

NOTICE OF DEFECT IN FILING OF NOTICE OR RULES  
UNDER ADMINISTRATIVE PROCEDURES ACT  
(Chapter 34.04 RCW)

TO: Max V. Brokaw, Secretary  
Division of Professional Licensing  
Fourth Floor  
Olympia, Wa. 98504

DATE: 6/15/73

Dear Sir(s):

The following defect has been noted in the notice   
or rules  filed on 6/6/73 relating to:  
(date)

Order No. PL-143 (Permanent)

Rules relating to certain prohibited practices in the  
practice of chiropractic to-wit: Experimental procedures,  
devices or instruments.

- (1) [ ] Purports to be emergency adoption, but  
lacks statement of nature of emergency.
- (2) [ ] Purports to be regular adoption, but  
notice of intention to adopt not timely  
filed.
- (3) [ ] Purports to be regular adoption, but no  
notice of intention filed.
- (4) [x] Hearing Notice 3770 schedules meeting for 1/13/73;  
Notice 3879 (Continuance Notice) schedules meeting  
for March 10, 1973. Adoption on 6/2/73 not previous  
filed as an adoption date.

We are holding this proposed filing in suspense, pend-  
ing further instructions from you. Please address communi-  
cations to Code Reviser's Office, Legislative Building,  
Olympia 98501 or call Mrs. Barmore at Area Code 206 753-  
6804, SCAN 234-6804.

See overleaf for pertinent provisions of Administrative  
Procedure Act.

Yours very truly,

*Richard O. White*  
RICHARD O. WHITE  
Code Reviser

By: *L. L. Barmore*  
L. L. Barmore

*Notified  
by phone  
6/15/73*

RCW 34.04.030 EMERGENCY RULES AND AMENDMENTS. If the agency finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the agency may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The agency's finding and a brief statement of the reasons for its finding shall be incorporated in the emergency rule or amendment as filed with the office of the code reviser under RCW 34.04.040. An emergency rule or amendment shall not remain in effect for longer than ninety days. This section does not relieve any agency from compliance with any law requiring that its rules be approved by designated persons or bodies before they become effective. [1959 c 234 §3].

RCW 34.04.025 as last amended by section 17, chapter 250, Laws of 1971 1st ex.sess. provides:

"(1) Prior to the adoption, amendment or repeal of any rule, each agency shall:

(a) Give at least twenty days notice of its intended action by filing the notice with the code reviser, mailing the notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings, and giving public notice as provided in chapter 42.30 RCW as now or hereafter amended. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon.

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(2) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now are hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule."

RCW 34.04.027 provides:

"When twenty days notice of intended action to adopt, amend or repeal a rule has not been filed with the code reviser, as required in RCW 34.04.025 the code reviser shall not publish such rule and such rule shall not be effective for any purpose."