

1972

CHIROPRACTORS

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8 CHIROPRACTORS. Legislative Amendment. Amends several sections of the Chiropractic Initiative Act. Provides that members of the Board of Chiropractic Examiners shall be citizens of the United States and have resided and been licensed Chiropractors in California for at least five years. Deletes provision that District Attorneys are required to prosecute violations of the Chiropractic Act. Revises examination procedure. Makes other nonsubstantive changes in that Act. Financial impact: This measure does not involve any significant cost or revenue considerations.

YES

NO

(For full text of measure, see page 7, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to amend the Chiropractic Act to change qualifications for membership on the State Board of Chiropractic Examiners; to provide for the appointment of an executive officer by the board; and to revise certain qualifications and the examination procedures for licensing of chiropractors.

A "No" vote is a vote to reject this measure.

For further details, see below.

Detailed Analysis by the Legislative Counsel

The Chiropractic Act, an initiative statutory measure, provides for the licensing and regulation of the practice of chiropractic. This measure would amend, renumber, and repeal various sections of the Chiropractic Act relating to the following subjects:

(1) State Board of Chiropractic Examiners

(a) The Chiropractic Act now requires that members of the board be citizens of California, and be licensed chiropractors who have had a resident course in a regularly incorporated chiropractic school. This measure would require, instead, that board members be citizens of the United States, be of good moral character, have at least five years of residence and five years of licensure in chiropractic in California, and have studied at an approved school.

(b) The Chiropractic Act now makes any person connected with a chiropractic school or college ineligible for appointment to the board. This measure limits ineligibility to administrators, policy board members, or paid employees of such a school or college, or anyone who has been such within one year of his proposed appointment.

(c) This measure would increase the term of an appointment to the board from three to four years, limit service on the board to one year after expiration of his term if no successor is appointed, and prohibit serving more

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Cost Analysis by the Legislative Analyst

The revisions to the State Chiropractic Act made in this proposal do not involve any significant cost or revenue considerations.

(Continued from column 1)

than two consecutive terms on the board or serving within four years thereafter.

(d) This measure would require the board to appoint an executive officer at a salary fixed by the board with the approval of the Director of Finance, to perform duties now performed by a salaried secretary. A secretary would be chosen from the members of the board.

(e) The Chiropractic Act now requires the board to meet on two specified dates each year and at such other times as may be necessary for the performance of its duties. This measure eliminates the requirement of meeting on fixed dates and instead requires the board to meet at least twice each year as necessary for the performance of its duties.

(2) Examinations and Licenses

(a) The Chiropractic Act now requires that examinations for a license be written. This measure would require, in addition, that examinations for a license be oral and practical.

(b) This measure would revise requirements for licensing persons licensed in another state to require equivalency at time of issuance of license by the other state. It would also require specific information as to unprofessional conduct in the other state.

(c) This measure would delete the requirement that a licensee record his license with the county clerk of the county in which he resides and each county where he practices.

(3) Enforcement

This measure requires that the board aid law enforcement agencies, as well as attorneys, in enforcement of the act.

(4) Obsolete Provisions

This measure also deletes several obsolete provisions.

Argument in Favor of Proposition 8

"yes" vote on this amendment to the Chiropractic Initiative Act will further insure the protection and well-being of the public by imposing additional requirements for appointment to the State Board of Chiropractic Examiners.

Greater protection to the public will result from a "yes" vote by the following changes:

- preventing conflicts of interest by eliminating as eligible appointees to the Board of Examiners, chiropractors recently employed as administrators, policy board members or paid employees of chiropractic schools or colleges;
- requiring that appointees to the Board of Examiners be a United States citizen with at least five (5) years residence in California, of good moral character, and licensed to practice for at least five (5) years in California prior to appointment;

—providing that Doctors of Chiropractic from another state will be granted a license only after complying with all California requirements if that state has the same requirements as California;

—imposing an executive structure on the Board of Chiropractic Examiners that conforms to the structure of other existing state boards of the healing arts.

The Legislature gave its overwhelming support of a "yes" vote with only one negative vote recorded in both houses.

A "yes" vote is supported by both the California Chiropractic Association and the International Chiropractors Association of California.

We strongly urge you to vote "yes".

RALPH C. DILLS
Senator, 32nd District

GORDON COLOGNE
Senator, 36th District

9 ENVIRONMENT. Initiative. Specifies permissible composition and quality of gasoline and other fuel for internal combustion engines. Authorizes shutting down of businesses and factories violating air pollution standards. Imposes restrictions on leasing and extraction of oil and gas from tidelands or submerged lands, or onshore areas within one mile of mean high tide line. Prohibits construction of atomic powered electric generating plants for five years. Establishes restrictions on manufacture, sale, and use of pesticides. Prohibits enforcement officials from having conflicting interests. Provides for relief by injunction and mandate to prevent violations. Imposes penal sanctions and civil penalties.

YES

NO

(For full text of measure, see page 10, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote is a vote to regulate the composition and qualities of internal combustion engine fuels; further regulate air pollution; authorize class actions concerning air pollution; regulate specified oil, gas, and mineral leases and activities; impose a five-year moratorium on new atomic energy powered electric generating plants; and regulate persistent chlorinated hydrocarbons.

A "No" vote is a vote not to enact the initiative.

For further details, see below.

Detailed Analysis by the Legislative Counsel

This initiative act, the "Clean Environment Act," includes, among other things, provisions which would:

Internal Combustion Engine Fuels

(a) Restrict composition of gasoline for internal combustion engine fuel sold by retailers on and after January 1, 1973, including progressively more stringent limits of lead content in 1975 and 1976; and require every man-

(Continued on page 20, column 1)

Cost Analysis by the Legislative Analyst

The Clean Environment Initiative contains various provisions which have major and minor revenue and cost effects for state and local government. Some provisions of the Act are broad in application and others are detailed. Some modify existing state and local government programs while others add new programs. Several parts of the initiative are permissive and require implementation by state or local government. No costs are attributed to these provisions although their implementation could involve substantial costs.

The Act prohibits awarding new leases or renewing existing leases for extraction of oil and gas on tide and submerged lands or onshore lands within one mile of mean high tide. Similarly, drilling of exploratory core holes or pumping oil and gas from the above areas is prohibited unless such activity is underway. The major cost to the State of California if the initiative is approved will be from the loss of oil and gas revenues. The State Lands Division has estimated these one-time losses ranging from \$200,000,000 to \$770,000,000 de-

(Continued on page 20, column 2)

7	VALUATION OF SINGLE-FAMILY DWELLINGS FOR TAX PURPOSES. Legislative Constitutional Amendment. Provides that Legislature may prohibit the valuation of single-family dwellings for purposes of property taxation at any value greater than that which would reflect use of property as site for single-family dwelling.	YES	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 44, 1971 Regular Session, expressly amends an existing article of the Constitution by adding a new section thereto; therefore, **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENT TO
ARTICLE XIII**

Sec. 2.5. The Legislature may by law prohibit the valuation of single-family dwellings for purposes of property taxation at any

value greater than that which would reflect the use of the property as a site for a single-family dwelling.

As used in this section, "single-family dwelling" means a single-family dwelling occupied by an owner thereof on the lien date and so much of the land on which it is situated as may be required for the convenient use and occupation of such dwelling, if such dwelling is on land which is zoned exclusively for single-family home use or which is zoned for agricultural use where single-family homes are permitted.

8	CHIROPRACTORS. Legislative Amendment. Amends several sections of the Chiropractic Initiative Act. Provides that members of the Board of Chiropractic Examiners shall be citizens of the United States and have resided and been licensed Chiropractors in California for at least five years. Deletes provision that District Attorneys are required to prosecute violations of the Chiropractic Act. Revises examination procedure. Makes other nonsubstantive changes in that Act. Financial impact: This measure does not involve any significant cost or revenue considerations.	YES	
		NO	

(This law proposed by SB 1561 (Ch. 1755), 1971 Regular Session, expressly amends existing sections of the law; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** or **REPEALED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENTS TO
INITIATIVE ACT**

An act . . . † to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners **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" approved by electors November 7, 1922 by amending Sections 1, 2, 3, 6, 9, 14, and 17 thereof, by amending and renumbering Section 8.1 thereof, and by repealing Sections 8 and 11 thereof, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to subdi-

vision (c) of Section 24 of Article IV of the State Constitution, relating to healing arts.

SECTION 1. * * * †

SEC. 2. Section 1 of the act cited in the title is amended to read:

Section 1. A board is hereby created to be known as the "State Board of Chiropractic Examiners," hereinafter referred to as the board, which shall consist of five members, citizens of the State of United States, with at least five years residence in California, appointed by the Governor. Each member shall be of good moral character and shall have had at least five years of licensure in this state prior to appointment. Each member must have pursued a resident course in a regularly incorporated an approved chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

Each member of the board first appointed hereunder shall have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect, thereafter appointees shall be licentiates hereunder.

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

3. 1561 (Ch. 1755), 1971 Regular Session, also amends Labor Code Section 4601.

one county of the State state. And no person connected with who is or within one year of the proposed appointment has been an administrator, policy board member, or paid employee of any chiropractic school or college shall be eligible to for appointment as a member of to the board. Each member of the board, except the secretary, 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 traveling travel expenses incurred in connection with the performance of the duties of his office, such per diem, ~~traveling 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 state's taxes.

SEC. 3. Section 2 of the act cited in the title is amended to read:

Sec. 2. Within sixty days of the date upon which this act takes effect, the governor The Governor shall appoint the members of the board. Of the members first appointed, one shall be appointed for a term of one year, two for two years, and two for three years. Thereafter, each Each appointment shall be for the term of three 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 Governor may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

SEC. 4. Section 3 of the act cited in the title is amended to read:

Sec. 3. The board shall convene within 30 days after the appointment of its members, and shall organize by the election of a president and a vice-president to be chosen from the members of the board, and a secretary, who may, but need not be a member elect a chairman and a vice chairman and a secretary to be chosen from the members of the board. The board shall employ an executive officer and fix the his salary of the secretary, with the approval of the Director of Finance. Thereafter elections Elections of the officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of three 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 secretary ~~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 the duties of his office, and shall give bond to the State state in such sum with such sureties 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.

SEC. 5. Section 6 of the act cited in the title is amended to read:

Sec. 6. (a) 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 other times and places as may be found necessary for the performance of their duties. The office of the board shall be in the city City of Sacramento. Sub-offices Suboffices may be established in Los Angeles and San Francisco, and such records as may be necessary be transferred temporarily to such sub-offices. Legal proceedings against the board may be instituted in any one of said the three cities.

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

(c) All examinations Examinations shall be in writing, except in cases herein otherwise prescribed, and shall be practical in character, written, oral, and practical, covering chiropractic as taught in chiropractic schools or colleges, and designed to ascertain the fitness of the applicant to practice chiropractic. Said examinations examination shall be include at least each of the subjects as set forth in section five 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 seventy-five 75 percent, and not fall below sixty 60 percent in more than two subjects or branches of said the examination. Any applicant failing to make the required grade shall be ; credit for the branches passed, and . . .

with further cost, take the examination at the next regular examination on the subjects in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of one percent on the general average.

SEC. 6. Section 8 of the act cited in the title is repealed.

SEC. 8. Any person who shall have practiced chiropractic for two years after graduation from a chiropractic school or college, one year of which shall have been in this state preceding the date upon which this act takes effect, or any person who graduated from a chiropractic school or college prior to January 1, 1922, and who shall present to the board satisfactory proof of good moral character and having pursued a resident course of not less than two thousand hours in a legally incorporated chiropractic school or college, shall be given a practical and clinical examination in chiropractic philosophy and practice, and if he, or she, make a grade of seventy-five per cent in such examination, the board shall grant a license to said applicant to practice chiropractic in this state under the provisions of this act; provided, however, that application for said license is made within six months of the date upon which this act takes effect and that each applicant shall pay to the secretary of the board the sum of twenty-five dollars.

SEC. 7. Section 8.1 of the act cited in the title is amended and renumbered to read:

SEC. 8.1. 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.

SEC. 8. Section 9 of the act cited in the title is amended to read:

SEC. 9. 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 of the following named persons: (a) To each member of the board. (b) To any person licensed to practice chiropractic under the laws of another state, having provided said state then had the same general requirements as prescribed in this act, required in this state at the time said license was issued, and provided, further, that such other state in like manner grants reciprocal registration to chiropractic practitioners of this State state.

Each 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.

SEC. 9. Section 11 of the act cited in the title is repealed.

SEC. 11. (a) Every person who shall receive 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 into which he shall subsequently move for the purpose of practicing chiropractic.

(b) The failure or the refusal on the part of the holder of a license to have it recorded before he shall begin to practice chiropractic in this state, after having been notified by the board to do so, shall be sufficient ground to revoke or cancel a license and to render it null and void.

(c) 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 such license shall be presented to him for record he shall stamp upon the face thereof his signed memorandum of the date when such license was presented for record.

SEC. 10. Section 14 of the act cited in the title is amended to read:

SEC. 14. All moneys received by the board under this act shall be paid to the secretary of said board, who shall give a receipt for the same and The executive officer shall at the end of each month report to the state controller State Controller the total amount of money received by him on behalf of said the board from all sources, and shall at the same time deposit with the state treasurer State Treasurer the entire amount of such receipts, and the state treasurer State Treasurer shall place the money so received in a special fund, to be known as the "state board of chiropractic examiners' State Board of Chiropractic Examiners' Fund" fund," which fund is hereby created. 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.

SEC. 11. Section 17 of the act cited in the title is amended to read:

SEC. 17. It shall be the duty of the several district attorneys of this state to prosecute all persons charged with the violation of any of the provisions of this act. It shall be the duty of the secretary of the board, under the direction of the board, to aid attorneys and law enforcement agencies in the enforcement of this act.