(Added by Stats. 1978, c. 307, p. 641, § 4.)