

Osteopathic and Medical Laws



Published by
American Osteopathic Association
1909

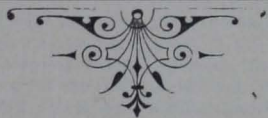


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SPECIAL COLLECTIONS

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OSTEOPATHIC AND MEDICAL LAWS.

ALABAMA MEDICAL ACT. AN ACT

To prescribe the branches of Medical Learning upon which applicants for the privilege of treating diseases of human beings in this State must be examined, and to provide for the issuance of Certificates of Qualification therefor.

Sec. 1. Be it enacted by the Legislature of Alabama, That any applicant for a Certificate of Qualification to treat diseases of human beings by any system of treatment whatsoever shall, according to rules prescribed and standards established by the Medical Association of the State of Alabama, be examined by one of the authorized boards of medical examiners of this state in the following branches of medical learning to-wit: chemistry; anatomy; physiology; the etiology, pathology, symptomology and diagnosis of disease; obstetrics and obstetrical operations; gynecology, minor and major surgery; hygiene; and medical jurisprudence; and should said applicant be found proficient in said branches of medical learning, a Certificate of Qualification in such form as shall be prescribed by said Medical Association of the State of Alabama shall be issued to him, which shall entitle him to treat any and all diseases of human beings in this state in any manner that he may deem best.

Sec. 2. Be it further enacted, That when an applicant states in writing that he has neither studied nor proposes to practice Major Surgery, said applicant shall be exempt from examination in said branch of Major Surgery, and should he be found proficient in the other branches of medical learning named in Section 1 of this act, a Certificate of Qualification in form to be likewise prescribed by the Medical Association of the State of Alabama shall be issued to him, which shall entitle him to treat any and all diseases of human beings in this state in such a manner as he may deem best, except by the practice of Major Surgery.

Sec. 3. Be it further enacted, That all laws or parts of laws, in so far as they conflict with the provisions of this Act, be and the same are hereby repealed.

Approved Feb. 26th, 1903.

ARIZONA MEDICAL ACT. AN ACT

TO REGULATE THE PRACTICE OF MEDICINE.

Be It Enacted by the Legislative Assembly of the Territory of Arizona:—

Section 1. That it shall be unlawful for any person to practice medicine within the Territory of Arizona until he or she shall have obtained a license therefor, as hereinafter in this Act prescribed.

Sec. 2. No person shall receive a license to practice medicine within the Territory unless he or she shall have:

First. Obtained a diploma to practice medicine, or some department thereof, regularly issued by a medical college, lawfully organized under the State or Territory wherein such college shall have been located at the time of the issuance of such diploma; and,

Second. Obtained a certificate entitling him or her to practice medicine, as prescribed in Section 4, Chapter 1, of Title 53, being Paragraph 3529 of the Revised Statutes of Arizona, entitled "An Act to Amend an Act to Regulate the Practice of Medicine in the Territory of Arizona," approved March 18th, 1897; or,

Third. Practiced medicine within the Territory of Arizona continuously for five successive years preceding the date fixed for the taking effect of this act; and,

Fourth. Upon the examination by the Board of Medical Examiners of Arizona, shown to the satisfaction of the board that he or she possesses sufficient knowledge and skill to practice medicine; and,

Fifth. Become a bona fide resident of Arizona, and shall have passed the age of twenty-one years; and shall have a good moral character.

Sec. 3. There shall be, and there is hereby established in Arizona, a board to be known as the "Board of Medical Examiners of Arizona."

Said board shall consist of five members, who shall be nominated and, by and with the consent of the Legislative Council, appointed by the Governor. Such members shall, at the time of their appointment, be each a bona fide citizen of the United States, and have been a resident of the Territory of Arizona for at least three consecutive years continuously next preceding the time of his appointment; and at the time of his appointment shall be and shall have, for at least three consecutive years theretofore, been actually engaged in the practice of medicine in the Territory of Arizona. The term of office of said members of said board shall be for five years, except that of the members first appointed under the provisions of this Act, one of whom shall be appointed for one year, one for two years, and one for three years, and one for four years, and one for five years. Three members of said board shall be physicians of the regular school of medicine, one of the Homeopathic school of medicine, and one of the Eclectic school of medicine. The board shall, upon its organization and thereafter once in each year, elect one of its members as President and one of its members as Secretary thereof, whose respective terms of office, as President and Secretary, shall be one year. The President shall preside at the meetings of the board and shall by his signature authenticate all licenses issued under the provisions of this Act.

The Secretary shall keep the records of the board, have the custody of its books, papers and

GIVEN DAWN L. TACKER D.O. 11-20-53

seal; shall countersign all licenses issued under the provisions of this Act, and shall act as the Treasurer of the Board.

Said board shall make reasonable rules and regulations for the transaction of its business not inconsistent with the law or the purposes and intent of this Act. The board shall meet in regular session quarter-yearly, at a regular designated place of meeting, at Phoenix, Arizona, and at such other times as it may from time to time appoint.

Sec. 4. Any person desiring to obtain a license to practice medicine in this Territory shall make application therefor to the Board of Medical Examiners of Arizona. The application shall be in writing and state the name of the applicant, his age, his residence, the name and location of the college whence his diploma issued, the length of time, if at all, he has practiced medicine, and where, giving specifically the places where he had practiced medicine, and the dates between which he practiced at each place, and the particular school and department of medicine he practiced, and contain such other information as may be prescribed by the rules and regulations of the board.

Each application for license shall be verified by the oath of the applicant, taken before some officer authorized by the laws of Arizona to administer oaths. The application shall be accompanied by the diploma of the applicant, or by a copy thereof authenticated to the satisfaction of the board. The applicant shall also present with his or her application the affidavits of at least three or more residents of the County and State wherein the applicant formerly resided and practiced medicine, stating, within their own knowledge, the name of the applicant, the length of time they have known him or her, his or her residence the length of time he or she had resided there and if applicant shall have practiced medicine in Arizona, the length of time and the place or places where he or she has so practiced, and that the applicant is a person of good moral character. If the applicant shall have received a certificate under the provisions of Paragraph 3529 Revised Statutes of Arizona, 1901, or shall have passed a satisfactory examination prescribed by an Act of the Legislative Assembly of the Territory of Arizona entitled "An Act to Amend an Act to Regulate the Practice of Medicine in Arizona," approved March 18, 1897; or, if the applicant shall have practiced medicine within the Territory continuously for five successive years next preceding the date fixed for the taking effect of this Act, he or she shall present with his or her application proper and satisfactory evidence thereof; the applicant shall, at the time of the presentation of his or her application to practice medicine, pay to the Secretary of the Board of

Medical Examiners the sum of two (\$2) dollars.

If it shall appear that the applicant has not obtained the certificate mentioned in Paragraph 3529, Revised Statutes of Arizona, 1891, or passed the satisfactory examination prescribed by the provisions of an Act of the Legislative Assembly of Arizona entitled "An Act to Amend an Act to Regulate the Practice of Medicine in Arizona," approved March 18, 1897, and shall not have practiced medicine within this Territory continuously for five years next preceding the date fixed for the taking effect of this Act, then no license shall issue to him or her, until he or she shall have, upon examination by the board, shown to the satisfaction of the board that the application possesses sufficient knowledge and skill to properly practice medicine.

Sec. 5. The examination provided for in the preceding Section shall be made by said board as soon after the application shall have been presented as it may be conveniently done, and after notice to the applicant of the time and place thereof. The examination shall be conducted under such reasonable rules and regulations as the board may prescribe therefor, and with the design and purpose of ascertaining the fitness of the applicant for the practice of medicine in this Territory. If the applicant request it, he or she shall have the privilege of being examined in the branches of the science and practice of medicine other than Physiology, Anatomy, Pathology, Chemistry, Practice, Surgery, Obstetrics, and Gynecology, by the member or members of the board of the particular school of medicine, specified in his or her diploma, and if the examination in such other branches be satisfactory to the member or members conducting said examination, it shall be approved by the board and to the extent thereof be deemed to be the board's satisfaction.

Before any examination the applicant shall pay to the Secretary of the Board, in addition to the fee hereintoforesaid required, the further fee of ten (\$10) dollars.

Sec. 6. When it shall be made to appear to the satisfaction of the board that the applicant possesses the qualifications in this Act prescribed to fit him or her to practice medicine in this Territory, and that he or she has complied with the provisions of this Act, a license shall thereupon issue to the applicant. The license shall be signed by the President and countersigned by the Secretary of the board, and have impressed upon it the seal adopted by the board. It shall recite that the person therein named has complied with the provisions of this Act, and that he or she is entitled to practice medicine in the Territory of Arizona, and shall be in such form as the board may adopt.

Sec. 7. Upon proper proof to the board of Medical Examiners of Arizona that the holder

of any license issued under the provisions of this Act has been guilty, since the issuance thereof, of any grossly immoral or unprofessional conduct, or of other conduct rendering him or her unfit to practice medicine in this Territory, or has been convicted of any felony, said board shall, after due notice to such holder and full opportunity to him or her to defend against or refute such charges, revoke and cancel such license, and it shall thereafter be unlawful for such person to practice in this Territory until he or she shall again be licensed thereto under the provisions of this Act.

Sec. 8. The members of the Medical Board of Examiners of Arizona shall receive for their compensation and for reimbursements of all expenses incurred by the board or its members in the discharge of the duties imposed by this Act, the fees paid by the applicants for license and examinations, the same to be apportioned and applied by the board.

Sec. 9. The Secretary of the Board shall keep a register of those to whom license to practice shall be issued under the provisions of this Act. Such record shall be kept in a substantially bound book, in which shall be entered in alphabetical order the name of the licensees, their place of residence, the date of issuance of such license and such other memoranda as the board may direct. The Secretary shall also keep a proper and accurate account of all moneys received and disbursed by him. He shall also properly endorse, file, and safely keep all applications for license and accompanying papers, and papers used in examination of applicants for license, and turn over all said books and papers to his successor in office.

Sec. 10. Any person shall be regarded as practicing medicine within the meaning of this Act who shall, within this Territory, (a) by advertisement or by any notice, sign or other indication, or by any statement, printed, written, or oral, in public or in private, made, done or procured by himself or herself, or any other, at his or her request, for him or her, claim, announce, make known or pretend his or her ability and willingness to diagnose or prognosticate any human diseases, ills, deformities, defects, wounds, or injuries; (b) or who shall advertise or make known or claim his or her ability to prescribe or administer any drug, medicine, treatment, method or practice, or to perform any operation, or manipulation, or apply any apparatus or appliance for cure, amelioration, correction, reduction or modification of any human disease, ill, deformity, defect, wound or injury, for hire, fee, compensation or reward, promised, offered, expected, received or accepted, directly or indirectly; (d) or who shall within this Territory prescribe or administer any drug, medicine, treatment, method or practice, or perform

any operation or manipulation, or apply any apparatus or appliance for the cure, alleviation, amelioration, correction or modification of any human disease, ill, deformity, defect, wound or injury, for hire, fee, compensation, or reward, promised, offered, expected, received or accepted, directly or indirectly; (e) or who shall act as the agent of any person, firm or corporation, in the practice of medicine as hereinbefore set forth; (f) except it be in the advertisement or practice of dentistry, midwifery, or pharmacy, or in the usual business of opticians, or of vendors of dental or surgical instruments, apparatus or appliances.

Sec. 11. The provisions of this act shall not apply to physicians or surgeons of the United States Army or Navy in the discharge of their duties.

Sec. 12. The provisions of this Act shall not be construed to modify, or in anywise effect the provisions of the laws of this Territory relating to the practice of denistry.

Sec. 13. Any person or persons violating any of the provisions of this Act upon conviction thereof, shall be fined in any sum not less than one hundred (\$100.00) dollars, nor more than one thousand (\$1000.00) dollars, or by imprisonment in the County jail for a period of not less than three (3) months, nor more than one (1) year, or both such fine and imprisonment, at the discretion of the courts.

Sec. 14. All laws in conflict or inconsistent with this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect from the date of its approval by the Governor, provided however, that persons having already complied with previous laws regulating the practice of medicine in the Territory of Arizona shall have until the first day of June, 1903, within which to file their applications for license and procure same, and until such time no penalty shall be imposed on such lawful practitioners for violation of the provisions of this Act.

ARKANSAS OSTEOPATHIC LAW.

A BILL FOR

An act to be entitled an act to regulate the practice of osteopathy in the State of Arkansas, and to provide for a State board of osteopathic examiners, and to license osteopaths to practice in this State and punish persons violating the provisions of this act.

Be it Enacted by the General Assembly of the State of Arkansas.

Section 1. That the Governor of this State shall appoint a board, as soon after passage of this act as possible, to be known as The State Board of Osteopathic Examiners. Said board shall consist of five qualified resident practicing osteopaths, each of whom shall be a graduate from a legally chartered school of osteopathy.

wherein the course of study shall not be less than four terms of five months each. Each member of said board shall serve thereon for a term of four years and until his successor is appointed, except in case of the first board, on which two shall serve for four years, two for three years and one for two years, as specified in their appointments. In case of vacancy by death or otherwise there shall be appointed in like manner a person to serve through the unexpired term. The treasurer of said board shall give bond in such amount as may be designated by the board, conditioned for the faithful disbursement of all moneys coming into his hands as such treasurer.

Sec. 2. Said board of osteopathic examiners shall elect a president, secretary and treasurer, and shall have a common seal, and its president and secretary shall have power to administer oaths. Said board shall hold meetings for examinations at the State Capitol on the first Tuesday of February and July of each year, and such other meetings as may be deemed necessary, each session thereof not to exceed three days, and shall issue certificates of qualifications to all applicants who pass the required examination as provided in section 3. All osteopaths practicing in this State prior to the passage of this act and who have graduated from a reputable osteopathic school wherein the course of study covers a period of twenty months or more having four terms of five months each or more, shall be licensed to practice osteopathy by submitting to said board of osteopathic examiners such diploma and satisfying said board that he or she is the legal holder thereof, without examination, on payment of the sum of ten dollars, (\$10.00).

Sec. 3. Every person residing in this State who is not a graduate of a reputable osteopathic school as provided in section 2, or any person coming into this State of the age of twenty-one making application to register under the provision of this act for the purpose of practicing osteopathy in this State, shall first make application to the secretary of the board and his application shall be accompanied by a fee of ten dollars, (\$10.00), this fee being for examination and registration before this board. Such examination shall be written and shall be elementary and of a practical character, including anatomy, physiology, chemistry, symptomatology, physical diagnosis, toxicology, urinalysis, theory and practice of osteopathy. If in the opinion of the board, the applicant possesses the necessary qualification, the board shall issue to him a certificate.

Sec. 4. Every person receiving a certificate from the board shall have such certificate recorded in the office of the County Clerk where he is practicing or proposes to practice; and, when such person moves to another county for

the purpose of continuing the practice of osteopathy, he shall file, for record with the County Clerk to which he moves a certified copy of his certificate. To prevent delay and inconvenience, any member of the board applied to may grant an applicant a temporary permit to practice, upon the payment of the fee required of applicants and after a satisfactory examination such permit shall not continue in force longer than until the next regular meeting of the board. No additional fee shall be charged the applicant by the board who has previously paid the amount for a temporary permit. All amounts paid to the board for temporary permits, shall be by such members paid to the treasurer.

Sec. 5. Every person who shall practice or shall attempt to practice, osteopathy upon any person or who may by writing, print or other methods profess to cure or treat diseases or deformity osteopathically in this State without first having complied with the provisions of this act, shall be deemed guilty of misdemeanor, and upon the conviction thereof shall be punished by a fine of not less than twenty-five dollars, (\$25.00) nor more than five hundred dollars, (\$500.00), or by imprisonment in the County jail, for a period not less than ten (10) days nor more than ninety (90) days; or by both fine and imprisonment, and each day of such practice shall constitute a separate offense. Provided, however, that this shall not apply to persons now engaged in the practice of osteopathy until ninety (90) days after the passage of this act, the time allowed them for procuring the certificate, as herein provided for.

Sec. 6. The certificate provided for in this act, shall not authorize the holder thereof to prescribe or use drugs in the practice of osteopathy, or to perform major or operative surgery; provided that nothing in this act shall be construed as to prohibit any legalized osteopath from using drugs and performing surgical operations after having obtained a license from a board of medical examiners authorized to issue such license.

Sec. 7. Any certificate issued by the Osteopathic Board of Examiners, may be revoked by said board upon satisfactory proof of fraud, or misrepresentation in procuring the same, or for any violation of the certificate, or any gross immorality by the holder thereof.

Sec. 8. Out of the funds coming into the possession of said board, each of the members of said board, may receive as compensation the sum of ten dollars (\$10.), for each day actually engaged in the duties of their office. No part of the compensation or other expenses of said board shall be paid out of the State treasury. The fees coming into the treasury of said board shall be paid out upon warrant of the president and secretary thereof in payment

of the compensation and expenses of said board in carrying out the provisions of this act. If after paying all legitimate obligations of the board, for stamps, printing, salary of secretary, etc., there should not be sufficient sums on hand to pay each member his per diem in full, the amount shall be prorated; but if, at the end of the year there should be a greater revenue than sufficient to meet all obligations such surplus remain in the treasury to be used in the expenditures of the board the succeeding year. The secretary shall receive such additional salary as may be fixed and agreed upon by this board. Said board shall make an annual report of its proceedings to the Governor of the State, for the year ending on the 31st day of December preceding the making of said report. Said report shall be filed with the Governor on or before the 15th day of January of each year. Nothing in this act shall be construed as prohibiting any authorized practitioner of medicine or surgery in this State from curing or relieving disease, with or without drugs, or by any manipulation by which any disease may be cured or alleviated.

Sec. 9. All laws, rules or regulations now in force in the State, or which shall hereafter be enacted, for the purpose of regulating the reporting of contagious diseases, deaths or births, to the proper authorities, and to which the registered practitioner of medicine is subject, shall apply equally to the practitioner of osteopathy.

Sec. 10. The system, method or science of treating diseases of the human body, commonly known as osteopathy, is hereby declared not to be the practice of medicine or surgery, within the meaning of an act entitled an act to regulate the practice of medicine and surgery, and providing for the appointment of three boards of State medical examiners and defining their duties.

ARKANSAS.

MEDICAL PRACTICE ACT, APPROVED FEBRUARY 17, 1903.
AN ACT

To regulate the practice of Medicine and Surgery, and provide for the appointment of three Boards of State Medical Examiners and define their duties.

Be it enacted by the General Assembly of the State of Arkansas:

Section 1. That the medical examiners herein provided for shall consist of three (3) Boards: one of physicians and surgeons recommended by "The Homeopathic Medical Society of Arkansas," one by physicians and surgeons recommended by "The Arkansas State Eclectic Medical Society," and one by physicians and surgeons recommended by "The Arkansas Medical Society."

There shall be seven (7) members of each Board, appointed so as to have one member

from each Congressional District upon each Board. The appointments shall be made by the Governor from a list of names presented by the respective Medical Societies.

Sec. 2. That the members first appointed on the Boards shall be divided into two (2) classes, the first class to consist of four (4) members appointed for two (2) years, the second class of three (3) members shall be appointed for four (4) years, and thereafter all appointments shall be for four (4) years.

Vacancies in the said Boards shall be filled as they occur by appointment from lists furnished as provided. No member shall be appointed for more than two terms in succession; and no member, or professor, or teacher in a medical college, or school, or university having a medical department, shall be appointed on the Board.

Sec. 3. Within thirty days after their appointment the respective Boards shall meet and organize by electing a President, Secretary and Treasurer of their respective Boards. The Treasurer of each of the said Boards shall give bond in such amount as may be designated by the Board, conditioned for the faithful disbursement of all monies coming into the hands of such Treasurers.

Each of said Boards shall have a common seal. The President and Secretary shall have power to administer oaths for the purpose of this Act. The members of the Boards shall, before entering upon the discharge of their duties, take the oath prescribed by the Constitution of this State for officers.

Sec. 4. The said Boards shall hold four (4) stated regular meetings per year, to-wit: the second Tuesdays in January, April, July, and October, at such places as the majority may agree upon, consulting the convenience of the Boards and applicants for examination and certificates.

Special meetings may be held upon the call of the President whenever it may be deemed necessary or expedient. Said Boards shall keep a record of their proceedings, together with a correct list of all applicants to practice medicine in any of its branches, with name, sex, color, age, nativity; time spent in the study of medicine, and, if possessing a diploma, the name and locality of the institution granting same, stating the system of medicine followed by each.

This record shall also state whether the applicant was rejected or licensed. Said record shall be prima facie evidence of all matters required to be kept therein, and a certificate issued under the seal of said Board, and signed by the President and Secretary thereof, and shall be prima facie evidence in any of the courts of this State of any matter appearing upon said records.

Sec. 5. The Boards shall be styled and known as the "Homeopathic State Medical Board,"

the "Eclectic State Medical Board," and the "State Medical Board of the Arkansas Medical Society."

The Homeopathic State Medical Board shall examine all applicants who propose to practice the homeopathic system of medicine; the Eclectic State Medical Board shall examine all applicants who propose to practice the eclectic system of medicine; and the State Board of the Arkansas Medical Society shall examine all other applicants.

The Boards shall act separately and independently of each other, and where ever this act refers to and defines the duties of the Board, it shall be construed as referring to their acting separately, as well as independently of each other.

Sec. 6. Each person now practicing in this State shall, within ninety (90) days after the passage of this Act, prepare a written statement, giving his name, Post Office address and County; when and where he received authority to practice medicine in this State; where his diploma or certificate is on record; and, if a diploma, from what School or Medical College issued; such statement shall be sworn to before some officer authorized to administer oaths, and shall be forwarded to the Secretary of the Board representing his School of Medicine.

If it shall appear from such statement that such person was regularly authorized to practice Medicine under the then existing laws, the said Board shall register the name of such person in their list of accredited physicians, and issue to such person a certificate that his name has been placed on such list. If it shall appear from such statement that such person has not been legally authorized to practice Medicine, or that his diploma is not from a reputable Medical School or College, or, if from any other source or information, it shall appear that the statement is false, the Board shall refuse to issue to such a person a certificate, and shall notify such person in writing of their refusal and reason therefor. If such person shall show to the satisfaction of the Board of affidavit or otherwise that he has complied with the laws of this State regulating the practice of Medicine, they shall in that event issue to him a certificate. Upon the failure of such person to make the proof required in this section, he shall, before continuing in the practice, make application and stand examination regulated by the following provisions of this Act.

Sec. 7. Any person who shall wilfully and knowingly make any false statement to the Board concerning his authority to practice Medicine shall be deemed guilty of perjury, and may be indicted and tried for such offense, either in the County in which affidavit to such statement was made, or where such person resides.

Sec. 8. Every person residing in this State,

or coming into it, of the age of twenty-one years, who has not heretofore been licensed to practice Medicine under the existing laws, making application to register under the provisions of this Act for the purpose of practicing Medicine and Surgery in this State shall first make application to the Secretary of the Board, and his application shall be accompanied by a fee of ten (\$10) dollars, this fee being for examination and registration before the Board. Such examination may be written or oral at the discretion of the Board, and shall be elementary and of a practical character, including anatomy, physiology, chemistry, materia medica, theory and practice of medicine, surgery and obstetrics.

If in the opinion of the Board the applicant possesses the necessary qualifications, the Board shall issue to him a certificate.

Sec. 9. Every person receiving a certificate from the Board, whether practicing now or hereafter licensed to practice, shall have such certificate recorded in the office of the County Clerk where he is practicing or proposes to practice; and, when such person moves to another County for the purpose of continuing the practice of Medicine, he shall file for record with the County Clerk of the County to which he moves, a certified copy of his certificate.

Sec. 10. That to prevent delay and inconvenience any member of the Board applied to may grant an applicant a temporary permit to practice, upon the payment of the fee required of applicants, and after a satisfactory examination, such permit shall not continue in force longer than the next regular meeting of the Board, and shall in no case be granted within six months after the applicant has been refused a certificate by the Board.

No additional fee shall be charged the applicant by the Board who has previously paid the amount for a temporary permit. All amounts paid to members of the Board for temporary permits shall be by such members paid to their respective Treasurers.

Sec. 11. Every person who shall practice, or who shall attempt to practice Medicine in any of its branches, or who shall perform or attempt to perform any surgical operation for any person, or upon any person within this State without first having complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than five hundred (\$500) dollars, or by imprisonment in the County jail for a period of not less than ten (10) days nor more than (90) days, or by both fine and imprisonment, and each day of such practice shall constitute a separate offense.

Provided, however, That this shall not apply to persons now engaged in the practice of Med-

icine until ninety (90) days after the passage of this act, the time allowed them for procuring their certificates.

Sec. 12. Any itinerant vendor of any drug, nostrum, ointment, or application of any kind, intended for the treatment of disease or injury, or who may by writing, print, or other methods, profess to treat or cure disease or deformity by any drug, nostrum, manipulation, or other expedient, in this State, shall be deemed to be violation of this law and punished as provided.

This does not apply to persons who obtain certificates as herein provided.

Sec. 13. Any person shall be regarded as practicing Medicine in any of its departments with in the meaning of this Act, who shall append "M. D." or "M. B." to his name; or, repeatedly prescribe or direct for the use of any person or persons any drug or medicine or other agency for the treatment, cure, relief of any bodily injury, deformity, or disease.

Provided, That nothing in this Act shall be construed as to prevent any person from administering domestic remedies without receiving any compensation therefor, and nothing herein shall apply to the so-called mid-wives.

Sec. 14. The Secretary of the Board shall supply the Board with blank books, certificates and such stationery as is necessary for the transaction of the business pertaining to their duties. All money received by the Board shall be disbursed by the Treasurer upon the warrant of the Secretary countersigned by the President of the Board.

The members of the Board shall receive as a compensation for their services the sum of ten (\$10) dollars per day for every day actually engaged in the discharge of their duties under this act, and the Secretary shall receive such additional salary as may be fixed and agreed upon by the Boards.

The members of the Board shall pay their own traveling expenses and hotel bills. The members of the Board shall look to and be dependent entirely upon the fees provided herein for their compensation, and all other expenses in connection with their duties.

It shall not be lawful for said Boards, or any members thereof, in any manner whatsoever, or for any purpose, to charge or obligate the State for the payment of any money whatever. If, after paying all legitimate obligations of the Board for stamps, printing, salary for Secretary, etc., there should not be sufficient sums on hand to pay each member his per diem in full, the amount shall be prorated; but if at the end of the year there should be a greater revenue than sufficient to meet all obligations, such surplus shall remain in the treasury to be used in expenditures of the Board during the succeeding year.

The Boards shall annually file with the Governor a report of the transactions during the year, giving the names of all whom they have granted certificates during the year, naming the system of Medicine practiced by each, and shall in such report show the amount of money received and from what source, the amount expended and for what purpose, and shall embody in their report any other matters or facts deemed expedient, and make such recommendations for the improvement of the practice of Medicine in this State as may be deemed advisable.

If the Board shall have sufficient funds on hands to pay for same, they shall have said reports printed in pamphlet form and furnish each physician in the State with a copy thereof.

Sec. 16. All laws or parts of laws in conflict with this Act are hereby repealed, and this Act shall take effect and be in force ninety days after its passage.

Approved Feb. 17th, 1903.

CALIFORNIA MEDICAL LAW.

(As Amended in 1909).

The People of the State of California, represented in Senate and Assembly, enact as follows:

Section 1. The governor shall appoint a board of medical examiners to be known as the board of medical examiners of the State of California, consisting of eleven members. Such appointments shall be made from separate lists presented to him every second year; five members from a list of ten names presented by the medical society of the State of California, two members from a list of four names presented by the California state homeopathic medical society, two members from a list of four names presented by the eclectic medical society of the State of California, and two members from a list of four names presented by the osteopathic association of the State of California. Vacancies occurring in the representation of said societies, respectively, shall be filled by appointment from said lists. The appointment of each member shall be for a term of two years, and until his successor is appointed and qualified, provided, however, that no professor, instructor or other person in any manner connected with, or financially interested in any college or school of medicine or surgery or osteopathy shall be appointed a member of said board. It shall require the affirmative vote of seven members of said board to carry any motion or resolution to adopt any rule to pass any measure or to authorize the issuance of any certificate as in this act provided.

Sec. 2. Each member of said board, shall, before entering upon the duties of his office, take the constitutional oath of office, and shall, in addition, make oath that he is a graduate in medicine and surgery or osteopathy, and a

licensed practitioner of medicine and surgery, or of osteopathy, of this state.

Sec. 3. Said board shall organize on or before the first Tuesday of May, 1907, by electing from its number a president, vice-president, secretary and treasurer, who shall hold their respective positions during the pleasure of said board. Said board shall hold its regular meetings in the city and county of San Francisco on the first Tuesday of April, August, and December of each year, with power of adjournment from time to time until its business is concluded; provided, however, that examinations of applicants for certificates may, in the discretion of the board, be conducted in any part of the state designated by the board. Notice of each regular meeting by the board shall be given by publication twice a week for each of the two weeks next preceding each meeting, in two daily papers published in the city of San Francisco, in one daily paper published in the city of Sacramento, and one daily paper published in the city of Los Angeles, which notice shall also specify the time and place of holding the examination of applicants. Special meetings of the board may be held at such time and place as the board may designate, and the same notice thereof shall be given as in case of regular meetings. Said board shall receive through its secretary applications for the certificates provided to be issued by this act, and shall on or before the first day of January of each year transmit to the governor a full report of all its proceedings, together with a report of its receipts and disbursements.

Sec. 4. The office of said board shall be in the city and county of San Francisco, and in all legal proceedings against the board the said city and county shall be deemed to be the residence of the members thereof.

Sec. 5. Said board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act. Any member of said board may administer oaths in all matters pertaining to the duties of said board, and the board shall have authority to take evidence in any matter cognizable by it.

Sec. 6. Three forms of certificate shall be issued by said board under the seal thereof and signed by the president and the secretary: First, a certificate authorizing the holder thereof to practice medicine and surgery; second, a certificate authorizing the holder thereof to practice osteopathy; third, a certificate authorizing the holder thereof to practice any other system or mode of treating the sick or afflicted not referred to in this section.

In order to procure a certificate to practice medicine and surgery, the applicant for such certificate must file with said board at least two weeks prior to a regular meeting thereof, satisfactory testimonials of good moral character, and

a diploma issued by some legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or satisfactory evidence of having possessed such diploma, and he must also file with said diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he 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 upon a blank furnished by said board, and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as said board may by rule provide. Applicants who have failed to meet the above requirements must be rejected. Applicants for a certificate to practice osteopathy shall be subject to the above regulations, except that in place of the diploma hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of osteopathy, having a course of instruction of at least twenty months, requiring actual attendance, and after 1908, of three years of nine months each, and including the studies examined upon under this act. Applicants for a certificate to practice any other system or mode of treatment not in this act referred to, shall be subject to the above regulations, except that in place of the diplomas hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of the system or mode of treatment which the applicant claims or intends to follow.

In addition to the requirements above set forth, all applicants for a certificate must be personally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice his profession, and shall be, in whole or in part, in writing on the following fundamental subjects, to-wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry and toxicology, physiology, obstetrics, general diagnosis, hygiene. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. But all applicants must obtain not less than a general average of seventy-five per cent. and not less than sixty per cent. in any one subject; provided, that applicants who can show at least ten years of reputable practice shall be granted a credit of five per cent. upon the general average, and five per cent. additional for each subsequent ten years of such practice.

The examination papers shall form a part of the records of the board and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board.

Sec. 7. Each applicant on making application shall pay to the secretary of the board a fee of twenty-five (\$25) dollars, which shall be paid to the treasurer of the board by said secretary. In case the applicant's credentials are insufficient, or in case he does not desire to take the examination, the sum of ten (10) dollars will be retained, the remainder of the fee being returnable on application.

Sec. 8. Said board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act, with the result of each application. Said record shall be evidence of all the proceedings of said board which are set out therein.

Sec. 9. Every person holding a certificate authorizing time to practice medicine and surgery, or osteopathy, or any other system or mode of treating the sick or afflicted, in this state, must have it recorded in the office of the clerk of the county in which the holder of said certificate is practicing his profession, and the fact of such recording shall be endorsed on the certificate by the county clerk recording the same. Every such person, on each change of his residence, must have his certificate recorded in the county to which he shall have changed his residence. The absence of such record shall be prima facie evidence of the want of possession of such certificate. And any person holding a certificate who shall practice medicine or surgery or osteopathy, or any other system or mode of treating the sick or afflicted, in this state, or to attempt to practice medicine or surgery or osteopathy, or any other system or mode of treating the sick or afflicted, in this state, without first having filed his certificate with the county clerk as herein provided; shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment for a period of not less than thirty days nor more than sixty days, or by both such fine and imprisonment.

Sec. 10. The county clerk shall keep in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours.

Sec. 11. Said board must refuse a certificate to any applicant guilty of unprofessional conduct; but before such refusal the applicant must be cited by citation, signed by the secretary of the board, and sealed with its seal. No such citation shall be issued except upon a sworn complaint filed with the secretary of the board, charging the applicant with having been guilty of unprofessional conduct, and setting forth the particular acts constituting such unprofessional conduct. On the filing of such complaint the secretary must forthwith issue a citation and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant of the time and place, when and where the matter of said unprofessional conduct shall be heard, the particular unprofessional conduct with which the applicant is charged, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation, or default will be taken against him, and his application for a certificate refused. The attendance of witnesses at such hearing be compelled by subpoenas issued by the secretary of the board, under its seal; and said secretary shall in no case refuse to issue any such subpoena, upon a fee of twenty cents being paid him for each subpoena. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citations and subpoenas generally, and all provisions of the statutes of this state then in force relating to subpoenas are hereby made applicable to the subpoenas provided for herein. If any person refuse to obey a subpoena served upon him in accordance with the statutes of this state then in force providing for the manner of serving subpoenas, the fact of such refusal shall be certified by the secretary of said board, under the seal thereof, to the superior court of the county in which the service was had, and said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempts for disobedience of process of the court; and should said court find the subpoena has been legally served, and that the party so served has willfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, depositions of witnesses may be taken, the same as in civil cases, and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board his answer, under oath, to the charges made against him, within twenty days after service on him of said citation, or

within such further time as the board may give him, and the charges on their face be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, to that end shall hear such evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. No certificate shall be refused on the ground of unprofessional conduct unless the applicant has been guilty of such conduct within two years next preceding his application. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter pointed out, or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, it shall be their duty to, and they must, revoke the same at once, and the holder of said certificate shall not be permitted to practice medicine or surgery, or osteopathy, or any other system or mode of treating the sick or afflicted, in this state. But no such revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in 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 certificate 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 the proceedings of said board in the matter of said revocation. From the time of the revocation of a certificate the holder thereof, shall be disqualified from practicing medicine or surgery, osteopathy, or any other system or mode of treating the sick or afflicted, in this state.

The words "unprofessional conduct," as used in this act, are hereby declared to mean:

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

Second—The willfully betraying a professional secret.

Third—All advertising of medical business

which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

Fourth—All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed.

Fifth—Conviction of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.

Sixth—Habitual intemperance.

Seventh—The personation of another licensed practitioner of a like or different name.

Sec. 12. Said board shall have the power to employ legal counsel and clerical assistance and to fix the salaries of the same and to incur such other expenses as may be deemed necessary to carry into effect the provisions of this act. It shall also fix the salary of the secretary not to exceed the sum of twelve hundred dollars (\$1200) per annum, and the sum to be paid to other members of said board, not to exceed ten (10) dollars per diem each, for each and every day of actual service in the discharge of official duties, and said board may, in its discretion add to said sums necessary traveling expenses. All money in excess of the actual expenses of the board shall be paid annually into the state treasury.

Sec. 13. Any person who shall practice or attempt to practice or advertise or hold himself out as practicing medicine or surgery, osteopathy, or any other system or mode of treating the sick or afflicted, in this state, without having, at the time of so doing, a valid, unrevoked certificate, as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred (100) dollars, nor more than five hundred (500) dollars, or by imprisonment for a term of not less than sixty (60) days, nor more than one hundred and eighty (180) days, or by both such fine and imprisonment. In each such conviction the fine shall be paid, when collected, to the state treasurer, and shall constitute a special fund for the prosecution of illegal practitioners as defined in this act, the said fund to be paid to the said board upon warrants drawn therefor by its secretary, and the said board is authorized to prosecute all persons guilty of a violation of the provisions of this section.

Sec. 14. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in such certificate, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Sec. 15. Any person assuming to act as a member of the state board of medical examiners without so being, or who shall sign, or subscribe, or issue or cause to be issued, or seal or cause to be sealed, a certificate authorizing any person to practice medicine or surgery, or osteopathy, or any other system or mode of treating the sick and afflicted, in this state, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment for a term of not less than sixty nor more than one hundred and eighty days, or by both such fine and imprisonment.

Sec. 16. Any person who holds a certificate from the board of medical examiners created by, "An act for the regulation of the practice of medicines and surgery, in the State of California, and for the appointment of a board of medical examiners in the matter of such regulation," which took effect August the first, nineteen hundred and one, or from one of the boards of examiners heretofore existing, under the provisions of "An act to regulate the practice of medicine in the State of California," approved April third, eighteen hundred and seventy-six, or an act supplemental and amendatory to said act, which became a law April first, eighteen hundred and seventy-eight, shall be entitled to practice medicine and surgery in this state, the same as if it had been issued under this act; any person who holds a certificate from the board of osteopathic examiners of the State of California, under the provisions of "An act to regulate the practice of osteopathy in the State of California, and to provide for a state board of osteopathic examiners, and to license osteopaths to practice in this state, and to punish persons violating the provisions of this act," which became a law under constitutional provisions, without the governor's approval, March ninth, nineteen hundred and one, shall be entitled to practice osteopathy in this state, the same as if it had been issued under this act. Any person who holds an unrevoked certificate issued by the board of examiners of the Association of Naturopaths of California, incorporated under the laws of the State of California, August eighth, 1904, and who shall be practicing naturopathy prior to the passage of this act, shall be entitled to practice naturopathy in this state, the same as if it had been issued under this act. The board of medical examiners shall endorse said certificate at their first meeting after this act becomes a law, or at any subsequent meeting of the board, but not later than six months after the passage of this act by signature of its president and secretary and affixing its official seal. Provided, however, that the holder of such certificate has signed his or her name on the back of said certificate and the president and secretary of the Association

of Naturopaths of California, have certified over their respective signatures that the holder, of said certificate is the rightful owner of same. But all certificates herein mentioned may be revoked for any unprofessional conduct, in the same manner and upon the same grounds as if they had been issued under this act.

Sec. 17. Nothing in this act shall be so construed as to inhibit service in the case of emergency, or to the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy or marine hospital service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry. Nor shall this act apply to any practitioner from another state or territory, when in actual consultation with a licensed practitioner of this state, if such practitioner is, at the time of such consultation, a licensed practitioner in the state or territory in which he resides; provided, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state. Nor shall this act be construed so as to discriminate against any particular school of medicine or surgery or osteopathy, or any other system or mode of treating the sick or afflicted, or to interfere in any way with the practice of religion; provided that nothing herein shall be held to apply or to regulate any kind of treatment by prayer.

Sec. 18. Repeal. All acts, or parts of acts, in any wise conflicting with the provisions of this act, are hereby repealed.

Sec. 19. This act shall take effect from and after the first day of May, nineteen hundred and seven.

THE COLORADO MEDICAL LAW.

An Act to Protect the Public Health and Regulate the Practice of Medicine in the State of Colorado. Approved April 20th, 1905.

Section 1. A board is hereby established, to be known by the name and style of the State Board of Medical Examiners. Said board shall be composed of nine practicing physicians of integrity and ability, who shall be residents of, and have been duly licensed to practice medicine in this State, and who shall have been graduated from medical schools of high educational requirements and standing, and have been engaged in the active practice of their profession within this State for a period of at least five years. Said board shall perform such duties, and possess and exercise such powers, relative to the protection of the public health and the control and regulation of the practice of medicine in this State as shall be in this act prescribed and conferred upon it.

Sec. 2. The Governor shall appoint nine physicians, who shall possess the qualifications speci-

fied in section 1 of this act, to constitute the members of said board. Said members shall be so classified by the Governor that the term of office of three shall expire in two, three in four and three in six years from the date of appointment. Biennially thereafter the Governor shall appoint three members, who shall possess the qualifications as specified in section 1 of this act, each to serve for the term of six years, and he shall fill vacancies in the membership of said board as soon as practicable.

Sec. 3. Said board shall, biennially, elect a president, a vice-president and a secretary-treasurer from their membership, and adopt a seal, which shall be affixed to all licenses issued by them. They shall, from time to time, adopt such rules and regulations as they may deem necessary for the performance of their duties, and a schedule of minimum educational requirements, which shall be without prejudice, partiality or discrimination as to schools or systems of practice of medicine. When an applicant for a license offers to the board satisfactory proof that he has complied with such educational requirements as are specified in said schedule, the board shall accept such proof as sufficient evidence of the educational qualifications of the applicant to entitle him to a license without examination; Provided, however, That at no time shall said schedule for graduates after January 1, 1900, specify the attendance upon less than four full courses of instruction in four separate years in a reputable medical school. They shall keep on file with the Secretary of State, for public inspection, a copy of their schedule of educational requirements and rules and regulations.

Sec. 4. Any person wishing to obtain the right to practice medicine in this State, who has not heretofore been licensed so to do, shall, before it shall be lawful for him to practice medicine in this State, make application to said State Board of Medical Examiners, through the secretary-treasurer thereof, upon such form and in such manner, as shall be adopted and prescribed by the board, and obtain from the board a license so to do. Unless such person shall have obtained a license as aforesaid it shall be unlawful for him to practice medicine in this State; and if he shall practice medicine in this State without first having obtained such a license he shall be deemed to have violated the provisions of this act. All applicants for a license to practice medicine or for a renewal of any such license which has been revoked, shall furnish the board with satisfactory evidence of good moral character.

Sec. 5. Said board shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to their duties. Said board shall issue licenses to prac-

tice medicine to all persons who shall furnish satisfactory evidence of attainments and qualifications under the provisions of this act and the rules and regulations of the board. Such licenses shall be signed by the president and attested by the secretary-treasurer of the board under its adopted seal, and they shall be absolute authority to the persons to whom they are issued to practice medicine in this State. It shall be the duty of the secretary-treasurer under the direction of the board, personally or by deputy, to aid the several district attorneys of the State in the enforcement of this act and in the prosecution of all persons charged with violating any of its provisions.

Sec. 6. There shall be paid to the secretary-treasurer of the State Board of Medical Examiners by each applicant for a license a fee of twenty-five dollars (\$25.00), which shall accompany the application. Two-fifths of the fee shall be returned to the applicant in case the board shall refuse to grant him a license.

Sec. 7. Examinations of applicants for license to practice medicine shall be made by said State Board of Medical Examiners according to the methods deemed by it to be the most practicable and expeditious to test the applicant's qualifications. Such applicant will be designated by a number instead of his name, so that his identity will not be disclosed to the members of the board, until after the examination papers are graded. The subjects of written, oral or clinical examinations shall be as follows: Anatomy, physiology, chemistry, symptomatology, toxicology, pathology, surgery and obstetrics (exclusive of materia medica and therapeutics). The credentials of applicants relating to their general reputation, their preliminary education and the courses of study they have pursued; the degrees they have received; the number of years they have been engaged in the lawful practice of medicine; their experience in general hospitals, medical departments of the army, navy and public health and marine hospital service; licenses granted to them by other states and countries; and their experience as teachers of medicine, shall be given due consideration by the board in conducting its examinations. Upon investigation of an applicant's credentials the board shall, when convinced that an applicant is qualified to practice medicine, grant him a license thereon without further examination. Each applicant shall name his system of practice and no person shall use the name of any system unless he holds a certificate from the State association of such system.

Sec. 8. Every person who shall receive a license from the State Board of Medical Examiners shall have it recorded in the office of the recorder of deeds of the county in which he

resides, and shall likewise have it recorded in the counties to which he shall subsequently remove for the purpose of practicing medicine. The failure on the part of the holder of a license to have it recorded, before he shall begin the practice of medicine in this State, shall render it null and void.

Sec. 9. The recorder of deeds 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 or write upon the face thereof his signed memorandum of the date when such license was presented for record.

Sec. 10. The State Board of Medical Examiners may refuse to grant, or may revoke, a license to practice medicine in this State, or may cause a licentiate's name to be removed from the record in the office of any recorder of deeds in the State upon any of the following grounds, to-wit: The employment of fraud or deception in applying for a license, or in passing the examination provided for in this act; the practice of medicine under a false or assumed name, or the personation of another practitioner of a like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate for performance of professional duties; the procuring or aiding or abetting in procuring a criminal abortion; the obtaining of a fee on the representation that a manifestly incurable disease can be permanently cured; causing the publication and circulation of an advertisement of any medicine or means whereby the monthly periods of women can be regulated, or the menses, if suppressed, can be re-established; causing the publication and circulation of any advertisement relative to any disease of the sexual organs. Any person, who is a licentiate, or who is an applicant for a license to practice medicine, against whom any of the foregoing grounds for revoking, or refusing to grant, a license is presented to said board with a view of having the board revoke, or refuse to grant, a license, shall be furnished with a copy of the complaint, and shall have a hearing before said board in person or by attorney, and witnesses may be examined by said board respecting the guilt or innocence of said accused. Said board may at any time within two years from the refusal or revocation of a license or cancellation of registration under this section, by a majority vote, issue a new license, or grant a license, to the person affected, restoring, or conferring, all the rights and privileges of, and pertaining to, the practice of medicine as defined and regulated by this act. Any person to whom such rights and privileges have been so restored

shall pay to the secretary-treasurer a fee of ten dollars (\$10.00) upon the issuance of a new license.

Sec. 11. The terms, "practice of medicine," "to practice medicine," "practicing medicine" and "practice medicine," as used in this act are each hereby defined to mean holding oneself out to the public as being engaged within this State in the diagnosis and treatment of diseases or injuries of human beings; or the suggestion, recommendation or prescribing of any form of treatment for the intended palliation, relief or cure of any physical or mental ailment of any person, with the intention of receiving therefor either directly or indirectly, any fee, gift or compensation whatsoever; or the maintenance of an office for the reception, examination and treatment of any person suffering from disease or injury of body or mind; or attaching the title of M. D., surgeon, doctor, or any word or abbreviation to his name, indicative that such person is engaged in the treatment or diagnosis of the diseases or injuries of human beings. If any person shall hold himself out to the public as being engaged within this State in the diagnosis and treatment of diseases or injuries of human beings; or shall suggest, recommend or prescribe any form of treatment for the palliation, relief or cure of any physical or mental ailment of any person with the intention of receiving therefor, either directly or indirectly, any fee, gift or compensation whatsoever; or shall maintain an office for the reception, examination and treatment of diseased or injured human beings; or shall attach the title of M. D., surgeon, doctor, or any other word or abbreviation to his name indicative that he is engaged in this State in the treatment of diseased or injured human beings; and shall not in any of these cases, theretofore have received, or shall not in any of these cases, then possess, in full force and virtue, a valid license to practice medicine under the laws of this State, he shall be deemed to be practicing medicine without complying with the provisions of this act and in violation hereof. Nothing in this act shall be construed to prohibit gratuitous service in case of emergency, nor the practice of the religious tenets or general beliefs of any church whatsoever, not prescribing medicine or administering drugs, nor shall it apply to commissioned surgeons of the United States army, navy, or public health and marine hospital service, while so engaged, nor to regularly licensed physicians called from other states or territories to attend specific cases in this State, nor the practice of dentistry, nor the practice of osteopathy when not prescribing medicine, or administering drugs.

Sec. 12. Any person practicing medicine in this State, without complying with the provisions of this act, or any person who shall have

violated the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00), nor more than three hundred dollars (\$300.00), or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or both. Any person presenting or attempting to file as his own, the diploma, or certificate or credentials of another, or who shall give either false or forged evidence of any kind to the State Board of Medical Examiners, or any member thereof, in connection with an application for a license to practice medicine, or who shall practice medicine under a false or assumed name, or who shall falsely personate another practitioner of a like or different name, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year, nor more than ten (10) years, at hard labor.

Sec. 13. All fees received by the State Board of Medical Examiners and all fines collected by any officer of the law under this act, shall be paid to the secretary-treasurer of said board, who shall, at the end of each and every month, deposit the same with the State Treasurer, and the said State Treasurer shall place said money so received in a special fund to be known as the fund of the State Board of Medical Examiners, and shall pay the same out on warrants drawn by the Auditor of the State therefor, upon vouchers issued and signed by the president and secretary-treasurer of said board. Said moneys so received and placed in said fund may be used by the State Board of Medical Examiners in defraying their expenses in carrying out the provisions of this act. At the end of every biennial period, if there shall remain in said fund any balance, said balance shall be transferred to the general revenue fund of the State. The secretary-treasurer of said board shall keep a true and accurate account of all funds received and all vouchers issued by the board; and on the first day of December of each year he shall file with the Governor of the State a report of all receipts and disbursements for said board for the preceding fiscal year. Members of said board shall receive a per diem for the time during which they shall be actually engaged in the discharge of their duties; and the secretary-treasurer shall receive a salary; said per diem and salary shall be fixed by the board, and together with other expenses shall be paid out of the fund of the State Board of Medical Examiners.

Sec. 14. The State Board of Medical Examiners shall meet as a board of medical examiners in the city of Denver, on the first Tuesday of January, April, July, and October of each year, and at such other times and places as may be found necessary for the performance of their duties.

Sec. 15. Justices of the peace and all courts of record in the State of Colorado shall have full jurisdiction over and power to enforce the provisions of this act.

CONNECTICUT OSTEOPATHIC LAW.

(SUBSTITUTE FOR SENATE BILL NO. 85).

CHAPTER 167.

AN ACT CONCERNING THE PRACTICE OF OSTEOPATHY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. The governor shall appoint on or before the first day of July, 1901, and biennially thereafter, three persons who shall constitute a state board of osteopathic registration and examination, who shall hold their office for two years from the first day of July in the year of their respective appointments and until their successors shall have been appointed and qualified.

Sec. 2. The members of said board shall be resident osteopathic physicians of good standing in their profession and graduates of legally chartered colleges of osteopathy.

Sec. 3. Said board shall appoint one of its number to be its recorder, whose duty it shall be to keep a record of the official proceedings of said board, and copies of said record certified by him shall be legal evidence.

Sec. 4. On request of said board, the comptroller shall provide a suitable room in the capitol for its meetings.

Sec. 5. Said board shall meet at the capitol on the first Tuesday of March and September in each year, and at such other times as a majority of the board shall appoint. At any meeting of said board, a majority of the members thereof shall constitute a quorum.

Sec. 6. Said board shall create no expense exceeding the sum received from time to time as fees as hereinafter provided.

Sec. 7. Said board shall make such rules of procedure for the regulation of all matters of application and hearing before it as it may deem advisable.

Sec. 8. No person shall engage in the practice of osteopathy in this state after the first day of October, 1901, unless such person shall have first obtained from the said board a license therefor.

Sec. 9. All applications for such license shall be in writing and signed by the applicant, upon blanks furnished by the said board, setting forth such facts concerning the applicant as said board shall require, and no license shall be granted to any person unless he shall have received a certificate of graduation from some reputable college of osteopathy, duly recognized by the laws of the state wherein the same is situated or unless he shall have spent as pupil or assistant at

least two years under the instruction and direction of some reputable practitioner of osteopathy, or unless he shall have been actually engaged in the practice of osteopathy in this state at the time of the passage of this act.

Sec. 10. Any person who, at the time of the passage of this act, shall be actually engaged in the practice of osteopathy in this state, shall be entitled to receive such license upon making application to the board as provided in section nine of this act and paying a fee of two dollars.

Sec. 11. Any person, who, subsequent to the passage of this act, shall desire to commence the practice of osteopathy in this state, shall make application to the board as provided in section nine of this act. Upon the receipt of such application, the said board shall require the applicant to submit to an examination as to his qualifications for such practice, which examination shall include the subjects of anatomy, physiology, pathology, and the principles and practice of osteopathy. If such examination shall be passed to the satisfaction of the board, the board shall issue its license to the said applicant. A license, however, may be granted without such examination to any person who has been in active and continuous practice of osteopathy for three successive years in any other state, who shall satisfy the board as to his fitness to engage in such practice.

Sec. 12. Except as provided in section ten of this act, every person applying for a license shall at the time of his application pay to the recorder twenty-five dollars, and, if said applicant shall fail to obtain his license, twenty dollars shall be returned to him.

Sec. 13. The board may refuse to grant a license to any person guilty of a felony, or addicted to any vice to such a degree as to render him unfit to practice osteopathy and may, after notice and hearing revoke the license of any person convicted of a felony.

Sec. 14. The recorder shall keep an account of all moneys received by him, and shall annually before the tenth of November of each year render an account thereof to the comptroller; and shall pay from the moneys received the expenses for necessary books and stationery for the use of said board and the necessary traveling expenses of the members of said board.

Sec. 15. The license provided for in section eight of this act shall not authorize the holder thereof to prescribe or use drugs in his practice, nor to perform surgical operations. Osteopathic physicians shall be subject to the same rules and regulations that govern other physicians in the making and filing of certificates of death, in the control of contagious diseases, and other matters pertaining to public health.

Sec. 16. Any person who shall engage in the practice of osteopathy in violation of the pro-

visions of this act shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

Sec. 17. Nothing in this act shall be construed as prohibiting any legally authorized practitioner of medicine or surgery in this state from the practice of his profession as guaranteed him by the statutes of this state.

Sec. 18. This act shall take effect from its passage.

Approved, June 17, 1901, by Governor Geo. P. McLean.

CONNECTICUT—MEDICAL PRACTICE ACT.

(As Amended in 1903).

Sec. 4714. Who May Practice Medicine, Surgery or Midwifery.

No person shall, for compensation, reward or gain, received or expected, treat, operate, or prescribe for any injury, deformity, or ailment or disease, actual or imaginary, of another person, nor practice surgery or midwifery until he has obtained such a certificate of registration as is in Section 4715 provided, and then only in the kind of branch of practice stated in said certificate; but this chapter shall not apply to dentists while practicing dentistry only, nor to any person in the employ of the United States government while acting in the scope of his employment, nor to any person who shall furnish medical or surgical assistance in cases of sudden emergency, nor to any person residing outside of this State who shall be employed to come into this State to assist or consult with any physician or surgeon who has been registered with the conformity with the provisions of this chapter, nor to any physician or surgeon then actually residing outside this State who shall be employed to come into this State to treat, operate or prescribe for any injury, deformity, ailment or disease from which any person is suffering at the time when such non-resident physician or surgeon is so employed, nor to any actual resident of this State recommending by advertisements or otherwise the use of proprietary remedies sold under trade-marks issued by the United States government, insofar and to such extent only as the use of such remedies are concerned, nor to any chiropodist or clairvoyant who does not use in his practice any drugs, medicines or poisons, nor to any person practicing the massage method of Swedish movement cure, sun cure, mind cure, magnetic healing, or Christian Science, nor to any other person who does not use or prescribe in his treatment of mankind drugs, poisons, medicine, chemicals, or nostrums.

Sec. 4715. Requirements for Obtaining Certificate of Registration.

No person shall obtain a certificate of registration, as in Sec. 4714 required, before he has passed a satisfactory examination before one of

the examining committees appointed for the purpose by the State Board of Health, except as hereinafter provided, nor until he has filed with said board duplicate certificate signed by a majority of said examining committee, stating that they have found him qualified to practice either medicine, surgery or midwifery, nor until he has filed with said board duplicate statement subscribed and sworn to by him on blanks furnished by said board, giving his name, age, place of birth and present residence, stating from what medical college he is a graduate and the date of such graduation, together with such other information as may be required by said blanks.

No person shall be eligible to said examination until he presents to the committee by whom he is to be examined satisfactory evidence that he has received a diploma from some legally incorporated medical college.

Any one of the examining committees appointed under the provisions of 4716 the license of any State Board of Medical Examiners of any State in the United States or in the District of Columbia in lieu of said examination, provided the applicant shall present such license to the examining committee before whom he appears, together with satisfactory evidence that such license has been issued after a State examination of as high a grade and of the same kind as that required by said examining committee, that he is a resident of this state or that he intends in good faith to permanently reside herein, that he has been in actual practice for a period of at least six months in the year immediately preceding the date of his application, and that he is of good moral character and professional standing, and on the payment to said committee of the sum of fifteen dollars he may receive a certificate of the approval of such license by said examining committee.

Any person passing such examination or obtaining such certificate of approval and filing said certificates and statements shall receive from the State Board of Health, on payment of two dollars, a certificate of registration, which shall state that the person mentioned has been found qualified to practice.

Sec. 4716. Nomination and Appointment of Members of Examining Committee.

The Connecticut Medical Society, the Connecticut Homeopathic Medical Society and the Connecticut Eclectic Medical Society shall each annually in December file with the State Board of Health the name of one physician, practicing in this state, who shall have been recommended by such medical society as a person competent to serve on one of the examining committees appointed by the State Board of Health, as specified in Chapter 158 of the public acts of 1893, and in case any vacancy occurs on any of said examining committees the president of

the society of whose member said committee is composed shall nominate such a person to fill said vacancy. Annually in January the State Board of Health shall appoint one member of each of said committees who shall have been nominated for such office as aforesaid, to serve five years, and same board shall in same manner fill any vacancy occurring in any of said committees.

Sec. 4717. Examination through an Interpreter.

Every examining committee provided for in section 4716 shall, when requested by an applicant for a certificate permitting said applicant to practice medicine, if said applicant does not understand the English language, conduct the examination through an interpreter of the language which the applicant understands. Said interpreter shall be paid and furnished by the applicant and shall give the committee conducting the examination satisfactory proof of his ability correctly to translate the language of the applicant into English. Whenever such applicant shall have satisfactorily passed an examination, so conducted, a certificate of registration shall be issued as provided in Sec. 4715.

Sec. 4718. Examinations—List of Colleges.

The said examining committees shall hold examinations on the second Tuesday of March, July and November of each year, at such places as they may designate and at such other times and places as they shall determine. Applicants for certificates to practice medicine or surgery shall be examined in anatomy, physiology, medical chemistry, obstetrics, hygiene, surgery, pathology, diagnosis, and therapeutics, including practice and materia medica.

Each committee shall frame its own questions and conduct its examinations in writing, and both questions and answers shall be filed with the State Board of Health. Each applicant shall choose by which of the three committees he shall be examined; but before taking such examination he shall pay to the committee the sum of fifteen dollars, provided, for examination in midwifery alone it shall be ten dollars. An applicant rejected by an examining committee shall not be eligible before either of the other committees until after the expiration of twelve months, but may be re-examined by the committee before whom he appeared at any subsequent meeting of said committee. On the receipt of any duplicate statement, as in Sec. 4715 provided, the State Board of Health shall transmit one of said duplicate statements, together with a duplicate of the certificate of registration in each case, to the town clerk of the town wherein the person so filing said statement resides; and in case such person does not reside in the State of Connecticut, the State Board of Health shall transmit such said state-

ment and certificate to the town clerk of the town in state nearest the place of residence of such person, and the said town clerk shall record the same in a book to be provided for that purpose by the State Board of Health and shall then return the same to the person who filed the same with the State Board of Health, and said town clerk shall receive for such recording a fee of twenty-five cents, to be paid by the State Board of Health out of the amount so paid to it as aforesaid. The secretary of each said medical societies shall file with the secretary of the State Board of Health a list of medical colleges or institutions recognized as legal and reputable by his society, or all of such secretaries may agree on a single list, and such list or lists may be corrected as may be necessary.

Sec. 4719. Exceptions. Prescriptions in English. Penalties. Clerk.

Nothing in this chapter shall be construed as to repeal or affect any of the provisions of any private charter. The provisions of this chapter shall not apply to licensed pharmacists. All physicians or surgeons practicing under the provisions of this chapter shall, when requested, write a duplicate of their prescriptions in the English language. Any person who violates the requirements of this section regarding prescriptions shall be fined ten dollars for each offense. Any person violating any provision of Sec. 4714 shall be fined not less than one hundred dollars nor more than three hundred dollars for the first offense, and for each subsequent offense not less than two hundred nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than ninety days, or both; the fine, when collected, shall be paid one-half to the person making complaint and the other half to the State Board of Health.

Every person who shall swear to any falsehood in any statement required by Sec. 4715 to be filed with the State Board of Health shall be guilty of perjury.

The State Board of Health may appoint a clerk and fix his salary, to be paid only out of the fees and penalties received under the provisions of this chapter.

Sec. 4720. Revocation of Certificates.

The secretary of the State Board of Health, upon the request of all the members of any one of the examining committees mentioned in Sec. 4716, may revoke and cancel the certificate if registration of any person convicted of any crime in the practice of his professional business, or convicted of a felony, but no one of the examining committees shall have the right to request the revocation and cancellation of a certificate upon the examination of any of the other examining committees.

DELAWARE MEDICAL BILL.

HOUSE BILL No. 47.

AN ACT

To amend House Bill No. 47, entitled "An Act to amend and add to an Act entitled 'An Act regulating the practice of medicine and surgery in this State,' being Chapter 40, Volume 20, Laws of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Section 1. That Section 3 of House Bill No. 47, entitled "An Act to amend and add to an Act entitled 'An Act regulating the practice of medicine and surgery in this State,' being Chapter 40, Volume 20, Laws of Delaware," be and the same is hereby amended by striking out the words "for the correction of errors of refraction" in the thirty-first and thirty-second lines of said Section and inserting in lieu thereof the following words, to-wit:—"provided, that nothing contained in this act shall prevent opticians from preparing eyes for testing or testing eyes and fitting glasses to correct vision."

AN ACT

To amend and add to an Act entitled "An Act Regulating the Practice of Medicine and Surgery in this State," being Chapter 20, Volume 20, Laws of Delaware.

Be it enacted by the State and House of Representatives of the State of Delaware in General Assembly met.

Section 1. That Section 13, Chapter 40, Volume 20, Laws of Delaware, be and the same hereby is stricken out and the following substituted therefor: "From and after the passage of this Act, any person not heretofore authorized to practice medicine and surgery in this State, and desiring to enter upon such practice, shall deliver to the Secretary of the Medical Council, upon the payment of a fee of Ten Dollars (\$10.), a written application for examination together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a diploma from some reputable literary or scientific college, or a certificate from the faculty of Delaware College, signed by the President and attested by the Secretary thereof, that he or she is qualified to enter the freshman class of the Latin Scientific Course of the said College; and has received a diploma conferring the degree of Doctor of Medicine, from some legally incorporated medical college, which, in the opinion of the Medical Council, was in good standing at the time of the issuing of the said diploma. Applicants who have received their degree in medicine after the passage of this Act, must have pursued the study of medicine for at least four years, including four regular courses of lectures of not less than seven months each, in different years, prior to

the granting of said degree, in some legally incorporated medical college or colleges, approved by the Medical Council. Such proof shall be made upon affidavit. Upon the making of said payment and proof, the Medical Council shall issue to said applicant an order for examination before such one of the State Boards of Medical Examiners as the applicant for certificate may select. In case of failure at any such examination, the candidate, after the expiration of six months and within two years, shall have the privilege of a second examination by the same Board to which application was first made, without the payment of an additional fee, but if after six months and before two years from such examination, said application shall be withdrawn, the said Ten Dollars (\$10.), shall upon demand be returned. Provided that applicants for license who graduated prior to July 1st, A. D. 1901, and have been in continuous and reputable practice for at least five years since graduation, may be admitted to the examinations of one of said Boards, upon certified and satisfactory evidence of good moral character, of three courses of medical lectures in different calendar years, and of a competent academic education according to the requirements of that time; and provided further, that applicants for license who graduated prior to July 1st, A. D. 1896, and have been in continuous and reputable practice for at least ten years, may be admitted to the examination of one of said Boards upon certified and satisfactory evidence of moral character, of two courses of medical lectures, in different calendar years, and of a competent academic education according to the requirements at that time."

Sec. 2. That Section 14, Chapter 40, Volume 20, Laws of Delaware, be and the same hereby is amended by adding thereto after the word provided, the following, to-wit: "But a temporary license, of not less than two weeks nor more than four months, may be granted to a resident and legally qualified physician of another State to take charge of the practice of a resident and legally qualified physician of this State, during the latter's temporary illness or absence from this State, upon the written request of a physician residing in this State, and the payment to the Secretary of the Medical Council of a fee of two dollars (\$2.) for the use of said Council, and when such temporary license is so issued, the physician receiving such license shall have the right to practice medicine in the State of Delaware, for the time specified in said temporary license."

Sec. 3. That Chapter 40, Volume 20, Laws of Delaware, be and the same hereby is amended by adding thereto, which shall be designated as Section 20 of said Chapter 40, Volume 20, Laws of Delaware, the following, to-wit: "For the

purposes of this act and the act to which this is an amendment, the words, practice of medicine, or surgery, shall mean to open an office for such purpose, or to announce to the public, or to any individual, in any way, a desire or willingness or readiness to treat the sick or afflicted in any county in the State of Delaware, or to investigate or diagnosticate, or to offer to investigate or diagnosticate any physical or mental ailment, or disease, or any person, or to give surgical assistance, to, or to suggest, recommend, prescribe or direct for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture, or bodily injury, or deformity, after having received or with the intent of receiving therefor, either directly or indirectly, any money, gift, or any other form of compensation. It shall also be regarded as practicing medicine within the meaning of this act if any one shall use in connection with his or her name, the words or letters Dr., Doctor, Professor, M. D., M. B. or Healer, or any other title, word, letter or other designation which may imply or designate him or her as a practitioner of medicine, or surgery, in any of its branches: provided that nothing in this act nor the act to which this is an amendment, shall be construed to apply to the administration of domestic or family remedies in cases of emergency, or to dentists or dental surgeons in the practice of dentistry, or to surgeons of the United States Army or Navy in the discharge of their official duties, or to prevent the mechanical application of glasses for the correction of errors of refraction, or to prevent druggists practicing pharmacy according to the existing laws, or to prevent the treatment of corns or bunions or the business of manicuring or the practice of massage. The requirements of Section one of this amendment as to general or medical education shall not apply to students now matriculated in medical colleges, but such students shall conform, as to general and medical education, to the requirements of the Statutes to which this Act is an amendment."

Sec. 4. That Chapter 40, Volume 20, Laws of Delaware, be and the same hereby is amended by adding thereto, which shall be designated as Section 21 of said Chapter 40, Volume 20, Laws of Delaware, the following, to-wit: "Any practitioner of the system, method or science treating diseases of the human body commonly known as Osteopathy, who is a graduate of any legally chartered and regularly conducted school of Osteopathy which in the opinion of the Medical Council shall be in good standing, who holds a diploma regularly issued from such school, and who has been in personal attendance as a student in such school for at least four terms of

not less than five months each before graduation, and who is now located and practicing in this State, is hereby authorized to so practice, without conforming to, and notwithstanding, any provision of this act, or the act to which this act is an amendment, upon such practitioners of osteopathy paying to the State the State license tax prescribed by law for physicians."

That all other persons proposing to practice osteopathy in this State after the passage of this act shall be subject to the provisions of this Act and of the act to which this act is an amendment, provided that such future applicants to practice Osteopathy in this State shall be examined by the Medical Council and some reputable practitioner of Osteopathy in this State, or, if there then shall be no reputable practitioner of Osteopathy then residing in this State, by the Medical Council and some practitioner of Osteopathy from some other State, to be designated by the Medical Council, and provided further that such future applicants to so practice shall be examined only upon such questions as shall be selected by the Medical Council and such selected associated practitioner of Osteopathy in anatomy, physiology, hygiene, chemistry, obstetrics, pathology, physical, diagnosis, histology, gynecology, surgery, urinalysis, and principles of Osteopathy. Any person who is the holder of a diploma regularly issued by any legally chartered and regularly conducted school of Osteopathy, who has been in personal attendance as a student in such school for at least three years for terms of not less than seven months in each year before graduation, and who shall conform to the provisions relative to general education, shall be eligible to such examination by said Medical Council, notwithstanding any of the provisions of this Act. Upon successfully passing said examination, the applicant to practice Osteopathy shall be entitled to receive and shall receive from said Medical Council an appropriate certificate entitling him to practice Osteopathy in this State. The Clerk of the Peace of any of the counties of this State shall, upon the payment of the amount of the State license tax prescribed by law for physicians, issue a license signed by the Governor and countersigned by the Secretary of State and sealed with the seal of his office, certifying that such person is authorized to practice Osteopathy in this State, conformably to the laws thereof, to any person who shall present to him such certificate of the Medical Council or to any practitioner of Osteopathy now practicing in this State conformably to the provisions of this Act."

DISTRICT OF COLUMBIA MEDICAL ACT.

(PUBLIC—No. 174).

An Act To regulate the practice of medicine and surgery, to license physicians and surgeons

and to punish persons violating the provisions thereof in the District of Columbia.
(As Amended in 1905).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and is hereby, created a board of medical supervisors of the District of Columbia, which shall consist, of the presidents of the three boards of medical examiners hereinafter provided for and two persons, not physicians, one of whom shall be learned in the law, to be appointed by the Commissioners of the District of Columbia, each for a period of three years, or until his successor is appointed: Provided, That not more than two members of the board of supervisors shall be adherents of any one system of medical practice: And provided further, That said Commissioners may remove, after due notice and hearing, any member of said board for neglect of duty or other just cause, and that in case of the death, resignation, or removal of any member the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

Sec. 2. That the said board of medical supervisors shall elect a president, a vice-president, and a secretary. Said board shall make, subject to the approval of the Commissioners of the District of Columbia, such regulations as may be necessary to carry into effect the provisions of this Act. Said board shall hold such meetings as may be necessary for the transaction of business. Said board shall supervise all examinations provided for in this Act, and shall issue all licenses to practice medicine and surgery or midwifery in the District of Columbia. Said board shall keep an official record of its meetings, also an official register of all applicants for examination for licenses to practice medicine and surgery in the District of Columbia. Said register shall show the name, place and duration of residence of each candidate, the time he or she has spent in medical study, in or out of medical schools, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine. Said register shall also show whether said applicant was rejected or licensed under this Act. Said register shall be prima facie evidence of all matters contained therein. The secretary aforesaid may be elected by said board from others than its own members; said secretary shall also act as treasurer, and shall give such bond as may be required by the Commissioners of the District of Columbia; said secretary shall have the power to administer oaths upon such matters as pertain to the business of said board; said secretary shall mail to the address of each applicant a notice of the time and place of examina-

tion, not less than seven days before the examination, and at a longer period if requested by the applicant at the time of making application.

Sec. 3. That from and after the passage of this Act, all persons desiring to practice medicine and surgery in any of their branches in the District of Columbia shall apply to said board of medical supervisors for a license to do so. Applicants shall submit to examination upon the following named branches, to-wit: Anatomy, physiology, chemistry, pathology, materia medica and therapeutics, hygiene, histology, practice of medicine, surgery, obstetrics and gynecology, diseases of the eye and the ear, medical jurisprudence, and such other branches as said board shall deem advisable. Each applicant shall be certified by said board for examination as speedily as possible to the board of medical examiners whose members are adherents to the system of medicine which said applicant desires to practice; but said board shall not certify for examination any applicant until satisfactory proof is furnished that he or she is of good moral character and over twenty-one years of age, nor until he or she has presented a diploma conferring upon him or her the degree of doctor of medicine, issued by some medical college authorized by law to confer such degree: Provided, That said diploma, if issued prior to July first, eighteen hundred and ninety-eight, shall be accompanied by satisfactory evidence that said applicant has studied medicine and surgery for not less than three years prior to the issue thereof, and if issued subsequent to June thirtieth, eighteen hundred and ninety-eight, shall be accompanied by satisfactory evidence that the applicant has studied medicine and surgery for not less than four years prior to the issue of said diploma. All examinations shall be both theoretical and practical and of sufficient severity to test a candidate's fitness to practice medicine and surgery.

Sec. 4. That said application for a license to practice medicine and surgery in the District of Columbia shall be made to the secretary of said board of medical supervisors upon a form prescribed by said board, and shall be accompanied by a fee of ten dollars. Each application shall be in the hands of said secretary not less than two weeks before the day set for examination, and any application may be rejected for refusal to furnish any of the information called for, or for other irregularity. All applications shall be kept on file by said secretary.

Sec. 5. That immediately after the passage of this Act the Commissioners of the District of Columbia shall appoint three boards of medical examiners, one to be known as the board of medical examiners of the District of Columbia, and to be composed of five physicians in good standing, adherents to the regular system of

medical practice; one to be known as the board of homeopathic medical examiners of the District of Columbia, and to be composed of five physicians in good standing, adherents to the homeopathic system of medical practice, to be selected from a list of not less than ten names, submitted by a majority vote at some regular meeting of the Washington Homeopathic Medical Society, and one to be known as the board of eclectic medical examiners of the District of Columbia to be composed of five physicians in good standing, adherents to the eclectic system of medical practice, to be selected from a list of not less than ten names, submitted by a majority vote at some regular meeting of the Eclectic Medical Society of the District of Columbia. Of the members of each board first appointed, one shall be appointed to serve one year, two to serve two years, and two to serve three years, and thereafter each member of each board shall be appointed: Provided, That no member of either of said boards shall have been engaged in the practice of medicine and surgery in the District of Columbia for less than five years at the time of his appointment: And provided further, That in event of the failure of the Washington Homeopathic Medical Society or of the Eclectic Medical Society of the District of Columbia, after fifteen days' notice by the Commissioners of the District of Columbia, to submit the list of names aforesaid, said Commissioners may appoint the members of the board of homeopathic medical examiners or of the board of eclectic medical examiners without restriction as to nomination by the society in default: And provided further, That said Commissioners may at any time remove any member of either the boards named in this Act for neglect of duty or other just cause, and that in case of the death, resignation, or removal of any member the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

Sec. 6. That each member of said boards of medical examiners of the District of Columbia shall, before entering upon the discharge of his duties, take an oath to administer fairly and impartially the provisions of this Act. Each board shall elect from its own members a president and a secretary. Each board shall hold a meeting for examination in the city of Washington on the second Thursday in January, April, July, and October of each year, and continuing so long as may be necessary to examine all applicants, and other meetings shall be held at such times as the board of medical supervisors shall direct. Each of said boards shall examine, at the meeting immediately following the receipt of the proper certificates from the board of medical supervisors, all applicants for licenses to practice medicine and surgery in the District of Columbia so certified.

Sec. 7. That the several boards of medical examiners shall, not less than one week prior to each examination, submit to the board of medical supervisors of the District of Columbia questions for thorough examinations in anatomy, physiology, chemistry, pathology, materia medica and therapeutics, hygiene, histology, practice of medicine, surgery, obstetrics and gynecology diseases of the eye and the ear, medical jurisprudence, and such other branches as said board of medical supervisors may direct. From the lists of questions so submitted said board of medical supervisors shall select the questions for each examination, and such questions shall be the same for all candidates, except that in the departments of therapeutics, practice of medicine, and materia medica the questions shall be in harmony with the system of medicine selected by the candidate. Said examinations shall be conducted orally and in writing, in accordance with the rules and regulations prescribed by the board of medical supervisors, and shall embrace the subjects as stated in section three of this Act. An official report of the result of each examination, signed by the president and the secretary and each acting member of the board of medical examiners conducting such examination, stating the average attained by each candidate in each branch, the general average, and the result of the examination, whether successful or unsuccessful, shall be transmitted to the board of medical supervisors within fifteen days from the date of such examination. Said report shall embrace all the examination papers, questions, and answers thereto. All such examination papers shall be kept for reference and inspection for a period of not less than five years.

Sec. 8. That if in the opinion of a majority of the board of medical supervisors, after a careful examination of the report of the board of medical examiners by which any applicant was examined, said applicant has fairly and successfully passed such examination as hereinbefore provided for, the board of medical supervisors of the District of Columbia shall, as soon thereafter as possible, issue to him a license signed by the president and the secretary of said board and attested by the seal of the District of Columbia, which license shall entitle said applicant after it is registered as hereinafter provided, to practice medicine and surgery in the District of Columbia. All licenses issued by said board shall be numbered consecutively, and a register shall be kept by the secretary showing the number of each license, the date of issue, and to whom issued.

Sec. 8a. That the board of medical supervisors of the District of Columbia be, and is hereby, authorized and directed to license to practice medicine and surgery in said District, without examination, any applicant for such

license who has been engaged in the practice of medicine and surgery in any other jurisdiction, whether a State, Territory, or insular possession of the United States, or a foreign country, subject to the following conditions:

"a. No applicant shall be licensed who is not of good moral character and free from mental defects and drug habits liable to interfere with the proper practice of medicine and surgery;

"b. Nor who, at the time of making application, and for not less than two years prior to the date thereof, has not been lawfully authorized to practice medicine and surgery, and actually engaged in such practice, in the jurisdiction wherein he resides:

"c. Nor unless the applicant acquired the right to practice medicine and surgery in such jurisdiction under conditions equivalent to those with which he would have had to comply in order then to have practiced medicine and surgery in the District of Columbia;

"d. Nor unless the jurisdiction, by virtue of whose license the applicant seeks exemption from examination in the District of Columbia, grants to licentiates of the board of medical supervisors of said District privileges equivalent to those which the applicant seeks;

"e. Nor until the applicant has paid to the board of medical supervisors aforesaid such fee as may be fixed and required by the regulations of said board, but not more than the fee charged similar circumstances by the jurisdiction by virtue of whose license the applicant seeks exemption from examination.

"And said board of medical supervisors is further authorized and directed to issue in favor of its licentiates such certificates, if any, as may be necessary to enable such licentiates, without examination, to obtain licenses to practice medicine and surgery in other jurisdictions, and to collect for the issue of such certificates such fees as may be necessary to defray the cost of issuing the same and to use such fees for that purpose.

"And said board of medical supervisors is further authorized to determine all matters of fact required to be determined in the execution of the provisions of this section "

Sec. 9. That the board of medical supervisors of the District of Columbia shall make, subject to the approval of the Commissioners of said District, such regulations as may be necessary to determine the qualifications of women desiring hereafter to commence the practice of midwifery in the District of Columbia, and shall issue licenses to such as are, after examination of any applicant for such licenses, and no applicant who has been rejected shall be re-examined within one year from such rejection: Provided, That a license shall be issued upon application, free of cost and without examination, to each midwife registered at the health office of the

District of Columbia at the time of the passage of this Act.

Sec. 10. That the board of medical supervisors of the District of Columbia may, by a vote of four members, refuse to grant or may revoke a license, and may cause the name of any person to be removed from the record of the supreme court of the District of Columbia and from the register of the health office for any of the following causes, to-wit: The employment of fraud or deception in passing the examinations provided for in this Act, chronic inebriety, the practice of criminal abortion, conviction of crime involving moral turpitude, or of unprofessional or dishonorable conduct. In complaints under this section the accused shall be furnished with a copy of the complaint and given a hearing before said board in person or by attorney, and witnesses may be heard for and on behalf of the accused, and for and on behalf of the said board. Appeal from the decision of said board may be taken to the court of appeals of the District of Columbia, and the decision of said court shall be final. Said board may at any time within two years from the refusal or revocation of a license, or the cancellation of registration under this section, by a vote of four members, issue, without examination, a new license to the person so affected, restoring to him or her all the rights and privileges of which he or she had been deprived by said board.

Sec. 11. That any person receiving a license as hereinbefore provided shall have it recorded in the office of the clerk of the supreme court of the District of Columbia within three months from the date of said license, and the place and date of record shall be certified thereon by said clerk; and the holder of the license shall pay to the clerk of said court a fee of fifty cents for making the record. The holder of said license shall, after the same has been recorded, exhibit the same at the health office, and shall register, in a book provided for that purpose, his or her name and address. Whenever a license is revoked by said board of medical supervisors the secretary thereof shall report that fact in writing to the clerk of said court and to the health officer of the District of Columbia, who shall thereupon cancel such registration.

Sec. 12. That this Act shall not apply to commissioned surgeons of the United States Army, or Marine-Hospital Service, nor to regularly licensed physicians and surgeons in actual consultation from other States or Territories, nor to regularly licensed physicians and surgeons actually called from other States or Territories to attend specified cases in the District of Columbia, nor to the treatment of any case of actual emergency, nor to the practice of massage or the so-called Swedish movement cure, nor to the use of ordinary domestic remedies without fee, gift, or consideration of any kind.

Sec. 13. That from and after the passage of this Act any person practicing medicine and surgery or midwifery in the District of Columbia, or who shall publicly profess to do so, without first having obtained from the board of medical supervisors of the District of Columbia a license and registered the same as herein provided, or in violation of any of the provisions of this Act any or any of the rules and regulations made by authority conferred herein, or after his license or registration, has been canceled by order of said board of medical supervisors of the District of Columbia, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the District jail for a period of not less than ten nor more than ninety days, or by both such fine and imprisonment. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this Act.

Sec. 14. That the secretary of the board of medical supervisors shall be paid for taking testimony the same fee that is allowed to an examiner in chancery for the service. The expense of said board and of the examinations shall be paid from the license fees herein provided for; and if any surplus remain on the thirtieth day of June of each year the members of the board of medical supervisors appointed as such shall be paid such reasonable compensation as the Commissioners of the District of Columbia may determine, and any balance then remaining shall be divided among the three Boards of medical examiners in proportion to the number of candidates examined, each member of each board of medical examiners to receive such part of the entire amount paid as that board itself shall determine.

Sec. 15. That nothing in this Act shall be construed to conflict with an Act for the regulation of the practice of dentistry in the District of Columbia, approved June sixth, eighteen hundred and ninety-two, nor to interfere with graduates of standard dental colleges, registered under the provisions of said Act, in the exercise of their profession to the extent and within the limits of the curriculum of such standard dental colleges.

Sec. 16. That all acts or parts of acts, general or special, not in accordance with the provisions of this Act, be, and are hereby, repealed.

Approved, June 3, 1896.

FLORIDA OSTEOPATHIC LAW.

A BILL.

TO BE ENTITLED, "AN ACT TO REGULATE OSTEOPATHS AND OSTEOPATHY."

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the Governor shall appoint

a State Board of Osteopathic Examiners, which shall be composed of three practicing osteopathic physicians who are graduates in good standing of some osteopathic college, recognized by the American Osteopathic Association, and that no two members shall be residents of the same Judicial Circuit.

Sec. 2. One of the said members shall be appointed for two years, one for three years, and one for four years, and the members appointed to succeed each of these shall continue in office for four years. Whenever a vacancy shall occur on said Board, the same shall be filled by the Governor for the unexpired term. Said Board shall elect one of their number President and one Secretary, and shall adopt all necessary rules for the guidance and control of their meetings.

Sec. 3. Such Board shall meet at times and places to be fixed by it, and conduct examinations and grant licenses as hereinafter provided. But they shall meet not less often than once each year, and shall give at least one month's notice of their meeting by publication once a week in a newspaper of general circulation throughout the State.

Sec. 4. Said Board shall examine thoroughly every applicant for a certificate of qualification to practice osteopathy in any of its branches or departments, upon production of a diploma as hereinafter specified, from a college recognized by the American Osteopathic Association, upon the following subjects: Anatomy, physiology, gynecology, theory and practice of osteopathy, chemistry, obstetrics, hygiene, pathology, physical diagnosis, minor surgery, bacteriology, toxicology, and no preference shall be given to any school of osteopathy. The diploma mentioned must be, for those graduating prior to July, 1907, from a college requiring a course of twenty months, and for those graduating since July, 1907, from a college requiring a course of twenty-seven months. When the Board, upon such examination, shall be satisfied as to the qualification of an applicant, they shall grant him a certificate to that effect, which certificate shall entitle the person to whom granted the right to practice osteopathy in any county, when the same shall have been recorded as hereafter required, and shall confer upon him all the rights and duties conferred by law upon other practitioners, except the right to administer internal medicine and perform major surgery. Such examination shall not be required of licentiates from other states who have been in continuous practice for seven or more years, who are graduates from a recognized college of osteopathy and of good moral character, or of graduates of a recognized college of osteopathy who were actively engaged in the practice of osteopathy in the State of Florida at the time of passage

and approval of this act, but such persons shall be required to pay the regular fee and receive a license as aforesaid, and shall be required to record the same as hereinafter specified.

Sec. 5. The certificate provided for hereinbefore shall, before the person to whom it is granted be entitled to practice by virtue thereof, be recorded in the office of the Clerk of the Circuit Court in the county in which such practitioner may reside or sojourn, in a book to be kept by the Clerk for that purpose, and when so recorded, the Clerk shall certify thereon, under his official seal the fact and date of such record, and shall return such certificate to the person to whom the same was granted, and shall be entitled, for such service, to collect from the holder of such certificate the legal fee for recording.

Sec. 6. The Board shall require of every person applying for a certificate, a fee of Twenty-Five Dollars, whether such person be granted a certificate after examination, or upon conformity with the other requirements of this act, and in case of examination, whether a certificate be granted or not.

Sec. 7. In case of failure of any applicant, the Board may examine him at any time thereafter, at a meeting held by it, upon payment by him of the fee hereinbefore provided for.

Sec. 8. Any person practicing as an osteopathic physician without having first obtained and recorded a certificate of qualification from the Board of Examiners, hereinbefore provided for, shall be punished by imprisonment not exceeding six months, or by a fine not exceeding Two Hundred Dollars.

MEDICAL ACT OF FLORIDA.

1156 REQUIREMENTS TO OBTAIN CERTIFICATES.—When any person has practiced medicine successfully and continuously for a period of fifteen years in the State of Florida, and is of good moral character, upon proof of these facts being made to the board of medical examiners of the judicial circuit of the State where applicant resides, the said board of medical examiners, upon the application of such physician, shall examine said applicant in any recognized school of practice that said applicant may elect to be examined in, and if such physician is found to be competent, the said board of medical examiners shall issue to such applicant a certificate as is now provided by law.

CHAPTER VIII

BOARD OF ECLECTIC EXAMINERS.

1157. GOVERNOR TO APPOINT.—The Governor shall appoint a board of eclectic medical examiners for the State at large; said board shall be composed of three practicing eclectic physicians of known ability, who shall be graduates of a college of the eclectic school of medicine.

1158. EXAMINATION OF APPLICANTS.—The said board of eclectic medical examiners shall be authorized to examine all applicants, who shall present a certificate of graduation (showing that such applicant has taken not less than a two years' course), from some college of the eclectic school of medicine, and shall not have authority to examine any applicant from any other school of medicine.

1159. DUTY OF BOARD.—The duties of the board of eclectic medical examiners as to organization, time and place of meeting, and in all other respects, except as stated in this chapter, shall be the same as the powers conferred by law on the board of homeopathic medical examiners: Provided, That said board may meet in any city in this state.

CHAPTER IX. OF PHYSICIANS.

1160. (801). APPOINTMENT OF MEDICAL EXAMINERS.—The Governor shall appoint a State Board of Medical Examiners, and also a State Board of Homeopathic Medical Examiners.

1161. (802). QUALIFICATIONS OF EXAMINERS.—The State Board of Medical Examiners shall be composed of seven regular practicing physicians who have been duly licensed to practice in this State, no two members shall be residents of the same judicial circuit. The board of homeopathic examiners shall be composed of three practicing homeopathic physicians who are graduates in good standing of some medical college recognized by the American Institute of Homeopathy.

1162. (803). TERMS OF OFFICE.—The appointment of each member of each of said boards shall continue for four years from the date of such appointment. Whenever a vacancy shall occur in any of said boards of the same shall be filled by appointment by the Governor for the unexpired term.

1163. (804). TO ELECT PRESIDENT AND SECRETARY AND MAKE RULES.—Every board shall elect one of their number president and one secretary, and shall adopt all necessary rules for the guidance and control of their meetings.

1164. (805). REGULAR MEETINGS.—Each board shall meet regularly semi-annually at some central and convenient point in the State to conduct examinations, and grant licenses as herein provided, and they shall give at least one month's public notice of their meeting by publication once a week in a newspaper of general circulation throughout the State.

1165. EXAMINATIONS.—It shall be the duty of said board of examiners to examine thoroughly every applicant for certificate of qualification to practice medicine in any of its branches or departments, upon the production of his medical diploma from a recognized college, or in the event said applicant shall have lost his

diploma, or the same shall have been destroyed prior to the year 1870, then upon satisfactory following subjects: Anatomy, physiology, gynecology, surgery, therapeutics, obstetrics and chemistry, but no preference shall be given to any school of medicine: Provided, That it shall be the duty of the board of homeopathic medical examiners to examine thoroughly every applicant for certificate of qualification to practice medicine in any of its branches or departments, upon the production of his diploma from a college recognized by the American Institute of Homeopathy, upon the following subjects: Anatomy, physiology, surgery, gynecology, materia medica, therapeutics, obstetrics and chemistry, and no preference shall be given to any school of medicine.

1166. (807). CERTIFICATES.—When the board shall be satisfied as to the qualifications of an applicant they shall grant to him a certificate to that effect, which certificate shall entitle the person to whom granted to practice medicine in any county when the same shall have been recorded as required by Section 1169.

1167. TEMPORARY CERTIFICATES TO PRACTICE MEDICINE.—Any member of the several boards of Medical examiners in this State shall be authorized to grant a temporary certificate of qualifications to any applicant desiring to practice medicine in this State, upon examination, until the next regular meeting of the board: Provided, however, That the applicant has never before received a similar certificate from any member of the several boards. All temporary certificates shall cease to be of force at the regular meeting next after the granting of the same.

1168. DUTY OF MEMBER GRANTING TEMPORARY CERTIFICATE.—It shall be the duty of the member granting a temporary certificate to notify the secretary of the board of which he is a member of his action, and it shall be the duty of the said secretary to notify the secretaries of the several other boards in the State, whose duty it shall be to notify the members of the several boards of the granting of said certificate.

1169 (809). RECORD OF CERTIFICATE.—The certificate provided for in the two preceding sections shall, before the person to whom it is granted shall be entitled to practice by virtue thereof, be recorded in the office of the clerk of the circuit court of the county in which such practitioner may reside or sojourn, in a well bound book to be kept by the clerk for that purpose, and when so recorded the clerk shall certify thereon under his official seal the fact and date of such record, and shall return such certificate to the person to whom the same was granted, and shall be entitled for such service to collect from the holder of such certificate the legal fee for recording.

1170. (810). EXAMINATION FEE.—The board

shall be entitled to demand and receive from each applicant examined the sum of fifteen dollars, whether a certificate be granted to such applicant or not.

1171. (812). PROVISIONS NOT TO APPLY TO CERTAIN PERSONS.—The provisions of this chapter shall not apply to persons who have heretofore received certificates of qualification and have recorded the same as provided by the laws of this State heretofore existing, nor to females, who follow the practice of midwifery strictly as such. No persons, except those described in this section, shall be permitted to practice medicine in any of its branches or departments, without first having obtained and recorded a certificate of qualification from some authorized board of medical examiners as hereinbefore provided.

(For penalties for violations of provisions of this chapter, see Chapter 3610-3611). 6 months or \$200.00.

GEORGIA OSTEOPATHIC LAW. AN ACT.

To Establish a Board of Osteopathic Examiners for the State of Georgia; to Define its Duties and Powers; to Regulate the Practice of Osteopathy and to Provide for Issuing and Recording Licenses of Osteopaths in this State; to Prescribe Penalties for the Violation of this Act; and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, that within thirty days after the passage of this Act it shall be the duty of the Governor to appoint for this State a Board of Osteopathic Examiners of five members. Said Board shall be appointed from a list of ten practitioners, who are eligible as hereinafter provided for appointment upon said Board, which shall be furnished the Governor by the President and Secretary of the Georgia Osteopathic Association. Such a list shall be transmitted annually to the Governor under the seal and signed by the President and Secretary of said Association from which list the Governor shall make further appointments to said Board. In case of failure of said Association to submit said list the Governor shall appoint members in good standing of said Association without restriction; provided, however, that said members shall be qualified as hereinafter required by graduation and practice. Within thirty days after the Governor shall have notified the several members of their appointment each member shall forward to the Governor the following oath: "I do swear that I will faithfully perform the duties of a member of the Board of Osteopathic Examiners for the state of Georgia to the best of my ability, so help me God," which, when filed in the office of the Governor of the State, he shall issue to each examiner a certificate of appointment.

Sec. 2. Be it further enacted, That each member of said Board shall be a practitioner of good moral and professional character and a graduate of a legally incorporated and reputable college of osteopathy and shall have been licensed to practice osteopathy under the laws of this State, excepting in the case of the first appointments on said Board, which shall be appointed as provided in Section 1 of this Act. Each member of said Board shall have been engaged in the practice of osteopathy in this State for a period of at least three years, and no member of said Board shall be in any manner financially interested in or connected with the faculty or management of any osteopathic school or college.

Sec. 3. Be it further enacted, That the term of office of the members of said Board of Osteopathic Examiners shall be for a term of three years; provided, that two members shall be appointed for one year, two for two years, and one for three years; and subsequently each appointment shall be for the full term of three years. Any vacancy that may occur for any cause shall be filled for the unexpired term by the Governor.

Sec. 4. Be it further enacted, That said Board shall, at the first meeting after its appointment, organize by electing a president, vice-president, and secretary-treasurer, who shall hold their offices until their successors are elected and qualified. The secretary-treasurer shall give bond with security in such sum as the Board may determine. The Board may prescribe rules, regulations and by-laws for its proceedings and government. There shall be at least one regular meeting of the Board every year, and this meeting shall be on the first Tuesday in July of each year, provided there are applicants for examination. Special meetings may be held upon the call of the president and two other members. A majority of the Board shall constitute a quorum. The Board shall keep a record of its proceedings and a register of all applicants for license, giving the name and location of the institution granting the applicant the degree of doctor or diplomate in osteopathy, the date of his diploma and also whether the applicant was rejected or granted a license and the number of the license granted. The record and register shall be prima facie evidence of all matters recorded therein.

Sec. 5. Be it further enacted, That all fees provided for in this Act shall be paid in advance to the treasurer of the Board, to be held as a fund for the use of said Board. No funds shall be paid out except on a warrant signed by the president and secretary of the Board, and no expense shall be created in excess of the fees and fines as herein provided, but such funds shall be applied by the Board to the payment of its expenses and to making a reasonable compensation to the members thereof.

Sec. 6. Be it further enacted, That any person who is engaged in the practice of osteopathy in this State on the first day of May, 1909, may deliver to the secretary of the Board of Osteopathic Examiners, within sixty days after the approval of this Act, a written application for a license to practice osteopathy, together with satisfactory proof that the applicant is not less than twenty-one years of age, is of good moral character and has obtained a diploma from some legally incorporated and reputable school of osteopathy requiring a course of study of at least four terms of five months each for graduation, and upon the payment of a fee of ten dollars, the secretary of said Board shall issue to practice osteopathy in this State, which license shall have like effect for all purposes as a license issued after examination by the Board of Examiners as herein provided. Every license issued by this Board shall be signed by each member of the Board of Examiners, and shall have affixed to it by the person authorized to affix the same the seal of the State Board of Osteopathic Examiners.

Sec. 7. Be it further enacted, That any person desiring to enter upon the practice of osteopathy in this State from and after the approval of this Act, shall make a written application to said Board for a license to practice osteopathy in this State, accompanied by a fee of ten dollars, together with satisfactory proof that the applicant is at least twenty-one years of age, is of good moral character and has obtained a diploma from some legally incorporated and reputable school of osteopathy requiring a course of study of at least three terms of nine months each in separate years. Provided, that any one who has been in the practice of osteopathy in some other State for a period of three years, prior to the approval of this Act, and who is a graduate from a legally incorporated and reputable college of osteopathy providing a course of study of at least four terms of five months each, shall be eligible for examination upon all other terms and conditions provided for applicants for examination under the provisions of this Act.

Upon complying with these conditions, the State Board of Examiners, if satisfied with the same, shall admit said applicant to examination before them, which examination shall include the subjects of anatomy, physiology, chemistry, toxicology, pathology, diagnosis, hygiene, obstetrics, gynecology, surgery, medical jurisprudence, principles of osteopathy, and such other subjects as the Board may require. If the examination is satisfactory to the committee and the applicant shall have made an average of seventy-five per centum on his examination on all subjects examined upon, with not less than sixty per centum in any one subject, the Board shall then grant said applicant a certificate to

practice osteopathy in this State when it shall have been recorded by the Clerk of the Superior Court of the county in which he proposes to practice, for which he shall pay the same fee as in recording a deed. In case the applicant fails to pass a satisfactory examination he may at any subsequent meeting of the Board, within two years, have the privilege of a second examination without the payment of additional fee; provided, that when, in the opinion of the president of the Board, any applicant has been prevented by any good cause from appearing before said Board, the president shall name a committee from the Board, who shall examine such applicant, and may, if satisfactory, grant him a certificate to practice until the next regular meeting of the Board, when, if the applicant fails to appear for examination, said certificate shall be void.

Sec. 8. Be it further enacted, That the license provided for in this Act shall authorize the holder to practice osteopathy as taught and practiced in the legally incorporated and reputable colleges of osteopathy as provided for in this Act.

Sec. 9. Be it further enacted, That osteopathic physicians shall observe and be subject to all 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, the same as physicians of other schools, and such reports shall be accepted by the officers or department to whom the same are made.

Sec. 10. Be it further enacted, That the Board may refuse to grant a certificate to any person convicted of a felony, or of gross unprofessional conduct, or who is addicted to any vice to such a degree as to render him unfit to practice osteopathy, and may, after due notice and hearing, revoke such certificate for like cause.

Sec. 11. Be it further enacted, That any person who shall practice, or pretend to practice, or use the science or system of osteopathy in treating diseases of the human body, by fraud or misrepresentation; or any person who shall buy, sell, or fraudulently obtain any diploma, license record or registration to practice osteopathy, illegally obtained, or signed or issued unlawfully or under fraudulent representations; or who shall use any of the forms, or letters, "Osteopathy," "Osteopath," "Osteopathist," "Diplomate in Osteopathy," "D. O.," "D. Sc. O.," "Osteopathic Physicians," "Doctor of Osteopathy," or any other title or letters, either alone or with other qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such term or terms, is engaged in the practice of osteopathy, without having complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as for a misdemeanor.

Sec. 12. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

GEORGIA MEDICAL LAW.

AN ACT.

To establish Boards of Medical Examiners for the State of Georgia, to protect the people from illegal and unqualified practitioners of medicine and surgery; to regulate the issuing and recording of licenses; to prescribe penalties for the violation of this Act, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That within thirty days after the passage of this Act, it shall be the duty of the Governor to appoint for this State three separate Boards of Medical Examiners of five members each as follows: one board to consist of five members of the regular school of medicine; one board of five members of the eclectic school of medicine, and one board of five members of the homeopathic school of medicine. The members of each of said boards shall be men learned in medicine and surgery and of good moral and professional character and graduates of reputable medical colleges; but none of them shall be a member of the faculty of any medical college. Each of said three boards shall be wholly independent and separate from the other two in the performance of the duties herein required of said boards. A majority of each board shall constitute a quorum.

Sec. 2. Be it further enacted, That the term of office of said members shall be for a term of three years; provided, that two members of each board shall be first appointed for one year, two for two years and one for three years; and subsequently each appointment shall be for the full term of three years. Any vacancies that may occur in said boards, in consequence of death, resignation, removal from the state, or from other cause, shall be filled for the unexpired term by the Governor.

Sec. 3. Be it further enacted, That immediately and before entering on the duties of said office the members of said Boards of Medical Examiners shall take the following oath: "I do swear that I will faithfully perform the duties of a member of the Board of Medical Examiners for the State of Georgia to the best of my ability, so help me God," and shall file the same in the office of the Governor of the state, who, on receiving said oath of office, shall issue to each examiner a certificate of appointment.

Sec. 4. Be it further enacted, That immediately after the appointment and qualification of said members, each board shall meet and organize. The officer of said boards shall be a president, vice-president and secretary (who shall also act as treasurer). Said officers shall be members and elected by their respective boards. Each board

shall hold two regular meetings in each year. One meeting shall be held at such time on or just before graduation day of each medical college now chartered, or that may be hereafter chartered, in this state, and the Board of Examiners, after consultation with the faculties of said colleges, shall fix a time for its meeting to suit a majority of the students graduating from such colleges; the other on the second Tuesday in October. The first meeting shall be held in the city of Atlanta, and the succeeding meetings of each board may be held in such city as each board may determine for itself. Special meetings may be held on the call of the president and two members of each board; but there shall not be less than two regular meetings each year. Each board may prescribe rules, regulations and by-laws for its proceedings and government, and shall keep permanent record of its actions. And each board shall examine and pass on the qualifications of applicants for the practice of medicine in this state, as herein prescribed.

Sec. 5. Be it further enacted, That it shall be the duty of each board at any meetings, to examine only persons making application to it, who are graduates of an incorporated medical school or university that requires not less than three full courses of study of six months each, who shall desire to commence the practice of medicine or surgery in this state, and who shall not by the provisions of this Act be exempt from such examination; but any person now matriculated as a student of medicine in any medical college, after graduation, and any person from another who shall have graduated prior to April 1st, 1895, at a lawfully chartered medical college requiring only two full courses of study, shall be eligible for examination and licensure; provided always that the applicant for such examination shall hold a lawfully conferred diploma from an incorporated college which conforms to the system of practice represented by the board to which the application shall be made; unless the applicant desires to practice a different system from that recognized by his diploma, then he shall appear before the board that represents the system that he proposes to practice. But in no event shall an applicant who stands rejected by one of said boards be examined or licensed by either of the other boards. If an applicant desires to practice a system not represented by any of the boards hereby established he may elect for himself the board before which he will appear for examination. When a applicant shall have passed an examination satisfactory as to proficiency before the board in session, the president thereof shall grant to such applicant a certificate to that effect. A fee of \$10 shall be paid to such board through such officer or member it may designate by each applicant

before such examination is had. In case an applicant shall fail to pass a satisfactory examination before any board he shall not be permitted to stand any other examination before any of the other boards within the next three months thereafter. Nor shall he again have to pay the fee aforesaid prescribed for any subsequent examination; provided that when, in the opinion of the president of any board, any applicant has been prevented by any good cause from appearing before said board, the president and two members of said board designated by him shall constitute a committee, who shall examine such applicant, and may, if they see fit grant him a certificate which shall have the same force and effect as though granted by a full board, until the next regular meeting of the board, when, if the applicant fails to appear for examination, said certificate shall be void.

Sec. 7. Be it further enacted, That before any person who obtains a certificate from any board, or from a committee of any board, may lawfully practice medicine or surgery in this state he shall cause the said certificate to be recorded in the office of the clerk of the Superior Court in the county in which he resides. But if he does not reside in the State of Georgia, he shall cause said certificate to be recorded in any county within this state in which he offers to practice. The certificate shall be recorded by the clerk in a book kept for that purpose. It shall be indexed in the name of the person to whom the certificate is granted. The clerk's fee for recording a certificate shall be the same as for recording a deed.

Sec. 6. Be it further enacted, That the fund raised by the fees aforesaid shall be applied by each examining board to the payment of its expense and to making a reasonable compensation to the president, secretary and members thereof.

Sec. 8. Be it further enacted, That this Act shall take effect from and after the first day of January, 1895, and that it shall be unlawful thereafter for any person to commence the practice of medicine or surgery in this State without complying with the provisions of this Act. But nothing in this Act shall apply to persons now lawfully engaged in the practice of medicine or surgery in the State of Georgia, to any commissioned medical officer or contract surgeon of the United States Army, Navy or Marine Hospital Service in the performance of their duties as such, nor to any physician or surgeon residing in any state or territory of the United States or the District of Columbia, who may be bona fide called in consultation in a special case with a legally qualified physician or surgeon residing in this state; nor shall this Act be construed as affecting or changing in any way, laws in reference to license tax to be paid by physi-

cians and surgeons provided that a non-resident physician or surgeon called in consultation in a special case, as above described, shall not be permitted to engage in continuous practice or consultation in connection with any resident physician or surgeon under any form of contract or agreement, direct or indirect.

Sec. 9. Be it further enacted, That any person shall be regarded as practicing medicine or surgery, within the meaning of this Act, who shall prescribe for the sick or those in need of medical or surgical aid, and shall charge or receive therefor money or other compensation or consideration, directly or indirectly; provided, however, that midwives and nurses shall not be regarded as practicing medicine or surgery.

Sec. 10. Be it further enacted, That any person who shall practice medicine or surgery in this in violation of the provisions of this Act shall, upon conviction, be punished as prescribed in Sec. 4310 of the Code of the State of Georgia, for each offense; and it shall not be lawful for him to recover by action, suit, motion or warrant any compensation for services which may be claimed to have been rendered by him as such physician or surgeon.

Sec. 11. Be it further enacted, That all laws or parts of laws in conflict with this Act be, and the same are hereby repealed.

AN ACT

To authorize the Boards of Medical Examiners of Georgia to grant licenses to licensees of Medical Boards of other States without examination and for other purposes.

Sec. 1. Be it enacted by the General Assembly of Georgia, that from and after the passage of this Act the Boards of Medical Examiners of Georgia be, and it is hereby authorized, upon the receipt of a license fee of ten dollars without examination, to endorse licenses issued by other State Boards having an equal standard and requirements with the Georgia Boards; provided said other State Boards accord to the licensees of the Georgia State Boards the same courtesy, and said other board licenses, when endorsed, shall entitle the holder to register in this state, and to all the rights and privileges thereby granted. Provided, further, that all physicians in regular standing who graduated before the Act creating State Examining Boards, be granted licenses without examination on payment of fees who desire to locate outside of this state.

Sec. 2. Repeals conflicting laws.

Approved, Dec. 12th, 1894—Amended Aug., 1904.

IDAHO OSTEOPATHIC LAW.

A BILL

An Act to Regulate the Practice of the System, Method or Science of Treating Diseases Known as Osteopathy, and Creating a Board of Examination and Registration for the Regulating

of the Same, and Providing for the Violation of this Act.

Be It Enacted by the Legislature of the State of Idaho:

Section 1. Within thirty days after this act goes into effect, the Governor shall appoint five persons who are reputable practitioners of osteopathy, selected from a number of not less than fifteen who are recommended by the State Osteopathic Association; the recommendation of the president and secretary being sufficient proof of the appointees' standing in the profession; and said appointees shall constitute the first Board of Osteopathic Examination and Registration. Their term of office shall be so designated by the Governor that the term of one member shall expire each year. Thereafter in each year the Governor shall, in like manner, appoint one person to fill the vacancy thus created in the Board at that time from a number of not less than five who are recommended by the State Osteopathic Association; the term of said appointee to be for a term of five years. A vacancy occurring from any cause shall be filled by the Governor for the unexpired term in the same manner as last above stated. The Board shall, within thirty days after its appointment by the Governor, meet in the city of Boise and organize by electing a president, secretary and treasurer, each to serve for one year. Thereafter, the election of such officers shall occur annually. The treasurer and secretary shall each give bond approved by the Board for the faithful performance of their respective duties, in such sum as the Board may, from time to time, determine. The Board shall have a common seal, and shall formulate rules to govern its actions; and the president and secretary shall be empowered to administer oaths. The Board shall meet in the city of Boise at the call of the president in the month following the election of its officers and in June of each succeeding year and at such other times and places as the majority of the Board may designate. Three members of the Board shall constitute a quorum, but no certificate to practice osteopathy shall be granted on an affirmative vote of less than three. The board shall keep a record of its proceedings and a register of all applicants for certificates, giving the name and location of the institution granting the applicant the degree of doctor of or diploma in osteopathy; the date of his or her diploma; and also whether the applicant was rejected, or diploma granted. The record and register shall be prima facie evidence of all matters recorded therein.

Sec. 2. Any person before engaging in the practice of osteopathy in this State shall, upon the payment of a fee of twenty-five dollars, make application for certificate to practice osteopathy to the Board of Osteopathic Examination

and Registration, on a form prescribed by the Board, giving: first, his name and age, which shall not be less than twenty-one years, and residence; second, evidence that such applicant shall have, previous to the beginning of his course in osteopathy, a certificate of examination for admission to the freshman class of a reputable literary or scientific college, a diploma from a high school, academy, state normal school, college or university, approved by the aforesaid Board; third, the date of his or her diploma and evidence that such diploma was granted on personal attendance and completion of a course of not less than four terms of five months each, and after 1908 of three terms of not less than nine months each in three separate years; fourth, the name of the school or college of osteopathy from which said applicant was a graduate and which shall have been in good repute as such at the time of granting his or her diploma, as determined by the Board. The Board may, in its discretion, accept as the equivalent of any part or all of the second, third and fourth requirements, evidence of five or more years of reputable practice of osteopathy; provided, each substitution be specified in the certificate. If the evidence thus set forth and to which the applicant shall be required to make affidavit shall meet the requirements of the Board as prescribed by its rules, then the Board shall require the applicant to submit to an examination as to his qualification for the practice of osteopathy, which shall include the subjects of anatomy, physiology, physiological chemistry, toxicology, osteopathic pathology, osteopathic diagnosis, hygiene, osteopathic obstetrics and gynecology, minor surgery, principles and practice of osteopathy, and such other subjects as the Board may require. If such examination is passed in a manner satisfactory to the Board or with a grade of seventy-five percent then the Board shall issue to said applicant a certificate granting him or her the right to practice osteopathy in the State of Idaho. All examination papers shall be recorded and kept by the Board. Any person failing to pass such examination may be re-examined at any regular meeting of the Board within one year from the time of such failure, without additional fee; provided that any such person having a diploma from a legally chartered school or college of osteopathy which was in good standing at the time of issuing said diploma as defined by the Board, and who shall meet the requirements of the Board in other respects, who is in active practice in this State at the time of the passage of this Act, may upon the payment of a fee of two dollars, be granted a certificate by the Board to practice Osteopathy in this State without examination, if the application for such certificate is filed within ninety days after the passage of this Act. Pro-

vided further, that a physician's certificate issued by a reputable school of osteopathy to a graduate from a reputable school of medicine after an attendance of not less than two terms of five months each may be accepted by the Board on the same terms as a diploma, and the holder thereof be subject to the same regulations in all other respects as other applicants before the Board; Provided, that after the year 1908 he shall have attended two terms of not less than nine months each in two separate years. Provided further, that the Board may, in its discretion, dispense with an examination in the case, first, of an osteopathic physician duly authorized to practice osteopathy in any other State or Territory or the District of Columbia who presents a certificate of license issued after an examination by the legally constituted Board of said State, Territory or District of Columbia, accorded only to applicants of equal grade with those required in this State; or second, an osteopathic physician who has been in the actual practice of osteopathy for five years, who is a graduate of a reputable school of osteopathy, who may desire to change his residence to this State and who makes application on a form to be prescribed by the Board accompanied by a fee of twenty-five dollars. The secretary of the Board may grant a temporary permit until a regular meeting of the Board or until such time as the Board can conveniently meet, to one whom he considers eligible to practice in the State and who may desire to commence the practice immediately. Such permit shall only be valid until legal action of the Board can be taken. In all the above provisions the fee shall be the same as charged to applicants for examination except to those who are practicing in the State at the time of the passage of this Act.

The Board may refuse to grant a certificate to any person convicted of a felony or of gross unprofessional conduct or who is addicted to any vice to such a degree as to render him unfit to practice osteopathy, and may, after due notice and hearing, revoke such certificate for like cause.

Sec. 3. All fees shall be paid in advance to the treasurer of the Board to be by him held as a fund for the use of said Board of Osteopathic Examination and Registration. The compensation and expenses of the officers and members of said Board and all expenses proper and necessary, in the opinion of said Board, to discharge its duties under and enforce the law shall be paid out of said funds upon warrants of the president and secretary of said Board, and no expense shall be created to exceed the income of fees or fines as hereby provided. The salaries shall be fixed by the Board, but shall not exceed ten dollars per day and hotel and railroad expenses.

Sec. 4. Osteopathic physicians shall observe

and be subject to all State and municipal regulations relating to the control of contagious diseases; reporting and certifying the births and deaths; and all matters pertaining to public health the same as all other schools of medicine, and such reports shall be accepted by the officers of the district to whom the same are made.

Sec. 5. Every person holding a certificate from the State Board of Examination and Registration shall have it recorded in the office of the recorder of the county in which he or she expects to practice. Until such certificate is filed or recorded the holder shall exercise none of the rights or privileges therein conferred. Such recorder shall keep in a book for that purpose a complete list of all certificates recorded by him, with the date of recording each certificate. Each holder of a certificate shall pay to said clerk a fee of one dollar for making such record.

Sec. 6. Any person who shall practice or pretend or attempt to practice or use the science or system of osteopathy in treating diseases of the human body by fraud or misrepresentation; or any person who shall buy, sell, or fraudulently obtain any diploma, license, record or registration to practice osteopathy, illegally obtained, or signed or issued unlawfully or under fraudulent misrepresentation; or shall use any of the forms or letters "osteopathy," "osteopath," or "osteopathist," "diplomat in osteopathy," "D. O.," "D. Sc. O.," "osteopathic physician," "doctor of osteopathy," or any other title or letters, either alone or with other qualifying words or phrases under such circumstances as to induce the belief that the persons using such term or terms is engaged in the practice of osteopathy; without having complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars for each offense, or not less than three months nor more than six months in the county jail.

IDAHO MEDICAL ACT.

APPROVED MARCH 3, 1899.

AN ACT

To Regulate the Practice of Medicine and Surgery within the State of Idaho: And to provide Penalty for the Violation of this Act: and the Repealing of all other Acts in Relation Thereto. Be it enacted by the Legislature of Idaho:

Section 1. The Governor of the State, within sixty days after the expiration of the session of the Legislature at which this Act shall have been passed, shall appoint a Board of Medical Examiners which shall be styled "The State Board of Medical Examiners," consisting of six members, a majority of whom shall never be appointed from, nor represent, any one school of medicine, and not less than three schools shall at all times be represented on said board, all of whom shall

be graduates of reputable medical colleges or universities, in good standing, and learned and skilled in the theory and practice of medicine and surgery, and of good moral repute.

The terms of office of the members forming the first board under this Act shall be as follows: viz.: Two members thereof shall be appointed to serve for a period of two years, and two members thereof shall be appointed to serve for a period of four years, and two members thereof shall be appointed to serve for a period of six years, and until their successors shall have been appointed and qualified.

After which all subsequent appointments shall be for a period of six years. All persons appointed to serve under said board shall, upon assuming the duties thereof, make oath before a district or probate judge that they are graduates of colleges or universities in good standing, giving names and location thereof, and that they will faithfully and impartially perform the duties of such office. These oaths shall be made in duplicate, one to be retained on file in the office of the secretary of the board, and one to be forwarded to the secretary of state, who shall, on receipt of same, issue to each member appointed on said board, complying with this section, a certificate of such appointment, under his hand and the great seal of the State: Provided, that the Governor shall remove any member of said board who shall be guilty of any criminal or dishonorable conduct or who shall be guilty of any unprofessional conduct forbidden by this Act, upon recommendation of said board, made pursuant to a resolution thereof, duly authenticated and accompanied by the facts and testimony in possession of said board, upon which the said resolution is based. Vacancies occurring from death, resignation or any other cause, shall be filled by appointment by the Governor within thirty days from the time such vacancy occurs, and such appointee shall serve during the unexpired term of the member whose place he fills: Provided, further, that after the board shall have been constituted and organized, no person otherwise eligible shall hereafter be appointed on said board who is not in possession of a license to practice medicine and surgery in the state under the provision of this Act.

Sec. 3. Said board shall organize immediately after appointment by electing from among its members a president, a secretary and a treasurer, and shall provide a seal and attest its acts under said seal. Any member of the board shall have authority to administer oaths, and the board shall have authority to take testimony whenever the same is necessary in any matter relating to its official acts or duties. Said board shall hold regular meetings on the first Tuesdays in the months of April and October, in each year, at the Capitol of the State, or at such

other places as the board shall designate. Special meetings may also be called when, in the opinion of the majority of the members of the said board, the same is necessary, and shall be held at such times and places as the said board may designate.

Said board shall keep a minute book or a general book of record in which all the official acts, processes and transactions of said board shall appear in full. They shall also keep in addition thereto a "Cash Book" in which shall appear in detail all receipts and disbursements of said board. They shall also keep a special register, containing the names and addresses of all applicants for licenses, together with the date required to be furnished in the application for said license. Said special register shall also show whether applicant received license or was rejected, and if the applicant was rejected it shall contain a full statement of the reasons therefor. Said general book of record, the cash book and the special register, shall be prima facie evidence of all matters therein recorded, and shall be public records in charge of the secretary of the board.

Sec. 4. The board shall make an annual report to the Governor of the State, which report shall set forth a full and complete history of all its official acts during the year, and shall also contain a true statement of all receipts and disbursements of said board for the period so reported.

Sec. 5. All persons, except as hereinafter provided, who are legally engaged in the actual practice of medicine and surgery, or either of them, in the State, at the time of the passage of this Act, under the provisions of the Medical Act of 1887, shall be licensed without examination to continue such practice under this Act, by making application to the State Medical Examining Board upon suitable prepared blanks to be furnished by said board, within six months of the taking effect of this Act. The applicant shall be required to transmit with such application a certificate from the county recorder, from the county in which he or she may reside, that said applicant is a bona fide resident of the State, and has recorded his or her diploma under the Medical Act of 1887, giving date of such recording. Persons who received a license under the now defunct medical law of 1887 will simply be required to transmit such license. The fee for licenses under this section shall be \$5.00 and shall in each case accompany the application. Upon fulfillment of the requirements herein stated, the board shall issue to said applicant a license, to practice medicine and surgery within this State. Persons for whom the provisions of this section are intended, failing or refusing to avail themselves of the same, shall be and are hereby subject to the regulations of section 6 of this Act.

Sec. 6. After the passage of this Act, every person, except as hereinafter provided, desiring to commence the practice of medicine and surgery, or either of them, within this state, shall, immediately and prior to commencing the same, make a written application to the State Medical Examining Board, upon suitably prepared blanks, to be furnished by said board, for a license to do so.

The applicant shall transmit with said application his or her diploma, together with an affidavit setting forth that said diploma is genuine, and that the applicant is the rightful possessor thereof and the identical person named therein, and that the same was obtained by pursuing the regular course of study or examination in said institution, and setting forth that he or she is a citizen of the United States, or has declared his intention of becoming such.

If the said diploma has been issued by a reputable college of medicine in good standing, said applicant shall be eligible to examination. All applicants shall be examined in the applied branches of the theory and practice of medicine and surgery or either of them, as those branches are taught in the reputable chartered schools of the system of medicine to which the applicant belongs and which the applicant intends to practice, and such examinations shall in all cases include anatomy, physiology, pathology, diagnosis, hygiene, chemistry, histology, and toxicology. No applicant for license shall be allowed to practice medicine and surgery, or either of them, until such license shall have been granted. The board shall cause the examination to be scientific and practical and sufficiently thorough to test the applicant's fitness to practice medicine and surgery, or either of them, and if the applicant correctly answers at least 75% of all the questions submitted, said board shall grant the applicant a license to practice medicine and surgery in this state. All applicant for license under any provision of the provisions of this Act must furnish sufficient evidence to the board that they are of good moral character. All applications under this section must be accompanied by \$25, which is the fee for examination under this section. Should the applicant fail to pass the said examination, the fee is not returnable. The cost of transmission to and from the board of all papers belonging to the applicant under this or any other section of this Act, shall be paid by the applicant. In the case an applicant for an examination fails to pass the required examination, he or she may be re-examined after the expiration of six months, or within one year, without the payment of an additional fee, and thereafter the applicant may be examined as often as desired at any regular or special meeting of the board on the payment of the regular fee for such examination. Said board

may also refuse a license for unprofessional conduct, or conduct of a criminal, immoral or dishonest nature.

Sec. 7. The words "unprofessional or dishonest conduct" as used in Sec. 6, or any other section of this Act, is hereby declared to mean:

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

Second: The employment of what are popularly known as "cappers," "steerers" in procuring practice.

Third: The obtaining of a fee on the assurance that a manifestly incurable disease may be permanently cured.

Fourth: A willful betrayal of the professional secret to the detriment of a patient.

Fifth: All advertisements of medical business in which untruthful and improbable statements are made.

Sixth: All advertisements of any kind, of any manner or means, whereby the monthly periods of women can be regulated or menses can be re-established if suppressed.

Seventh: Conviction of any offense involving moral turpitude.

Sec. 8. All questions upon the different branches of medicine and surgery submitted by said board to the candidates for examination shall either be written or printed, or partly written and printed, and the questions in each branch shall be arranged on separate sheets of paper and numbered consecutively.

The candidate shall be supplied with a list of questions upon but one branch or subject at a time, and after completing his or her answers thereto, he or she shall be entitled to the next list of questions, and so on in like manner until said candidate shall have been examined in all of the branches required. All answers to the questions thus submitted shall be in writing, upon suitable paper furnished by the board, no candidate being permitted to furnish his or her own paper for such written answers. Each list of the candidate's answers must bear the same title as the corresponding list of questions, and each answer shall be numbered to correspond with the question to which it refers. The questions submitted by the board to each candidate examined, together with the answers thereto, shall be placed and kept on file in the office of the secretary of the board, and shall constitute part of the records of the said board.

Sec. 9. When complaint is made to the board, of unprofessional or other conduct, on the part of a licentiate, under the provisions, of this Act, meriting suspension, revocation or cancellation of his license, the board shall have power to hear evidence for and against the accused, touching such complaint, and if the board be satisfied from the evidence of the justice of such complaint, the board must institute proper proceedings in

the district court in and for the county where such licensee resides, for the suspension or revocation, and cancellation of such license, and the district courts of the state are hereby vested with jurisdiction to hear and determine all such proceedings, and to suspend and revoke and cancel any license at issue in any such proceeding. The accused shall be entitled to appear in person or by counsel at every stage of such proceedings, from the first hearing of said complaint before the board to the final disposition of the case before the district court. All costs incident to any such proceeding in the district court shall be assessed by the court as the justice of the case, in the discretion of the court, may require. In all such proceedings the county attorney shall appear for the board in the district court. In case the board refuses to grant a license to practice under this Act, the applicant shall have the right to have the action of the board refusing such license reviewed by the district court in and for the county in which the meeting at which the license was refused was held, or such other county as may be agreed upon: Provided, proceedings for such reviewing be instituted within ten days after notice of such refusal to applicant.

Sec. 10. Any person practicing medicine and surgery within this State, without having obtained a license herewith provided for, or contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not less than \$50 nor more than \$300, or be imprisoned in the county jail for a period of not less than ten days, or more than six months, or both fine and imprisonment, at the discretion of the court, together with the costs of prosecution, and each day such person continues to practice medicine and surgery, contrary to the provisions of this Act, shall constitute a separate offense.

Sec. 11. Every person receiving a license under this Act shall, within thirty days thereafter have the same recorded in the office of the county recorder, within the county where the licensee intends to practice. Otherwise said license shall be void. The county recorder of each county shall have suitably prepared a separate "book of record," in which all licenses under this Act, presented to them, shall be recorded, and on the first of December of each year furnish the secretary of the State Medical Examining Board a list of the licenses on record in his office, and upon notification to him by the secretary of the revocation of any license on record in his office, or of the death or removal from the county of any person whose license is on record therein, said recorder shall make a note of the fact on the page containing the record of said license, so that the records kept by the said county recorder shall correspond with the rec-

ords of his county as kept by the secretary of the said medical board.

Sec. 12. All licenses issued by the board shall be numbered consecutively and in the order issued. Each license shall be signed by the president and secretary of the board under the official seal of the board issuing same. Four members of the board shall constitute a quorum to transact business at any regular or special meeting.

Sec. 13. The words "respectable or reputable medical college or university in good standing" are hereby declared to mean such medical colleges or universities as are legally chartered, reputable and in good standing in the state or county where they are located.

Sec. 14. Any person shall be regarded as practicing medicine and surgery, or either, who shall advertise in any manner or hold himself or herself out to the public as a physician or surgeon, or either, in the State, or who shall investigate or diagnose, or offer to investigate or diagnose, any physical or mental ailment of any person with the view of relieving the same as is commonly done by physicians or surgeons, or suggest, recommend, prescribe or direct, for the use of any person, sick, injured or deformed, any drug, medicine, means or appliance for the intended relief, palliation, or cure of the same, with the intent of receiving therefor, either directly or indirectly, any fee, gift or compensation whatsoever. Provided, however, This Act shall not apply to dentist and registered pharmacists or midwives in the legitimate practice of their respective professions, nor to services rendered in cases of emergencies, where no fee is charged. Any person who shall present to the board, as his or her own, the diploma of another, or the forged affidavit of identification, or who shall attempt to personate another practitioner of a like or different name, shall, upon conviction thereof, be subject to such fine and imprisonment as are provided by the statutes of the State of Idaho for the crime of forgery.

Sec. 15. It shall be the duty of the county attorneys to prosecute all violations of this Act within their respective counties. And in all cases of appeal to the supreme court of the state, the attorney general thereof shall represent the said board upon such appeal. The board shall investigate all complaints of non-compliance with, or violations of, the provisions of this Act, and bring all such cases to the notice of the proper prosecuting officers.

Sec. 16. This Act shall not apply to commissioned members of the United States army, navy and marine hospital service, in the discharge of their official duties, nor to legally qualified physicians and surgeons of other states when called in consultation with any legally qualified physician and surgeon of this state.

Sec. 17. The members of said board shall look alone to the revenues of this Act for reimbursement of actual expenses incurred in attending upon the business of the sessions of said board, and they shall look alone for their per diem allowance, which shall not exceed the sum of \$5 per day each, for each day said board may be in actual session.

Sec. 18. The Governor is hereby empowered to receive from the late secretary of the now defunct state board of medical examiners all property and money in his possession belonging to said board, and deliver the same to the secretary of the State Board of Medical Examiners to be by him appointed under this Act.

Sec. 19. All other acts and parts of acts regulating the practice of medicine in this State are hereby repealed.

Sec. 20. Whereas an emergency is hereby declared to exist, this bill shall be in force and take effect from and after its passage and approval by the governor.

Approved on the 3rd day of March, 1899.

ILLINOIS MEDICAL LAW.

An Act to regulate the practice of medicine in the State of Illinois, and to repeal an act therein named.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the State Board of Health shall organize within three months after the passage of this act; it shall procure a seal and shall receive through its secretary applications for certificates and examinations. The president and secretary shall have the authority to administer oaths, and the board to take testimony in all matters relating to its duties.

Sec. 2. No person shall hereafter begin the practice of medicine or any of the branches thereof, or midwifery in this State without first applying for and obtaining a license from the State Board of Health to do so. Application shall be in writing and shall be accompanied by the examination fees hereinafter specified, and and with proof that the applicant is of good moral character. Applications from candidates who desire to practice medicine and surgery in all their branches shall be accompanied by proof that the applicant is a graduate of a medical college or institution in good standing, as may be determined by the board. When the application aforesaid has been inspected by the board and found to comply with the foregoing provisions the board shall notify the applicant to appear before it for examination at the time and place mentioned in such notice.

Examinations may be made in whole or in part in writing by the board, and shall be of a character sufficiently strict to test the qualifications of the candidate as a practitioner. The

examination of those who desire to practice medicine and surgery in all their branches shall embrace those general subjects and topics, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine by reputable medical colleges in the United States. The examination of those who desire to practice midwifery shall be of such character as to determine the qualification of the applicant to practice midwifery. "The examination of those who desire to practice any other system or science of treating human ailments who do not use medicines internally or externally, and who do not practice operative surgery shall be of a character sufficiently strict to test their qualifications as practitioners."

All examinations provided for in in this act shall be conducted under rules and regulations prescribed by the board, which shall provide for a fair and wholly impartial method of examination: Provided, that graduates of legally chartered medical colleges in Illinois in good standing as may be determined by the board may be granted certificates without examinations.

Sec. 3. If the applicant successfully passes his examination, or presents a diploma from a legally chartered medical college in Illinois of good standing, the board shall issue to such applicant a license authorizing him to practice medicine, midwifery or other system of treating human ailments, as the case may be: Provided, that those who are authorized to practice other systems can not use medicine internally or externally or perform surgical operations*: Provided further, that only those who are authorized to practice medicine and surgery in all their branches shall call or advertise themselves as physicians or doctors: "And, provided further, that those who are authorized to practice midwifery shall not use any drug or medicine or attend other than cases of labor. Such license shall be in such form as may be determined by the board, and in accordance with the provisions of this act: Provided, however, that any willful violation on the part of an applicant of any of the rules and regulations of the board governing examinations shall be sufficient cause for the board to refuse to issue a license to such applicant. Such certificates shall be signed by all members of the board and attested by the secretary.

Sec. 4. Every person holding a certificate from the State Board of Health shall have it recorded in the office of the clerk of the county in which he resides or practices within three months from its date, and the date of recording shall be endorsed thereon. Until such certificate is recorded as herein provided, the holder thereof shall not exercise any of the rights or privileges conferred therein. Any person practicing in an-

*Later ruling of Attorney General Stead, gives osteopaths the right to call or advertise themselves physician or doctor.

other county shall record the certificate in like manner in the county in which he practices, and the holder of the certificate shall pay to the county clerk the usual fee for making the record. The county clerk shall keep, in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of the issue of the certificate. The register of the county clerk shall be open to public inspection during business hours.

Sec. 5. The fees for examination and for a certificate shall be as follows: Ten (10) dollars for examination in medicine and surgery, and five (5) dollars for a certificate if issued. Five (5) dollars for an examination in midwifery, and three (3) dollars for a certificate if issued. For all other practitioners ten (10) dollars for an examination and five (5) dollars for a certificate if issued.

Sec. 6. The State Board of Health may refuse to issue the certificates provided for in this act to individuals who have been convicted of the practice of criminal abortion, or who have by false or fraudulent representation obtained or sought to obtain practice in their profession, or by false or fraudulent representation of their profession have obtained or sought to obtain money or any other thing of value, or who advertise under names other than their own, or for any other unprofessional or dishonorable conduct, and the board may revoke such certificates for like causes: Provided, that no certificates shall be revoked or refused until the holder or applicant shall be given a hearing before the board.

Sec. 7. Any person shall be regarded as practicing medicine, within the meaning of this act, who shall treat or profess to treat, operate on or prescribe for any physical ailment or any physical injury to, or deformity of, another: Provided, that nothing in this section shall be construed to apply to the administration of domestic or family remedies in cases of emergency, or to the laws regulating the practice of dentistry or of pharmacy. And this act shall not apply to surgeons of the United States army, navy or marine hospital service in the discharge of their official duties, or to any person who ministers to or treats the sick or suffering by mental or spiritual means, without the use of any drug or material remedy.

Sec. 8. That any itinerant vender of any drug, nostrum, ointment or appliance of any kind intended for the treatment of diseases or injury, who shall, by writing, or printing, or any other method, profess to the public to cure or treat disease or deformity by any drug, nostrum or application, shall pay a license of one hundred dollars (\$100) per month into the treasury of the board, to be collected by the board in the name of the People of the State of Illinois, for the use of said board. And it shall be lawful for the

State Board of Health to issue such license on application made to said board, said license to be signed by the president of the board and attested by the secretary with the seal of the board; but said board may, for sufficient cause, refuse said license. And such itinerant vender who shall, by writing or printing, or any other method, profess to cure or treat disease or deformity by any drug, nostrum or appliance, without a license so to do, shall be deemed guilty of a violation of this section and upon conviction shall be subject to the penalties herein provided.

Sec. 9. Any person practicing medicine or surgery or treating human ailments in the State without a certificate issued by this board in compliance with the provisions of this act, or any itinerant vender violating the provisions of section 8 of this act, shall, for each and every instance of such practice or violation, forfeit and pay to the People of the State of Illinois, for the use of the said board of health, the sum of one hundred (100) dollars for the first offense and two hundred (200) dollars for each subsequent offense, the same to be recovered in an action of debt before any court of competent jurisdiction, and any person filing or attempting to file as his own the diploma or certificate of another, or a forged affidavit of identification, shall be guilty of a felony, and upon conviction shall be subject to such fine and imprisonment as are made and provided by the statutes of the State for a crime of forgery: Provided, that this section shall not apply to physicians who hold unrevoked certificates from the State Board of Health, issued prior to the time of the taking effect of this act.

Sec. 10. Upon conviction of either of the offenses mentioned in this act the court shall, as a part of the judgment, order that the defendant be committed to the common jail of the county until the fine and costs are paid, and upon failure to pay the same immediately, the defendant shall be committed under said order, for first offense not more than thirty (30) days, and for each subsequent offense not more than ninety (90) days: Provided, that either party may appeal in the same time and manner as appeals may be taken in other cases, except that where an appeal is prayed in behalf of the people, no appeal bond shall be required to be filed, whether the appeal be from a justice of the peace or from the county or circuit courts, or from the appellate court. But it shall be sufficient in behalf of the People of the State of Illinois, for the use of the State Board of Health, to pray an appeal, and thereupon appeal may be had without bond or security.

Sec. 11. On the 30th day of September of each year the State Board of Health shall make report of its proceedings, showing all items of receipts

from all sources and disbursements for all purposes, and all funds in the treasury on said date which have been received in the enforcement or to this act, shall be paid into the State treasury.

Sec. 12. An act to regulate the practice of medicine in the state of Illinois, approved June 17, 1887, in force July 1, 1887, and all other acts and parts of acts inconsistent with this act are hereby repealed.

Approved, April 24, 1899.

INDIANA MEDICAL ACT

OF 1897, WITH AMENDMENTS OF 1899 AND 1901.

AN ACT regulating the practice of medicine, surgery and obstetrics, providing for the issuing of licenses to practice, providing for the appointment of a State Board of Medical Registration and Examination and defining their duties, defining certain misdemeanors and providing penalties, and repealing all laws in conflict therewith and certain acts therein specified.

(H. 226. Approved March 8, 1897.)

(Act 1897, p. 255.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall hereafter be unlawful for any person to practice medicine, surgery or obstetrics in this State without first obtaining a license so to do, as hereinafter provided.

Sec. 2. After this law goes into effect, any person desiring to begin the practice of medicine, surgery or obstetrics in this State, shall procure from the State Board of Medical Registration and Examination a certificate that such person is entitled to a license to practice medicine, surgery and obstetrics in the State of Indiana; and in order to procure such certificate the applicant shall submit to the State Board of Medical Registration and Examination his diploma, with an affidavit setting forth the time and number of terms, duration of each term applicant was required to be in attendance at said school in order to complete said course of study and that the affiant is the person to whom such diploma was issued. Such application shall be accompanied by the affidavit of two freeholders resident in the same county in which the applicant resides, stating that the applicant is the person named in the accompanying diploma and application for a certificate. All diplomas received by the Board shall be returned to the person owning the same, and for failure to return any diploma to its lawful owner within a reasonable time the secretary of said Board shall be liable on his bond for damages in the sum of twenty-five dollars (\$25). Such applicant shall pay to said Board the sum of ten dollars (\$10) at the time of making such application. All persons who were practicing medicine, surgery and obstetrics in the State of Indiana on March 8, 1897, and have not complied with the provisions

of the law, and desiring to continue the same, shall, on or before July 11, 1899, obtain a certificate that they are entitled to do so by presenting to the State Board of Medical Registration and Examination the license possessed by them at the time of the passage of this law, together with an affidavit that they are the legal possessors of the same, and the persons mentioned therein, and such applicant shall pay to the Board the sum of one dollar (\$1) at the time of making such application. The Board shall thereupon issue to such applicant a certificate, which, when presented to the County Clerk of the proper county, shall entitle the holder to a license to practice medicine, surgery and obstetrics in the State of Indiana. In the event an applicant for a certificate from the State Board of Medical Registration and Examination shall present a diploma from a medical college which is not recognized as maintaining a sufficiently high grade or standard of medical education as defined and fixed in the records of the Board, the applicant shall have the privilege of being examined as to his qualifications to practice medicine, surgery and obstetrics in such manner as the Board shall provide, and if he shall pass an examination satisfactory to the Board he shall receive a certificate, the same as if he had presented a satisfactory diploma and other evidences and qualifications for the practice of medicine. But if he should fail to pass such examination he shall be permitted to submit to another examination within twelve months from the time of the first examination. He shall pay to the State Board of Medical Registration and Examination the sum of twenty-five dollars (\$25): Provided, however, That payment of said sum of twenty-five dollars (\$25) shall entitle him to a re-examination in case of failure at the first or any subsequent examination: And provided further, That if such applicant shall fail to pass the examination prescribed by such Board of Medical Registration and Examination, he shall have the right to an appeal to the Circuit or Superior Court of the proper county, requiring such Board to show cause why such applicant should not be permitted to practice medicine, surgery or obstetrics in the State of Indiana, upon the applicant giving a good and satisfactory bond to be approved by the court, to secure all costs of suit should the appeal be determined against him. Upon the receipt of the certificate by the applicant from the State Board of Medical Registration and Examination, the applicant shall, upon the presentation thereof to the Clerk of the county in which he resides, receive from the County Clerk a license to practice medicine, surgery and obstetrics within the State of Indiana. The person receiving such license shall pay to the County Clerk fifty cents (\$0.50) as his fee for issuing and recording such license as hereinafter provided. In case of change

of residence from one county to another within this State, the holder of a physician's license shall obtain a new license in the county where he proposes to reside, by filing with the County Clerk the license obtained by him in the county in which he last resided, in the same manner as provided for on the presentation of his certificate from the State Board of Medical Registration and Examination, and the Clerk shall issue him a new license. (As amended March 3, 1899, Acts 1899, p. 247).

Sec. 3. It shall be the duty of the Clerk of the county in which an applicant resides to issue to the person presenting such certificate, as hereinbefore provided for, a license under his official seal in the following form:
State of Indiana, County of.....ss.:

I,....., Clerk of the Circuit Court of.....County in the State of Indiana, do hereby certify that.....has complied with the laws of the State of Indiana relating to the practice of medicine, surgery and obstetrics in the county and State aforesaid.

Witness my hand and seal of said Court this.....day of.....189..
.....Clerk.

The County Clerk shall enter of record the name, age, place of birth, address, school or system of medicine to which said applicant belongs, and the person so registering shall subscribe to and verify by oath before such Clerk an affidavit concerning such facts, which, if wilfully false, shall subject the affiant to conviction for perjury. The County Clerk shall furnish annually, on the first day of January, to the State Board of Medical Registration and Examination, upon blanks furnished by said Board, a duplicate list of all certificates received and licenses issued by him during the preceding year, and shall include therein the date of issue of said license, and the name, age and residence of the person receiving the same.

Sec. 4. Within thirty days after this law goes into effect, it shall be the duty of the Governor of the State of Indiana to appoint a State Board of Medical Registration and Examination, composed of five (5) members, who shall serve, two for one year, one for two years, one for three years and one for four years; and their successors for a term of four years each. No school or system of medicine shall have a majority representation on such Board. Said Board shall be non-partisan, and not more than three shall be members of any one political party. The Governor shall select members of said Board of Medical Registration and Examination from reputable physicians in this State who are graduates of any college of medicine of good repute: Provided, That no professor or teacher in a medical college shall be appointed as a member of such

Board: Provided, further, That each of the four schools or systems of medicine having the largest numerical representation in the State shall have at least one representative on said Board. Should a vacancy occur in said Board by death, resignation, removal, or otherwise, then it shall be the duty of the Governor to fill the vacancy from the school or system entitled to representation by virtue of such vacancy. The Governor shall have power to remove any member of said Board for incompetency, gross immorality, for any abuse of his official power, or for other good cause, and may fill any vacancy thus occasioned by appointment. Any person appointed to fill any vacancy on such Board, whether occasioned by death, resignation, removal or otherwise, shall hold for the unexpired term of the member whose place he is appointed to fill.

Sec. 5. It shall be the duty of the members of the State Board of Medical Registration and Examination to meet in the city of Indianapolis within thirty days after their appointment, and organize by the election of a President, Secretary and Treasurer, who shall serve until the second Tuesday in January following, and their successors shall be elected on the second Tuesday in January annually thereafter. The said Board shall hold regular meetings on the second Tuesday in January and July of each year, and as often in addition as may be necessary for the transaction of such business as may properly come before it under the provisions of this act, and shall have power to make all necessary rules and regulations for the transaction of its business.

For their services the members shall receive the sum of six dollars (\$6) per day, and their traveling expenses necessarily incurred in the attendance upon the business of said Board. It shall be the duty of the Secretary of said Board to keep a record of all applications for certificates, and such record shall contain all the facts set forth in such application, including the action of the Board thereon, and shall execute all orders of said Board, and the Secretary shall have for such service the sum of two hundred and fifty dollars (\$250) per annum, to be paid from the funds of said Board, and said Board may employ a clerk, and fix his salary at not more than five hundred dollars (\$500) per annum.

It shall be the duty of the Treasurer of said Board to pay quarterly all moneys received by the Board to the Treasurer of State, which moneys shall be credited to a separate and permanent fund for medical registration and examination, which is hereby created. All moneys so paid to the Treasurer of State shall remain and be a separate and permanent fund for the maintenance of the said Board of Registration

and Examination. The said Board shall, by its President and Secretary, from time to time, certify to the Auditor of State the necessary expenses incurred by the said Board, including salaries and per diem of the members, and the Auditor shall issue his warrant for the same, which shall be paid out of the fund so established for the maintenance of the said Board: Provided, That no order shall be drawn by any State official on any fund other than the above named fund for any salaries of the Board incident to the administration of this act.

The Treasurer and Secretary of said Board shall each give bond in the sum of five thousand dollars (\$5,000), with sureties to be approved by the Governor, which bonds shall be filed with the Auditor of State. The members of the State Board of Medical Registration and Examination are authorized to administer oaths in matters relating to the discharge of their official duties. The State Board of Medical Registration and Examination is charged with the duty of enforcing this act, and it shall be the duty of the Prosecuting Attorney, upon the complaint of the Board, to prosecute any violation of this act.

It shall also be the duty of the grand jury of the proper county to investigate all violations of this act and return indictments therefor in proper cases, and it shall be the duty of the Prosecuting Attorney to prosecute violations of this act by information whenever a proper affidavit is filed by any one, as in other cases of violations of the law; or to prosecute offenders before the Justice of the Peace in proper cases.

The State Board of Medical Registration and Examination shall, from time to time, establish and record in a record, kept by them for that purpose, a schedule of the minimum requirements which must be complied with by applicants for examination for license to practice medicine, surgery and obstetrics, before they shall be entitled to receive such license. The said Board shall also, in like manner, establish and cause to be recorded in such record a schedule of the minimum requirements and rules for the recognition of medical colleges, so as to keep these requirements up to the average standard of medical education in other States. After the year 1897 no change shall be made in such schedules of requirements in any year after the month of January of such year, nor shall any change be made to have any retroactive effect, or that shall affect students theretofore matriculated. Such record shall be at all times open to examination by the public, and the said schedules of requirements, after they have been established and recorded, and all changes made therein, shall be printed in circular form, and mailed to all medical colleges in the State, and shall also be furnished to any person upon application.

Said Board shall not, in the establishment of the aforesaid schedule of requirements, discriminate for or against any school or system of medicine, nor shall it prescribe what system or systems or schools of medicine shall be taught in any of the colleges, universities or other educational institutions of the State.

It shall have power to make and establish all necessary rules and regulations for the reciprocal recognition of certificates issued by other States, and to prevent unjust and arbitrary exclusions by other States of graduates in medicine from this State who have fulfilled its requirements. When an application for a certificate is made, and a diploma submitted, as herein provided, it shall be the duty of the State Board of Medical Registration and Examination to determine, upon the evidence presented, whether such diploma rightfully belongs to and was issued to the person making application for a certificate, and whether the medical college that issued the diploma maintains a standard of medical education conforming to that fixed by the State Board of medical Registration and Examination, and whether the application otherwise complies with the rules of the Board.

If these facts are shown by competent evidence, it shall be the duty of the State Board of Medical Registration and Examination to issue a certificate, signed by its President and Secretary, and under its official seal, stating that the person applying for such certificate and possessing such diploma is entitled to a license to practice medicine, surgery and obstetrics in the State of Indiana: Provided, Said application shall be filed prior to January 1, 1905: And provided, further, Said applicant shall have, prior to January 1, 1901, matriculated in a reputable medical college in Indiana, maintaining a standard of medical education conforming to that fixed by said Board, and shall have graduated from said college and received his diploma therefrom, prior to January 1, 1905. Except, as last above provided, no certificate shall be issued to any person whomsoever until he shall have satisfied the said Board that he has graduated at a reputable medical college as in this section set forth, maintaining a standard of medical education as above prescribed, and shall have passed before said Board a satisfactory examination as to his qualifications to practice medicine, surgery and obstetrics. Such examination shall be had upon payment of the same fees and upon the same terms and conditions as are provided in Section 1 of said act, approved March 8, 1897, but the applicant shall have the right to designate, in writing, at the time he files his application, the member of the Board who shall conduct his first examination in materia medica, therapeutics, theory and prac-

tice of medicine, surgery, obstetrics and gynecology.

The Board at its discretion may authorize the Secretary to issue a temporary permit to an applicant for the interim from date of application until the next regular meeting of the Board. The State Board of Medical Registration and Examination shall have the right to review the evidence upon which a license has been obtained, and if it shall be found that a license has been obtained by fraud or misrepresentation, the Board may revoke such license. The Board (may) refuse to grant a certificate to any person guilty of felony or gross immorality, or addicted to the use of liquor or drug habit to such a degree as to render him unfit to practice medicine or surgery.

If any person holding a license under the provisions of this act shall be guilty of any of the above enumerated acts or shall have procured a certificate or license by fraud or misrepresentation, said Board may, after notice and hearing, revoke any license which has heretofore been or may hereafter be issued to him, together with the certificate upon which such license has been or may be issued.

A specific written charge, verified by affidavit, must be presented to the Board, making definite and specific charges of such facts against the holder of such license. The Board shall thereupon fix a time and place for the hearing of such charges, at which the person charged may appear and defend against the same. A copy of such charges, together with a notice of the time and place fixed for the hearing, shall be served upon the person so charged at least twenty (20) days before the time set for the hearing of the same. If, after such hearing, the Board revokes such certificate and license, such order shall be by said Board entered upon its record. A copy of such order of revocation, certified by the Secretary of such Board, shall be by it at once delivered to the Clerk of the Circuit Court of the county in which such license was issued, and such Clerk shall record the same upon the margin of the record of such license. If the Board shall refuse to grant a certificate for any of the reasons above stated, it shall enter such refusal upon its record, together with a statement of the grounds for such refusal. An appeal may be taken from the action of the Board to the Circuit or Superior Court of the county in which such license was issued in case of revocation, and to the county where the applicant lives in case of refusal of a certificate, upon the licensee or applicant filing with the Clerk of such court, within thirty days from the entering of such order of revocation or refusal by said Board, a good and sufficient bond in the sum of two hundred dollars (\$200), to be approved by said Clerk, to secure

the payment of costs of such appeal, should the appeal be determined against him. It shall thereupon be the duty of such Clerk to notify the said Board of the filing of such bond, and said Board shall thereupon forward to said Clerk the charges, together with a copy of the order of revocation, where there has been a revocation, or the application for a certificate and a copy of the order of refusal where there has been a refusal to grant a certificate. The Clerk of said court shall thereupon docket the same as a cause pending in said court. Said verified charges shall be treated as a complaint. The accused may plead to said charges and issues may be formed thereon as in any civil case, and the same shall thereupon be tried by the Judge of the Circuit Court. It shall be the duty of the Prosecuting Attorney of the circuit to which said county belongs to appear in such case and represent the Board. The only finding and judgment in such cases shall be "Guilty" or "Not guilty," the same to be rendered separately as to each of the charges. If the finding and judgment of the court be "Not guilty" as to each of said charges, the same shall be by the Clerk of said court certified to said Board, and it shall thereupon make an order setting aside its order of revocation, and forward to the Clerk of said court a certified copy thereof, which shall be entered upon the margin of the record of said license. If judgment of "Guilty" of any of said charges be awarded in said case, the costs of such proceedings shall be recovered of the accused and a fee of ten dollars (\$10) shall be taxed therein in favor of the Prosecuting Attorney, and the order of revocation made by said Board shall be and remain in effect.

During the pendency of such appeal the accused shall not be entitled to practice by virtue of such license. Where the appeal is from a refusal to grant a certificate, the same shall be heard upon the application and certified copy of the order of refusal without any other issues; the same to be tried by the Judge of said court, who shall, upon his finding, enter a judgment that the license shall or shall not be issued as the facts may require, and upon such order the Clerk of such court shall issue the proper license showing therein the authority by which it is issued, and shall report the same to the State Board. The Prosecuting Attorney shall represent the Board in such appeal, and if the court shall refuse the license judgment shall be entered against the applicant for costs, including ten dollars (\$10) fee for the Prosecuting Attorney. Appeals from the judgment of said court may be prosecuted to the Supreme Court as in other civil cases, either by said Board in its own name or by the applicant or holder of such license or certificate, where the judgment may be against him. No fees other than the fees

of its own witnesses shall be taxed against said Board in any event. Where the applicant shall appeal from a refusal to grant a certificate, the cause shall be docketed in the name of the applicant against the State Board of Medical Registration and Examination. Where the license or certificate shall have been revoked, the cause shall be entitled The State Board of Medical Registration and Examination against A. B. (the holder of the license). (As amended March 11, 1901).

Sec. 6. All persons practicing midwifery in this State, and who have practiced it for ten years last preceding March 8, 1897, and desiring to continue the same shall on or before July 11, 1899, make application to the State Board of Medical Registration and Examination by submitting an affidavit, fully attested, giving the name, age, residence, the length of time during which, and the place or places at which the applicant has been engaged in such practice, and the special education, if any, which the applicant has received for such practice. Such application shall be accompanied by the affidavits of two freeholders, duly attested, that the applicant is known to them as the person applying for a certificate to practice midwifery, and that such applicant has been engaged in the active practice of midwifery, giving the location or locations of such practice for the last ten (10) years previous to the passage of this act. Upon such application and the payment of one dollar (\$1) the State Board of Medical Registration and Examination shall issue to the applicant a certificate which shall, when presented to the County Clerk, entitle the holder to a license to practice midwifery in this State. All persons desiring to enter upon the practice of midwifery in this State after this law goes into effect shall present to the State Board of Medical Registration and Examination their diplomas, duly attested, and procured from an obstetrical school of such standing as shall be recognized and determined by the Board. Such applicant shall pay to said Board the sum of five dollars (\$5) at the time of making such application; or such applicant shall submit to an examination in midwifery as the Board shall require, and pay a fee of ten dollars (\$10). Such evidence of qualification being satisfactory to the Board it shall issue a certificate entitling the holder to a license from the Clerk of the county in which the applicant resides, which license shall entitle the holder to practice midwifery in this State. The license thus issued shall conform to all requirements of registration imposed upon physicians' licenses in Section two of this act and shall be subject to revocation for the same cause as provided in Section five in case of license to physicians. (As amended March 3, 1899, Acts 1899, p. 252).

Sec. 7. Nothing in this act shall be (so) construed as to discriminate against any school or system of medicine, or to prohibit gratuitous services in cases of emergency, or to the administration of family remedies. This act shall not apply to any commissioned officer of the United States Army, Navy or Marine Hospital service in the discharge of his official duties; nor to any physician or surgeon who is legally qualified to practice in the State or Territory in which he resides, when in actual consultation with a legal practitioner of this State; nor to any physician or surgeon residing on the border of a neighboring State and duly authorized to practice under the laws thereof, whose practice extends into the limits of this State: Provided, That such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this State. This act shall not be construed to prevent medical students from practicing medicine and surgery under the immediate and direct supervision of a licensed physician for a limited period of two years: Provided, however, That the said student had not practiced medicine, surgery or obstetrics prior to the passage of this act; in the event the amount of time said student has practiced medicine, surgery or obstetrics shall be deducted from the said two years herein mentioned; and in no event shall the said student open an office or offer to engage in the practice of medicine, surgery or obstetrics. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall subject the offender to a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200). (As amended March 3, 1899, Acts, p. 253).

Sec. 8. To open an office for such purpose or to announce to the public in any way, a readiness to practice medicine in any county of the State or to prescribe for, or to give surgical assistance to, or to heal, cure or relieve, or to attempt to heal, cure or relieve those suffering from injury or deformity, or disease of mind or body, or to advertise, or to announce to the public in any manner a readiness or ability to heal, cure or relieve those who may be suffering from injury or deformity, or disease of mind or body, shall be to engage in the practice of medicine within the meaning of this act: Provided, That nothing in this act shall be construed to apply to or limit in any manner the manufacture or sale of proprietary medicines. It shall also be regarded as practicing medicine within the meaning of this act, if any one shall use in connection with his or her name the words or letters "Dr.," "Doctor," "Professor," "M. D.," or "Healer," or any other title, word, letter or designation intending to imply or designate him or her as a practitioner of medicine or surgery in any of its branches:

Provided, That this act shall not be construed to apply to nonitinerant opticians who are at this time engaged in, or who may hereafter engage in the practice of optometry in this State, nor to professional or other nurses. In charging any person in an affidavit, information or indictment with a violation of this law by practicing medicine, surgery or obstetrics without license, it shall be sufficient to charge that he did, upon a certain day and in a certain county, engage in the practice of medicine, he not having any license to so do, without averring any further or more particular facts concerning the same. (As amended March 11, 1901).

Sec. 9. Any person who shall practice medicine, surgery or obstetrics in this State without having a license duly issued as hereinbefore provided, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

Sec. 10. All laws and parts of laws in conflict with this act are hereby repealed, and also an act entitled "An act regulating the practice of medicine, surgery and obstetrics, providing for the issuing of license to practice, defining certain misdemeanors and providing penalties," approved April 11, 1885, and all amendments thereto be and the same are hereby repealed.

Additional Sec. 3. Three thousand (3,000) copies of the annual report of the Board to the Governor shall be printed in the same manner as the report of the State Board of Health; and the printing and stationery of the Board shall be paid out of the printing fund. (Added in 1899 and amended, March 11, 1901).

Additional Sec. 4. The said Board may grant limited certificates which shall authorize the proper Clerk to issue to the holder thereof a license to practice osteopathy only. Such certificate shall be issued on the same terms and conditions as others, except that the applicant therefor shall not be required to pass an examination in materia medica, nor shall the college from which he presents a diploma be required to conform to the standard fixed by said Board as to instructions in materia medica, but such college shall so conform in all other branches of instruction. Such license shall not authorize the holder thereof to administer or prescribe or use on one other than himself any drugs or medicines, and any such administration, prescription or use of any drug or medicine by the person holding such limited license shall be practicing medicine without a license, and such person shall be punished therefor as others are punished for practicing medicine without a license: Provided, further, That any person now holding a diploma issued from any college of osteopathy in the United States, and (who) is (now) a resident of the State of Indiana, shall be granted a

certificate and license to practice osteopathy upon presenting his diploma to said Board and Clerk and paying the fee required by this act.

IOWA MEDICAL LAW.

CHAPTER XVII, TITLE 12, CODE. OF THE PRACTICE OF MEDICINE.

Section 2576. Board of Medical Examiners—Examinations—Certificates.—The State Board of Medical Examiners shall consist of the physicians of the State Board of Health, and the Secretary of the Board of Health shall be Secretary thereof. It shall hold regular meetings in January and July, and special ones as may be necessary, due notice thereof being given, at which it shall discharge the duties contemplated by this chapter. All examinations shall be in writing, each candidate for examination in any school of medicine being given the same set of questions covering anatomy, physiology, general chemistry, pathology, surgery and obstetrics. In Materia Medica, Therapeutics, and the Principles and Practices of Medicine, a set of questions shall be used corresponding to the school of medicine which the applicant desires to practice. The examination papers, when concluded, shall be marked upon a scale of one hundred, each candidate for examination first to pay to the Secretary of the Board a fee of ten dollars therefor. The average required to pass shall be fixed by the Board prior to the examination. Each applicant shall, upon obtaining an order for examination receive from the Secretary, a confidential number which he shall place upon his work when completed, so that the Board, in passing thereon, shall not know by whom it was prepared. All matters connected therewith shall be filed with the Secretary and preserved for five years as a part of the records of the Board, during which time they shall be open to public inspection. If the examination is satisfactory to five members of the Board, it shall issue its certificate, under its seal, signed by its President, Secretary and not less than three other members, who may, in the absence of the others, act as an Examining Board, and the different schools of medicine represented in the Board of Health shall be represented in said number. The certificate, while in force, shall confer upon the holder the right to practice medicine, surgery and obstetrics, and be conclusive evidence thereof. In all examinations made or proceedings had pursuant to the provisions of this chapter, any member of the Board may administer oaths and take testimony in any manner authorized by law. Any one failing in his examination shall be entitled to a second one, within three months thereafter, without further fee. If any person shall by notice in writing apply to the Secretary of the Board for an examination or a re-examination, and it fails or neglects for three months thereafter to give him

the same, he may, notwithstanding any provisions of this chapter, practice medicine, until the next regular meeting of the Board without the required certificate.

Sec. 2577. Recording Certificate.—Every certificate issued under this chapter shall show whether it was granted upon examination or diploma and the school of medicine the holder practices under. He shall, before engaging in the practice of medicine, file the same for record in the office of the Recorder of the County in which he resides, who shall record it in a book provided for that purpose, which record shall be open to public inspection, and for which service the Recorder may charge a fee of fifty cents, to be paid by the certificate holder. The same record must be made of the certificate in any county to which the holder may remove and in which he proposes to practice.

Sec. 2578. Refusal of Certificate—Revocation—Procedure.—The Board of Medical Examiners may refuse to grant a certificate to any person otherwise qualified and shall revoke any certificate issued by it to any physician, who is not of good moral character, or who solicits professional patronage by agents, or who profits by the acts of those representing themselves to be his agents, or who is guilty of fraudulent representations as to his skill and ability, or who is guilty of gross unprofessional conduct, or for incompetency, or for habitual intoxication or drug habit; or if the certificate has been granted upon false and fraudulent statements as to graduation or length of practice, the Board of Medical Examiners shall, to safeguard the public health, revoke the certificate in the manner hereinafter set forth. Before the revocation of any certificate issued by the State Board of Medical Examiners the licentiate shall have been afforded an opportunity for a hearing before the Board. At least twenty (20) days prior to the date set for such a hearing, the Secretary of the State Board of Medical Examiners shall cause a written notice to be personally served upon the defendant in the manner prescribed for the serving of original notice in civil actions. Said notice shall contain a statement of the charges and the date and place set for the hearing before the Board. If the party thus notified fails to appear, either in person or by counsel at the time and place designated in said notice, the Board shall, after receiving satisfactory evidence of the truth of the charges and the proper issuance of notice, revoke said certificate. If the licentiate appear either in person or by counsel, the Board shall proceed with the hearing as herein provided. The Board may receive and consider affidavits and oral statements and shall cause stenographic reports of the oral testimony to be taken, which, together with all other papers pertaining thereto, shall be preserved

for two years. If five members of the Board, present at the hearing, are satisfied that the licentiate is guilty of any of the offenses charged the license shall be revoked. After the revocation of the certificate the holder thereof shall not practice medicine, surgery or obstetrics in this state, for such times as the State Board of Health may determine. Any person aggrieved by any ruling or order entered under the provisions of this act shall have the right of an appeal to the District Court in the county where the alleged offense was committed, upon giving notice to the Board of Medical Examiners of such appeal within twenty days after the entry of such ruling, order or judgment.

Sec. 2579. Who Deemed Practitioner.—Any person shall be held as practicing medicine, surgery or obstetrics, or to be a physician within the meaning of this chapter, who shall publicly profess to be a physician, surgeon or obstetrician, and assume the duties, or who shall make a practice of prescribing or of prescribing and furnishing medicine for the sick, or who shall publicly profess to cure or heal; but it shall not be construed to prohibit students of medicine, surgery or obstetrics, who have not had less than two courses of lectures in a medical school of good standing, from prescribing under the supervision of preceptors, or gratuitous service in case of emergency, nor to prevent the advertising, selling or prescribing natural mineral waters flowing from wells or springs, nor shall it apply to surgeons of the United States Army or Navy, nor of the Marine Hospital Service, nor to physicians or midwives who have obtained from the Board of Examiners a certificate permitting them to practice medicine, surgery or obstetrics without a diploma from a medical school or examination by the Board, nor to physicians as defined herein, who have been in practice in this State for five consecutive years, three years of which time shall have been in one locality, nor to filling prescriptions by a registered pharmacist, nor to the advertising and sale of patent or proprietary medicines.

Sec. 2580. Penalties.—Any person who shall present to the Board of Medical Examiners a fraudulent or false diploma, or one of which he is not the rightful owner, for the purpose of procuring a certificate as herein provided, or shall file or attempt to file, with the Recorder of any County in the State the certificate of another as his own, or who shall falsely personate any one to whom a certificate has been granted by such Board, or shall practice medicine, surgery or obstetrics in the State without having first obtained and filed for record the certificate herein required, and who is not embraced in any of the exceptions contained in this chapter, or who continues to practice medicine, surgery or obstetrics after the revocation of his certificate, is

guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than three hundred dollars, nor more than five hundred dollars, and costs of prosecution, and shall stand committed to the county jail until such fine is paid; and whoever shall file or attempt to file with the Recorder of any County in the State the certificate of another with the name of the party to whom it was granted or issued erased, and the claimant's name inserted, or shall file or attempt to file with the Board of Medical Examiners any false or forged affidavit of identification, shall be guilty of forgery.

Sec. 2581. Itinerant Physicians.—Every physician practicing medicine, surgery or obstetrics, or professing or attempting to treat, cure or heal diseases, ailments or injuries by any medicine, appliance or method, who, by himself, agent or employe goes from place to place, or from house to house, or by circulars, letters or advertisements solicits persons to meet him for professional treatment at places other than his office at the place of his residence, shall be considered an itinerant physician; and any such itinerant physician, shall, in addition to the certificate elsewhere provided for in this chapter, procure from the State Board of Medical Examiners a license as an itinerant, for which he shall pay to the Treasurer of State, for use of the State of Iowa, the sum of two hundred and fifty dollars per annum. Upon payment of this sum, the Secretary shall issue to the applicant therefor a license to practice within the State, as an itinerant physician, for one year from the date thereof. The Board may, for satisfactory reasons, refuse to issue such license, or may cancel such license upon satisfactory evidence of incompetency or gross immorality. Any person practicing medicine as an itinerant physician, as herein defined, without having procured such license shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than three hundred dollars, nor more than five hundred dollars, and costs, and shall be committed to the county jail until such fine is paid; provided, however, that nothing herein shall be construed to prevent any physician otherwise legally qualified from attending patients in any part of the State to whom he may be called in the regular course of business, or in consultation with other physicians.

Sec. 2582. Examination and Diploma Required.—From and after January 1, 1899, all persons beginning the practice of medicine in the State of Iowa must submit to an examination as set forth in this Chapter, and in addition thereto, shall present diplomas from medical colleges recognized as in good standing by the State Board of Medical Examiners and all persons receiving their diplomas subsequent to January 1, 1899, shall present evidence of having

attended four full courses of study of not less than twenty-six weeks each, no two of which shall have been given in any one year. The State Board of Medical Examiners shall examine the graduates of the Medical Departments of the State University of Iowa and of such other medical colleges in this state as are recognized by said Board of Medical Examiners as being in good and legal standing at the Annual Medical Commencement and at the location of said State University and other medical colleges respectively.

REGISTRATION OF PHYSICIANS REGISTERED IN OTHER STATES.

Section 2582 of the Code supplement was amended by the Thirtieth General Assembly by adding thereto the following:

"(a) A certificate of registration showing that an examination has been made by the proper board of any state, on which an average grade of not less than seventy-five (75) per cent was awarded, the holder thereof having been at the time of said examination the legal possessor of a diploma from a medical college in good standing in this state, may be accepted in lieu of an examination, as evidence of qualification. But in case the scope of said examination was less than prescribed by this state, the applicant may be required to submit to a supplemental examination in such subjects as have not been covered.

"(b) A certificate of registration or license, issued by the proper board of any state, may be accepted as evidence of qualification for registration in this state, provided the holder thereof was, at the time of such registration, the legal possessor of a diploma issued by a medical college in good standing in this state, and that the date thereof was prior to the legal requirements of the examination test in this state. The fee for such examination shall be fifty dollars."

Sec. 2. Registration.—If, by the laws of any state or the rulings or decisions of the appropriate officers or boards thereof, any burden, obligation, requirement, disqualification or disability is put upon physicians registered in this state or holding diplomas from medical colleges in this state, which are in good standing therein, affecting the right of said physicians to be registered or admitted to practice in said state, then the same or like burdens, obligations, requirements, disqualification or disability shall be put upon the registration in this state of physicians registered in said state, or holding diplomas from medical colleges situated therein.

Approved, March 15, A. D., 1904.

IOWA LAWS PERTAINING TO THE PRACTICE OF OSTEOPATHY.

Chapter XVIIa, Title XII, of Supplement to Code. OF THE PRACTICE OF OSTEOPATHY.

Sec. 2583-a. Diploma, Examination, Certificate.—Any person holding a diploma from a

legally incorporated school of osteopathy, recognized as of good standing by the Osteopathic Association, and wherein the course of study comprises a term of at least twenty (20) months, or four (4) terms of five (5) months each, in actual attendance at such school, and which shall include instruction in the following branches, to-wit: Anatomy, including dissection of a full lateral half of the cadaver, Physiology, Chemistry, Histology, Pathology, Gynecology, Obstetrics and theory of Osteopathy and two full terms of practice of osteopathy, shall, upon the presentation of such diploma to the State Board of Medical Examiners and satisfying such Board that he is the legal holder thereof, be granted by such Board an examination on the branches herein named, (except upon the theory and practice of osteopathy until such time as there may be appointed an osteopathic physician on the State Board of Health and of Medical Examiners). The fee for said examination, which shall accompany the application, shall be ten dollars (\$10) and the examination shall be conducted in the same manner, and at the same place and on the same date that physicians are examined as prescribed by Section twenty-five hundred and seventy-six (2576) of the Code. The same general average shall be required as in cases of physicians; provided that Osteopaths who are graduates of legally incorporated schools of osteopathy as above recognized, and who are at the time of the passage of this act engaged in the practice of osteopathy in Iowa, shall be entitled to receive a certificate upon the payment of the prescribed fee without such examination. Upon passing a satisfactory examination as above prescribed the said Board of Medical Examiners shall issue a certificate to the applicant therefor, signed by the President and Secretary of said Board, which certificate shall authorize the holder thereof to practice osteopathy in the State of Iowa. This certificate when issued shall be registered with the Recorder of the county in which the holder thereof resides and for which he shall pay a fee of fifty cents (50c.). And the holder thereof shall not be subject to the provisions of Section two thousand five hundred eighty (2580) of the Code.

Sec. 2583-b. Drugs—Major or Operative Surgery.—The certificate provided for in the foregoing section shall not authorize the holder thereof to prescribe or use drugs in his practice, nor to perform major or operative surgery.

Sec. 2583-c. Revocation of Certificate.—The Board of Medical Examiners may refuse to grant a certificate to any person otherwise qualified, who is not of good moral character. For like cause, or for incompetency, or habitual intoxication, or upon satisfactory evidence by affidavit or otherwise that a certificate had been granted

upon false and fraudulent statements as to graduation or length of practice, the said Board may revoke a certificate by an affirmative vote of at least five (5) members of the Board, which number shall include one or more members of the different schools of medicine represented in said Board. After the revocation of a certificate, the holder thereof shall not practice osteopathy, surgery, or obstetrics in the State.

Sec. 2583-d. Fraudulent Diploma, False Representation, Penalties.—Any person who shall present to the Board of Medical Examiners a fraudulent or false diploma, or one of which he is not the rightful owner, for the purpose of procuring a certificate as herein provided, or shall file, or attempt to file, with the Recorder of any county in the State the certificate of another as his own, or who shall falsely personate anyone to whom a certificate has been granted by such Board, or shall practice osteopathy, surgery or obstetrics in the State without having first obtained and filed for record the certificate herein required, and who is not embraced in any of the exceptions contained in this Chapter, or who continues to practice osteopathy, surgery or obstetrics after the revocation of his certificate, is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than three hundred dollars (\$300), nor more than five hundred dollars (\$500), and cost of prosecution, and shall stand committed to the county jail until such fine is paid; and whoever shall file or attempt to file with the Recorder of any county in the State the certificate of another with the name of the party to whom it was granted or issued erased, and the claimant's name inserted, or shall file or attempt to file with the Board of Medical Examiners any false or forged affidavit of identification, shall be guilty of forgery.

Sec. 2583-e. Itinerant Osteopath—License. Every person practicing osteopathy, or obstetrics, or professing to treat, cure or heal diseases, ailments or injury by any osteopathic application or method, who goes from place to place, or from house to house, or by circulars, letters or advertisements solicits persons to meet him for professional treatment at places other than his office at the place of his residence shall be considered an itinerant osteopath; and such itinerant osteopath shall, in addition to the certificate elsewhere provided for in this Chapter, procure from the State Board of Medical Examiners a license as an itinerant, for which he shall pay to the Treasurer of the State, for use of the State of Iowa, the sum of two hundred and fifty dollars, (\$250) per annum. Upon payment of this sum, the Secretary shall issue to the applicant therefor a license to practice within the State, as an itinerant osteopath, for one year from the date thereof. The Board may, for satisfactory reasons, refuse to issue

such license, or may cancel such license upon satisfactory evidence of incompetency or gross immorality.

Sec. 2583-f. Acts in Conflict—Repeal.—All acts and parts of acts in conflict herewith are hereby repealed.

KANSAS MEDICAL ACT.

HOUSE BILL No. 266.

An act to create a state board of medical registration and examination and to regulate the practice of medicine, surgery and osteopathy in the state of Kansas, prescribing penalties for the violation thereof, and repealing chapter 68 of the Session Laws of 1877.

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

Section 1. Within sixty days after the passage of this act, the governor, by and with the consent of the Senate, shall appoint a state board of medical registration and examination, consisting of seven members one to serve for one year, two for two years, two for three years, and two for four years, and the successors of each shall be appointed in the same manner for the term of four years, who shall be physicians in good standing in their profession and who shall have received the degree of doctor of medicine from some reputable medical college or university not less than six years prior to their appointment, representation to be given to the different schools of practice as nearly as possible in proportion to their numerical strength in this state, but no one school to have a majority of the whole board. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the Secretary of State. The board shall organize by the selection of a president and secretary from among their own number each to serve for such term as the board may designate, not exceeding four years. It shall have a common seal, and shall formulate rules to govern its actions. Its president and secretary shall have power to administer oaths pertaining to all matters related to the business of the board. The secretary shall furnish to said board a satisfactory bond conditioned for the faithful performance of his official duties. Said board shall hold regular meetings on the second Tuesday in February, June and October, of each year, and one other meeting at such time and place as the board may designate, in such of the chief cities of the state as the board may designate. Five members shall constitute a quorum for the transaction of all business, but no license to practice medicine and surgery shall be issued by the board upon less than five affirmative votes when the full board is present, or upon less than a majority affirmative votes when less than full board is present. The board shall keep a record of all its proceedings, and also a register of all

applicants for license to practice medicine in all its branches within the state, together with a record showing the age of the applicant, time spent in the study of medicine, and the name and location of the institution or institutions from which the applicant may have received degrees or certificates of medical instructions; also, whether the candidate was licensed or rejected. Said books and register shall be prima facie evidence of all matters recorded therein.

Sec. 2. All persons engaged in the practice of medicine on the date of the passage of this act, shall within four months from the date of such passage apply to the board of registration and examination for a license to practice. To all such as present the following qualifications the board shall issue a license upon payment of fee hereafter specified: If a graduate in medicine or surgery, he shall either personally or by letter or proxy present his diploma to the state board of medical registration and examination for verification. Accompanying such diploma the applicant shall file his affidavit duly attested stating that the applicant is the person named in the diploma and is the lawful possessor of the same, and giving his age and time spent in the study of medicine. If the board shall find the diploma to be genuine, and from a legally chartered medical institution, in good standing, as determined by the board, and the person named therein, be the person holding and presenting the same, the board shall issue its certificate to that effect signed by its president and secretary, which when left for record with the county clerk of the county in which said applicant practices, as hereinafter required, shall be conclusive evidence that its owner is entitled to practice medicine and surgery in this state. If a practitioner of medicine, in Kansas, at the time of the passage of this act, but not a graduate of medicine or surgery as above defined, he shall either personally or by letter or proxy, furnish the board affidavits duly attested, stating the period which, and the places at which he has been engaged in the practice of medicine or surgery. If the board is satisfied from the affidavit and other information received that the applicant was a resident engaged continuously in the practice of medicine in the State of Kansas, for seven years prior to the passage of this act, it shall issue its certificate to that effect, which when left for record with the County Clerk of the county in which he resides shall be conclusive evidence that its owner is entitled to practice medicine and surgery in this state. If engaged in the practice of medicine in this state at the time of the passage of this act for a less period than seven years, prior to the passage of this act, and not a graduate in medicine or surgery as above defined, the applicant shall present himself before the board and submit to such examination as to his qualifi-

cations for the practice of medicine and surgery as the board may require. If the applicant passes the examination satisfactory to the board, the board shall issue its certificate to that effect, which, when left for record with the county clerk of the county in which he resides shall entitle its owner to practice medicine or surgery in this state. The board may refuse to grant a certificate to any person guilty of felony or gross immorality or addicted to the liquor or drug habit to such a degree as to render him unfit to practice medicine or surgery and may after notice and hearing revoke the certificate for like cause.

Sec. 3. All persons intending to practice medicine, surgery or osteopathy after the passage of this act, and all persons who shall not have complied with section 2 of this act shall apply to said board at any regular meeting or at any other time or place designated by the board for a license. Application shall be made in writing, and shall be accompanied by the fee hereinafter specified, together with the age and residence of the applicant, proof that he or she is of good moral character and satisfactory evidence that he or she has devoted not less than three periods of six months each, no two within the same twelve months, or if after April 1, 1902, four periods of not less than six months each, no two in the same twelve months, to the study of medicine and surgery. All such candidates, except as hereinafter provided shall submit to an examination of a character to test their qualifications as practitioners of medicine or surgery, and which shall embrace all those topics and subjects a knowledge of which is generally required by reputable medical colleges of the United States for the degree of doctor of medicine; provided, that the examination in materia medica and therapeutics and in the theory and practice of medicine shall be conducted by those members only of the board who are of the same school of practice as the applicant claims to follow; provided, further, that graduates of legally chartered medical institutions of the United States or foreign countries in good standing, as determined by the board may be, at the discretion of the board, granted a license without examination: provided, further that any graduate of a legally chartered school of osteopathy wherein the requirements for the giving of a diploma shall include a course of instruction of not less than four terms of five months each in two or more separate years, shall be given a certificate of license to practice osteopathy upon the presentation of such diploma; provided further, that the board may in its discretion accept, in lieu of examination or diploma, the certificate of the board of registration and examination of any other state or territory, of the United States or any foreign country whose standards of quali-

cations for practice are equivalent to those of this state: provided, that a temporary certificate may be issued to any student of medicine, or practitioner of medicine, who is not qualified under the law upon the written request of a majority of the practitioners of medicine under this act in the county in which he or she desires to practice, or if there be no practitioners registered under this act in any county in this state the board shall issue a temporary permit to persons as above described upon the application of the Board of County Commissioners of said county.

Sec. 4. Upon the completion of the examination or the acceptance of the diploma or certificate as herein provided, the said board shall, if it finds the applicant qualified, grant and issue a certificate to said applicant to practice medicine and surgery or osteopathy within this state, and which shall be signed by the president and secretary and attested by the seal of the board. Within thirty days of the date of any certificate of license having been granted and issued by the board, the owner thereof shall have it recorded as hereinafter provided, in the office of the clerk of the county in which he resides, or if a non-resident of this state then of the county in which he has an office or intends to practice, and the date of recording shall be endorsed thereon, and until such certificate or license is recorded he shall not exercise any of the rights or privileges therein conferred. The County Clerk shall keep in a book for the purpose, a complete list of the certificates recorded by him, which book shall be open to public inspection during business hours. Between the first and twentieth days of December each year the county clerk shall furnish the secretary of the board a list of all certificates recorded and in force, and also a list of all certificates which have been revoked, or the owners of which have removed from the county or died during the year. The fee for the recording and reporting of such certificates shall not exceed one dollar.

Sec. 5. The fee for the issuance of a certificate to all those found qualified to practice medicine, surgery or osteopathy without examination as provided under Section 2, shall be two dollars. The fee for examination shall be fixed by the board, but shall not exceed fifteen dollars. The fee for examination of diploma, or certificate from an examining board of another state, shall also be fixed by the board, but shall not exceed ten dollars. All moneys received by the board shall be paid by the secretary thereof into the state treasury monthly. The compensation and actual traveling and other expenses of the board shall be paid from the treasury of the state; provided that the total amounts paid from the state Treasury under the provisions of this act shall not exceed the amount

paid into the treasury as herein provided. The compensation of the members of the board shall be six dollars for every day actually spent in the discharge of their duties. In addition to his actual traveling expenses, the secretary shall receive a salary to be fixed by the board, but it shall not exceed eight hundred dollars per annum. All of such compensation and traveling expenses shall be approved by the president and secretary of the board. It shall be the duty of said board to make a report of their proceedings to the Governor annually on or before the 15th day of November, which report shall include an account of all moneys received and disbursed by them.

Sec. 6. Any person shall be regarded as practicing medicine and surgery within the meaning of this act who shall prescribe, or who shall recommend for a fee for like use, any drug, or medicine, or perform any surgical operation of whatever nature for the cure or relief of any wounds, fracture, or bodily injury, infirmity or disease of other person, who shall use the words or letters "Dr." "Doctor," "M. D." or any other title in connection with his name which in any way represents him as engaged in the practice of medicine and surgery, but nothing in this act shall be construed as interfering with any religious beliefs in the treatment of disease: Provided that quarantine regulations relating to contagious diseases are not infringed upon. All persons who practice osteopathy shall be registered and licensed as doctors of osteopathy as hereinbefore provided, but they shall not administer drugs or medicines of any kind nor perform operations in surgery. This act shall not apply to any commissioned medical officer of the United States Army, Navy or Marine service, in the discharge of his official duties, nor to any legally qualified dentist, when engaged in the legitimate practice of his profession; nor to any physician or surgeon who is called from another state or territory in consultation with a licensed physician of this State, or to treat a particular case in conjunction with a licensed practitioner of the state, and who does not otherwise practice in the state. Nor shall anything in this act apply to the administration of domestic medicines nor to prohibit gratuitous services; provided any person holding a diploma issued by an Optical College and who has studied the anatomy of the eye and contiguous part, human physiology and natural philosophy for at least six months under a competent teacher and who shall pass examination satisfactory to the state board of medical registration and examination shall be eligible to register as an "Optician" or "Dr. of Optics" and shall be otherwise governed by this act so far as the same is applicable.

Sec. 7. From and after the 1st day of September, 1901, any person who shall practice medicine and surgery or osteopathy in the state of Kansas without having received and had recorded a certificate under the provisions of this act, or any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty dollars nor more than two hundred dollars for each offense and in no case wherein this act shall have been violated shall any person so violating receive compensation for services rendered. It shall be the duty of the secretary of the state board of registration and examination to see that this act is enforced.

Sec. 8. Any person who shall swear falsely in any affidavit or oral testimony made or given by virtue of the provisions of this act, or the regulations of said board of registration shall be deemed guilty of perjury.

Sec. 9. Chapter 68 of the Session Laws of 1870 is hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the official state paper.

Approved, March 1st, 1901.

At the Spring Session, 1903, the above law was so amended, to provided for the admission of applicants between regular meetings of the State Examining Board.

KENTUCKY MEDICAL LAW.

(As Amended in 1904.)

Section 1. A board to be known as the State Board of Health is hereby established. It shall consist of eight members, all of whom shall be legally qualified registered practitioners under this act, seven of whom shall be appointed by the Governor by and with the advice and consent of the Senate, and the eighth member, who shall be the secretary and executive officer, shall be elected by the board, and by virtue of his office of secretary shall be a member of the board. One member of the board shall be a homeopathic, one an eclectic and one an osteopathic physician, and the other appointed members shall be regular, or allopathic physicians, all to be appointed by the Governor from lists of three names for each vacancy, furnished respectively by the State Society or Association of such schools or systems of practice as are entitled to the member, and the successors of such members shall be appointed in the same manner. If the board shall elect one of its members secretary, as it may do, the Governor shall appoint another member to complete the full number of the board. The president and secretary shall have authority to administer oaths for the purposes of this act, and the members of

the board shall, before entering upon the discharge of their duties, take the oath prescribed by the Constitution for State officers.

Sec. 2. It shall be the duty of the county clerk of each county to purchase a book of suitable size, to be known as the "Medical Register" of the county, and to set apart one full page for the registration of each physician; and when any physician shall die or remove from the county, he shall make a note of the same at the bottom of the page; and said clerk shall, on the first day of January in each year, transmit to the office of the State Board of Health a duly certified list of the physicians of said county registered under this law, together with such other information as is hereinafter required, and perform such other duties as are required by this law; and such clerk shall receive the sum of fifty cents from each physician so registered, which shall be his full compensation for all the duties required under this law.

Sec. 3. It shall be unlawful for any person to practice medicine, in any of its branches, within the limits of this State, who has not exhibited and registered in the county clerk's office of the county in which he resides his authority for so practicing medicine as herein prescribed, together with his age, address, place of birth, and the school or system of medicine to which he proposes to belong; and the person so registered shall subscribe and verify by oath, before such clerk, an affidavit containing such facts, which, if willfully false, shall subject the affiant to conviction and punishment for perjury.

Sec. 4. Authority to practice medicine under this act shall be a certificate from the State Board of Health, registered in the county in which the holder resides; and said board shall issue a certificate to any reputable physician who desires to practice medicine in this State, who has passed a satisfactory examination before it, in the branches of medicine as taught in reputable medical colleges; and said board shall, upon application, admit to examination any person of good moral character, who may possess any of the following qualifications:

1st. A diploma from a reputable medical college, legally chartered under the laws of this State.

2d. A diploma from a reputable and legally chartered medical college of some other State in this Union.

3d. Satisfactory evidence from the person claiming the same that such person was reputably and honorably engaged in the practice of medicine in this State prior to February 23, 1884.

Applicants may present their credentials by mail or proxy and shall receive due notice of the place and date of examination. Certificates shall be signed by the president and secretary and attested by the seal of the board, and the

fee for each examination, including the certificate, shall not exceed the sum of ten dollars. The members of the board shall be entitled to receive ten dollars per day and their necessary traveling expenses for each day devoted to such examinations, to be paid from the fees provided herein, and the board shall have authority to provide for such assistants as it may deem necessary and pay for the same from the fund arising from such fees.

Sec. 5. Examinations shall be held at least semi-annually at Frankfort, Louisville, Lexington, or other centrally located places, and on such dates as the board may deem will best suit the convenience of applicants. The questions for all examinations in the branches common to all schools or systems of practice shall be prepared by a committee of the board, to consist of five members, one of which shall be a homeopath, one an eclectic, and one an osteopath, and said committee shall conduct all examinations and grade the same, and when any applicant has made the average prescribed by law, and is so graded, the Board of Health shall admit such applicant to the practice of his or her profession in this State. All examinations shall be conducted in writing, and in such manner that the result shall be entirely fair and impartial, the applicants being known by numbers so that no member of the Board shall be able to identify the papers of any applicant until they have been graded and the case passed upon; and all questions and answers, with the grade attached, shall be preserved for one year. All applicants examined at any one time shall have the same questions asked them in anatomy, physiology, obstetrics, and the other branches common to all systems of practice, and shall be required to make an average grade of 70, with a minimum of 60 in any one branch; but all examinations involving methods of principles of treatment shall be made and graded by that member of the board who represents, or most nearly represents, the school or system of practice to which the applicant belongs, or the board may, in its discretion, omit the examination in such branches. No member of the board shall be a stockholder or member of the faculty or board of trustees of any medical college.

Sec. 6. Any person engaged in the practice of osteopathy in this State prior to February 1, 1904, who holds a diploma from a reputable osteopathic college, having a course of not less than four terms of five months each, legally chartered under the laws of any State in this Union, as determined by the osteopathic member of the board, and who makes application to the State Board of Health within ninety days after the passage of this act, accompanied by the fee hereinbefore provided, shall receive a certi-

cate from the board without an examination, which, when registered in the office of the county clerk of the county of his residence, as required of other certificates issued by the board, shall authorize the holder thereof to practice osteopathy in this Commonwealth, but it shall not permit him to administer drugs, nor to perform surgical operations with the knife. The words, "practice of medicine," in this act, shall be held to include the practice of osteopathy. But no person shall be permitted to practice osteopathy in this Commonwealth without an osteopathic diploma and certificate as provided in this section.

Sec. 7. Any other person applying for authority to treat the sick or injured, or in any way discharge the duties usually performed by physicians, whether by medical, surgical or mechanical means, shall apply to the State Board of Health, who shall examine them as to their competency in such manner as they may deem fair and best, but such examination shall always include anatomy, physiology and pathology, and the term "practice of medicine," as used in this act, shall be construed to be the treatment of any human ailment or infirmity by any method; but this shall not include trained or other nurses, or persons selling proprietary or patent medicines, when not traveling as a troupe or troupes composed of two or more persons.

Sec. 8. That any itinerant medical company of two or more persons traveling as a troupe or company as vendors of any drug, nostrum or instrument of any kind, intended for the treatment of any disease or injury, or who shall, by any writing or printing, profess to the public to treat disease or deformity by the use of any drug, nostrum, or instrument, shall pay to the board a license of \$100 per month, which shall be at once covered into the State Treasury. The board shall issue a license to reputable and worthy applicants under this section upon payment of the fee each month, but may for sufficient cause refuse such license. Any such itinerant vendor traveling as a company or troupe, with two or more persons as members or in its employ, who shall treat or profess to treat or cure disease or injuries by the use of any drug, nostrum, or instrument without license to do so, or shall sell the same for such purpose, in violation of this section, shall, upon conviction, each and every person so engaged, be fined fifty dollars for the first offense, and upon each subsequent conviction shall be fined one hundred dollars.

Sec. 9. Nothing in this law shall be construed as to authorize any itinerant doctor to register or to practice medicine in any county in this State.

Sec. 10. Nothing in this law shall be so construed as to discriminate against any peculiar school or system of medicine, or to prohibit

women from practicing midwifery, or to prohibit gratuitous services in case of emergency; nor shall this law apply to commissioned surgeons of the United States Army, Navy or Marine Hospital Service, or to legally qualified physicians of another State, called to see a particular case or family, but who does not open an office or appoint any place in this State where he or she may meet patients or receive calls.

Sec. 11. The State Board of Health may refuse to issue the certificate provided for in this act for any of the following causes:

1st. The presentation to the board of any license, certificate or diploma which was illegally or fraudulently obtained, or the practice of fraud or deception in passing the examination.

2d. The commission of a criminal abortion, or conviction of a felony involving moral turpitude.

3d. Chronic or persistent inebriety, or addition to a drug habit, to an extent which disqualifies the applicant to practice with safety to the people.

4th. Or other grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public.

The board may suspend or revoke a certificate for any of the causes for which it may refuse to grant a license under the provisions of this act. In all proceedings for suspension or revocation under this act the holder of the certificate shall be furnished with a copy of the complaint, and shall be given at least thirty days thereafter to prepare for a hearing; and he shall be heard in person or by counsel, or both, as he may elect, and in such hearing and in all matters arising in the course of their duties, the president and secretary shall have authority to administer oaths; and in such hearing the board may take oral or written proof for and against the complaint, as it may deem will best present the facts. In all cases of refusal, suspension, or revocation, the applicant or holder may appeal to the Governor, who may affirm or overrule the decision of the board. Upon the suspension or revocation of any certificate, it shall be the duty of the board to give official notice of such action, under seal, to the county clerk of the county in which the holder is registered, and such name shall be marked as suspended for the period indicated, or stricken from the register, in accordance with such notice, and if such holder shall continue to practice he shall thereupon be subject to the penalties provided in the law to which this is an amendment.

Sec. 12. This act shall take effect and be in force in accordance with the provisions of the Constitution, but it is expressly provided that all certificates issued by the board under the provisions of the law to which this is an amendment, are hereby confirmed and continued in force,

and all students who are matriculated in any medical or osteopathic college in this Commonwealth on or before February 1, 1904, and shall have graduated prior to September 1, 1907, and make application to the board prior to January 1, 1908, shall receive certificates without examination. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 13. It shall be the duty of the State and local boards of health to bring to the attention of the courts any violations of the provisions of this law within their respective jurisdictions.

Sec. 14. Any person living in this State, or any person coming into this State, who shall practice medicine, or attempt to practice medicine in any of its branches, or who shall treat or attempt to treat any sick or afflicted person by any system or method whatsoever, for reward or compensation, without first complying with the provisions of this law, shall, upon conviction thereof, be fined fifty dollars, and upon each and every subsequent conviction shall be fined one hundred dollars and imprisoned thirty days, or either or both, in the discretion of the court or jury trying the case; and in no case where any provision of this law has been violated shall the person so violating be entitled to receive any compensation for the services rendered. To open an office for such purpose, or to announce to the public in any way a readiness to treat the sick or afflicted shall be deemed to engage in the practice of medicine within the meaning of this act.

LOUISIANA OSTEOPATHIC LAW.

HOUSE BILL NO. 69.

AN ACT to regulate the practice of osteopathy; to create a State Board of Osteopathy, and to regulate the fees and emoluments thereof; to prevent the practice of osteopathy by unauthorized persons, and to provide for trial and punishment of violators of the provisions of this Act.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall hereafter be unlawful for any other than a registered and certificated osteopath to practice osteopathy in this State.

Sec. 2. Be it further enacted, etc., That the Governor shall appoint a State Board of Osteopaths, consisting of five respectable osteopaths, practicing in this State, whose terms of office shall be so determined by the Governor that the term of one member shall expire each year. Thereafter in each year the Governor shall in like manner appoint one person to fill the vacancy to occur in that year, the term of said appointee to be five years. The vacancies occurring from any other cause shall be filled by the Governor for the unexpired terms. The Board shall within thirty days after its appoint-

ment by the Governor meet in the City of New Orleans and organize by electing a president, secretary and treasurer, each to serve for one year. The secretary and treasurer shall each bond with sureties approved by the Board for the faithful performance of his duties in such sum as the Board may from time determine. The Board shall have a common seal and shall formulate rules to govern its action. The Board shall meet in the City of New Orleans at the call of the president, in the month of October following the passage of this Act, and in October of each ensuing year, and at such times and places as the majority of the Board may appoint. Three members of the Board shall constitute a quorum, but no certificate to practice osteopathy shall be granted on less than three affirmative votes of members of said Board. The Board shall keep a record of proceedings and a register of all applicants for certificates, giving the name and location of the institution granting the diploma produced before said Board, the date of such diploma, and also the fact whether in each case a certificate had been granted or refused to the applicant. The record and register shall be prima facie evidence of all matters recorded therein. Said Board shall hold examinations for the granting of certificates; it shall report to the prosecuting officer of the State of Louisiana all violations of the provisions of this Act of which it may have knowledge or information; it shall report annually to the Governor on the condition of osteopathy in the State and a record of the proceedings of the Board during the year, together with the names of all osteopaths newly registered under this Act. The fees collected under the provisions of this Act shall be applied to the payment of the expenses of the Board in such manner as it shall direct; provided, that no member of the Board shall be paid out of such funds more than the amount spent for traveling expenses in attending meetings of the Board and ten dollars for each day of actual attendance at said meetings.

Sec. 3. Be it enacted, etc., That any person twenty-one years of age shall be entitled to registration as a duly registered osteopath, on exhibition to the State Board of Osteopathy a diploma from any legally chartered college or school of osteopathy in America or Europe, and filing with said Board an affidavit of applicant, stating his age, nativity, that he is the person named in said diploma; that he is a regular graduate or alumnus of said institution, and had actually practiced osteopathy in this State one year next preceding his application; provided, that such person shall have applied to said Board for registration within ninety days after the promulgation of this Act.

Sec. 4. Be it further enacted, etc., That in case the State Board of Osteopathy shall have

reason to doubt the truth of the allegation of any affidavit made under the provisions of this act, it shall have the right to examine into and hear evidence as to the truth of said affidavit, and if convinced of the falsity thereof, it shall have the right to refuse registration, subject to the right of the applicant to apply to the courts for relief by mandamus; provided, that false swearing in an affidavit hereinbefore mentioned shall be deemed perjury and liable to punishment as in other cases of perjury under existing laws.

Sec. 5. Be it further enacted, etc., That where the applicant furnishes neither the diploma nor the affidavit required by the foregoing section, he shall have the right of registration after having passed a satisfactory examination by the State Board of Osteopathy on the subjects of anatomy, physiology, symptomatology, physiological chemistry and toxicology, osteopathic pathology, diagnosis, hygiene, obstetrics and gynecology, minor surgery and principles and practice of osteopathy; and said State Board of Osteopathy shall thereupon register the applicant and grant him a certificate of registration as an osteopathist, the same as in the case of the production of a diploma or affidavit as hereinbefore provided. The State Board of Osteopathy may grant certificates for registration to licentiates of other State boards of the duly constituted authorities of osteopathy, without further examination, if said other States or countries in the same manner recognize and validate the certificates of the State Board of Osteopathy created by this Act. The State Board of Osteopathy shall have the right to exact and collect from applicants before issuance of a certificate fifteen dollars; provided, that any person producing a diploma from a legally chartered college or school of osteopathy and who has been actually engaged in the practice of osteopathy in this State for a period of one year prior to the passage of this Act, and who shall apply to said Board within ninety days after this Act goes into effect, may be granted a certificate by said Board to practice osteopathy in this State upon payment of a fee of two dollars to said Board for said certificate; and provided further, that said State Board of Osteopathy may in its discretion dispense with examinations in the case of osteopathic physicians duly authorized to practice osteopathy in any State or Territory of the United States or in the District of Columbia who shall present a certificate of registration or examination by the lawfully constituted Board of Osteopathy of such State, Territory or District accorded only to applicants of equal qualifications with those required in the State of Louisiana; provided further, that after June 30th, 1909, no applicant shall be admitted to an examination or receive a certificate to practice osteopathy unless said person shall have

graduated from a legally chartered osteopathic school or college, wherein the term of study shall be at least three years of nine months each.

Sec. 6. Be it further enacted, etc., That every person holding a certificate of examination and registration granted by said State Board of Osteopathists shall have the same recorded in the office of the clerk of the district court of each parish in which he practices, and until such recordation shall have been made the holder of said certificate shall exercise none of the rights or privileges conferred by this Act. Said clerk of district court shall keep in a book provided for the purpose a complete list of certificates filed with him for recordation under the provisions of this Act, and note therein the date of the recording of each certificate; and he shall be entitled to charge and receive the sum of one dollar for recording each certificate so filed with him.

Sec. 7. Be it further enacted, etc., That any person who shall without having previously complied with the provisions of this Act practice or pretend or attempt to practice osteopathy in this State, or who shall use any of the forms or letters, "osteopathy," "D. O.," "osteopathic physician," "doctor of osteopathy," or any other letters or title, either alone or with other qualifying words or phrases under such circumstances as to induce the belief that the person who uses such words or letters is engaged in the practice of osteopathy, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty dollars nor more than one hundred dollars for each offense.

Sec. 8. Be it further enacted, etc., That all osteopaths certificated, registered and practicing under the provision of this Act shall have the authority and be required to certify births and deaths to the constituted health authorities of the State and the municipal subdivision thereof in the same manner, with the same effect and under the same penalties as other physicians.

Sec. 9. Be it further enacted, etc., That all laws or parts of laws in conflict or inconsistent with the provisions of this Act be and the same are hereby repealed.

LOUISIANA MEDICAL ACT.

SENATE BILL No. 69—BY MR. LABBE:

PASSED JULY, 1908.

AN ACT—To amend and re-enact Sections 2, 6, 13, 14, 15, 19 and 20 of an Act entitled "An Act to regulate the practice of medicine, surgery and midwifery, to create State Board of Medical Examiners, and to regulate the fees and emoluments thereof, to prevent the practice of medicine, surgery and midwifery by unauthorized persons, and to provide for the trial and punishment of violators of the provisions of this Act by fine or imprisonment, or both, and to repeal all laws or parts of

laws in conflict or inconsistent with this Act," being Act No. 49 of the General Assembly of the State of Louisiana, approved July 4, 1894, and to repeal all parts of said Act in conflict herewith, and to provide for the enforcement of said Act by penalties and through civil process; to regulate the examinations to be held under this Act, and to authorize said Boards in certain cases to waive said examinations; to authorize said Board to grant certain powers to the members thereof; to regulate the expenditures of revenues of said Board, and to authorize said Board to cause the permit to practice medicine or midwifery to be revoked in certain cases, and to define the practice of medicine in this State.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, that Section 2 of an Act entitled "An Act to regulate the practice of medicine, surgery and midwifery; to create State Board of Medical Examiners and to regulate the fees and emoluments thereof, to prevent the practice of medicine, surgery and midwifery by unauthorized persons; and to provide for the trial and punishment of violators of the provisions of this Act by fine and imprisonment, or both; and to repeal all laws or parts of laws in conflict or inconsistent with this Act," being Act No. 49 of the General Assembly of the State of Louisiana for the year 1894, approved July 4, 1894, be amended and re-enacted so as to read as follows: That after the promulgation of this Act, any person before entering upon the practice of medicine in any of its branches, dentists excepted, shall present to the Board of Medical Examiners, as hereinafter constituted, a diploma from a college in good standing, of any sect teaching medical or the healing art, and shall stand a satisfactory examination before the Board upon the following branches, to-wit: Anatomy, physiology, chemistry, obstetrics, gynecology, physical diagnosis, surgery, pathology, therapeutics and hygiene; provided, that any person not using internal medication in his or her practice shall be exempt from examination in therapeutics. The person shall also satisfy the Board that he or she is twenty-one years of age, of good moral character and possesses at least a fair primary education. If said diploma and examination are satisfactory to the Board they shall issue to such person a certificate in accordance with the facts. Said Board, however, is authorized, at its discretion, to waive said examination in favor of any applicant who shall present to the Board a satisfactory certificate of examination from a Board of Medical Examiners of another State, provided, however, that said Board created under this Act shall have found that said Board of Medical Examiners of another State has a standard of requirements satisfactory to the Board created under this Act:

the said Board created under this Act to be the sole judge as to the sufficiency of the standard required and of the certificate issued by said Board of another State.

Sec. 2. Be it further enacted, etc., That Section 6 of said Act No. 49 of the session of 1894, be amended so as to read as follows: That the Boards of Medical Examiners are authorized to elect such officers and frame and adopt such by-laws as may be necessary for the efficient operation of the Boards.

They may provide that the examination required in Section 5 of said Act, as a prerequisite to the practice of midwifery, may be conducted by one member of said Boards of Examiners, and the certificate of satisfactory examination issued by such member shall entitle the holder to be authorized by the President and Secretary of said Boards to practice midwifery in this State; and may also provide that any member of said Board may make any affidavit necessary to the issuance of any injunction or other legal process authorized under this Act. Each Board shall have its seal and the President and Secretary of the respective Boards shall be empowered to administer oaths in the taking of testimony upon any matters appertaining to the duties of said Boards.

Sec. 3. Be it further enacted, etc., That Section 13 of said Act of the session 1894 be amended and re-enacted so as to read as follows: That any person shall be regarded as practicing medicine within the meaning of this Act who shall append the letters M. D. or M. B. to his or her name, or shall examine, prescribe, direct, or shall profess or publicly advertise that he prescribes, directs or applies for the alleged purpose of treating, curing or relieving any bodily or mental disease, infirmity, deformity, defect, ailment or injury in any person other than himself, any drug, instrument, or force, whether physical or psychic, or of whatever nature, or any other agency or means; whether such drug, instrument, force or other agency or means is to be applied or used by the patient or by any other person; and whether such prescribing, directing or applying be for compensation of any kind or be gratuitous; and any officer or agent, or employee or member of any corporation, association or partnership which does or professes or publicly advertises that it does examine for, cure, treat, or relieve such diseases, ailments, deformities, defects, injuries or infirmities, in any of the modes mentioned in this section shall be regarded as practicing medicine under the provisions of this Act.

This provisions shall not apply to farmers or planters when practicing without compensation on their families, employees or tenants exclusively, or to nurses, attendants, plantation midwives carrying out specific directions of a party

authorized to practice medicine under this Act, or to opticians fitting glasses, or testing eyes in their own establishments, or to water-cure establishments, or to the practice of osteopathy. Nothing in this Act, however, shall be construed to prohibit the practice of the religious tenets of any church whatsoever.

Sec. 4. Be it further enacted, That Section 14 of said Act 49 of the Session of 1894 be amended and re-enacted so as to read as follows: That any person practicing medicine or midwifery in any of its departments in this State without first having obtained the certificate herein provided for or contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50, or more than \$100, or by imprisonment in the parish jail for a period of not less than ten days, or more than ninety days, or by both fine and imprisonment for each offense. It shall be the duty of the respective district attorneys to prosecute violations of the provisions of this Act, before any court of competent jurisdiction. The said fine shall be divided equally between the public school fund of the parish in which said offense may have been prosecuted, and the State Boards of Medical Examiners. Said Boards of Medical Examiners, through their proper officers, may cause to issue in any competent court a writ of injunction forbidding and enjoining said person from further practicing medicine or midwifery in any of its departments in this State, until such person shall have first obtained the certificate herein provided for and under provisions of this Act; and said injunction shall not be subject to being released upon bond.

In the same suit in which said injunction may be applied for, the said Boards, through their respective Presidents aforesaid, may sue for and demand of the defendant a penalty not to exceed one hundred dollars, and in addition thereto attorney's fees not to exceed fifty dollars, besides the costs of court; judgment for which penalty, attorney's fees, and costs, may be rendered in the same judgment in which the injunction may be made absolute.

That the trial of said proceeding shall be summary, and be tried by the judge without intervention of a jury.

Sec. 5. Be it further enacted, etc., That Section 15 of Act 49 of the Session of 1894 be amended and re-enacted so as to read as follows: That if any person licensed under this Act shall be convicted of a crime or of gross unprofessional conduct, the said Boards shall have the power to institute proceedings before any competent court for the purpose of having the permit granted by them to such person revoked; and if it shall be shown that the physician or midwife so licensed has been convicted of a crime or of gross

unprofessional conduct, the said court shall revoke such license or permit.

Sec. 6. Be it further enacted, etc., That Section 19 of the said Act 49 of the Session of 1894 be amended and re-enacted so as to read as follows: That it shall not be unlawful for the said Boards of Medical Examiners or any members thereof, in any manner whatever or for any purpose, to charge or obligate the State of Louisiana for the payment of any money except as provided for in Act 44 of 1882, relative to the publication of registered physicians, etc., and the said Boards shall look alone to the revenue derived from the operation of this Act for the compensation designated in Section 11 of this Act. And if said revenue is not sufficient to pay each member in full, as per Section 11, then the amount thus received shall be prorated among the members. But if at the end of the year there should be greater revenue derived than sufficient to defray the expenses of the Boards at all their sessions for the year, as provided in Section 7, such surplus may be used by said Boards in such other expenditures as they may deem necessary. That said Boards of Medical Examiners shall have the right to employ counsel to carry out the provisions of this Act, and that the fees of such counsel and the cost for all proceedings taken under the provisions of this Act, except the criminal prosecutions, shall be payable exclusively out of the revenues, including penalties under the provisions of this Act.

Sec. 7. Be it further enacted, etc., That section 20 of said Act of the Session of 1894 be re-enacted so as to read as follows: That all laws and parts of laws contrary to and in conflict with any of the provisions of this Act be and the same are hereby repealed.

MAINE MEDICAL ACT.

Registration of Physicians and Surgeons

REVISED STATUTES, CHAP. 17, SEC. 9.

The governor with the advice and consent of the council shall appoint a board of registration of medicine consisting of six persons, residents in the state, who shall be graduates of a legally chartered medical college or university having the power to confer degrees in medicine, and who shall have been actively employed in the practice of their profession for a period of five years. Two persons qualified as aforesaid, shall be appointed members of said board on or before the first day of July of every alternate year after July one, eighteen hundred and ninety-five, to hold office for six years from the first day of July following said appointment. No member of said board shall belong to the faculty of any medical college or university. Any vacancy in said board shall be filled by the appointment of a person, qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. Any member of said board may

be removed from office for cause by the governor with the advice and consent of the council.

Sec. 10. The members of said board shall meet on the second Tuesday of July of each alternate year after the year eighteen hundred and ninety-five, at such time and place as they may determine, and shall elect a chairman and secretary who shall hold their respective offices for the term of two years. The secretary shall give to the treasurer of state a bond in the penal sum of one thousand dollars, with sufficient sureties to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold regular meetings, one in March, one in July and one in November of each year, and such additional meetings at such times and places as it may determine. Said board shall cause a seal to be engraved and shall keep correct records of all its proceedings, and may make such minor rules and regulations as it shall deem necessary for the successful enforcement of its authority and the performance of its duties.

Sec. 11. Any person shall, upon the payment of a fee of ten dollars, be entitled to examination, and if found qualified by a majority of the members of the board present shall be registered as a physician or surgeon, and shall receive a certificate thereof under the seal of the board, and signed by the chairman and secretary, which shall state the facts and must be publicly displayed at the person's principal place of business as long as said person continues such practice for gain or hire. Any person refused registration may be re-examined at any regular meeting of said board, within two years of the time of such refusal, without additional fee and thereafter may be examined as often as he may desire upon payment of the fee of ten dollars for each examination.

Sec. 12. The board shall examine all applicants for registration as licensed physicians or surgeons. Each applicant shall, at least seven days before the date of his examination, present to the secretary of the board an application under oath or affirmation, giving satisfactory proof of being twenty-one years of age, of having good moral character and of being a graduate of some reputable medical school or college having power to confer degrees in medicine, and in good standing, and maintaining a standard of preliminary education and of medical instruction approved by the board. He shall also present such other facts as the board in its blank application may require, and must pay the fees provided in the preceding section. Examinations shall be in whole or in part in writing and shall be of an elementary and practical character. They shall embrace the general subjects of anatomy, physiology, pathology, materia medica and therapeutics, surgery, the principles and practice of medicine,

and obstetrics, or such branches thereof as the board may deem necessary for the applicant to possess. The board may make such rules and regulations as may be necessary for reciprocity of licensure with the boards of other states which maintain a standard of education at least equal to their own; but no such rules shall become operative until they have been approved by a justice of the supreme judicial court.

Sec. 13. The board shall keep a record of the names and residences of all persons registered hereunder and a record of all moneys received and disbursed by said board, and said records or duplicate thereof shall always be open to inspection in the office of the secretary of state during regular office hours. Said board shall annually on or before the first day of January in each year, make a report to the governor containing a full and complete account of all its official acts during the preceding year, also a statement of its receipts and disbursements and such comments or suggestions as it may deem essential.

Sec. 14. The board, its members or agents shall investigate all complaints regarding non-compliance with or violation of the provisions of this chapter relating to the registration of physicians and surgeons, and shall bring all such cases to the notice of the proper prosecuting officers. Said board, after a conviction before a proper court, for crime in the course of professional business, of any person to whom a certificate has been issued by them, and after hearing, may by unanimous vote revoke the certificate and cancel the registration of the person to whom the same was issued. Said board may also suspend or revoke any certificate by unanimous vote, in any case where such certificate has been wrongfully obtained or any fraud connected with the said registration. All fees received by the board hereunder shall be paid by the secretary thereof into the treasury of the state once in each month.

Sec. 15. No person shall practice medicine or surgery, or any branch thereof for gain or hire within the state unless duly registered by said board. Whoever not being registered as aforesaid shall so practice or shall advertise or hold himself out to the public as a physician or surgeon in the state, who appends to his name the letters "M. D.," or who uses the title of a doctor or physician, meaning thereby a doctor of medicine, shall be punished by a fine of not less than one hundred, nor more than five hundred dollars for each offense or by imprisonment for three months or both.

Sec. 16. The seven preceding sections shall not apply to commissioned officers of the United States army, navy or marine hospital service, or to a physician or surgeon who is called from another state to treat a particular case and who

does not otherwise practice in this state, nor to prohibit gratuitous service or the rendering of assistance in emergency cases, nor to midwives who lay no claim to the title of physician or doctor; nor to clairvoyants or persons practicing hypnotism, magnetic healing, mind cure, massage, Christian science, so-called, or any other method of healing if no poisonous or dangerous drugs are employed nor surgical operations performed; provided, such clairvoyants and other persons do not violate any of the provisions of the preceding section in relation to the use of "M. D.," or the title of doctor or physician.

Sec. 17. The compensation, incidental and traveling expenses of the board shall be paid from the treasury of the state. The compensation of members of the board shall be five dollars each for every day actually spent in the discharge of their duties and five cents a mile each way for necessary traveling expenses of attending the meetings of the board, but in no case shall any more be paid than has actually been expended. The secretary shall be allowed extra compensation for books, stationery, postage and other necessary expenses actually incurred. Such compensation and the incidentals and traveling expenses shall be approved by the board and audited by the governor and council, and paid from the state treasury, provided, that the amounts so paid shall not exceed the amount received by the treasurer of state from the board in fees as herein specified, and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of the board as aforesaid.

MARYLAND MEDICAL ACT.

As Codified in the Maryland Code of 1904 (Public General Laws) Article 43,
Title "Health," Sub-Title "Practitioners of Medicine."

As Modified by Chapter 120, Acts of 1908.

PRACTITIONERS OF MEDICINE.

78. All persons now practicing medicine and surgery, or who shall hereafter begin to practice medicine and surgery in any of their departments, except dentistry, in the State of Maryland, shall possess the qualification required by this sub-title.

79. From and after the first Tuesday in June, eighteen hundred and ninety-two, there shall be and continue to be two separate boards of medical examiners for the State of Maryland—one representing the Medical and Chirurgical Faculty of the State of Maryland, and one representing the Maryland State Homeopathic Medical Society of the State of Maryland. The members of said respective boards in office on the eleventh day of April, 1902, shall continue to hold and exercise their respective offices up to the first Tuesday in June, nineteen hundred and

two. On the first Tuesday in June, nineteen hundred and two, said two boards of medical examiners shall be reorganized, and thereafter said boards shall be constituted as follows: Each of said boards shall consist of eight members, who shall be selected by the Medical and Chirurgical Faculty of the State of Maryland and the Maryland State Homeopathic Medical Society, respectively, at the annual meetings of said respective societies; and each appointee is immediately after his election to be furnished with a certificate thereof by the society electing him. Each such member of said respective boards, except those elected in the year nineteen hundred and two, shall serve for four years, or until his successor is appointed and qualified. At their respective annual meetings held in the year nineteen hundred and two, each of said aforementioned societies shall elect the full number of eight examiners for its respective board, of whom two shall be elected for four years, two for three years, two for two years, and two for one year, and thereafter two examiners shall be elected by each society in each year, as hereinbefore provided, to serve for a term of four years, or until their successors are appointed and qualified, the outgoing members to be eligible for re-election. The terms of office of all members so elected shall begin on the first Tuesday in June, in the year in which they shall be respectively elected; each board is to have the exclusive right to examine, pass upon the qualifications of and license its own applicants. The examiners shall be physicians actually engaged in the practice of medicine or surgery in the State of Maryland, and of recognized ability and honor. No member of any medical college or university, who passes upon the qualifications of graduates of any medical school shall be eligible to serve as a member of either of said boards. In case of a vacancy occurring in either of said boards, the board in which such vacancy shall occur shall fill the same until the next annual meeting of the Medical and Chirurgical Faculty, or the Maryland State Homeopathic Medical Society, according as the board in question may be the representative of one or other of said societies, when said society shall elect an examiner to serve for the remainder of such unexpired term.

80. Each of said boards shall, at its meeting on the first Tuesday in June of each year, appoint a secretary-treasurer for the board, whose term of office shall last for one year, and who shall be eligible for re-appointment, and whose duties shall be as follows: Within sixty days from the time of his appointment by his respective board, it shall be the duty of the clerk of the Circuit Court of Baltimore City and the clerk of the Circuit Court for each county in the State to furnish the secretary-treasurer of each board a list of all physicians who have been legally reg-

istered in such Court. To all those physicians who have at that time been practicing in the State without having been legally registered said secretary-treasurer shall send a printed notice of the section of this article relating to the duty of the police commissioners in Baltimore City and the sheriffs of the counties of the State under this law. Within four months of the time of his appointment he shall see that all physicians entitled to register have been registered, and that the names of all those who are not entitled to be registered under this sub-title have been presented for prosecution to the State's Attorney of the City of Baltimore, and of each county in the State in which the accused, respectively, reside. Those physicians, who, being entitled to register under this sub-title, yet have failed to comply at the expiration of this time—four months from the election of the secretary-treasurer of the board—shall also be prosecuted, and no one after the eleventh day of April, 1902, shall be allowed to practice medicine or surgery without being duly registered according to the provisions of this sub-title. The secretary-treasurer shall keep official records of the board for which he is secretary, as provided for in section 81 of this sub-title, the examination papers of applicants for at least three years, after they have been passed upon by the board, after which they are to be destroyed, and a complete list of all registered physicians in the entire State. He shall call to the attention of the State's Attorney of Baltimore City and of the different counties throughout the State all violations of the law under this sub-title. He shall collect and hold all moneys belonging to the board, for which he shall give bond to the State of Maryland in the sum of \$1,000, the same to be held by the president of the board. He shall receive from the income of the board such salary as his respective board may determine.

81. Each board of medical examiners shall meet on the first Tuesday in June in each year for the purpose of reorganization. At said first meeting of said respective boards each of said boards shall effect an organization by the election from its own membership of a president, and shall also appoint a secretary-treasurer, as otherwise provided in this sub-title. For the purpose of examining applicants for license, each of said boards of medical examiners shall hold one or more stated or special meetings in each year, due notice of which shall be made public at such time and places as may be determined by the members thereof, respectively. At said stated or special meeting a majority of the members of the board shall constitute a quorum thereof. Each of said boards of medical examiners shall keep an official register of all applicants for examination for a license to practice medicine and surgery in this State; said register for license shall

show the name, age and last place of residence of each candidate, the school from which he or she may have graduated, and whether such applicant was rejected or licensed under this sub-title; but such matters shall not be written in said register or made public until after the examination.

82. At the first meeting of an examining board, or at a stated or special meeting held subsequently, suitable provision shall be made by each of the examining boards to prepare a schedule of written examination upon anatomy, physiology, medical chemistry, surgery, practice of medicine, materia medica, therapeutics, obstetrics and pathology, and the same standard of excellence shall be required from all candidates. In the department of therapeutics and practice the question shall be in harmony with the tenets of the school selected by the candidate; the standard of requirements therein to be established by each board for itself. Whenever members of any board are necessarily absent from meeting held for the examination of applicants for licenses, suitable temporary provision shall be made for thorough examination in each and all of the aforesaid subjects by members present. The examination shall be fundamental in character. The votes of all the examiners present shall be "yes" or "no," written with their signature upon the backs of the examination papers of each candidate for the respective branches.

83. All persons, except physicians who were practicing medicine in this State prior to the first day of January, 1898, who are now practicing medicine or surgery and can prove by affidavit that within one year of said date said physician had treated in his professional capacity at least twelve persons, who shall commence the practice of medicine or surgery in any of their branches after the eleventh day of April, 1902, shall make a written application for license to the president of either board of medical examiners which said applicant may elect, accompanied by satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a competent common school education, and has either received a diploma conferring the degree of doctor of medicine from some legally incorporated medical college in the United States or a diploma or license conferring the full rights to practice all the branches of medicine and surgery in some foreign country; said diploma, if from a college in the United States, must have been conferred by a legally incorporated college requiring a four years' standard of education as defined by the American Medical College Association or the intercollegiate committee of the American Institute of Homeopathy, respectively; provided, that this requirement shall not apply to any physician who shall,

prior to the eleventh day of April, 1902, have practiced outside of this State for at least three years, and who shall have been duly registered or licensed in the place where he has so practiced; provided, further, that two courses of medical lectures, both of which shall be either begun or completed within the same calendar year, shall not satisfy the above requirements; provided, also, that in the case of students who on April 11, 1902, shall be in their second year in a medical college, a three years' course of study, or attendance on three courses of lectures delivered in different years, shall satisfy said requirements. Proof of the qualification of applicants as above shall, if required, be made by affidavits at the time of the making of said application and payment of fee as provided. The president of the board to whom such application shall have been made, if satisfied with the same shall direct the secretary-treasurer thereof to issue to said applicant an order for examination, and when said applicant shall have passed an examination as to proficiency satisfactory to said board the president thereof shall grant to such applicant a license to practice medicine and surgery in the State of Maryland. If the president of either board of medical examiners shall have refused any application, either for want of the qualifications necessary to entitle such applicant to an examination, as hereinbefore provided, or for want of proficiency of such applicant upon being subjected to an examination, then the president of neither of said boards shall entertain or pass upon a subsequent application from said applicant until after the expiration of six months from the rejection of said previous application. The respective boards are authorized to license without examination applicants who present proper certificates of proficiency and professional standing at the time of application issued by boards of medical examiners of the District of Columbia and of other States, the requirements of which are of as high a standard as those governing the boards of medical examiners of this State; provided such boards of such States or District grant the same privileges to licentiates of the examining boards of Maryland; such applicants, however, being still required to furnish the same proof of qualifications required of other applicants by this section. Medical students, at the end of their second year of study, who have, as verified by the certificate of the dean of the college which they have attended, completed the studies of anatomy, physiology, medical chemistry and materia medica in said college, shall on application be examined in such studies by the State licensing board, the result of said examination to be considered as part of the final examination, the full regular fee to be paid at this time, no part thereof to be returned, but placed to their

credit for the remainder of the examination yet to be taken. Medical students who have, as verified by the certificate of the dean of the college which they have attended, completed a full four years' course of studies and lectures, but who have not yet received their diplomas, shall upon application be examined in all the branches enumerated in section 82 by the State licensing board, the final certificate and license of the said board being withheld until the diploma of the proper medical college, with the candidate's name inscribed, be produced to the secretary of the board. Diplomas presented by graduates of foreign colleges shall be accepted if a course of four years' study has been required by said foreign college before issuing such diploma.

84. Any physician who may change his residence from the District of Columbia to the State of Maryland, or who while living in the District of Columbia shall desire to practice medicine or surgery in the State of Maryland shall, upon application to the examining board of the State of Maryland, be entitled to a license without fee and without examination; provided, that the application be properly endorsed at the time it is presented by the examining board of the District of Columbia, certifying to the proficiency and professional standing of the applicant; and provided, further, that the examining board of the District of Columbia shall, under the laws thereof, grant like and equal privileges to licensed physicians of this State who may remove to said District of Columbia, or while continuing to reside in this State may desire also to practice in said district.

85. All examinations shall be conducted in such manner that the name, school of graduation and preparatory training of said applicant shall not be made known to the board of examiners until his examination papers have been graded. An applicant receiving a majority of the votes of the board before whom the applicant appears shall be considered to have passed a satisfactory examination and entitled to the license of said board.

86. A fee of twenty dollars shall be paid to the secretary-treasurer of the board, before whom the applicant appears, before such examination is had, which payment shall entitle said applicant to a second examination, in case of failure, at the expiration of six months and within twelve months thereafter; said fee to be applied by said board toward paying the expenses of said board.

87. The board shall refuse to grant a license to any applicant who may be radically deficient in his examination in any essential branch; provided, that in any case of failure at any such examination, the candidate shall not be permitted to take another examination before either board until after the expiration of six months from the date of his rejection; provided, however,

that any applicant who has heretofore, during the previous year before the eleventh day of April, 1902, or who shall hereafter so fail, shall be credited as having passed in such branches as he has or shall have been found proficient in, and he shall not be again examined in said subjects.

88. Every license to practice medicine and surgery, issued pursuant to the provisions of this sub-title, shall be subscribed by the president and secretary of the board before whom the applicant has passed; it shall also have affixed to it by the person authorized to affix the same, the seal of said Medical and Chirurgical Faculty of Maryland or of the Maryland State Homeopathic Medical Society, as the license may require; every such license to be in the following form and to the following effect:

To all whom it may concern, greeting:

Be it known, that —, on the — day of — A. D., having offered us satisfactory proof that — was more than twenty-one years of age, and had received a proper preliminary education; we therefore give a written order for the examination of said — before one of the boards of medical examiners of the State of Maryland; that the said — was fully examined before our said board and found proficient and qualified to practice medicine and surgery; we, therefore, have granted to said — this our license to practice medicine and surgery in the State of Maryland as a physician and surgeon, and have caused the names of the president and secretary of our board to be subscribed and the seal of our society affixed hereto.

Witness our hands and the seal of our said society, this — day of —, A. D. —, president; —, secretary.

(Seal of society.)

89. Any person receiving a license from either of said boards shall file the same at once with the clerk of the Circuit Court of the county in which he or she may reside, or with the clerk of the Circuit Court of Baltimore City, if said person shall reside therein, and it shall be the duty of said clerk to register the name of said person and of the president of the board signing said license in a book kept for the purpose, as a part of the records of his office; and the number of the book and the page therein containing said recorded copy shall be noted by said clerk upon the face of said license. In case said person should, after the recording of such license, permanently remove his or her residence to some other part of the State, or to Baltimore City, he or she shall thereupon at once file said license, or certified copy thereof, for record as aforesaid, with the clerk of the Circuit Court of the county or city to which he or she shall have so removed; said records shall be opened to public inspection under proper restrictions as to their safe keep-

ing, and in all legal proceedings shall have the same weight as evidence that is given to the records of conveyances of lands. The fees for such registration shall be fifty cents, to be paid by the person whose license is registered. The clerk of the Superior Court of Baltimore City is authorized and directed to turn over to the clerk of the Circuit Court of Baltimore City the register or registers of licensed physicians which he has been required to keep under and by virtue of the said chapter 612 of the acts of 1902.

90. Any person to whom the provisions of this sub-title applies, practising or attempting to practise medicine or surgery in this State, without first having obtained the license of one of said boards of medical examiners, shall be guilty of a misdemeanor, and shall pay a fine of not less than fifty dollars nor more than two hundred dollars for each offense, or in default of payment shall be confined in the city or county jail until the fines and costs are paid, and shall be debarred from recovering compensation for services rendered as such physician or surgeon.

91. Said boards shall make a report to the Medical and Chirurgical Faculty of Maryland and the Maryland State Homeopathic Medical Society, respectively, at each annual meeting of said respective societies.

92. Said board shall upon request issue certificates of professional standing to physicians moving out of the State.

93. From and after the first day of July, 1894, no person shall practice medicine or surgery in the State of Maryland, unless he or she shall be duly registered as a physician or surgeon, in accordance with the provisions of this sub-title of this article.

94. Every person who was practising medicine in the State of Maryland on or before the first day of June, 1892, shall be entitled to be registered as a physician or surgeon, or both, upon making application to the president of either board of State medical examiners, which application shall be in writing and verified by the oath of said applicant, taken before any officer entitled to administer oaths under the law of this State, and shall state that the applicant was duly qualified lawful practitioner of medicine, in good standing, actually engaged in the practice of such profession in said State, on or before said first day of June, 1892. And upon receiving said application, and being satisfied of the truth of said statement therein contained, said president of such board shall issue or endorse his permit for such applicant to be registered upon a copy of such application, which permit shall also be countersigned by the secretary of said board; and any president of such board to whom such application is addressed may, in his discretion, make inquiry, and examine witnesses under oath, or receive other

evidence as to the truth of the statements contained in such application for a permit to be registered; and if the president of either of such boards of medical examiners shall act upon such application, and shall refuse the same, then no president of the other of said boards shall entertain or act upon any application of such applicant for such permit. And upon the presentation of a permit to be registered, signed by the president, and countersigned by the secretary of either of said boards of medical examiners, to the clerk of the county where such applicant may reside, or to the clerk of the Circuit Court of Baltimore City, if said applicant shall reside in Baltimore City, it shall be the duty of the said clerk to register such application and permit, and the name of such applicant as physician or surgeon, or both, in a book to be kept for such purpose, and a certified copy of such entry of registration under the seal of the Court, shall be legal evidence of such registration in all the Courts of the State; provided, however, that the provisions of this sub-title shall not apply to those practicing medicine in the State of Maryland prior to June, 1892, and who registered as practitioners of medicine prior to July, 1894.

95. All persons who have commenced to practice medicine or surgery in the State of Maryland since the first day of June, 1892, or who shall hereafter commence to practice medicine or surgery in this State, shall not be entitled to be registered in the registry of physicians and surgeons, as required by law, except upon filing with the clerk of the Circuit Court of the county or city in which he or she shall reside, a license from one of the duly constituted boards of medical examiners of this State, in accordance with the terms of sections 88 and 89, except that physicians and surgeons who have come into this State since said first day of June, 1892, or who shall hereafter come into this State to follow the practice of medicine and surgery, may receive a license, which shall entitle them to be registered as physicians and surgeons, in accordance with law, upon application to one of the duly constituted boards of medical examiners, in accordance with the provisions of section 96 of this sub-title.

96. Physicians and surgeons of good moral and professional standing who shall hereafter come into this State with intent to follow the practice of medicine and surgery within this State, being graduates of a medical college or university of good standing, or having a certificate or license from a board of medical examiners of any State where the requirements for practice are equal to those required by the board named in this sub-title, may make application to the president of either board of medical examiners of this State, which application shall be made under oath, and shall state when and how long such

applicant has been engaged in the practice of medicine and surgery, and from what medical college, university or other institution of learning he or she has graduated. And thereupon the board of medical examiners shall have the authority and discretion to require applicants to undergo an examination, in accordance with provisions of sections 81 to 87, inclusive, or may require said applicant to submit to a special examination, the terms and methods of which shall be prescribed by the board of medical examiners, and upon paying the fee for examination, as set out in section 86. After the examination and determination of said board, thereupon, that said applicant is qualified to practice medicine and surgery and that he is entitled to a license, a license shall be issued to him to the same effect as the form of license set out in section 88, which license shall be filed and recorded as provided by section 89; and it shall then be the duty of the clerk of the Court to register the name of the person so licensed as physician or surgeon, or both, in accordance with the provisions of this sub-title.

97. All persons whose licenses have been heretofore filed and recorded in accordance with section 89 shall be held to be duly registered physicians and surgeons within the provisions of section 94, and all persons who shall hereafter receive and file licenses, to be recorded in accordance with said section 89, shall be registered as physicians and surgeons under said section, and the fee to be paid for such registration and for the registration of the application to the clerk, or the license therewith, as the case may require, shall be one dollar.

98. If any person shall unlawfully obtain and procure himself to be registered as physician or surgeon, either by false and untrue statement contained in his application to the clerk of the Court, as required by this sub-title, or by presenting to said clerk a false or untrue license, or one fraudulently obtained by false and fraudulent statements made to one of said boards of medical examiners, he or she shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than five hundred dollars, and shall forfeit all rights and immunities obtained or conferred upon him by virtue of such registration as physician or surgeon.

99. Any person who after the first day of July, 1894, shall practice or attempt to practice medicine or surgery in this State, without being registered in accordance with the provisions of this sub-title, shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than two hundred dollars for each offense.

100. Any citizen of Maryland having information which causes him to believe that any person has been heretofore wrongfully and improperly registered as physician or surgeon, or

both, upon his application to the clerk of any Court may apply, by petition, to the Circuit Court of the county wherein such registration was made, or to the City Court of Baltimore City, if such registration was in Baltimore City, which petition shall be under oath, and shall state that the petitioner is informed and believes that the person named therein has been heretofore improperly and wrongfully registered as physician or surgeon, or both, upon his own application and affidavit upon the register of physicians or book kept for such purpose in any Court of this State, for the reason (as said petitioner is empowered) that such person was not lawfully practicing medicine in the State of Maryland as a duly qualified practitioner of medicine in said State entitled to be registered as a physician or surgeon upon his own application to the clerk of said Court; and that said petitioner prays that the name of such person shall be struck from the registry of physicians aforesaid. Upon the filing of such petition the Court or one of the judges thereof shall pass an order requiring the person therein alleged to be wrongfully or improperly registered to answer the same, under oath, on or before a date to be named within thirty days from the date of such order, and to show cause, if any there be, why the prayer of such petition should not be granted, which order shall be served upon said last named person; and if said petition shall not be answered within the time named, as aforesaid, or if the answer thereto shall be adjudged insufficient by the Court, then the Court shall pass an order directing that the name of such person alleged to be wrongfully or improperly registered shall be stricken from the registry of physicians or surgeons where the same shall have been registered; but if said petition shall be answered by the defendant, being the person against whom it is exhibited by an answer under oath, fairly and fully denying the allegations of said petition, the issue thus raised shall be heard and determined by the Court, and either party may be entitled to a jury trial before a jury of the regular panel empanelled to try common law cases in said Court; and the defendant shall be competent and compellable to testify at such hearing, and upon such hearing the Court shall render judgment with costs against the unsuccessful party. And if it shall determine that said defendant was not practicing medicine in the State of Maryland on or before the date of June 1, 1892, not being a lawful practitioner of medicine in said State, on or before said date, it shall pass an order directing the name of said defendant to be stricken from the registry of physicians or surgeons, or both, which order shall be certified by the clerk of the Court wherein said defendant was registered, and he shall thereupon strike his name from said registry. But the decision upon

such petition shall have no force and effect in any criminal prosecution under this sub-title.

101. Any person shall be regarded as practicing medicine within the meaning of this sub-title who shall append to his or her name the words or letters "Dr.", "Doctor," "M. D.," or any other title in connection with his name, with the intent thereby to imply that he or she is engaged in the art or science of healing, or in the practice of medicine in any of its branches, or who shall operate on, profess to heal, prescribe for, or otherwise treat any physical or mental ailment or supposed mental ailment of another, or who shall for hire or for any gratuity or compensation, either directly or indirectly to him or her paid, undertake by any appliance, operation or treatment of whatever nature, to cure, heal or treat any bodily or mental ailment or supposed ailment of another; or who for any hire, gratuity or compensation, either directly or indirectly to him or her paid, by or for any patient, shall undertake to treat, heal, cure, drive away or remove any physical or mental ailment, or supposed ailment of another, by mental or other process, exercised or invoked on the part of either the healer or the patient, or both; but nothing herein contained shall be construed to apply to gratuitous services, nor to any resident or assistant resident physicians or students at hospitals in the discharge of their hospital or dispensary duties, or in the office or physicians, or to any physician or surgeon from another State, territory or district in which he resides when in actual consultation with a legal practitioner of this State; or to commissioned surgeons of the United States Army, or Navy, or insane hospital service, or opticians or chiropodists, or to midwives, or to masseurs, or other manual manipulators who use no other means; nor shall the provisions of this sub-title apply to physicians or surgeons residing on the borders of a neighboring State, and duly authorized under the laws thereof to practice medicine or surgery therein, whose practice extends into the limits of this State; provided, that such practitioners shall not open an office or appoint places to meet their patients or receive calls within the limits of this sub-title; provided, that the same privileges be accorded to licensed physicians of this State; provided, further, that nothing in this sub-title shall annul any of the provisions of Article 32, title "Dentistry," nor shall apply to any registered graduate of dental surgery now practicing in the said State of Maryland, with the sign titles; Dentist, surgeon dentist, dental surgeon or stomatologist; and provided, further, that nothing herein contained shall be so construed as to prevent or in anyway make unlawful or interfere with the sale by manufacturing, wholesale or retail druggists, or any persons dealing in drugs or medicines of any proprie-

tary or patent medicine or any official or standard drug or medicine.

102. It shall be the duty of the police commissioners of Baltimore City, and of the sheriff of each county in the State, to see that all practicing physicians in the State shall be legally registered according to the provisions of this sub-title, and to report to the State's Attorney of the city or county all cases of the violation of the provisions of this sub-title.

103. It shall be the duty of the secretary of either or both of said State Boards of Medical Examiners to inquire into all violations of law under this article and to institute all proceedings or prosecutions thereof, and all expenses incurred by any secretary of either of such boards hereunder shall be allowed and paid out of the funds acquired by or belonging to said boards, respectively.

104. The said board of medical examiners shall have full control over the expenditures and disposition of the funds collected from the fees and charges authorized to be made under the terms of this sub-title, and shall fix and allow such compensation as they may deem proper for service rendered in the performance of the duties required by this sub-title by members of said board or others, with the full power also to allow and discharge all proper expenses of said board, and any surplus, to dispose of as said board may deem for the advantage of the practice of medicine in this State.

105. Any person practicing or attempting to practice medicine under the name of any other person, whether that person be a resident of this State or not, or whether he or she be deceased or not, or any person acting under the name of and as agent of any other person, in the capacity of a practitioner of medicine or surgery, shall be guilty of a misdemeanor, and upon conviction by any Court having criminal jurisdiction shall be punished by imprisonment in the city or county jail for not less than thirty days nor more than one year, or by a fine of not less than twenty dollars nor more than five hundred dollars, or both, in the discretion of the Court, for each offense.

106. Either board of medical examiners of this State may, by a vote of five members, revoke any license which it has issued, and may cause the name of any physician licensed by said board to be removed from the register of the licentiates of the city or county where it may be recorded for any of the following causes, to-wit: The use of fraud or deception in passing the examination provided in this sub title, habitual drunkenness, criminal abortion, conviction of crime involving moral turpitude or unprofessional or dishonorable conduct. Before proceeding to revoke any such license, the person against whom complaint is made shall be furnished with a copy

of the complaint and charges made against him, and shall be given an opportunity for a hearing before the board, in person or by attorney, and at such hearing testimony may be offered for and against the accused. The action of the board shall be reduced to writing, stating also the reasons for said action, and a copy thereof shall be delivered or mailed to the person against whom complaint is made; within sixty days after said notice of revocation of license shall have been delivered or mailed to any person said party shall have the right of appeal to the Circuit Court of the city or county wherein he may reside, the judge or judges of which said Court shall fully hear and determine all matters connected with the action of said board from which appeal is taken, and the decision of said Court shall be final; should no such appeal be taken within sixty days, or should said appeal result in the affirmation of the action of said board, the clerk of the Circuit Court or Courts where said license so revoked shall have been recorded shall, upon due notice from the secretary-treasurer of said board, strike off the name of said party from the list of licensed practitioners recorded upon said register. At any time within two years from the revocation of any license, the board revoking the same may, by a vote of five members, issue without examination a new license to the person whose license was so revoked; but after the expiration of two years such person can obtain a new license only by compliance with the same requirements which are imposed on other applicants for licenses under this sub-title.

MASSACHUSETTS MEDICAL ACT.

LAW RELATING TO THE REGISTRATION OF PHYSICIANS.

(Revised Laws, Chapter 76, Sections 1-9.)

Section 1. There shall be a board of registration in medicine consisting of seven persons, residents of this commonwealth, who shall be graduates of a legally chartered medical college or university having the power to confer degrees in medicine, and who shall have been for ten years actively employed in the practice of their profession. No member of said board shall belong to the faculty of any medical college or university, and no more than three members thereof shall at one time be members of any one chartered state medical society. One member thereof shall annually in June be appointed by the governor, with the advice and consent of the council, for a term of seven years from the first day of July following.

Sec. 2. Said board shall hold regular meetings on the second Tuesday of March, July and November in each year, and additional meetings at such times and places as it may determine. At the regular meeting in July, it shall organize by the choice of a chairman and secretary who shall hold their offices for the term of one year. The

secretary shall give a bond to the treasurer and receiver general in the penal sum of five thousand dollars, with sufficient sureties to be approved by the governor and council, for the faithful performance of his official duties.

Sec. 3. Applications for registration shall be made upon blanks to be furnished by the board, and shall be signed and sworn to by the applicants. Each applicant for registration shall furnish satisfactory proof that he is twenty-one years of age or over and of good moral character and, upon payment of a fee of twenty dollars, shall be examined by said board. If he is found by four or more members thereof to be twenty-one years of age or over, of good moral character and qualified, he shall be registered as a qualified physician and shall receive a certificate thereof signed by the chairman and secretary. An applicant who fails to pass an examination satisfactory to the board, and is therefore refused registration, shall be entitled within one year after such refusal to a re-examination at a meeting of the board called for the examination of applicants, without the payment of an additional fee; but two such re-examinations shall exhaust his privilege under his original application. Said board, after hearing, may by unanimous vote revoke any certificate issued by it and cancel the registration of any physician who has been convicted of a felony or of any crime in the practice of his profession. All fees received by the board shall, once in each month, be paid by its secretary into the treasury of the commonwealth.

(Sec. 4*. Each member of the board shall receive ten dollars for every day actually spent in the performance of his duties, and the necessary traveling expenses actually expended in attending the meetings of the board, not exceeding three cents a mile each way. Such compensation and the incidental and traveling expenses shall be approved by the board and paid by the commonwealth only from the fees paid over by the board.)

Sec. 5. The board shall keep a record of the names of all persons registered hereunder, and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor of the condition of medicine and surgery in this commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

Sec. 6. The board shall investigate all complaints of the violation of the provisions of section eight, and report the same to the proper prosecuting officers.

Sec. 7. Examinations shall be wholly or in part in writing in the English language, and shall

be of a scientific and practical character. They shall include the subjects of anatomy, surgery, physiology, pathology, obstetrics, gynecology, practice of medicine and hygiene, and shall be sufficiently thorough to test the applicant's fitness to practice medicine.

Sec. 8. Whoever, not being lawfully authorized to practice medicine within this commonwealth and registered as aforesaid, holds himself out as a practitioner of medicine, or practices or attempts to practice medicine in any of its branches, or whoever practices medicine or surgery under a false or assumed name, or under a name other than that by which he is registered, or whoever personates another practitioner of a like or different name, shall, for each offense, be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for three months, or by both such fine and imprisonment. In a case in which a provision of this or the preceding section has been violated, the person who committed the violation shall not recover compensation for services rendered.

Sec. 9. The provisions of the eight preceding sections shall not be held to discriminate against any particular school or system of medicine, to prohibit medical or surgical service in a case of emergency, or to prohibit the domestic administration of family remedies. They shall not apply to a commissioned medical officer of the United States army, navy or marine hospital service in the performance of his official duty; to a physician or surgeon from another state who is a legal practitioner in the state in which he resides, when in actual consultation with a legal practitioner of this commonwealth; to a physician or surgeon residing in another state and legally qualified to practice therein, whose general practice extends into the border towns of this commonwealth, if such physician does not open an office or designate a place in such towns where he may meet patients or receive calls; to a physician authorized to practice medicine in another state, when he is called as the family physician to attend a person temporarily abiding in this commonwealth; nor to registered pharmacists in prescribing gratuitously, osteopaths, pharmacists, clairvoyants, or persons practicing hypnotism, magnetic healing, mind cure, massage, Christian science or cosmopathic method of healing, if they do not violate any of the provisions of section eight.

AN ACT—Relative to the Practice of Osteopathy
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Any person who was actively engaged in the practice of osteopathy in this commonwealth prior to the first day of January, nineteen hundred and nine, and who shall pre-

*Repealed by the Acts of 1902, and fixed salaries established.

sent to the board of registration in medicine satisfactory evidence that he is twenty-one years of age and of good moral character, and that he is a graduate in good standing of, and holds a diploma from, a regularly conducted school or college of osteopathy within the United States, which at the time of his graduation required a course of study of twenty months or longer, including the subjects of anatomy, physiology, pathology, hygiene, chemistry, gynecology, diagnosis and theory and the practice of osteopathy, with an actual attendance of not less than twenty months, or who has practiced osteopathy in this commonwealth for the four years prior to the passage of this act, which facts shall be set forth in an affidavit, shall upon application on a blank furnished by said board, signed and sworn to by the applicant, and upon payment of a fee of ten dollars, be registered as an osteopath, and a certificate in testimony thereof shall be given to him, signed by the chairman and secretary of said board: provided, that such application shall be made on or before the thirtieth day of September, nineteen hundred and nine, after which date all action under this section shall cease.

Sec. 2. Any person who is twenty-one years of age and of good moral character, and who shall have been actually engaged in the practice of osteopathy in this commonwealth prior to the first day of January, nineteen hundred and nine, may upon payment of a fee of ten dollars, make application to said board to be examined in the subjects named in section one; Provided, that such application is made on or before September thirtieth, nineteen hundred and nine. If, upon such examination by said board, the applicant shall be found qualified, he shall be registered as an osteopath and shall be entitled to the certificate provided for in section one. An applicant who fails to pass an examination satisfactory to said board, and who is therefor refused registration, shall be entitled, within six months after such refusal, to a re-examination without the payment of an additional fee.

Sec. 3. Persons registered hereunder shall not be permitted to prescribe or administer drugs for internal use, or to perform major operations in surgery, or to engage in the practice of obstetrics, or to hold themselves out, by virtue of such registration, as and for other than osteopaths.

Sec. 4. Any person registered under this act who shall violate any provision of the preceding section shall be subject to the penalties imposed upon unlicensed practitioners by section eight of chapter seventy-six of the Revised Laws.

Sec. 5. The terms "osteopathy" and "osteopathic," as used in this act or in relation to the registration and practice of osteopathic physicians, shall have the same legal construction and meaning as the terms "medicine" and "medi-

cal" as used in chapter seventy-six of the Revised Laws and in acts in amendment thereof, where such construction and meaning shall not be inconsistent with the provisions of section three of this act.

Sec. 6. Section nine of chapter seventy-six of the Revised Laws is hereby amended by striking out the word "osteopaths," in the eighteenth line.

Sec. 7. This act shall take effect upon its passage.

MICHIGAN OSTEOPATHIC LAW.

AN ACT To regulate the practice of osteopathy in the State of Michigan, to provide for the examination, licensing and registration of osteopathic practitioners, to appoint a State Board of Osteopathic Registration and Examination and for the punishment of offenders against this act and to repeal acts and parts of acts in conflict therewith.

The People of the State of Michigan enact:

Section 1. There shall be a State Board of Osteopathic Registration and Examination, consisting of five persons, appointed by the Governor by and with the advice and consent of the senate, in the following manner, to-wit: Within thirty days after the passage of this act, the Governor shall appoint five persons having the qualifications required by this section, who shall constitute the first Board of Osteopathic Registration and Examination. The terms of office shall be so designated by the Governor that the term of one member shall expire each year, these several periods to date from May first, nineteen hundred three. Thereafter, in each year prior to May first, the Governor, by and with the advice and consent of the senate, shall, in the same manner, appoint one person to fill the vacancy to occur on the board on that date, from expiration of term. A vacancy occurring from any other cause shall be filled by the Governor for the unexpired term in the same manner, by and with the advice and consent of the senate, if in session when such vacancy occurs, or in other cases subject to the approval of the senate at its regular session. Each person appointed as a member of the board shall, before receiving his certificate of appointment file with the Governor a certificate of the Michigan State Osteopathic Association, a corporation duly organized under the laws of the state of Michigan, under the seal of its president and secretary, setting forth that the person named in the certificate is a graduate of a reputable school of osteopathy; that he has been engaged in the practice of osteopathy in the state of Michigan for two years or more; that he is of good moral character, and that he is of good standing in his profession. The board shall organize by electing a president, secretary and treasurer, each to serve for a term of one year. The treasurer shall give a bond

in the sum of five thousand dollars, with sureties approved by the board for the faithful discharge of his duties. The secretary shall receive a salary to be fixed by the board of not exceeding six hundred dollars per annum. The members of the board shall each receive their actual expenses for the time actually employed in the discharge of their duties. The board shall have a common seal, and shall formulate rules to govern its actions. Its president and secretary shall have power to administer oaths. The board shall meet in Lansing on the first Tuesday of September of each year, and at such other times as a majority of the board may appoint. Three members of the board shall constitute a quorum but no certificate to practice osteopathy shall be granted on an affirmative vote of less than three. The board shall keep a record of its proceedings, and a register of all applicants for certificates, giving the name and location of the institution granting the applicant the decree of Doctor of Osteopathy, the date of his diploma, and also whether the applicant was rejected or a certificate granted. The books and register of the board shall be prima facie evidence of all matters recorded therein. The board shall create no expense exceeding the sum received from time to time as fees and fines herein provided.

Sec. 2. Any person before engaging in the practice of osteopathy in this state, shall upon the payment of a fee of twenty-five dollars, make application for a certificate to practice osteopathy to the Board of Osteopathic Registration and Examination, on a form prescribed by the board, giving, first his name, age—which shall not be less than twenty-one years—and residence; second, evidence that such applicant shall have, previous to the beginning of his course in osteopathy, a diploma from a high school, academy, college or university, approved by aforesaid board; third, the date of his diploma, and evidence that such diploma was granted on personal attendance and completion of a course of study of not less than three years of nine months each, and such other information as the board may require; fourth, the name of the school or college of osteopathy from which he was graduated, and which shall have been in good repute as such at the time of the issuing of his diploma, as determined by the board. The board may, in its discretion, accept as the equivalent of any part or all of the second and third requirements, evidence of five or more years' reputable practice of osteopathy, by an osteopathic practitioner located in the state at the time of the passage of this act: Provided, such substitution be specified in the certificate. If the facts thus set forth, and to which the applicant shall be required to make affidavit, shall meet the requirements of the board, as laid down in its

rules, then the board shall require the applicant to submit to an examination as to his qualifications for the practice of osteopathy, which shall include the subjects of anatomy, physiology, physiological chemistry, toxicology, pathology, bacteriology, histology, neurology, physical diagnosis, obstetrics, gynecology, minor surgery, hygiene, medical jurisprudence, principles and practice of osteopathy, and such other subjects as the board may require. If such examination be passed in a manner satisfactory to the board, then the board shall issue its certificate granting him the right to practice osteopathy in the state of Michigan. Any person failing to pass such examination may be re-examined at any regular meeting of the board within a year from the time of such failure, without additional fee. Any person engaged in the practice of osteopathy in this state at the time of passage of this act, who holds a diploma from a regular college of osteopathy as determined by the board, and who makes application to the State Board of Osteopathic Registration and Examination before January first, nineteen hundred four, upon the payment of a fee of five dollars, shall receive a certificate from the board without examination, which, when filed with the county clerk in the county where he resides, shall authorize the holder thereof to practice osteopathy in the state of Michigan, but shall not permit him to practice medicine within the meaning of act number two hundred thirty-seven of the public acts of eighteen hundred ninety-nine or acts amendatory thereto: Provided, further, that the board may, in its discretion, dispense with an examination of the case, first, of an osteopathic practitioner duly authorized to practice osteopathy in any other state or territory, or the District of Columbia, who presents a certificate or license issued after an examination by the legally constituted board of such state, territory or District of Columbia, accorded only to applicants of equal grade with those required in Michigan, or, second, an osteopathic practitioner who has been in the actual practice of osteopathy for five years, who is a graduate of a reputable school of osteopathy, who may desire to change his residence to Michigan, and who makes application on a form to be prescribed by the board, accompanied by a fee of twenty five dollars.

The Board of Osteopathic Registration and Examination shall refuse to issue a certificate of Registration provided for in this section to any person guilty of grossly unprofessional and dishonest conduct.

Sec. 3. All fees shall be paid in advance to the treasurer of the board, and by him at once covered into the state treasury to the credit of a continuing fund, which is hereby appropriated for the use of the State Board of Osteopathic

Registration and Examination. The compensation of the secretary and expenses of members and officers of said board, and all expenses proper and necessary in the opinion of said board to discharge its duties under and to enforce the law, shall be paid out of such fund, upon fully itemized bills certified by the president and secretary as having been duly authorized by the board. Such bills shall be presented to the Auditor General who shall draw his warrant upon the State Treasurer for the payment thereof.

Sec. 4. The certificate provided for in section two of this act shall entitle the holder thereof to practice osteopathy in the state of Michigan, but it shall not authorize him to practice medicine and surgery within the meaning of act number two hundred thirty-seven of the public acts of eighteen hundred ninety-nine or acts amendatory thereto: Provided, that nothing in this act shall be so construed as to prohibit any legalized osteopath in this state from practicing medicine and surgery after having passed a satisfactory examination before the State Board of Medical Examiners in the state of Michigan. Osteopathic practitioners shall observe and be subject to the state and municipal regulations relating to the control of contagious diseases, the reporting and certifying of births and deaths, and may have the right to certify to births and deaths.

Sec. 5. Every person holding a certificate from the State Board of Osteopathic Registration and Examination shall have it recorded in the office of the county clerk of the county in which he expects to practice, and the date of the recording shall be indicated thereon. Until such certificate is filed for record the holder shall exercise none of the rights or privileges conferred therein. The county clerk shall keep, in a book provided for that purpose, a complete list of all the certificates recorded by him, with the date of the recording on each certificate. Each holder of a certificate shall pay to the county clerk a fee of one dollar for making such record.

Sec. 6. Any person who shall practice or attempt to practice, or use the science or system of osteopathy in treating diseases of the human body, or any person who shall buy, sell or fraudulently obtain any diploma, license, record or registration to practice osteopathy, or who shall aid or abet in such selling or fraudulent obtaining; or who shall practice osteopathy under cover of any diploma, license, record or registration to practice osteopathy, illegally obtained or signed or issued unlawfully or under fraudulent representations; or who after conviction of felony shall practice osteopathy, or who shall use any of the forms of letters, "Osteopath," "Osteopathist," "Osteopathy," "Osteopathic Practitioner," "Doctor of Osteopathy," "Diplomate in Osteopathy," "D. O.," or any other

titles or letter either alone or with qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of osteopathy, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year or both; Provided, that nothing in this act shall be construed as prohibiting any lawfully qualified osteopathic practitioner in any other state or county meeting a registered osteopathic practitioner in this state for consultation; or any osteopathic practitioner residing on the border of a neighboring state, and duly authorized under the laws thereof to practice, whose practice may extend into this state, and who does not open an office or appoint a place of meeting or receive calls in this state; or any osteopathic practitioner duly registered in one county, called to attend isolated cases in another county. It shall be the duty of the prosecuting attorneys of the counties of this state to prosecute violations of the provisions of this act.

Sec. 7. This system, method or science of treating diseases of the human body known as osteopathy is hereby declared not to be the practice of medicine, or surgery within the meaning of act number two hundred thirty-seven of the public acts of eighteen hundred ninety-nine of the state of Michigan and not subject to the provisions of said act: Provided, that this act shall not apply to any legally qualified medical practitioner practicing medicine and surgery, under act number two hundred thirty-seven of the public acts of eighteen hundred ninety-nine or acts amendatory thereto, nor shall this act apply to masseurs or nurses practicing massage or manual Swedish movements in this state.

Sec. 8. All acts or parts of acts in conflict with this act are hereby repealed.

MICHIGAN MEDICAL ACT.

Act 237 as Amended by Act 358, 1903.

AN ACT To provide for Medical Examination, Registering Licenses, Registering of Physicians and Surgeons, and for Punishment of Offenders against this Act and to Repeal Acts and Parts of Acts in Conflict therewith: (APPROVED JUNE 13th, 1899. AMENDED IN 1903 AND 1905.)

The people of the State of Michigan enact:

Section 1. The governor shall appoint, by and with the advice and consent of the senate, ten resident electors of the State who shall constitute a Board of Registration in Medicine. Not more than five of the persons so appointed shall be from the school for medicine known as regular; not more than two of the persons so appointed shall be from the school of medicine known

as homeopathic; not more than two of the persons so appointed shall be from the school of medicine known as eclectic; not more than one of the persons so appointed shall be from the school of medicine known as physio-medical, and the governor may select such appointees from the latest lists filed in the office of the secretary of state at Lansing by each of the four legally-incorporated State Medical Societies of the schools of medicine as herein mentioned aforesaid, such lists to be certified to under oath by the president and secretary of each society respectively, and such lists to contain at least treble the number of names as each society has representation on the board. But in the event that one or more of the societies above named, through their presidents or secretaries, shall for any cause neglect, omit or refuse to file as aforesaid, such list or lists, then and in that case the governor shall appoint or fill the vacancy in said board without reference to such list or lists which such society or societies have for any cause neglected, omitted or refused to file with the secretary of state as herein mentioned afore; but the number of the representatives of each of the schools of medicine shall be the same as provided for in this Act. All persons so appointed shall be legally registered physicians of the state, shall be graduates in good standing of reputable colleges, and shall have been actively engaged in the practice of medicine in this state for at least six years immediately preceding the time of such appointment. The ten persons so appointed shall be appointed in two classes, each class to consist of five persons. The first class shall consist of those physicians appointed by the governor under Act No. 237, laws of 1899, Oct. 1st, A. D. 1901, who shall serve during the time for which they were so appointed, viz.: to Oct. 1st, 1905; and the second class shall be appointed to hold office for four years beginning with the first day of October of the present year, and both classes shall hold office until their successors are appointed; and thereafter the governor shall appoint, before the first day of October of each biennial period, five persons qualified as aforesaid, in each class, to hold office for four years from the first day of October next ensuing. No member of said board shall belong to the faculty of any medical college or university. The governor shall also fill vacancies occasioned by death or otherwise, and may remove any member for continued neglect of duty required by this Act. Vacancies in said board shall be filled in accordance with the provisions of this Act for the establishment of the original board, and a person appointed to fill a vacancy shall hold office during the unexpired term of the member whose place he fills. The business of said board shall be transacted by and receive the concurrent vote of from at least seven members.

Sec. 2. The members of said board shall meet on the second Tuesday of October, 1899, at the State Capitol at Lansing, and shall then elect a president from their own number, and a secretary who need not be of their number, but each of whom shall hold their respective office for two years, and shall have the power to administer oaths. No less than seven members shall constitute a quorum of said board for transacting business. The secretary shall give to the treasurer of the State a bond in the penal sum of \$5000, with sufficient sureties, to be approved by the governor, for the faithful discharge of his duties. The said board shall hold two regular meetings in each year, beginning with the year 1899; one on the second Tuesday of October, 1899 and one on the second Tuesday of June, 1900, and so on, and such additional meeting at such time and places as it may determine.

Sec. 3. On and after the date of the passage of this act, all men and women who wish to begin the practice of medicine and surgery in any of its branches in this State, shall make application to the State Board of Registration in Medicine, to be registered for a certificate of registration. This registration and certificate shall be granted to such applicants as shall give satisfactory proofs of being 21 years of age and of good moral character, but only upon compliance with at least one of the following conditions contained in subdivisions 1, 2, and 3 of this section;

1. The applicant shall be registered and given a certificate of registration if he shall pass a satisfactory examination before the board on the following subjects: anatomy; physiology; chemistry; materia medica and therapeutics; toxicology; histology; practice of medicine; surgery; obstetrics; gynecology; mental and nervous diseases, diseases of the eye, ear, nose and throat, bacteriology, hygiene, public health laws of Michigan, and medical jurisprudence, said examination to be conducted as follows:

a. The applicant shall pay a fee of \$25 prior to examination; provided, that the examination fee for any medical school in the State of Michigan, approved by said board, shall be the sum of \$10.

b. The examination shall be in writing or oral, or both.

c. The questions in all subjects, except in materia medica, theory and practice of medicine, shall be such as may be answered by all schools of medicine.

d. The applicant shall if possible, be examined in materia medica and theory and practice of medicine by those members of the board or by a qualified examiner appointed by the board belonging to the same school as the applicant, and no applicant shall be rejected because of his adherence to any particular school of practice.

e. An average percent of at least 75 per cent of correct answers shall be required of each candidate. No additional fee shall be charged by this board for the registration of those who successfully pass such examination; Provided, however, That such applicants for examination shall have a diploma from legally-incorporated, registered, and reputable college of medicine within the state, territory, district and province of the United States, or within any foreign nation (provided, such foreign nation accord such a like privilege to graduates of approved medical colleges of this state) having at least a four years course of seven months in each calendar year, as shall be approved and designated by the Board of Registration in Medicine; also, provided, that such applicant shall have, previous to the beginning of his course in medicine a diploma from a recognized and reputable high school, academy, college or university, having a classical course or shall pass an examination equivalent at least to the minimum standard of preliminary education adopted and published by the board before examiner appointed by and in accordance with the regulation of the aforesaid board, and at such time and place as the board may designate; Provided, a student entering a college in Michigan, having a preliminary examination of a standard approved by the Board of Registration in Medicine shall not be required to take this examination: Provided That this requirement for preliminary education shall not apply to those students who, on the date of the passage of this Act, were regularly registered as students of legally-organized and reputable medical colleges approved by said board; And provided also, That the requirements of medical education shall not apply to those graduates of legally-organized and reputable medical colleges approved by said board who had graduated from such colleges, prior to the date of the passage of this Act; and students complying with the other provisions of this section who on January first of the present year were regularly registered as students of legally-organized and reputable medical colleges of this State, approved by said board, may obtain a certificate of registration as graduates of such colleges and without examination by the board upon the payment of a fee of ten dollars.

The Board of Registration in Medicine shall, from time to time, adopt a minimum standard of medical education, and no medical college shall be approved and designated by said board under this subdivision one, of sec. 3, unless in the judgment of the board it conforms to such standard.

2. The applicant shall be registered and given a certificate of registration if he shall present a certified copy of a certificate of registration or license which has been issued to said applicant

in any foreign nation where the requirements of registration shall be deemed by said Board of Registration in Medicine to be equivalent to those in this Act: Provided, such country shall accord a like privilege to holders of certificates from this board. The fee for registration from applicants of this class shall be \$25.

3. The applicant shall be registered and given a certificate of registration if he shall present a certified copy or certificate of registration or license which has been issued to said applicant within the state, territory, district or provinces of the United States where the requirements for registration shall be deemed by the Board of Registration in Medicine to be equivalent to those of this Act, or shall otherwise conform to the rules and regulations as agreed upon by the State Board of which he is a licentiate and said board relative to the recognition and exchange of certificates between states: Provided, such States shall accord a like privilege to holders of certificates from this board. The fee for registration of applicants of this class shall be \$25.

4. If any person shall unlawfully obtain and procure himself to be registered under this section, either by false and untrue statements contained in his application to the Board of Registration in Medicine, or by presenting to said board a false or untrue license or diploma, or one fraudulently obtained, he shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than \$300 nor more than \$500, or imprisonment at hard labor for not less than one year, not more than three years or both, at the discretion of the court, and shall forfeit all rights and privileges obtained or conferred upon him by virtue of such registration as a physician or surgeon.

5. Any person who shall swear falsely in any affidavit or oral testimony made or given by virtue of the provisions of this Act, or the regulations of the Board of Registration in Medicine shall be deemed guilty of perjury, and upon conviction thereof, shall be subject to all the pains and penalties of perjury.

(Subdivision 6, Act, 1895, Amending Sec. 3, Act 237, 1899.)

(Adopted June, 1905.)

6. The Board of Registration in Medicine shall refuse to issue a certificate of registration provided for in this section to any person guilty of grossly improper and dishonorable conduct of a character likely to deceive the public, and said board shall, after due notice and hearing, revoke a certificate issued subsequent to the date of the passage of this Act, or subsequent to the date of the passage of Act 237 of the Public Acts of 1899, for like cause or for causes involving moral turpitude, habitual intemperance, drug habit, or fraud or perjury in connection with

obtaining a certificate of registration, when such offense shall have been legally established by a court of competent jurisdiction: Provided, further, After the passage of this Act, the board may at its discretion, after due notice, revoke any certificate of registration obtained or issued through error or mistake, and may also revoke the certificate of registration, after due notice and hearing, of any regular physician who inserts an advertisement in any newspaper, pamphlet, circular or other written or printed paper, relative to venereal diseases or other matter of any obscene or offensive nature derogatory to good morals, or who for the purpose of procuring patients employs any solicitor, capper, or drummer; or who shall subsidize any hotel or boarding house; or pay or present to any person money or other valuable gift for bringing patients to him.

Sec. 4. The person receiving a certificate of registration shall file the same, or a certified copy thereof, with the county clerk in the county where he resides, and said clerk shall file said certificate or certified copy thereof, and enter a proper memorandum thereof in a book to be provided and kept for that purpose, and may collect therefor a fee of fifty cents for each or copy thus filed. And said county clerk shall, on the first day of each month, furnish to the secretary of said board a list of all certificates filed in his office during the preceding month on a blank provided for that purpose, and upon notice to him of the change in location or death of a person granted a certificate, or upon the revocation of the certificate granted such person, said county clerk shall enter at the appropriate places in the record so kept by him a memorandum of said fact; so that the record so kept by the said county clerk shall correspond with the record of the said board, so kept by the secretary thereof. In case a person having thus filed a certificate shall move to another county in the State, he shall procure from said county clerk a certified copy of said certificate, and file the same with the said county clerk of the county to which he shall so remove. Said county clerk shall file and enter the same with like effect, as if the same was the original certificate.

Sec. 5. All moneys received by said board shall be paid to the state treasurer monthly, and shall be credited to the general fund of the state, and a receipt for the same shall be filed by the secretary of the said board in the office of the auditor general. The incidental and traveling expenses of the said board, and such salary to the secretary as the board may fix, shall be paid from such fund only. The members of the said board, except the secretary shall receive no compensation for their services, except necessary traveling and hotel expenses in attending meetings of said board; and in no case shall any more be paid

than was actually expended. Such incidental and traveling expense shall be approved by said board and sent to the auditor general of the State, who shall draw his warrant upon the state treasurer for the amounts due, as in case of other bills and accounts under the provisions of law, Provided, That the amount so paid shall not exceed the amount received by the treasurer of the State from said board in fees, as herein specified, and as much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of said board as aforesaid.

Sec. 6. Said board shall collect from the various county clerks of the State, each month; a report of all registration made. Said board shall also keep a record of all moneys received and disbursed by it each month, and said record shall always be open to inspection at the office of the secretary of the state.

Said board shall annually report to the Governor, on or before the first day of January of each year, the condition of medicine and surgery in this State, which report shall contain full and complete record of all the official acts during the year, and shall also contain a statement of its receipts and disbursements.

Sec. 7. Any person who shall practice medicine or surgery in this State, who is not the lawful possessor of a certificate of registration issued under and pursuant to act No. 237 of Public Acts of 1899, or the acts amendatory thereto, or without first complying with the provisions of this Act, except as heretofore provided in Sec. 3 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$200, or by imprisonment in the county jail, for a period of not more than six months, or by such fine and imprisonment for each offense. It shall be the duty of the prosecuting attorneys of the counties of the State to prosecute violations of the provisions of this Act.

Sec. 8. This Act shall not apply to the commissioned surgeons of the United States Army, Navy or Marine Hospital Service, in actual performance of their official duties, nor to regularly licensed physicians and surgeons from out of this State, in actual consultation with physicians, of this State, nor to dentists in the legitimate practice of their profession, nor to temporary assistants in cases of emergency, nor to the domestic administration of family medicine, or any legally qualified osteopath engaged in the practice of osteopathy under provision of Act No. 78 of Public Acts of the State of Michigan of 1897, regulating and licensing the practice of osteopathy in the State of Michigan.

Sec. 9. When any person shall append the letters M. B. or M. D. or prefix the title "Dr." or Doctor or any other sign or appellation in a med-

ical sense to his name, it shall be prima facie evidence of practicing medicine and surgery within the meaning of this Act.

Sec. 10. It shall be the duty of the assessing officer at the time of making the annual assessment to make out a list of the physicians residing in the township, village, district, ward, or city, with the name, age, and sex of each, and the length of time each has been engaged in practice. Such list shall be returned by the assessing officer to the county clerk and by the clerk recorded in a book in which are kept the records of the board, and annually on or before the first day of January, such clerk shall furnish certified lists of the same to the secretary of this board.

Sec. 11. An Act entitled: "An Act To Promote Public Health" approved June 6, 1883, and the act amendatory thereto, approved June 27, 1887, except as to all penalties which shall have accrued thereunder, are hereby repealed.

MINNESOTA OSTEOPATHIC LAW.

CHAPTER 369—H. F. No. 429.

AN ACT creating a state board of osteopathic examiners and registration and to regulate the practice of osteopathy in the State of Minnesota, to license osteopathic physicians and to punish persons violating the provisions of this act.

Be it enacted by the legislature of the State of Minnesota:

Section 1. That within thirty days after the passage of this act the governor shall appoint a state board of osteopathic examiners and registration, consisting of five members, one to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years and one to serve for five years and until their successors are appointed and qualified, and one each year thereafter, to the end that each member shall serve five years after the first appointment, who shall be resident osteopathic physicians of good standing in their profession and graduates of legally chartered schools of osteopathy in good standing as such.

Provided that no member of said board shall be a member of the faculty of, or be financially interested in, any osteopathic school.

Said board shall within fifteen days being so appointed assemble at the capitol building in St. Paul, Minnesota, or at such other place as they may determine, and then and there organize by electing a president and secretary from among its members, each to serve for a term of one year and without salary.

Said board shall have a common seal and shall formulate rules to govern its actions. Its president and secretary shall have power to administer oaths.

Said board shall meet at least twice in each year on the second Tuesday of the months of March and September, and at such other times

and such places within this state, as a majority of the board shall deem necessary and convenient.

Three members of the board shall constitute a quorum for the transaction of business. The secretary of the board shall keep a record of its proceedings, and a register of applicants for licenses, giving the name and location of the institution granting the applicant the degree of Doctor of, or diplomat in osteopathy, or his certificate of attendance, the date of his diploma, and also showing whether the applicant was rejected or a license granted. The book and register of the board shall be prima facie evidence of all matters recorded therein.

Sec. 2. Any person engaged in the practice of osteopathy in this state prior to March 1, 1903, shall within sixty days from the passage of this act, make application to the board of osteopathic examiners and registration for a license to practice, and shall exhibit to said board a diploma issued by a legally incorporated and regularly conducted school of osteopathy, and such applicant shall pass an examination in the following branches, to-wit: Anatomy, physiology, urinalysis, symptomatology, pathology, gynecology, obstetrics, chemistry, toxicology, minor surgery, hygiene, dietetics, diagnosis, and theory and practice of osteopathy.

Provided, that the said applicant shall make affidavit that he is the person to whom the said diploma was issued, and that he was engaged in the practice of osteopathy in this state prior to March 1, 1903.

If such diploma or examination be satisfactory to a majority of the board, the board shall issue its license granting him the right to practice osteopathy in this state.

Sec. 3. Any person desiring to commence the practice of osteopathy in the State of Minnesota after March 1, 1903, shall make a written application to the secretary of said board for a license, and appear at its first regular meeting thereafter. The applicant shall furnish evidence of having attended not less than four full courses of five months each at a legally incorporated school or college of osteopathy, recognized by the board, and wherein the curriculum of study shall include instruction in the following branches, to-wit: Anatomy, histology, physiology, pathology, gynecology, obstetrics, chemistry, including urinalysis and toxicology, symptomatology, minor surgery, hygiene, dietetics, diagnosis, and theory and practice of osteopathy, and upon passing an examination in these studies satisfactory to a majority of the board, shall be granted a license to practice osteopathy in this state.

Provided that holders of diplomas or certificates issued after September 1st, 1905, shall furnish evidence of having attended not less than three full courses of eight months each.

no two of which shall be given in any one year, and provided further, that such examination may be waived as to any person or persons who have duly graduated from, and hold the diploma from any legally incorporated school, or college of osteopathy recognized by said board having the curriculum of study herein specified, and who have duly practiced their profession in some other state or territory for a period of not less than two years preceding the date of their application.

Said board may refuse to grant a license to any person guilty of unprofessional or dishonorable conduct, or any person guilty of a felony, or any person addicted to the liquor or drug habit to such a degree as to render him unfit to practice, and may, after notice and hearing (at which the person shall be entitled to appear personally or by attorney, and offer evidence), revoke for any such causes a license theretofore granted. The words "unprofessional or dishonorable conduct" as used in this section are hereby declared to mean:

1. The procuring or aiding or abetting in procuring a criminal abortion.
2. The obtaining of any fee by representing that a manifestly incurable disease can be permanently cured by them.
3. Conviction of any offense involving moral turpitude.
4. Willful betrayal of professional confidence or secrets to the detriment of a patient.

Sec. 4. All applications for licenses shall be accompanied by a fee of twenty dollars and such fee shall not be returned in the event of a failure to pass, but the applicant may, within one year after such failure present himself and be again examined without the payment of additional fee. All fees shall be paid to the secretary of said board and held by him as a special fund for meeting the expenses of said board, but said board shall create no expense exceeding the sum received from time to time, as fees or fines. The compensation and expense of each member and officer of said board shall be paid out of said fund, but in no case shall it exceed five dollars per day, per member, and three cents per mile actually traveled.

Sec. 5. The license provided for by this act shall not authorize the holder thereof to give or prescribe drugs for internal use nor to perform major surgery. Osteopathic physicians shall be subject to the same rules and regulations, both municipal and state, that govern other physicians in the control of contagious diseases, and shall be entitled to all privileges of other physicians in matters pertaining to public health.

Sec. 6. Every person holding a license from the state board of osteopathic examiners and registration shall have it recorded in the office

of the clerk of the district court in the county in which he or she expects to practice, and the date of recording shall be indicated thereon. Until such license is filed for record, the holder shall exercise none of the rights or privileges conferred therein. Said clerk shall keep in a book provided by him for the purpose a complete list of the licenses recorded by him with the date of record of such licenses. He shall be entitled to and receive a fee of one dollar for making such record.

Any person who shall practice or attempt osteopathy in treating diseases or any ailment whatsoever of the human body, or who shall use any of the terms or letters "Osteopath," "Osteopathist," "Osteopathy," "Doctor of Osteopathy," "Diplomat in Osteopathy," or "D. O.," or any other titles or letters under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of osteopathy, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars no more than one hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than six months, or both, in the discretion of the court. All such fines collected shall be paid one-half to the school fund of the county in which such prosecution is had, and one-half to the state board of osteopathic examiners and registration.

If the board or any member thereof has knowledge or notice that this act is being violated, such board or member shall investigate the matter, and upon probable cause appearing, shall file a complaint and institute prosecution against the offender, and it shall be the duty of the county attorney in the county in which such person resides or practices, when requested by said board or member thereof, or otherwise notified of such violation, to take charge of and conduct the prosecution under this act.

Provided, however, that nothing in this act shall be construed as prohibiting, infringing upon, or in any manner interfering with any other school, art, system, or science of healing in this state from the practice of their profession as provided by the laws of the State of Minnesota.

Sec. 7. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Sec. 8. The science of treating diseases, known as osteopathy, is hereby declared not to be the practice of medicine or surgery, within the meaning of existing medical laws of the state.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved, April 21, 1903.

MINNESOTA MEDICAL PRACTICE ACT.

Regulating the Practice of Medicine and Surgery in the State of Minnesota, (Chap. 35, Rev. Code of 1905, in effect March 1, 1906). Sec. 2295-2300.

Sec. 2295. Board of Medical Examiners, Officers, Records:

The State Board of Medical Examiners shall consist of nine qualified resident physicians, appointed by the Governor, each for a term of three years and until his successor qualifies. No member thereof shall serve for more than two successive terms, nor shall any instructor or person financially interested in a medical school be appointed thereto; and it shall at all times include three homeopathic physicians. Vacancies shall be filled by like appointment for unexpired terms. The board shall elect from among their number a president, a secretary, and a treasurer, and shall adopt a seal. It shall hold examinations at the seat of government on the first Tuesday in January, April, July and October of each year, and at such other times as it shall deem best. The secretary shall keep a record of all its proceedings, including a record of all applicants for licensure, giving their ages, a description of their education in medicine; and the result of their examination. Said books and register shall be prima facie evidence of all the matters therein recorded.

Sec. 2296. Examination and Licenses: A person not already authorized to practice medicine in this state, and desiring to do so, shall apply to the secretary of the board of examination, and pay a fee of ten dollars for the use of the board, which in no case shall be refunded. At the time appointed, or at the next regular examination, he shall prove that he has completed four entire sessions of twenty-six weeks each at a medical school recognized by the board, no two sessions having been held in one year; or, if such attendance was prior to the year 1899; three sessions shall suffice. He shall be examined in anatomy, chemistry, histology, obstetrics, pathology, physiology, preventative medicine, the diagnosis and treatment of medical and surgical diseases, and such other branches as the board shall deem advisable.

Sec. 2296. After such examination the board, if seven members thereof con-ent, shall grant him a license to practice medicine. The examination shall be both scientific and practical, and shall thoroughly test the fitness of the candidate. All answers concerning the treatment peculiar to any school of medicine shall be examined, and their sufficiency passed upon, by the members of the board belonging to that school, and their recommendation thereon shall be final. The board may refuse to grant a license to, or revoke the license of, any person guilty of immoral, dishonest, or unprofessional conduct,

but subject to right of applicant to appeal to the Governor.

Sec. 2298. Record of Licenses, Report to Secretary: Before engaging in practice, the holder of a license shall file the same for record with the clerk of the District Court in the county where he resides. On removal to another county he shall there file his license in like manner before engaging in practice therein. Such clerk shall keep, in the record book of such licenses, an index thereof, showing the date and page of record, and in January of each year shall furnish to the secretary of the board a list of licenses so filed. On notice to the clerk of the death or removal of a licensee, or of the revocation of a license, he shall note the same on the record of such license.

Sec. 2299. Exemptions: This subdivision shall not apply to commissioned surgeons of the United States Army or Navy, to physicians of other states in actual consultation here or to students practicing under the direct supervision of a preceptor while they are enrolled in regularly attending a recognized medical school.

Sec. 2300. Practicing Without License, Penalty: Every person not heretofore authorized by law so to do who shall practice medicine in the state without having obtained a license herein provided for, and any person who shall so practice contrary to any provision of this subdivision shall be guilty of a misdemeanor; the minimum punishment whereof shall be a fine of \$50 or imprisonment for ten days. Any person shall be regarded as practicing within the meaning of this subdivision who shall append the letters M. D. or M. B. to his name, or for a fee prescribe, direct or recommend for the use of any fracture or bodily injury, infirmity or disease; provided this section shall not apply to dentists.

MISSISSIPPI MEDICAL ACT.

THE LAW regulating the Practice of Medicine in the State of Mississippi. Chapter 104, Annotated Code 1892.

3243. Duty to Obtain License: Every person who desires to practice medicine must first obtain a license to do so from the State Board of Health. (For penalty see Sec. 1258: If any person shall practice as a physician or surgeon without having first been examined and obtained a license as required by law, he shall, on conviction, be fined not less than \$20 nor more than \$200, or be imprisoned in the county jail not exceeding thirty days).

3244. How Licenses Obtained. Every person who desires to obtain a license to practice medicine must apply therefor, in writing, to the State Board of Health, and must be examined by said board touching his learning in the following branches of medicine only, viz.: Anatomy, chemistry, obstetrics, materia medica, physiology, pathology, surgery and hygiene, and if the applicant be found by the board, on examination,

to possess sufficient learning in said branches and be of good moral character, the board shall at once issue to him a license to practice medicine, which shall be signed by each member who approves of its issuance.

3245. Application for License, What to Contain: That application for license must state: (1) The applicant's name in full; (2) his place of residence and post office address; (3) his nativity and age; (4) the time spent by him in medical studies; (5) the name and post office address of the preceptor under whom medical studies were pursued; (6) courses of medical lectures attended; (7) name of medical school attended; (8) if a graduate of a medical college, name thereof; (9) time spent in a hospital; (10) time spent in the practice of medicine, if any; (11) school or system of practice chosen; (12) references as to his personal character.

3246. Examinations, When, Where and How Conducted: The State Board of Health shall meet at the Capitol on the second Tuesday in the months of May and October in each year for the purpose of examining applicants for license to practice medicine, and shall continue in session until all applicants are examined and the examinations are approved or disapproved. All examinations as to applicant's learning shall be on written questions and answers, and distinction shall not be made between applicants because of different systems or schools of practice that may be chosen.

3247. Fees for Examination: Every person who shall apply for license to practice medicine shall, before he will be entitled to be examined, pay a fee of \$10.25, of which \$10 are to be divided equally between those members of the board who attend and conduct the examination of the applicant, and 25 cents to be paid to the secretary of the board for filing and preserving the application for license.

3248. Form of License: All licenses to practice shall be of such form as the State Board of Health may prescribe, but it shall contain a statement showing the place of residence, post office address and qualification of the applicant, both as to learning and moral character.

3249. Licenses Must be Recorded; Effect of Failure: Every person who receives a license to practice medicine must file it in the office of the clerk of the Circuit Court in the county in which he resides within sixty days from the date of its issuance; otherwise it shall become void. When the license is filed the clerk shall record the same, with his certificate of filing thereto attached, in a suitable book to be kept in his office for that purpose, on the payment by the licensee of the fee provided by law, and, when recorded, he shall deliver the original, on demand, to the licensee. Whenever the licensee shall change the county of his residence and of usual

practice he must, under like penalty, file the original or a certified copy of the license or of the record thereof, in the office of said clerk in the county into which he shall move and practice, within sixty days of the time of such removal, to be there recorded in like manner and under like penalty.

3250. Lost Licenses May be Supplied: If a license to practice medicine be issued and is lost the State Board of Health shall issue a duplicate license in lieu of the one lost.

3251. Temporary Licenses: The secretary of the State Board of Health shall issue under his signature a temporary license to practice medicine to any one to practice medicine, which shall be valid until the next succeeding meeting of the board, for examining applicants, and such license shall show the date of its issuance, otherwise it shall be void. Only one temporary license shall ever be issued to the same person, and it shall always be issued to an individual and not to a partnership. The secretary shall be entitled to 25 cents for such license, and the same shall be recorded as a permanent license is required to be, and under like penalty for failure.

3252. Licenses for Existing Practitioners: Physicians practicing medicine by virtue of license lawfully issued under the laws heretofore in force are not required to obtain license under this chapter, and are entitled to continue the practice by virtue of the license which they now have; but the requirements as to recording licenses shall apply to the license of physicians heretofore obtained.

3253. Females Practicing Midwifery: Females are not prohibited from such practices, but are entitled to engage in them.

3254. Non-Residents: Licensed physicians who are resident without this state and whose practice of medicine extends into it may obtain license to practice medicine in this state without being examined as to their learning, by presenting a written application for license, in the form prescribed, to the State Board of Health, whereupon the secretary of the board shall issue to the applicant a license in the name of the board, for which the secretary shall be entitled to receive a fee of 25 cents, and the license shall be recorded as hereinbefore provided in each county in which the licensee shall practice, with like penalty for a failure to record as in case of a resident physician.

3255. Books, Blanks and Stationery: The Board of Public Contracts shall furnish to the State Board of Health such books, blanks and stationery as may be needed by it in carrying out the provisions of this chapter; and, at the request of the State Board of Health, shall deliver to the secretary of state such record books as the clerk of the Circuit Courts may need, in which to

record the licenses to practice medicine, to be by him promptly and safely transmitted at the cost of the state to such of said clerks as the Board of Health may designate.

MISSOURI OSTEOPATHIC LAW.

(S. B. 417.)

OSTEOPATHY.

AN ACT entitled "An act to regulate the system, method or science of healing known as Osteopathy and as taught and practiced by the American School of Osteopathy, at Kirksville, Missouri, and creating a board of examination and registration for the regulation of the same and providing penalties for the violation of this act."

Section 1. Board of osteopathic registration and examination created—Governor appoint—term—organization—salary of secretary—per diem of members—shall meet when and where—quorum, etc.

Sec. 2. Examination required of applicants to practice—exception—fee.

Sec. 3. Disposition of funds.

Sec. 4. Osteopathic physicians subject to certain regulations.

Sec. 5. Certificate to practice to be recorded.

Sec. 6. Penalty for practicing, etc., without license.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. There shall be a state board of osteopathic registration and examination, consisting of five persons, appointed by the governor in the following manner, to-wit: within thirty days after the passage of this act, the governor shall appoint five persons who shall be reputable osteopathic physicians, having the qualifications required by this section, who shall constitute the first board of osteopathic registration and examination. Their terms of office shall be so designated by the governor that the term of one member shall expire each year, these several periods to date from May 1st, 1903. Thereafter, in each year, prior to May 1st, the governor shall, in the same manner, appoint one person to fill the vacancy to occur on the board on that date, from expiration of term. A vacancy occurring from any other cause shall be filled by the governor for the unexpired term in the same manner. The board shall organize by electing a president, secretary and treasurer, each to serve for a term of one year. The treasurer shall give bond in the sum of one thousand dollars, with sureties approved by the board, for the faithful discharge of his duties. The secretary shall receive a salary to be fixed by the board, of not exceeding fifteen hundred dollars per annum. Members of the board shall not receive exceeding ten dollars per day for the time actually employed in the discharge of his duties. The board shall have a common seal,

and shall formulate rules to govern its actions; its president and secretary shall have power to administer oaths. The board shall meet in Jefferson City on the second Tuesday of July following the passage of this act, and at such other times and place as a majority of the board may appoint. Three members of the board shall constitute a quorum, but no certificates to practice osteopathy shall be granted on an affirmative vote of less than three. The board shall keep a record of its proceedings, and a register of all applicants for certificates, giving the names and location of the institution granting the applicant the degree of doctor or of diplomate in osteopathy, the date of his diploma, and also whether the applicant was rejected or a certificate granted. The books and the register shall be prima facie evidence of all matters recorded therein. The board shall create no expense exceeding the sum received from time to time as fees herein provided.

Sec. 2. Each person shall secure from the board of osteopathic examination and registration a certificate before engaging in the practice of osteopathy in this State. Any person upon the payment of ten dollars, may make application for a certificate to the secretary of the board, on a form prescribed by the board, giving under oath, first his name, age (which shall not be less than twenty-one years), and residence; second, the name of the school of osteopathy from which he or she graduated, and which school shall have been in good repute as such at the time of the issuing of his diploma, as determined by the board; third, the date of his diploma and satisfactory evidence that such diploma was granted, on personal attendance and completion of the course of study of not less than three years, of nine months each, except in case where applicant graduated prior to February, 1907, in which case it must be shown that the diploma was granted on personal attendance of not less than four terms of five months each, and such other information as the board may require, including a certificate of good moral character. The board shall subject all applicants to an examination in subjects of anatomy, physiology, physiological chemistry, toxicology, osteopathic pathology, diagnosis, hygiene, obstetrics and gynecology, surgery, principles and practice of osteopathy, and such other subjects as the board may require; providing that the board may, in its discretion, dispense with an examination in case where an osteopathic physician, regularly graduated from a reputable college of osteopathy and who presents a certificate issued on examination by a legally constituted board of such state, territory, District of Columbia, accorded only to applicants of equal grade with those required in Missouri. The board shall issue to each applicant who correct-

ly answers not less than seventy-five per centum of the questions asked upon each subject of examination a certificate granting him the right to practice osteopathy and shall refuse a certificate to each applicant failing so to do.

Sec. 3. All fees shall be paid in advance to the treasurer of the board, and by him turned into the state treasury to the credit of a fund, which, is hereby appropriated for the use of the state board of osteopathic registration and examination. The compensation and expense of members and officers of said board, and all expenses proper and necessary in the opinion of said board to discharge its duties under and to enforce the law, shall be paid out of such fund, upon the warrant of the auditor of the state, issued upon a requisition and signed by the president and secretary of said board.

Sec. 4. Osteopathic physicians shall observe and 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 such reports shall be accepted by the officer or department to whom such report is made.

Sec. 5. Every person holding a certificate from the state board of examination and registration shall have it recorded in the office of the county clerk in the county in which he expects to practice and in the cities of St. Louis, Kansas City, and St. Joseph, they shall record the same with the same official which records the certificate of graduates of any other school of medicine, and the date of the recording shall be indicated thereon. Until such certificate is filed for record the holder shall exercise none of the rights or privileges conferred therein. The county clerk or city health commissioner shall keep, in a book provided for the purpose, a complete list of all certificates recorded by him, with the date of the recording of such certificates. Each holder of a certificate shall pay to the official a fee of one dollar for making such record.

Sec. 6. Any person who shall practice or attempt to practice or use the science or system of osteopathy in treating diseases of the human body, or any person who shall buy, sell or fraudulently obtain any diploma, license, record or registration to practice osteopathy illegally obtained, or signed or issued unlawfully or under fraudulent representations; or, who after conviction of felony, shall practice osteopathy, or who shall use any of the forms of letters, "osteopathy," "osteopath," "osteopathist," "diplomat in osteopathy," "D. O.," "osteopathic physician," "doctor of osteopathy," or any other title or letters, either alone or with qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of osteo-

pathy, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than five hundred dollars or be imprisoned in the county jail not less than thirty days nor more than one year or both.

Approved, March 27, 1903.

Sec. 7 It shall be the duty of the state board of osteopathic examination and registration to carefully investigate all charges of immoral or illegal action of any one to whom a certificate to practice osteopathy in this state has been issued, and after due notice of time and place being set and the accused given a chance to answer charges, and investigation having been made, and it has been proven beyond a reasonable doubt to at least four members of the board that the accused is guilty as charged of any gross immorality or shielding any one in illegal practice, or is guilty of any criminal or illegal action, or is convicted of any felony then said board shall revoke said certificate.

Approved, March 19, 1907.

MISSOURI MEDICAL ACT.

AN ACT to regulate the practice of Medicine, Surgery and Midwifery, and to prohibit treating the sick and afflicted without a license, and to provide penalties for the violation thereof. Be it enacted by the General Assembly of the State of Missouri as follows:

Section 1. It shall be unlawful for any person not now a registered physician within the meaning of this law to practice medicine or surgery in any of their departments or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, or engage in the practice of medicine and surgery or midwifery in this State.

Sec. 2. The state board of health shall have general supervision over registration of all practitioners of medicine, surgery and midwifery in this State.

Sec. 3. All persons desiring to practice medicine or surgery in this State, or to treat the sick or afflicted as provided in section 1 of this Act, shall apply to the State Board of Health, at such time and place as the board may direct, and shall then be examined as to their fitness to engage in such practice. All persons appearing for examination shall make application in writing to the secretary of the state board thirty days before the meeting. They shall furnish satisfactory evidence of their preliminary qualifications and shall also furnish evidence of good moral character. The medical examination may be made in whole or part in writing, and shall be of an elementary and practical character, but sufficiently strict to test the qualification of the candidate as a practitioner, and shall embrace such subjects as anatomy, chemistry,

physiology, pathology, therapeutics, obstetrics, surgery, practice of medicine, medicine, medical jurisprudence, hygiene and such other branches as the said board may direct. The candidate shall be required to answer 75 per cent of such questions as are asked him before being granted a certificate, provided, however, that the examination of any applicant in therapeutics shall be conducted by the member or members of said board who represent the system of medicine of which such applicant has been a student, the examination in therapeutics shall be conducted by an examiner appointed by the governor of Missouri, but all other than that in therapeutics shall be conducted as heretofore provided in this Act. The State Board shall issue to such persons as they shall find, upon examination, to possess the requisite qualifications, a license to practice medicine and surgery in accordance with the provisions of this Act, and the state board of health shall not be permitted to favor any particular school or system of medicine but all applicants shall be subjected to the same examination and the same degree of proficiency shall be required of all. The board shall examine persons applying for a license, although such person or persons cannot speak the English language, the applicant in all such cases to pay the expense of an interpreter, satisfactory to the board.

Sec. 4. Every person holding a license from the state board of health shall have it recorded in the office of the county clerk of the county in which he resides, and the record shall be endorsed thereon. And the clerk is authorized to charge a fee of one dollar for recording each license, to be paid by the person offering such license for record. Any person removing to another county to practice medicine or surgery shall have his license recorded in the county which he moves to, and the holder of said license shall pay said clerk of said county the usual fee for making the record. The county clerk shall keep in a book provided for that purpose a complete list of the licenses recorded by him with the date of issue. Any person neglecting to record his license as in this section provided, before entering upon the practice, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars, and on failure to record said license for thirty days after such conviction, such person shall be liable to a fine of not less than one hundred dollars.

Sec. 5. Any person, except physicians now registered, practicing medicine or surgery in this State, and any person attempting to treat the sick or others afflicted with bodily or mental infirmities without first obtaining a license from said board of health, as provided in this Act, shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$50 nor more than

\$500 or imprisoned in the county jail not less than 30 days nor more than one year, or by both such fine and imprisonment for each and every offense, and treating each patient shall be regarded as a separate offense. Any person filing or attempting to file, as his own the license of another or a forged affidavit of identification, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such fine and imprisonment as are made and provided by the statutes of the State for the crime of forgery in the second degree. Said fines to be paid into the state treasury when collected.

Sec. 6. In order to provide the means to maintain and carry out the provisions of this Act, the said board shall charge each person applying to and appearing before it for examination for a license to practice medicine and surgery a fee of \$15, and should such examination prove unsatisfactory and the said board refuse to issue a license thereon, the applicant failing to pass such examination may return at any meeting within the next twelve months thereafter and be examined without extra charge, but no temporary license shall be issued to such person. All fees so received from applicants for license shall be paid into the state treasury and shall be held by the state treasurer as a separate fund to be disbursed only in payment of expenses of maintaining said board of health, and said fund is hereby appropriated for said purpose, and no other money shall be paid out of the state treasury for the provisions of this Act. The state auditor shall issue his warrant on the state treasury for payment out of said fund on the certificate of the president and secretary of the state board of health.

Sec. 7. The board may refuse license to individuals guilty of unprofessional or dishonorable conduct, and they may revoke licenses, or other right to practice, however derived, for like cause after giving the accused an opportunity to be heard in his defense before the board. Habitual drunkenness or excessive use of narcotics or producing criminal abortion shall be deemed unprofessional and dishonorable conduct within the meaning of this section, but this specification is not intended to exclude all other acts for which licenses may be revoked, but any person whose license has been or shall be revoked by the board shall have the right to have the proceedings of said board revoking his license reviewed, on a writ of certiorari by the circuit court of the county in which said board held its session when said license was revoked, or to the circuit court or to the clerk thereof in vacation, of the county in which the person whose license shall be revoked resides. Said writ shall issue, upon the petition of the person, whose license shall have been revoked, to said court, or to the clerk thereof in vacation of court and shall command

the said board, or the secretary thereof, to certify to said court the record and proceedings of said board in relation to the revocation of the license of the petitioner, or a complete transcript thereof pertaining to the revocation of said license. The petitioner for the writ of certiorari shall so set forth the rights of the petitioner, and the injuries complained of by him as to show that the petitioner is entitled to the writ and shall be verified by him. If the proceedings of the board shall be sustained or upheld by the circuit court, its order, decision or judgment revoking said license shall remain and continue in full force and effect. Such license pending said review on certiorari shall stand revoked and so remain until the proceedings of the board relating thereto shall be quashed or otherwise annulled by the circuit court on said writ of certiorari.

Sec. 8. Whenever in this Act it is provided that any duty or service shall be performed by any county clerk, such duty or service in the city of St. Louis shall be performed by the health commissioner, as if said officer was specially named to perform these duties and services, and said officer shall receive the same compensation therefor as this Act provides shall be paid to the county clerk; provided, further, that whenever in this Act the word county is used it shall include the city of St. Louis the same as if said city were specially named.

Sec. 9. It is not intended by this Act to prohibit gratuitous service to and the treatment of the afflicted, and this Act shall not apply to commissioned surgeons of the United States army, navy, or marine hospital service.

Sec. 10. It shall be unlawful for any person to practice midwifery in this state before receiving a license to do so. Every person desiring to practice midwifery as a profession shall apply to the state board of health for examination and pay a fee of \$5. And upon passing an examination satisfactory to the state board of health upon the subject of obstetrics, shall receive a license to practice as above provided. It shall be unlawful for any person licensed as a midwife only to engage in the practice of any other branch of medical practice or to advertise herself as a doctor, doctress, or physician, or to use any letters before or after her name, on a sign or otherwise, indicating that she is authorized to, or does engage in any other branch of medical practice. And any person practicing midwifery as a profession or advertising herself as a midwife, without first obtaining the license aforesaid, and any licensed midwife who shall do any acts in this section prohibited shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than \$10 nor more than \$50, or imprisoned in the county jail not more than two months nor less than ten days. Acting in each case shall be deemed a separate offense.

Nothing in this section shall be construed as to require women practicing midwifery to obtain a license when said women do not practice midwifery as a profession, and do not make any charge for their services.

Sec. 11. Article 1 of Chapter 128. Revised Statutes of Missouri, is hereby repealed, and this Act enacted in lieu thereof, and nothing in this Act shall be so construed as to apply to any other existing articles of law.

Approved, March 12th, 1901, and amended in 1907 and in 1909.

MONTANA OSTEOPATHIC LAW.

REGULATIONS OF THE PRACTICE OF OSTEOPATHY IN THE STATE OF MONTANA.

1594. Board of osteopathic examiners. Appointment and term of office. The Governor of this State shall appoint a Board as soon as possible after the passage of this Act, to be known as the State Board of Osteopathic Examiners. Said Board shall consist of three qualified, practicing resident osteopaths, each of whom shall be a graduate of a legally authorized school of osteopathy; each member of said Board shall serve thereon for a term of four years and until his successor is appointed, except in cases of the first Board, on which one shall serve for four years, one for three years, and one for two years, as specified in their appointment. In case of vacancy by death or otherwise, there shall be appointed in like manner a person to serve through such unexpired term (Act approved, March 1, 1905). (9th Sess., Chapt. 51).

1595. Officers of Board. Certificates of Qualification. Said Board of Osteopathic Examiners shall elect a President, a Secretary, and Treasurer on the first Tuesday in March, each year, from among their number, and shall have a common seal, and its President and Secretary shall have power to administer oaths. Said Board shall hold meetings for the examinations at the State Capitol on the first Tuesday in March and September of each year and such other meetings as shall be deemed necessary; each session thereof not to exceed three days, and shall issue certificates of qualification to all applicants having a diploma from a legalized, recognized and regularly conducted school of osteopathy as such, at the time it was issued, or who pass the required examination as provided by Section 1597 (4) of this Act. Said certificates shall be signed by the President and Secretary of said Board, and attended by its seal, and shall be conclusive of the right of the lawful holder thereof to practice osteopathy in this State. Said Board shall keep a record of all proceedings; also a register of all applicants for a license, together with his or her name and age and time spent in the study and practice of osteopathy; and the name and location of the school or institute of osteopathy from which said applicant holds diploma; and shall keep a register

which shall show the names of all applicants licensed; and those who are rejected under this Act. Said books shall be prima facie evidence of all matters recorded therein.

(Act approved March 1, 1905, Sec. 2). (9th Sess., Chap. 51).

1596. Unlawful to Practice Without a Certificate. It shall be unlawful for any person to practice osteopathy in this State without a license from said Board; provided, that all persons practicing osteopathy within this State prior to the passage of this Act, and holding a diploma from a legally authorized school of osteopathy of good repute as such and wherein the course of study comprises twenty months or four terms of five months each and shall have been in personal attendance at said school not less than eighty per cent of the required time, may be licensed to practice osteopathy in the State by submitting to said Board of Osteopathic Examiners such a diploma and satisfying such Board that they are the legal holders thereof, or by undergoing an individual examination as hereinafter provided at a regular meeting of said Board for examination. The fee for such license shall be twenty dollars payable to the Secretary of said Board of Examiners when application is made for certificates; provided that in case of failure of an applicant to pass a satisfactory examination, he will be entitled to a second examination without charge at the next succeeding meeting of the Board; provided, that all graduates of a reputable school of osteopathy who present themselves for examination, and who have graduated later than April, 1907, shall present satisfactory evidence to the Board of having actually attended such a school for a period of not less than three school years of nine months each. (Act approved March 1, 1905, Sec. 3, 9th Sess., Chap. 51).

1597. Temporary Certificates. The Secretary of the Board of Osteopathic Examiners may upon examination, grant a certificate to an applicant to practice osteopathy until the next meeting of said Board when he shall report the facts, at which time the temporary certificate shall expire, but such temporary certificate shall not be granted by the Secretary of said Board after the Board has once rejected the applicant. (Act approved March 1, 1905, Sec. 4). (9th Sess., Chap. 51).

1598. Subjects of Examination. Appeal. All persons, after March first, 1901, commencing the practice of osteopathy in this State, in any of its branches, shall apply to said Board for a license to do so, and such applicant at the time and place designated by said Board, shall submit an examination in the following branches, to-wit: anatomy, physiology, chemistry, pathology, gynecology, obstetrics, and theory and practice of osteopathy, and such other branches

as are taught in well regulated and recognized schools of osteopathy and deemed advisable by said Board and shall present evidence of having actually attended for at least twenty months, or four terms of five months each a legally authorized and regularly conducted school of osteopathy, recognized by said Board of Osteopathic Examiners, except as otherwise provided in Section 1595 (3) of this Act. All examination papers on subjects peculiar to osteopathy shall be examined and their sufficiency passed upon by members of said Board, whose decision shall be final thereon subject, however, to the right of appeal, which appeal shall be to the District Court of the County in which the examination is held and said District Court shall review such examination without a jury and shall have the right to take testimony thereon and the decision of such District Court shall be also subject to the right of appeal to the Supreme Court by any persons aggrieved thereby, and upon such appeal the Supreme Court shall have the right to consider questions of both law and fact, and said Board shall cause such examination to be scientific and practical but of sufficient severity to test the candidate's fitness to practice osteopathy. After examination the Board shall grant a license to such applicants as shall pass the examination to practice osteopathy in the State of Montana, which license shall be granted by not less than two members of such Board attested by the seal thereof. For the support and maintenance of said Board the fee for such examination and licenses shall be twenty dollars, which shall be paid in advance to the Secretary of said Board to defray the expenses thereof. (Act approved, March 1, 1905, sec. 5). (9th Sess., Chap. 51).

1599. Certificate Does not Authorize the Practice of Surgery. The certificate provided for in Section five of this Act shall not authorize the holder thereof to prescribe or use drugs in the practice of osteopathy or to perform major or operative surgery; and any person holding a certificate under this Act, who shall prescribe or use drugs in the practice of osteopathy, or who shall perform major or operative surgery, shall be deemed guilty of a misdemeanor; provided, that nothing in this Act shall be so construed as to prohibit any legalized osteopath in this State from practicing major or operative surgery after having passed a satisfactory examination in surgery before the State Board of Medical Examiners of the State of Montana. (Act approved, March 1, 1905, Sec. 6). (9th Sess., Chap. 51).

1600. Record of License. The person receiving such license shall have it recorded in the office of the County Clerk in the County in which he or she resides, and the record shall be endorsed thereon, in case the person so licensed

shall remove to another county to practice, the holder shall record the license in like manner in the county into which he or she removed, and the County Clerk is entitled to charge and receive the usual fee for making such record. (Act approved, March 1, 1905, Sec. 7). (9th Sess., Chapt. 51).

1601. Practice of Osteopathy Without a License Prohibited. Any person practicing osteopathy in this state without first obtaining a license as herein provided for, or contrary to the provisions of this act, or who, for the purpose of obtaining such license shall falsely represent himself or herself to be the holder of a diploma as herein provided shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, nor less than two hundred and fifty dollars, or by imprisonment in the county jail not exceeding one year, nor less than ninety days; or by both fine and imprisonment for each and every such offense. It shall be the duty of the respective county attorneys to prosecute violations of this act. (Act approved, March 6, 1907, Sec. 1). (10th Sess., Chapt. 112).

1602. Revocation of Certificate. Any such certificate may be revoked by said Board, upon satisfactory proof of fraud, or misrepresentation in procuring the same, or for any violation of the provisions of this Act or any gross immorality by the holder of such certificate. (Act approved, March 1, 1905, Sec. 9). (9th Sess., Chaps. 51).

1603. Compensation of Board. Out of the funds coming into the possession of said Board each of the members of said Board may receive as compensation the sum of five dollars for each day actually engaged in the duties of their office, together with all legitimate expenses incurred in attending the meetings of said Board. No part of the compensation or other expenses of said Board shall be paid out of the State Treasury. The fees coming into the Treasury of said Board shall be paid out upon a warrant of the President and Secretary thereof in payment of the compensation and expenses of said Board in carrying out the provisions of this Act. Such Board shall make an annual report of its proceedings to the Governor of the State for the year ending on the thirty-first day of December preceding the making of said report. Said report shall be filed with the Governor on or before the fifteenth day of January of each year. (Act approved, March 1, 1905, Sec. 10). (9th Sess., Chapt. 51).

1604. Graduates may be Licensed Without Examination. Every graduate of a reputable school of osteopathy who has been strictly examined and thereafter licensed to practice osteo-

pathy in another state, may be licensed to practice osteopathy in this State upon the production, to the Board, of his or her diploma, and the license obtained in such other state and satisfactory evidence of good moral character, and the payment of all legal fees required of other applicants; but the Board may examine the applicant as to his or her qualification. (Act approved, March 1, 1905, Sec. 11). (9th Sess., Chapt. 51).

1605. Definition of the Term Practicing Osteopathy. Every person shall be deemed practicing osteopathy within the meaning of this Act who shall,

(a) Attend to, or use in connection with his or her name the words "Doctor of Osteopathy, or Diplomat in Osteopathy or Osteopath, or Osteopathist, or Osteopathic Practitioner, or Osteopathic Physician," or words of like import, or any abbreviation thereof, or the letters "D. O.," or who shall, (b) Profess publicly to, or who shall, either on his own behalf, in his own name, or in his trade name, or in behalf of any other person, corporation, association, partnership, either as manager, bookkeeper, practitioner, or agent, treat, cure, alleviate or relieve any ailment or disease of either mind or body or cure or relieve any fracture or misplacement or abnormal condition or bodily injury or deformity, by any treatment or manipulation or method of manipulating a human body or any of its limbs, muscles or parts, by the use of the hands, or mechanical appliances, in an effort or attempt to relieve any pressure, obstruction, misplacement or defect, in any bone, muscle, ligament, nerve, vessel, organ or part of the body after having received, or with the intent or expectation of receiving therefor either directly or indirectly any bonus, gift or compensation whatsoever. Provided, however, that nothing in this Section shall be construed to restrain or restrict any legally licensed physician or surgeon in the practice of his profession. (Act approved, March 1, 1907, Sec. 2). (10th Sess., Chapt. 112).

1616. Osteopathy not the practice of medicine. The system, method, or science of treating diseases of the human body, commonly known as osteopathy is hereby declared not to be the practice of medicine or surgery within the meaning of Sections 1595 (600), 1586 (601), 1587, 1588, 1589 (604), 1790 (605), 1591, 1592 and 1593 (608), of Article V., Chapter 1, Title VII, Part III, of the Political Code of the State of Montana, and not subject to the provisions of said Sections and Section 8544 (706), Title 10, of the Penal Code of the State of Montana, and not subject to the provisions of said Section. (Act approved, March 1, 1905). (9th Sess., Chap. 51).

MONTANA MEDICAL ACT.

ARTICLE V.

REGULATIONS OF THE PRACTICE OF MEDICINE.

STATE OF MONTANA.

1585. (Sec. 600). Qualifications, appointment and Term. The Governor, with the advice and consent of the senate, shall appoint seven learned, skilled, and capable physicians, who shall have been residents of the state of Montana for not less than two years preceding their appointment, not more than two of whom shall be from the same county, and who have attended three courses of lectures, and are graduates of accredited colleges of medicine, who shall constitute the board of examiners for the purposes of this act. The physicians so appointed shall hold their respective offices for seven years; Provided, That the terms in office of those constituting the present board shall not be affected by the provisions of this act; and the terms of their successors shall be so arranged as to succeed the present incumbents as their terms expire; and Provided, also that all vacancies occurring shall be likewise filled by appointment by the Governor by the advice and consent of the senate. Appointments made when the senate is not in session shall take effect immediately, and may be confirmed at the next ensuing session. (Act approved, March 13, 1895).

1586. (Sec. 601). Organization of Board. Register. The board of medical examiners must, on the first Tuesday of April of each year, elect from among their number a president, secretary and treasurer, and must have a seal. Four members of said board shall constitute a quorum. The president and secretary have the power to administer oaths in examination of applicants for certificates, and witnesses called before the board in the transaction of business under the provisions of this act. The board of examiners must hold meetings for examinations at the seat of government on the first Tuesday in April and October of each year, and at such other times and at the same and other places as the board may determine. The board must keep a record of all proceedings thereof and also a register of all applicants for a certificate, with the age of the applicant, time spent in the study of medicine, and the name and location of all the institutions granting to such applicant degrees or certificates of lectures attended in medicine or surgery. The register must show whether such applicant was rejected, or has received a certificate under this act; such register is prima facie evidence of all the matters therein kept. (Act approved, March 13, 1895).

State v. Court 19 Mont. 506; 48 Pac. 1104.

1587. Examination of Applicants. Every person hereafter wishing to practice medicine or surgery in any of the departments of this State shall apply to said Board for a certificate so to do.

Every person applying shall present his or her diploma to the said Board of Examiners for verification as to its genuineness; if the diploma is found to be genuine, and is issued by a medical school legally organized and in good standing whose teachers are graduates of a legally organized school, which fact said Board of Examiners shall determine, and if the person presenting and claiming said diploma be the person to whom the same was originally granted, at the time and place designated by said Board or at a regular meeting of said Board said applicant shall submit to an examination in the following branches, to-wit: anatomy, physiology, materia medica, therapeutics, practice of medicine, surgery, obstetrics, diseases of women and children, diseases of the nervous system, diseases of the eye and ear; and present evidence of having attended four courses of lectures of at least six months each but such evidence of having attended four courses of lectures shall not be required of the applicants graduating prior to July 1st, 1898. Said Board shall cause such examination to be both scientific and practical, of sufficient thoroughness and severity to test the candidate's fitness to practice medicine and surgery; when desired, such examination may be conducted in the presence of the dean of any medical school, or the president of any medical society in this State. After examination, such Board, if the candidate has been found qualified, shall grant a certificate to such candidate to practice medicine and surgery in the State of Montana; which said certificate can be granted only by the consent of not less than four members of said Board, and which said certificate shall be signed by the president and secretary of said Board and attested by the seal thereof; provided, however, that in all cases where an applicant for a certificate under this section shall produce and exhibit to said Board of Examiners a certificate from a Board of Medical Examiners duly appointed and existing under the laws of any state of the United States and recognizing certificates or licenses from this state certifying to the fact that the person presenting such certificate is duly and well qualified to practice medicine and surgery in the state issuing said certificate, and that said Board issuing said certificate has subjected the applicant to a thorough examination to ascertain this fact, or certifying to the fact that the person presenting such certificate is duly and well qualified to practice medicine and surgery in the state issuing said certificate; and to the further fact, if such is the case, that said applicant was exempt from examination under the provisions of the law of said state by reason of his residence in said state in the active practice of medicine and surgery at the time of the passage in said state of said law requiring the examination of

applicants to practice medicine and surgery; he or she may at the discretion of said Board of examiners upon paying the fee required of applicants for examination under the provisions of Section 1592 (607) of this article, and otherwise complying with all the requirements of this article, receive from said Board of Examiners a certificate to practice medicine and surgery within this state, and upon filing said certificate with the County Clerk of the county in which he resides, as is provided in Section 1589 (604) of this article, he shall be a legally qualified practitioner of medicine and surgery in this state; provided, also, that during any period intervening between the sessions of said Board of Examiners, any person desiring to practice medicine in this state may present his or her diploma to the president or secretary of said Board who may issue a certificate good until the next regular meeting of said Board; and provided further, that all physicians and surgeons who hold certificates granted by the now existing Board of Medical Examiners, or who are now legally entitled to practice medicine and surgery in this state shall be exempt from the provisions of this Section. (Act approved Feb. 23, 1903). (8th Sess., Chap. 13).

1588. Examination of applicants for certificates; revocation of certificates. Appeals from decision of board. No person not heretofore licensed to do so shall be permitted to practice medicine in the State of Montana unless he shall have first been subjected to a thorough examination as to his qualifications, learning and professional skill by the State Board of Medical Examiners, nor until he has been issued a certificate by such Board after such examination admitting him to practice as a physician and surgeon in the State of Montana. The Board may refuse to grant a certificate for unprofessional, dishonorable or immoral conduct. Before a certificate can be refused for such cause, the Board must serve in writing upon the applicant a copy of any charge or charges against him, and appoint a day for a hearing, at which the applicant or any witness in his behalf may appear and give testimony in refutation of such charges. In case the Board, after such hearing refuse a certificate to the applicant, the decision specially stating the ground upon which such refusal was made must be reduced to writing and a copy thereof delivered to the applicant upon demand. Upon a like hearing the Board may refuse a certificate to anyone who may publicly profess to cure or treat disease, injury or deformity in such a manner as to deceive the public. The hearing provided for herein must take place within twenty days after the service of the copy of the charges upon the applicant, unless further time is granted to the applicant, and the decision of the Board must not be later

than ten days after the day of hearing. If the decision is not rendered within said period of ten days the applicant is not subject to any penalties for practicing without a certificate during the time that elapses before the decision is made. The Board, with the concurrence of four members thereof, may revoke a certificate for unprofessional, dishonorable or immoral conduct. Before such revocation can take place, a written complaint specifically stating the charges against the person whose certificate is sought to be revoked must be delivered to the Board and a copy thereof be served upon such person twenty days before the time fixed by the Board for the hearing of such charges. The Board must fix the time and place for the hearing, at which the person charged may appear and produce testimony in refutation of such charges. If after such hearing, the Board revoke the certificate of such person, the ground upon which such revocation is made must be specifically stated by the Board in writing and a copy thereof delivered, on demand, to the person whose certificate is revoked. In all cases of the refusal or revocation of a certificate to practice medicine by said Board, the person aggrieved thereby may appeal from the decision of the Board as hereinafter provided. An appeal may be taken from the action of the State Board of Medical Examiners in refusing to issue a certificate to practice medicine and surgery to any applicant after examination or from the action of said Board in revoking the certificate of any physician or surgeon, to the district court of the county in which such revocation or refusal was made. The appeal is taken by serving notice of appeal upon the Secretary of the Board of Medical Examiners and the Attorney General of the State within thirty days after notice from the Board of medical Examiners of its decision, and by filing within the same time with the clerk of the proper district court, a verified copy of the decision from which appeal is taken, together with a verified copy of any charge or charges preferred against the applicant and filed with the Board of Medical Examiners. The appellant is required, at the time of filing such appeal, to furnish and file with the clerk of the court a good and sufficient bond to be approved by the clerk of the court, with two good and sufficient sureties, in the sum of three hundred dollars, guaranteeing the payment of all costs of the appeal should the case be decided against the appellant, and the costs shall consist of the sheriff's fees for serving jurors, juror's fees, and the fees of the clerk of the court. Such appeal shall thereafter be tried by the district court before a jury of six physicians—not less than two of whom shall be of the same school of medicine as the appellant—and in case the jury cannot be obtained in the county where

the case is tried, the judge of such court shall order subpoenas for physicians from any adjoining county or counties which subpoenas shall be served by the sheriff of such adjoining county upon receipt, after the clerk of the court where the subpoena is issued shall have sent by registered mail, such subpoena to such sheriff. Bias or prejudice or fixed opinion shall constitute a ground of challenge to a juror for cause, and the appellant and the Medical Board shall each have the right to pre-emptorily challenge not more than two of such jurors. When the jury shall have been selected and sworn to try the case, they constitute a higher examining board for the purpose of inquiring into whether or not the judgment of the Board of Medical Examiners should be affirmed or overruled upon the issues presented to such Board, and such jury may make such examination of the appellant as they may deem necessary or desirable. It shall take four of the jury to render a verdict, and no member of the Medical Board is qualified to act as a juror. The Attorney General is hereby made the attorney for said Board. Jurymen subpoenaed under this Act shall be entitled to mileage at the rate of ten cents per mile for each and every mile by them actually traveled in attending upon the court, and to three dollars per day for their services. (Act approved, March 5, 1907). (10th Sess., Chap. 100).

1589. (Sec. 604). Certificate must be Recorded. Every person obtaining a certificate from the Board, must, within sixty days from the date thereof, have the same recorded in the office of the county clerk in the county wherein he resides; if he removes from one county to another to practice medicine or surgery, his certificate must immediately be recorded in the county to which he removes. The county clerk must indorse upon the certificate the date of record, and he is entitled to charge and receive his usual fee for such services, the fee to be paid by the applicant. Until the certificate be recorded, as provided by this section, the physician practicing under it is subject to the penalties prescribed in the penal code for practicing without a certificate. (Act approved, March 13, 1895).

1590. (Sec. 605). Exceptions. This act shall not apply to midwives of skill and experience, commissioned surgeons of the United States army and navy in the discharge of their official duties, nor to physicians and surgeons in actual consultation from other states and territories. (Act approved, March 13, 1895).

1591. Practicing medicine without a certificate; penalties. Any person practicing medicine or surgery within this State without first having obtained a certificate to practice as provided by law, and after his certificate to practice has

been revoked, or contrary to the provisions of this Act, shall for each violation of the provisions of this Code, or any Act relating to the practice of medicine or surgery in this State, be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars nor less than two hundred and fifty dollars, or by imprisonment in the County Jail not exceeding one year, nor less than ninety days, or by both said fine and imprisonment, as the court may determine. Any person shall be regarded as practicing within the meaning of this Act who shall append or affix the letters M. B. or M. D., or the title of Dr. or Doctor, or any other sign or appellation in a medical sense to his or her name, who shall publicly profess to be a physician or a surgeon, who shall publicly profess either on his own behalf, in his own name, in his trade name, or on behalf of any other person, corporation, association, partnership, either as manager, bookkeeper, solicitor or other agent, to cure, treat, relieve, or palliate, any ailment, disease or infirmity of the mind or body of another by using or prescribing any drug, medicine or surgical treatment or who shall recommend, prescribe or direct for the use of any person any drug, medicine, appliance, apparatus or other agency, whether material or not material, for the cure relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture or bodily injury or other deformity after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift, or compensation; provided, however, that nothing in this Section shall be construed to restrain or restrict any legally licensed osteopathic practitioner practicing under the laws of this State. Nothing in this Act shall prohibit any legally licensed pharmacist or mercantile dealer from selling any drugs or medicines which are now allowed to be sold under the laws of the State of Montana or the United States. (Act approved, March 5, 1907). (10th Sess., Chap. 101).

1592. Fees for Examination before State Board. Candidates for examination shall pay in advance to the Secretary of the Board of Medical Examiners a fee of Twenty-five Dollars, which fee shall defray the entire expense of said candidates for examination before the aforesaid Board of Examiners. Any one failing to pass the required examination shall be entitled to a second examination within six months, without fee. And the money so received shall be turned over to the State Treasurer, to be by him deposited in the Medical Board fund, as herein-after provided. (Act approved, March 6, 1907). (10th Sess., Chap. 114).

1593. (Sec. 608). Compensation. Medical Board Fund. Each member of the board is hereby allowed the sum of five dollars per day

and mileage while in the active and necessary discharge of his duties. And there is hereby established a fund to be known as the medical Board Fund. And a sum of fifteen hundred dollars is hereby annually appropriated out of any moneys in the State Treasury not otherwise appropriated to meet the expenses incurred in carrying out the provisions of this act. The state treasurer is hereby directed and required to set such sum apart to the credit of such fund, subject to the orders and disbursements as herein provided for. The money in such fund shall only be paid out by warrant on said fund on an order drawn by the secretary of said board, countersigned by the president. The rate of mileage and attendance before said board shall be the same as is now allowed in justice of the peace courts. And the board must report annually on the first Monday in November to the Governor, which report must show all transactions of the board, giving the number of applications received, and from whom received, the number of certificates granted and rejected, and the names of those receiving certificates and those rejected, giving the reasons therefor, the amount of money received, the expenses, the fees and mileage paid and by whom received, and the amount of money remaining in said fund. (Act approved, March 13, 1895).

NEBRASKA OSTEOPATHIC LAW.

AN ACT to authorize the practice of osteopathy in the State of Nebraska, and to authorize the examination and licensing of osteopaths or those who practice the science of osteopathy, and for that purpose to authorize the Governor to appoint Examiners to assist him in the execution of this Act, said examiners to be and constitute and be known as the State Board of Osteopathy, and to provide penalties for the violation of this Act, and to repeal Sections 20, 21, 22, 23, 24, 25, 26, 27 and 28 of Chapter 55 of the Compiled Statutes of the State of Nebraska for 1907.

Be it Enacted by the Legislature of the State of Nebraska:

Section 1. The Governor of the state is authorized and required to cause to be examined and licensed to practice all persons, citizens or residents of the state following the profession of osteopathy or desiring to follow the same, and for that purpose he is authorized and required within thirty days after this act shall take effect to appoint five examiners from a list of ten or more names to be submitted to him by the Nebraska Osteopathic Association; one shall be appointed for one year; one for two years; one for three years; one for four years, and one for five years, and thereafter every year the Governor shall appoint one such examiner for a term of five years from a list of not less than three recommended by the Nebraska Osteopathic

Association. The Governor and said Examiners so appointed shall be known and constitute the State Board of Osteopathy.

The governor shall appoint a secretary of such Examining Board and treasurer thereof whose terms shall expire with the terms of such persons so appointed, and the governor shall appoint from time to time succeeding secretaries and treasurers of said Board. The governor shall be President of the Board but the examiners so appointed shall elect one of their number to preside in the absence of the governor whose office shall be that of Chairman of the State Board of Osteopathy.

Each examiner shall hold office until his successor in office is appointed and qualified; said examiners shall be at the time of their appointment actually engaged in the practice of osteopathy in the state of Nebraska and shall have been so engaged at least four years immediately prior to the taking effect of this act.

The governor may remove, after due notice and hearing, any of the examiners herein provided for, for neglect of duty or other cause deemed sufficient by him, and in the event of the death, resignation or removal of any examiner the vacancy for the unexpired term of said examiner shall be filled in the same manner as other appointments are made.

The secretary and treasurer shall give bond to be approved by the governor and in any such sum as the Examiners may from time to time determine for the faithful performance of their respective duties. The examiners shall have a common seal upon which there shall be the words, "Nebraska State Board of Osteopathy" and they shall formulate rules to govern their actions, and the Chairman and secretary are hereby empowered to administer oaths.

Said examiners shall meet in the City of Lincoln at the call of the governor or the Chairman in the month of July of each succeeding year and at such times and place as the majority of the examiners may designate. Three examiners shall constitute a quorum and no certificate to practice osteopathy shall be authorized on the affirmative vote of less than three of the examiners. The secretary shall keep a record of the proceedings of all meetings of the examiners and a register of all applicants for certificates, giving the name and location of the institution granting the applicant the degree of Doctor of, or Diplomat in, osteopathy, together with the date of such diploma and date of registration of the applicant or granting of the certificate. The records and registers of such Board shall be prima facie evidence of all matters recorded therein.

Sec. 2. Any person not licensed in this state previous to the taking effect of this Act, before engaging in the practice of osteopathy in this

state shall make application for a certificate to practice accompanied by a fee of Twenty-five Dollars. Said application must be upon forms furnished by the Secretary of the Board and include,—

First. The name and residence of the applicant.

Second. The date of Applicant's diploma and evidence that such diploma was granted on personal attendance and completion of a course of not less than three terms of nine months each in three separate years.

Third. The name of the school or college of osteopathy from which said applicant is a graduate, which said school must be in good repute at the time of granting such diploma. Provided, however, that an applicant's certificate issued by a reputable school of osteopathy to a graduate of a reputable school of medicine after attendance of two terms of not less than nine months each in two separate years, or a twenty months graduate from a recognized Osteopathic College graduating previous to January 1st, 1908, may be accepted in lieu of the foregoing three years requirement.

The examiners may in their discretion accept as the equivalent of any number or of the second and third requirements, evidence of five or more years reputable practice of osteopathy provided such substitution be specified in their certificate. If the facts thus set forth and to which the applicant shall be required to make affidavit shall meet the requirements prescribed by the rules of the said Board of Examiners, the applicant shall be entitled to take the examination before such Board of Examiners as to his qualifications for the practice of osteopathy, which shall include the subjects of anatomy, physiology, chemistry, toxicology, pathology, osteopathic diagnosis, hygiene, obstetrics, gynecology, surgery, principles and practice of osteopathy, and such other subjects as may be required by the Board of Examiners. If such examination is passed in a satisfactory manner, which must be on the basis of 75 of a possible 100%, then the applicant shall be entitled to a certificate finding that he is entitled to a license to practice osteopathy in the State of Nebraska, which said certificate shall be signed by the Chairman of the Board and attested by the secretary with the seal of the Board affixed. Upon the presentation of such certificate of the Chairman and Secretary to the governor, the governor shall thereupon issue the license to practice osteopathy in the State of Nebraska as herein provided.

Any person failing to pass such examination may be re-examined at the next regular examination within one year from the time of such failure without additional fee. Provided, the examiners may in their discretion dispense with the examination in the case, first, of an osteopathic

physician duly authorized to practice osteopathy in any other state or territory or the District of Columbia who presents a certificate or license issued after the examination by the legally constituted Board of such state, territory or District of Columbia accorded only to applicants of equal grade with those required in this state; or second, an osteopathic physician who has been in the actual practice of osteopathy for five years, who is a graduate of a reputable school of osteopathy who may desire to change his residence to this state and who makes application on a form to be prescribed by the Board, accompanied by a fee of Twenty-five Dollars. A special permit may be granted by the secretary to an applicant deemed by him eligible, but such special permit shall not operate beyond the date of the succeeding regular or special meeting of such Examiners. In all of the provisions above the fee shall be the same as charged to applicants for examination.

A certificate may be refused to any person convicted of felony or gross unprofessional conduct or to one addicted to any vice to such a degree as to render him unfit to practice osteopathy, and for like reasons the certificate will be revoked upon due notice and hearing.

In all of such cases provided for in this proviso the Board shall make a like finding as upon examination of an applicant and certify to the governor and if they find the applicant is entitled to a license as herein provided for, they shall certify that fact to the governor, whereupon the governor shall issue to the applicant a license to practice osteopathy in the state of Nebraska as provided for in this Act.

In all cases of examination and all proceedings of the Board upon applications to practice osteopathy the findings of the Board shall be entered upon the secretary's record.

Sec. 3. All fees shall be paid in advance to the secretary of the Board and by him turned over to the treasurer within thirty days thereafter. Such fees to be held by the treasurer as a fund for the uses herein provided. And the compensation of the examiners herein provided for and all expenses proper and necessary in the opinion of the Board of Examiners to discharge the duties herein enjoined shall be paid out of such fund upon the warrant of the chairman and secretary of the Board, and no expenses shall be created to exceed the income fees or fines as herein provided. The compensation of the examiners shall be fixed by the Board and shall not exceed Fifteen Dollars per day together with railroad and hotel expenses to be paid out of the funds in the hands of the treasurer of the Board, and only to the extent of such funds.

Sec. 4. Osteopathic physicians shall observe and be subject to all state and municipal regulations relative to reporting all births and deaths

and all matters pertaining to the public health the same as physicians of schools of medicine and such reports shall be accepted by the officers of the department to which the same are made.

It shall be the duty of the Nebraska State Board of Health to notify the State Board of osteopathy of any changes in the law pertaining to births, deaths and to public health.

Sec. 5. Every person holding a certificate or license as herein provided shall have the same recorded in the office of the County Clerk of the County in which such person expects to practice and until such certificate is filed for record the holder shall exercise none of the rights or privileges therein conferred. The County Clerk of such county shall keep in a book for such purpose, a complete list of all certificates recorded by him with the date of recording of each certificate, for which the said County Clerk shall receive a fee of One Dollar to be accounted for as part of the income of such office.

Sec. 6. Any person who shall falsely represent himself to be a qualified osteopath or shall practice or attempt to practice osteopathy or to use the science or system of osteopathy in treating diseases of the human body without having first complied with the provisions of this act and obtained a license to so practice, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-five nor more than One Hundred Dollars, or be confined in the county jail not less than three months nor more than six months.

Any person who for the purpose of deceiving shall use any form or letters resembling the word "Osteopath" shall be deemed guilty of misdemeanor and upon conviction be fined in any sum not less than Twenty-five Dollars nor more than One Hundred Dollars or be confined in the county jail not less than three months nor more than six months.

Sec. 7. The term school or college of osteopathy in good standing shall be defined as follows,—Legally chartered osteopathic school or college requiring before admission to its course of study a preliminary examination in all the common branches and in Latin; shall further require as a requisite for granting the degree of Diplomat or Doctor of Osteopathy, an actual attendance at such osteopathic school or college of at least twenty-seven months or three terms of nine months each, its course of study to include anatomy, physiology, toxicology, chemistry, histology, hygiene, pathology, surgery, physical diagnosis, symptomatology, obstetrics, gynecology, medical jurisprudence, osteopathic therapeutics and theory and practice of osteopathy, and especially requiring clinical instruction in the principles and practice of osteopathy of not less than four hours per week in the last

year of its course, and having a full faculty of professors to teach the studies of its course.

The foregoing requirements shall be legally published in each catalogue of such osteopathic school or college.

Sec. 3. That sections 20, 21, 22, 23, 24, 25, 26, 27, and 28 of Chapter 55 of the Compiled Statutes of the State of Nebraska for the year 1907, as the same exist be and the same are hereby repealed.

Sec. 9. Whereas, an emergency exists demanding that this act shall take effect at once, therefore this act shall be in force and effect from and after the date of its passage and approval. (Amended).

The certificate granted in this act shall not authorize the holder thereof to prescribe or use drugs in the treatment of diseases.

NEBRASKA MEDICAL ACT.

From the Compiled Statutes of Nebraska, 1905, Chap. 55—Medicine.

4315. Sec. 1. Board of Health. There shall be established in the State of Nebraska a board to be styled The State Board of Health. Said board shall consist of the Governor, Attorney General and Superintendent of Public Instruction, and the Governor shall be ex-officio chairman of the board.

4316. Sec. 2. Meetings. Said board shall meet on the call of the Governor and within thirty days after the approval of this Act, and shall meet thereafter as often and at such times as the Governor may from time to time designate.

4317. Sec. 3. Secretaries. Said board shall within sixty days after the approval of this Act appoint four secretaries, who shall be graduate physicians of at least seven years consecutive practice, who shall be at the time of their appointment actually engaged in practice in the State of Nebraska; one of whom shall be appointed for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and thereafter it shall be the duty of said board to appoint or re-appoint one secretary every year as the terms of those theretofore appointed shall expire, but each secretary shall continue in office until his successor shall have been appointed. Said appointments shall be made so that of said secretaries two shall be physicians of the so-called regular school, one physician of the so-called homeopathic school, and one a physician of the so-called eclectic school.

4318. Sec. 4. Same, Powers, Duties. Said secretaries shall have power, and it shall be their duty, to assist and advise said board in the performance of its duties as prescribed by this Act, to summon witnesses and take testimony in the same manner as witnesses are summoned and testimony taken under the Code of Civil Pro-

cedure, and to report said testimony to the board together with their findings of facts and recommendations on all matters coming before the board requiring evidence for their determination except as hereinafter provided.

4319. Sec. 5. Same, Certificates. It shall be the duty of said board to see that all the provisions of this Act are strictly enforced, and to grant certificates as herein provided, and to cause to be prosecuted all violations of this Act. Said board shall have the use of a common seal and may make all necessary rules, regulations and by-laws not inconsistent with the Constitution and law of this State and of the United States to enable it to perform its duties and transact its business under the provisions of this Act.

4320. Sec. 6. Quorum. A majority of said board shall constitute a quorum for the transaction of business.

4321. Sec. 7. Who May Practice. Examinations. It shall be unlawful for any person to practice medicine, surgery or obstetrics, or any of the branches thereof, in this State without first having applied for and obtained from the State Board of Health a license so to do. Applications therefor shall be in writing and shall be accompanied by the examination fee hereinafter specified and with proof that the applicant is of good moral character. Applications from candidates who desire to practice medicine and surgery in any or all of their branches shall be accompanied by the proof that the applicant is a graduate of a medical school or college in good standing as defined in section 8 of this Act. When the application aforesaid has been inspected by the board and found to comply with the foregoing provisions, the board shall notify the applicant to appear before it for examination at the time and place mentioned in such notice. Examinations may be made wholly or partly in writing by the board and shall be of a character sufficiently strict to test the qualification of the candidate as a practitioner. The examination of those who desire to practice medicine and surgery in any or all of their branches shall embrace those subjects and topics, a knowledge of which is commonly and generally required for candidates for the degree of doctor of medicine, by reputable medical colleges in the United States. All examinations provided for in this Act shall be conducted under rules and regulations prescribed by the board, which shall provide for a fair and wholly impartial method of examining. It is also provided that examinations on practice of medicine and therapeutics shall be conducted by the member or members of the board of secretaries who are of the same school of medicine as that of the applicant. And it is further provided that the State Board of Health may, at their discretion,

admit, without examination, legally qualified medical practitioners who hold certificates to practice medicine in any state with equal requirements of those of the State of Nebraska.

4322. Sec. 8. Medical School Defined. The term medical school or college in good standing shall be defined as follows: to-wit: a medical school or college requiring a preliminary examination for admission to its course of study in all common branches and in Latin and in higher mathematics, which requirements shall be regularly published in all the advertisements and in prospectuses and catalogues issued by said school, which medical school or college shall also require as a requisite for granting the degree M. D. attendance on at least four courses of lectures of six months each, no two of said courses to be held within one year, and having a full faculty of capable professors in all the different branches of medical education, to-wit: anatomy, physiology, toxicology, chemistry, pathology, hygiene, materia medica, therapeutics, obstetrics, bacteriology, medical jurisprudence, gynecology, principles and practice of medicine and surgery, and especially requiring clinical instruction in the two last named of not less than four hours per week in each during the last two courses of lectures. Provided, That this four year's clause shall not apply to degrees granted or to be granted prior to August, 1898.

Sec. 9. (Diplomas repealed. Laws 1903. S.F. 5)

4323. Sec. 10. Licenses. Certificates. Register. If on investigation of proofs submitted to the board, and after the examination as hereinbefore provided, the applicant shall be found entitled to practice, there shall be issued to said applicant the certificate of said board under its seal and signed by its secretary, stating such fact, and it shall be the duty of the applicant before practicing to file such certificate or a copy thereof in the office of the county clerk of the county in which he or she resides or in which he or she intends to practice; such certificate or copy shall be filed by said county clerk and by him recorded in a book kept for that purpose, properly indexed, to be called "Physicians' Register, and for such service the county clerk shall receive from such applicant the same fees that are allowed to the register of deeds for the recording of conveyances.

4324. Sec. 11. Exceptions to Act. All physicians who shall be engaged in practice at the time of the passage of this Act shall within six months thereafter present to said board their diplomas and affidavits as hereinbefore provided, or in the case of persons not graduates who are entitled to registration and practice under provisions of Act entitled "An Act to Regulate the Practice of Medicine and Surgery in the State of Nebraska," approved, March 3,

1881, an affidavit showing them to have been entitled to so register and practice and a certified transcript of their registration under said Act, and on their doing so shall be entitled to the certificate herein provided, which they shall file with the county clerk as herein provided. That no one having the qualifications required in and having complied with said Act of March 3rd, 1881, shall be liable to prosecution for failure to comply with this Act until the expiration of said period of six months.

4325. Sec. 12. Secretaries' Records, Certificates. It shall be the duties of said secretaries to keep a full record of all the acts and proceedings of said board and all certificates granted thereby, together with the proofs on which the certificates were granted, but when said proof of any case shall have been on file in the office of said board for ten days said certificate may be issued by said secretaries without the vote of the board, if no protest has been filed and if in their opinion said proof complies with the provisions of this Act.

4326. Sec. 13. Removal from County. Any person who shall have obtained a certificate provided by this Act and shall remove to another county shall, before entering on the practice of his profession in such other county, cause his certificate to be filed and recorded in the office of the County Clerk of the county to which he has removed.

4327. Sec. 14. Certificates Refused, Revoked. The board may refuse to issue a certificate, or may revoke one already issued, for any of the causes defined in this section, to-wit: The employment of fraud in applying for license or diploma or in passing the examination provided for in this Act; conviction of crime involving moral turpitude; habitual intemperance in the use of arduous spirits, narcotics or stimulants; unprofessional or dishonorable conduct. The words "Unprofessional and dishonorable conduct" as used herein are declared to mean: First, the procuring and aiding and abetting in the procuring a criminal abortion; second, the obtaining of a fee on the assurance that a manifestly incurable disease can be permanently cured; third, betrayal of a professional secret to the detriment of a patient; fourth, causing the publication and circulation of advertisements of any medicine or means whereby the monthly periods of women can be regulated, or the menses can be established, if suppressed; fifth, causing the publication and circulation of advertisements of any kind relative to diseases of sexual organs tending to injure the morals of the public.

4328. Sec. 15. Effect of Act on Suitors. No person shall recover in any county in this State any sum of money whatever for any medical, surgical or obstetrical service unless he shall have complied with the provisions of this Act

and is one of the persons authorized by this Act to be registered as a physician.

4329. Sec. 16. Unlawful Practicing. Penalties. Any person not possessing the qualifications for the practice of medicine, surgery or obstetrics required by the provisions of this Act, or any person who has not complied with the provisions of this Act, who shall engage in the practice of medicine, surgery or obstetrics, or any of the branches thereof in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum not less than \$50 nor more than \$300, and costs of prosecution for each offense, and shall stand committed until such fine and costs are paid.

4330. Sec. 17. Practicing Defined, Exceptions. Any person shall be regarded as practicing medicine within the meaning of this act who shall operate or profess to heal or prescribe for or otherwise treat any physical or mental ailment of another. But nothing in this Act shall be construed to prohibit gratuitous services in cases of emergency, and this Act shall not apply to commissioned surgeons in the United States Army, Navy nor to nurses in their legitimate occupations, nor to the administration of ordinary household remedies.

4331. Sec. 18. Itinerant Vendors, Penalties. Any itinerant vendor of any drug, nostrum, ointment or appliance of any kind intended for the treatment of any disease or injury, or who shall by writing, printing or any other method, publicly profess to cure or treat disease, or injury or deformity, by any drug, nostrum or manipulation or other expedite, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than \$50 nor more than \$100 or be imprisoned in the county jail for not less than thirty days nor more than three months, or both, in the discretion of the court, for each offense.

4332. Sec. 19. Fees. Every holder of a diploma from a recognized medical college within the State of Nebraska, making application for an examination and a certificate under the provisions of this Act, shall pay to the board of secretaries prior to his examination the sum of \$10. All other persons making such application shall pay to said board the sum of \$25. All such fees shall be equally divided among the four secretaries of the board as full compensation for their services and expenses. For the taking of any testimony, each of the secretaries shall be entitled to charge and receive such fees as are provided for notaries public for similar service. No part of such fees shall be paid out of the State treasury. (Amended, 1903, S. F., 5.)

NEVADA MEDICAL ACT.

AN ACT regulating the practice of medicine, surgery and obstetrics in the State of Nevada; providing for the appointment of a State

Board of Medical Examiners and defining their duties; providing for the issuing of licenses to practice medicine; defining the practice of medicine; defining certain misdemeanors and providing penalties, and repealing all other Acts, or parts of Acts, in conflict therewith.

(APPROVED MARCH 4, 1905.)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. That it shall hereafter be unlawful for any person, or persons, to practice medicine, surgery or obstetrics in this State without first obtaining a license so to do as hereinafter provided.

Sec. 2. Within thirty days after this law goes into effect, it shall be the duty of the Governor of the State of Nevada to appoint a State Board consisting of five members, which shall be known as the Board of Medical Examiners of the State of Nevada, and shall be reputable practicing physicians, duly licensed as such by some legally chartered medical institution in the United States, and who shall have been actually engaged in the practice of medicine in the State of Nevada, three of whom shall be selected from the school of medicine known as the Regular, one from the school known as the Eclectic, and one from the school known as the Homeopathic. This Board shall be selected without regard to their individual political beliefs, and they shall hold office for the time for which they were appointed, viz., two for four years, one for three years, one for two years, and one for one year from the date of their appointment, and shall serve until their successors are appointed and qualified. Hereafter one member shall be appointed annually for the term of four years. In the event of a vacancy occurring in said Board, or absence from the State for a period of six months without permission, the Governor shall appoint a person duly qualified under this Act to fill the unexpired term.

Sec. 3. Oath. Each member of said Board shall, before entering upon the duties of his office, take the constitutional oath of office, and shall, in addition, make oath that he is a graduate in medicine, and a legally qualified practitioner of medicine in this State.

Sec. 4. The said Board shall meet in Carson City, Nevada, on the first Monday in May, 1905, and shall organize by electing from its number a President, Vice-President, Secretary and Treasurer, who shall hold their respective positions during the pleasure of the Board. Said Board shall hold its regular meetings on the first Monday of May and the first Monday of November of each year, at such time and place as shall be most convenient to the said Board, and due notice of all special meetings of the Board shall be given by publication twice a week for each of the two weeks next preceding

such meeting, in three papers published in the State of Nevada. Special meetings of the Board may be held at the call of the President, and the same notice thereof shall be given as in the case of regular meetings.

Sec. 5. Rules. Said Board may, from time to time, adopt such rules as may be necessary to enable it to carry into effect the provisions of this Act. Any member of said Board may administer oaths in all matters pertaining to the duties of said Board, and the Board shall have the authority to take evidence as to any matter cognizable by it. Such Board shall procure a seal, and shall receive through its Secretary applications for the certificates provided to be issued under this Act.

Sec. 6. A majority of said Board shall constitute a quorum to transact all business. All certificates issued by said Board shall bear its seal and the signatures of its President and Secretary, and shall authorize the person to whom it is issued to practice medicine in all its branches in this State, upon complying with the requirements of this Act. Said Board may, in its discretion, accept and register, upon payment of the registration fee, and without examination of the applicant, any certificate which shall have been issued to him by the medical examining board of the District of Columbia, or of any State or Territory of the United States; provided, however, that the legal requirements of such medical examining board shall have been, at the time of issuing such certificate, in no degree or particular less than those of Nevada at the time when such certificate shall be presented for registration to the Board created by this Act; and provided further, that the provisions in this paragraph contained shall be held to apply only to such of said medical examining board as accept and register the certificates granted by this Board without examination by them of the ones holding such certificates.

Sec. 7. After this law goes into effect, any person desiring to practice medicine, surgery, or obstetrics or any of the various branches of medicine in this State, shall, before beginning to practice, procure from the State Board of Medical Examiners a certificate that such person is entitled to practice medicine, surgery, or obstetrics in this State. In order to procure such certificate the applicant shall submit to the said Board his or her diploma, issued by some legally chartered medical school, the requirements of which medical school shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, and he must accompany said diploma or license with an affidavit setting forth the number and duration of terms the applicant was required to be in attendance, and that he is the lawful possessor

of the same that he is the person therein named, and that the diploma or license was procured without fraud or misrepresentation of any kind. Such application shall be accompanied by the affidavit of two freeholders, resident of the same county in which the applicant resides, stating that the applicant is the identical person named in the accompanying diploma, and that he or she is of good moral standing and reputable. In addition to such affidavit, said Board may hear such further evidence as, in its discretion, it may deem proper as to any of the matters embraced in said affidavit. If it should appear from such evidence that said affidavit is untrue in any particular, or if it should appear that the applicant is not of good moral character, the application must be rejected. Said Board shall retain such diploma such time as is necessary, but in no case shall said Board retain such diploma to exceed two weeks. All such diplomas and affidavits shall be addressed to the Secretary of the Board.

Sec. 8. Applicants for certificates to practice medicine, surgery, or obstetrics in the State of Nevada shall be required to present a diploma from a legally recognized college, and to pass a satisfactory examination before the State Board of Medical Examiners as to his or her qualifications. The applicant must appear personally before the Board, and the examination shall be conducted in the English language, and shall be, in whole or in part, in writing and in each branch shall obtain seventy-five per cent, and shall be on the following subjects, to-wit: Anatomy, physiology, materia medica and therapeutics, chemistry, bacteriology, pathology, toxicology, obstetrics, surgery, general medicine, diseases of the skin, eye, ear, nose, throat, brain, genito-urinary system. Said examination shall be fair and impartial, and the questions of such a character as will determine the fitness of the applicant to practice his, or her, profession. When applicant applies for examination in materia medica and therapeutics, and theory and practice of medicine, he shall designate in which school of medicine he desires to practice, and only the member or members of the Board who belong to the school so designated shall participate in this part of the examination. Examinations shall be practical in character, and designed to discover the applicant's fitness to practice medicine and surgery. If an applicant fail in his first examination, he may, after not less than six months, be re-examined, without additional fee. If he fail in a second examination he shall not thereafter be entitled to another examination in less than one year after the date of second examination, and shall be required to pay for such examination the full fee. The examination papers shall form a part of the records of said Board, and shall be

kept on file by the Secretary, and said records shall be open to public inspection whenever requested after the examination. Each applicant, on making application, shall pay to the Secretary of the Board a fee of twenty-five (\$25) dollars at the same time the diploma and affidavit is filed with him, and this fee shall not be returned in the event of the applicant's failing to pass a satisfactory examination. Any person who may hereafter be granted a license to practice medicine and surgery in this State under this Act upon the grounds of reciprocity with other States and without examination, shall pay a fee of twenty-five (\$25) dollars for such license.

Sec. 9. Any unsuccessful applicant shall have the right to appeal to the courts, requiring the said Board to show cause why such applicant should not be permitted to practice medicine, surgery or obstetrics in the State of Nevada.

Sec. 10. Said Board shall procure a book for the purpose of recording the names of all persons to whom it issued certificates. In this book shall be entered the names of the applicants, together with the name of the school granting the diploma, the date of the diploma, the number of terms the applicant attended school, residence of applicant, and the date of issuance of certificate. This book shall be retained by the Secretary, who shall note the unsuccessful applicants, furnishing the same information as is given above. The Secretary shall furnish each County Clerk in this State a complete list of persons to whom certificates have been issued, after each meeting of the Board. Such list shall be retained and filed by the County Clerk, and it shall show the name, age, and location of the holder of each certificate, together with the name of the institution conferring the degree, and the date of the issuance of certificate.

Sec. 11. The members of the Board shall serve without compensation, except that their actual expenses incurred while attending a regular or special meeting of the Board shall be refunded; provided, that the Secretary shall receive a semi-annual salary of one hundred and fifty (\$150) dollars for his services. All moneys received by the Board shall be paid out on its order for its expenses, and the traveling expenses of the members, and if the moneys received are not sufficient to meet such expenses, then the Board shall certify to the Board of Examiners, with accompanying vouchers, over its seal and the signatures of its President and Secretary the amount actually necessary to meet the remainder of its expenses, and upon the approval of said claim by the Board of Examiners the State Controller shall draw his warrant upon any moneys in the General Fund not otherwise appropriated, and the State Treasurer shall pay the same.

Sec. 12. Every person to whom the Board shall issue a certificate shall present the same to the County Recorder of the county in which he desires to practice, and have the same recorded, and shall pay the fee usually paid for recording such papers. The Board may refuse a certificate to any applicant guilty of unprofessional conduct, and may revoke any certificate for a like cause. In all cases of refusal or revocation the party aggrieved may appeal to the courts. The words "unprofessional conduct," as used in this Act, are hereby declared to mean:

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

Second—The obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured.

Third—The willfully betraying a professional secret.

Fourth—All advertising of medical business in which grossly improbable statements are made.

Fifth—All advertising of any medicines, or of any means, whereby the monthly periods of women can be regulated, or the menses re-established if suppressed.

Sixth—Conviction of any offense involving moral turpitude.

Seventh—Habitual intemperance.

Sec. 13. For the purposes of this Act the words "practice of medicine, surgery and obstetrics," shall mean to open an office for such purpose, or to announce to the public, or to any individual in any way, a desire or willingness, or readiness to treat the sick or afflicted in any county in the State of Nevada; or to investigate or diagnosticate, or to offer to investigate or diagnosticate any physical or mental ailment, or disease, or any person, or to give surgical assistance to, or to suggest, recommend, prescribe or direct for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture, or bodily injury, or deformity, after having received or with the intent of receiving therefor, either directly or indirectly, any money, gift, or any other form of compensation. It shall also be regarded as practicing medicine within the meaning of this Act if anyone shall use in connection with his or her name the words or letters "Dr.," "Doctor," "Professor," "M. D.," or "Healer," or any other title, word, letter or other designation intended to imply or designate him or her as a practitioner of medicine, or surgery, or obstetrics in any of its branches; provided, that nothing in this Act shall be construed to prohibit gratuitous services of druggists or other persons in cases of emergency, or the domestic administration of family

remedies, and this Act shall not apply to commissioned surgeons of the United States Army or Navy in the discharge of their official duties, nor shall it apply to professional or other nurses in the discharge of their duties as nurses, nor to physicians who are called into this State for consultation, and who are legally qualified to practice in the State where he or she resides. In charging any person in an affidavit, information or indictment with a violation of this Act by practicing medicine, surgery or obstetrics without a license, it shall be sufficient to charge that he or she did, upon a certain day, and in a certain county of this State, engage in the practice of medicine, he or she, not having a license to do so, without averring any further or more particular facts concerning the same.

Sec. 14. Any person who shall practice medicine, surgery or obstetrics in this State without first complying with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred (\$100) dollars, nor more than (\$200) dollars, or by imprisonment in the county jail for not less than fifty (50) days, nor more than one hundred and eighty (180) days, or by both such fine and imprisonment for each and every such offense. Any person may institute proceedings at law provided for in this Act.

Sec. 15. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in such certificate, or falsely claiming himself to be the person entitled to the same, shall be deemed guilty of felony, and, upon conviction thereof, shall be punished by imprisonment in the State Prison not less than one year nor exceeding five years.

Sec. 16. Any person assuming to act as a member of a State Board of Medical Examiners, or who shall sign, or subscribe, or issue or cause to be issued, or seal or cause to be sealed, a certificate authorizing any person to practice medicine or surgery in this State, except the person so acting and doing shall have been appointed a member of said Board of Medical Examiners as in this Act provided, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or by imprisonment in the county jail for a term of not less than sixty (60) nor more than one hundred and eighty (180) days, or by both such fine and imprisonment.

Sec. 17. Every person practicing medicine, surgery or obstetrics in the State of Nevada on the first Monday of May, 1905, shall submit to the said Board his, or her, diploma for registration, and a fee of twenty-five (\$25) dollars shall accompany such diploma; provided, that the

owner of such diploma shall, if he or she was practicing medicine, surgery or obstetrics prior to the passage of the Act approved March 15, 1899, and has not complied with said Act of March 15, 1899, shall be entitled to full registration by the said Board of Medical Examiners, and nothing in this Act shall be construed to prevent such registration, and the Secretary of said Board shall enter free of all charge, upon the record book of said Board, the names of all persons who have complied with the Act of March 15, 1899. And be it further provided, that a certificate of registration or license issued by the proper examining board of any State, which agrees on reciprocal registration with this State, may be accepted as evidence of qualification for reciprocal registration in this State; provided, that the holder of such certificate was, at the time of such registration, the legal possessor of a diploma issued by a medical college in good standing in this State, and that the date thereof was prior to the passage of this Act.

Sec. 18. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 19. This Act shall take effect from and after the third day of May, nineteen hundred and five.

NEW HAMPSHIRE MEDICAL ACT.

AN ACT to regulate the Licensing and Registration of Physicians and Surgeons.

Be it enacted by the Senate and the House of Representatives in General Court Convened:

Section 1. No person shall hold himself out to the public as a physician and surgeon, or advertise as such, or use the title M. D. or Dr. (or any title which shall show or tend to show that the person using the same is a practitioner of any of the branches of medicine) in New Hampshire after September 1st, 1897, unless previously registered and authorized, or unless licensed and registered as required by this Chapter, nor shall any person practice medicine and surgery whose authority to practice is suspended or revoked by the regent of a state board.

Sec. 2. Within sixty days after the passage of this Act the Governor and Council shall appoint three separate State Medical Examining Boards, of five members each, so appointed that the term of office of one member shall expire each year, and the members thereafter appointed shall hold office five years, or until their successors are appointed and qualified. One board shall represent the New Hampshire Medical Society; one the New Hampshire Homeopathic Medical Society and one the New Hampshire Eclectic Society. Each of these three societies shall nominate, annually, twice the number of examiners to be appointed in that year on the board representing it. The names of such nominees shall be annually transmitted, under seal, by the presidents and secretaries to the Governor

and Council, who shall appoint from such list the examiners required to form the boards and to fill any vacancies that may occur from expiration of office or otherwise. Each nominee, before appointment, shall furnish to the Governor and Council satisfactory proof that he has received the degree doctor of medicine from some registered medical school, and that he has legally practiced medicine in this state for at least five years. If no nominees are presented by a society to the Governor and Council they may appoint from members in good standing in such societies without restriction. The Governor and Council, on recommendation of the board, may remove any examiner for misconduct, incapacity or neglect of duty.

Sec. 3. Every medical examiner shall receive a commission of appointment from the state, and before beginning his term of office shall file with the Secretary of State the Constitutional oath of office. Each board, or member thereof, may take testimony or proofs concerning all matters within its jurisdiction. Each board may make any by-laws and rules, not inconsistent with law, necessary in performing its duties.

Sec. 4. The Superintendent of public instruction, ex-officio, shall be the regent of the State Board of Medical Examiners and shall perform such duties as are herein specified.

Sec. 5. From the fees provided by this Act the regent may pay all proper expenses incurred by its provisions, except compensation to Medical Examiners; and any surplus at the end of any year shall be apportioned equally among the three boards; and the State shall not pay the expenses of said boards, or either or them, or compensate them or either of them, for services rendered under their commissions.

Sec. 6. Each board shall annually elect from its members a president and secretary for the year; and shall hold one or more meetings each year, pursuant to the call of the regent, who may also call joint meetings of the three boards or of their officers. At any meeting a majority shall constitute a quorum, but questions prepared by the boards may be grouped and edited; or answer papers of candidates may be examined and marked by committee duly authorized by the boards.

Sec. 7. The regent shall admit to examination any candidate who pays a fee of \$10 and submits satisfactory evidence, verified by oath, if required, that he (1) Is more than twenty-one years of age. (2) Is of good moral character. (3) Has graduated from a registered college; or satisfactorily completed a full course in a registered academy or high school; or had a preliminary education considered and accepted by the regent as fully equivalent. (4) Has studied medicine not less than four full school years, of at least nine months each, including

four satisfactory courses of at least six months each, in four different calendar years, in a medical college registered as maintaining at the time a satisfactory standard. The regent shall accept as any part of the third and fourth requirements, evidence of five or more years reputable practice, provided that such substitution be specified in the license. (5) Has either received the degree bachelor or doctor of medicine from some registered medical school, or a diploma or license conferring full right to practice medicine in some foreign country.

Students who matriculate in a New Hampshire medical college before January 1st, 1898, on the prescribed study of medicine, shall be exempt from the preliminary educational requirements.

Sec. 8. Each board shall submit to the regent, as required, lists of suitable questions for thorough examination in anatomy, physiology and hygiene, chemistry, surgery, obstetrics, pathology and diagnosis, and therapeutics, including practice and materia medica. From these lists the regent shall prepare question papers on all these subjects, which at an examination shall be the same for all candidates, except that in therapeutics, practice and materia medica all the questions submitted to any candidate shall be chosen from those prepared by the board selected by that candidate and shall be in harmony with the tenets of that school, as determined by the State Board of Medical Examiners.

Sec. 9. Examinations for license shall be given at Concord, in this State, and at least twice annually, and shall be exclusively in writing and in English. Each examination shall be conducted by the regent or a competent examiner appointed by him, who shall not be one of the medical examiners. At the close of each examination the regent or the examiner in charge shall deliver the question and answer papers to the board selected by each candidate, or to its duly authorized committee, and such board, without unnecessary delay, shall examine and mark the answers and transmit to the regent an official report, signed by its president and secretary, stating the standing of each candidate in each branch, and his general average, and whether the board recommends that a license be granted. Such report shall include the questions and answers and shall be filed in the public records of the regent. If the candidate fails on first examination he may, after not less than six months further study, have a second examination without fee. If the failure is from illness or other cause satisfactory to the boards they may waive the required six months study.

Sec. 10. On receiving from a State Board an official report that an applicant has successfully passed the examination and is recommended for licensure, the regent shall issue to him a license to practice medicine. Every license shall be issued by the regent under seal, and shall be signed by each acting medical examiner of the board selected, and by the regent, and shall state the licensee has given satisfactory evidence of fitness as to age, character, preliminary and medical education, and all other matters required by law, and that after full examination has been found properly qualified to practice. Applicants examined and licensed by other state examining boards registered by the regent as maintaining standards not lower than those provided by the provisions of this Chapter, and applicants who matriculate in a New Hampshire medical school before January 1st, 1898, and who receive the degree M. D. January 1st, 1903, may without further examination, on the payment of \$5 to the regent and on submitting such evidence as may be required, receive an endorsement of their licenses or diplomas conferring all rights and privileges of a regent license issued after examination.

Before any license shall be issued it shall be numbered and recorded in a book kept in the regent's office and its number shall be noted in the license. This record shall be open to public inspection, and in all legal proceedings shall have the same weight as evidence that is given to a record of conveyance of land.

Sec. 11. (As amended by Chap. 1, Session Laws, 1903). This Chapter shall not be construed as affecting commissioned officers serving in the United States Army, Navy or Marine Hospital Service while so commissioned; or to any one while serving on the resident medical staff of any legally incorporated hospital; or any legally registered dentist exclusively engaged in practicing dentistry; or any manufacturer of artificial eyes, limbs or orthopedic instruments or trusses in fitting such instruments on persons in need thereof; or any lawfully qualified physician in other state or country meeting registered physicians in this State in consultation; or any physician residing on the border of neighboring state and duly authorized under the laws thereof to practice medicine therein, whose practice extends into this State; or to the regular or family physician of persons not residents of this State when called to attend them during a temporary stay in this State; or to the hotel physician regularly employed by the landlord of a summer hotel in the care of his guests or employees; neither shall the provisions of this Act apply to clairvoyants, or to persons practicing hypnotism, magnetic healing, mind

cure, massage, Christian Science, so-called, or any other method of healing if no drugs are employed or surgical operations performed; provided, such persons do not violate any of the provisions of this Act in relation to the use of M. D. or the title of doctor or physician.

Sec. 12. Any person who, not then being lawfully authorized to practice in this State and so registered according to law, shall hold himself out to the public as a physician or surgeon, or advertise as such, within the State, without lawful registration or in violation of any of the provisions of this Chapter; and any person who shall buy, sell or fraudulently obtain any diploma, license, record of registration, or who shall aid or abet such buying, selling or fraudulently obtaining or who shall practice medicine under the cover of a medical diploma, license, record or registration illegally obtained or signed or issued unlawfully, or under fraudulent representations or mistake of fact in a material regard; and any person who shall append the letters M. D. to his or her name; or shall assume or advertise the title of doctor (or any title which shall show or tend to show that the person assuming or advertising the same is a practitioner of medicine) in such a manner as to convey the impression that he or she is a legitimate practitioner of medicine, or of any of its branches, without having legally received a medical degree, or without having received a license, which constituted at the time an authority to practice medicine under the laws of this State then in force, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than \$100, or imprisoned in the county jail for three months for the first offense; and on conviction of any subsequent offense, of a fine of not more than \$250 or imprisonment for not more than six months, or by both fine and imprisonment.

Sec. 13. Every person who is a practitioner of medicine or surgery in this State prior to the passage of this Act shall be, on satisfactory proof thereof to the regent and on the payment of a fee of \$1, entitled to registration; and the said regent shall issue to him signed by himself and the chairman and secretary of such Board of Medical Examiners as the applicant may elect; and the said certificate shall state the facts and the cause of such registration, and shall entitle said person to practice medicine legally in the State of New Hampshire.

Sec. 14. The first meeting of the board may be called by any one of its members in writing, stating the time and place of meeting, sent by said member to each of the other members at least one week prior thereto.

Sec. 15. This Act shall take effect on its passage.

Approved, March 16th, 1897).

NEW JERSEY MEDICAL ACT.

AN ACT to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof. Approved May 22, 1894. Chapter CCCVI.

Amended as to the third, fourth and ninth sections, and approved April 8th, 1903, Chapter CCXXVIII.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the governor shall appoint, by and with the advice and consent of the senate, a board of examiners to be known as the state board of medical examiners, said board to consist of nine members, who shall be persons of recognized professional ability and honor; the terms of office of said board shall be three years, or until their successors are appointed; provided, however, that the members of the board first appointed shall be divided into three classes, each class to consist of three persons; the first class shall hold office under said appointment for one year, the second for two years and the third for three years from the date of their appointment, and thereafter each member shall be appointed for a term of three years and provided further, that said board shall consist of five old-school physicians, three homeopathic and one eclectic; said appointees, shall, within thirty days after the receipt of the respective commissions take, subscribe and file, in the office of the secretary of state, the oath or affirmation prescribed by law.

2. And be it enacted, That said board shall elect a president, a secretary and a treasurer from its membership; it shall have a common seal, and its president shall be empowered to issue subpoenas and to administer oaths in taking testimony in any matter pertaining to the duties of said board; it shall make and adopt all necessary rules, regulations and by-laws not inconsistent with the laws of this state or of the United States, whereby to perform the duties and to transact the business required under the provisions of this act.

3. And be it enacted, That said board shall hold meetings for examinations at the capitol building of this state on the third Tuesday of June and October of each year, and at such other times and places as the board may deem expedient; said board shall keep an official record of all its meetings, and an official register of all applicants for a license to practice medicine and surgery in this state; said register shall show the name, age, nativity, last and intended place of residence, of each candidate, the time he or she has spent in obtaining a competent academic education, as hereinafter provided, and in medical study, in or out of medical school, and the names and location of all medical schools or examining and licensing boards which have

granted said applicant any degree or certificate of attendance upon lectures upon medicine and surgery or state examinations; said register shall also show whether said applicant was examined, licensed or rejected under this act, and said register shall be prima facie evidence of all matters therein contained.

4. And be it enacted, That all persons hereafter, commencing the practice of medicine or surgery in any of its branches in this state shall apply to said board for a license so to do; applicants for examination shall present to the secretary of this board, at least ten days before the commencement of the examination at which he or she is to be examined, a written application on a form or forms provided by said board, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained at least a certificate or diploma issued after four years of study either in a normal, manual training or high school of the first grade in this state, or in a legally constituted academy, seminary or institute of equal grade, or a student's certificate of examination for admission to the freshman class of a reputable literary college, or has received an academic education considered and accepted by the state superintendent of public instruction as fully equivalent, and has either received a diploma conferring the degree of doctor of medicine from some legally incorporated medical college (which in the opinion of said board was in good standing at the time of issuing said diploma) in the United States, or a diploma or license conferring the full right to practice all the branches of medicine and surgery in some foreign country, and has also studied medicine not less than four full school years of at least nine months each, including four satisfactory courses of lectures of at least seven months each, in four different calendar years in some legally incorporated American or foreign medical college or colleges prior to the granting of said diploma or foreign license; provided, however, that candidates for license who graduated prior to July fourth, one thousand nine hundred and three, and have been in continuous and reputable practice for at least five years since graduation, may be admitted to the examinations of this board upon certified and satisfactory evidence of moral character and of three courses of medical lectures in different calendar years and of a competent academic education according to the standard of that time, as determined in the case of non-graduates of academic institutions by the state superintendent of public instruction; provided, however, that such substitution and exemption be specified in the license; provided further, that candidates for license who graduated prior to July fourth, one thousand eight hundred and ninety-four, and have been in con-

tinuous and reputable practice since graduation, may be admitted to the examinations of this board upon certified and satisfactory evidence of moral character and of two courses of medical lectures in different calendar years and of a competent academic education according to the standard of that time, as determined in the case of non-graduates of academic institutions by the state superintendent of public instruction; and provided further, that such substitution and exemption be specified in the license; and if said application is approved and the said applicant shall have deposited the sum of twenty-five dollars with the treasurer of such board as an examination fee, and said applicant may, in case of failure to pass the examination, be re-examined at any regular examination within one year without the payment of an additional fee; the applicant shall sign his or her name opposite a number in a book kept for that purpose by the secretary, and shall mark his or her examination paper with said number and shall be known to the members of said board only by said number until his or her papers have been examined and marked; applicants examined and licensed by or who are or have been members of State examining and licensing boards of other States, upon the payment of fifty dollars to the treasurer of said board, and on filing with the secretary of said board a copy of his or her license or certificate, certified by the affidavit of the president and secretary of such board, showing also that the standard of requirements of said board at the time of said license or certificate was issued was substantially the same as that required by the said board, and of his or her affidavit as to the personality thereof, may be granted a license by said board without further examination thereby.

5. And be it enacted, That all examinations shall be written in the English language, and the questions and answers shall be, except in materia medica and therapeutics, such as can be answered in common by all schools of practice; if the applicant intends to practice homeopathy or eclecticism, the members of said board of these schools respectively shall examine said applicant in the materia medica and therapeutics of the school in which such applicant intends to practice; the examinations shall be in the following subjects, namely, materia medica and therapeutics; obstetrics and gynecology; practice of medicine, including diseases of the skin, nose and throat; surgery, including surgical anatomy and diseases of the eye, ear and genito-urinary organs; anatomy; physiology; chemistry; histology; pathology; bacteriology; hygiene; medical jurisprudence, and in such other subjects as the board may decide; all examinations shall be both scientific and practical, and of sufficient severity to test the candidate's fitness to

practice medicine and surgery; if said examination is satisfactory, the board shall issue a license, entitling the applicant to practice medicine and surgery in this State; the votes of all examiners shall be yes or no, and written with their signatures upon the backs of the examination papers of each candidate; said application and examination papers shall be deposited in the state library, in the capitol building, and they shall be prima facie evidence of all matters therein contained; all licenses shall be signed by the president and secretary of the board, and shall be attested by the seal thereof.

6. And be it enacted, That the board may refuse to grant or may revoke a license for the following causes, to-wit: chronic and persistent inebriety; the practice of criminal abortion; conviction of the crime involving moral turpitude or for publicly advertising special ability to treat or cure chronic and incurable diseases; or where any person shall present to this board any diploma, license or certificate that shall have been illegally obtained, or that shall have been signed or issued unlawfully or under fraudulent representations; in complaints for violating the provisions of this section, the accused person shall be furnished with a copy of the complaint, and given a hearing before said board in person or by attorney; and any person, after such refusal or revocation of license, who shall attempt or continue the practice of medicine, shall be subject to the penalties hereinafter prescribed.

7. And be it enacted, That the person so receiving said license shall file the same, or a certified copy thereof, with the clerk of the county in which he or she resides, and said clerk shall file said certificate or copy thereof and enter a memorandum thereof, giving the date of said license, with the name of the person to whom the same is issued, and the date of said filing, in a book to be provided by this board and to be kept for that purpose, and for which registry the said county clerk shall be entitled to demand and receive from each person registering the sum of one dollar; in case the person so licensed shall move into another county of this state, he or she shall procure from the said clerk a certified copy of such registration, and then file the same with the clerk of the county to which he or she shall remove, and the said clerk shall file and enter the same with like effect as if the same was an original license, and for which registry the said clerk shall be entitled to demand and receive the sum of one dollar; and each county clerk in the counties of this state shall, upon the last day of November of each year, furnish to the secretary of said board a list of all the certificates of this board filed in his office during the previous year, and upon notice to him of the change of location or death of the person so licensed, or of the revoca-

tion of said license, said county clerk shall enter at the appropriate place in the records so kept by him, a memorandum of said fact, and said memoranda shall be furnished to the secretary of this board in the annual report above required.

8. And be it enacted, That any person shall be regarded as practicing medicine or surgery within the meaning of this act, who shall use the words or letters "Dr.," "Doctor," "Professor," "M. D." or "M. B." in connection with his or her name, or any other title intending to imply or designate him or her as a practitioner of medicine or surgery in any of its branches, and who in connection with such title or titles or without the use of such titles, shall prescribe, direct, recommend, advise, apoly, give or sell, for the use of any person or persons, any drug or medicine or other agency or application for the treatment, cure or relief of any bodily injury, infirmity or disease; and it is further provided, that the use of any one of the aforementioned titles or the exposure of a sign, circular, advertisement or any other device or information, indicating thereby the occupation of the person or persons, shall be considered prima facie evidence; and it is further provided, that the provisions of this act shall apply to all persons professing and attempting to cure diseases by means of the so-called systems of "faithcurism," "mind-healing," "laying-on-of-hands" and other similar systems.

9. And be it enacted, That this act shall not apply to the commissioned surgeons of the United States army, navy or marine hospital service while so commissioned, or to lawfully qualified physicians or surgeons residing in other States meeting registered physicians and surgeons of this State in consultation, or to any legally qualified physician or surgeon of another State taking charge of the practice of a legally qualified physician or surgeon of this State temporarily during the latter's absence therefrom and upon the written requests to said board therefor, or to any physician or surgeon of another State, and duly authorized under the laws thereof, to practice medicine and surgery therein; provided, that such practitioner shall not open an office or a place for the practice of his profession within the borders of this State; or to anyone while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum, or to any legally qualified and registered dentist exclusively engaged in practicing the art of dentistry, or to any person claiming the right to practice medicine and surgery in this State who has been practicing therein since before the fourth day of July, one thousand eight hundred and ninety; provided, said right or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by

a legally chartered medical institution which, in the opinion of said board, was in good standing at the time said diploma was issued; or to any person resident of this State who has been continuously engaged in giving treatment by electricity herein during the past fourteen years; provided, that said person has graduated from a legally incorporated electro-therapeutic school in good standing, or to any legally licensed and registered pharmacist of this State actually engaged in the practice of his profession, but this exception shall not be extended so as to give said licensed pharmacist the right and authority to carry on the business of a dispensary, unless said dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State; or to any legally licensed and registered veterinary physician, surgeon or dentist of this State engaged in the practice of veterinary medicine, surgery or dentistry in any of its branches; or to any professional nurse, masseur or electrician, operating in each particular case under the specific direction of a regularly licensed physician or surgeon; or to any person or persons giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician and surgeon.

10. And be it enacted, That any person hereafter commencing or continuing the practice of medicine and surgery in any of its branches in this state without first having obtained and filed the license herein provided for or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than one hundred dollars or by imprisonment in the county jail for a period of not less than thirty days or by both fine and imprisonment, and for each subsequent offense the punishment shall be double that of the preceding one; and it shall be the duty of the respective district attorneys of the counties of this state to prosecute violations of the provisions of this act.

11. And be it enacted, That the expenses of said board and of the examination shall be paid from the license fees above provided for, and if any surplus remain, the same may be distributed among the members of said board as a compensation for their services as members, but otherwise they shall receive no compensation whatever.

12. And be it enacted, That all acts or parts of acts, general or special, now existing, not in accordance with the provisions of this act, or inconsistent therewith, are hereby repealed.

Approved May 22, 1894.

Amended as to sections 3, 4 and 9 and approved April 8, 1903.

NEW MEXICO OSTEOPATHIC LAW.

CHAPTER 68, LAWS OF 1905.

Approved March 14, 1905.

"Be it enacted by the Legislative Assembly of the Territory of New Mexico:

"Section 1. The governor of this territory shall appoint a board within ten days after the passage of this act and biennially thereafter, and shall fill all vacancies.

"This board to be known as the Territorial Board of Osteopathy and shall consist of three legally qualified resident practicing osteopathic physicians, each of whom shall have been actively engaged in the practice of osteopathy in this territory for at least one year prior to his appointment, and shall serve for a term of two years, and until his successor shall have been duly appointed and confirmed by the legislative council.

"Sec. 2. Said board of osteopathy shall elect a president, secretary and treasurer, and shall have a common seal, and its president and secretary shall have power to administer oaths.

"Said board shall hold meetings in the City of Santa Fe, in the capitol building, in the rooms provided for it by the capitol custodian committee, on the first Monday in April and September of each year, and such other meetings as may be deemed necessary; and shall issue certificates of qualification to all applicants who meet the requirements of this act.

"Sec. 3. Said board shall create no expense exceeding the sum received from time to time as fees as hereinafter provided.

"Sec. 4. The fees coming into the treasury of said board shall be paid out upon warrants of the president and secretary thereof in payment of the compensation and expenses of said board in carrying out the provisions of this act.

"Sec. 5. Said board shall make such rules and procedure for the regulation of all matters of applications and hearings before it as it may deem advisable.

"Sec. 6. Any person who at the time of the passage of this act, shall be actually in the practice of osteopathy in this territory, shall be entitled to receive such license upon making application to the board at its first regular meeting and paying a fee of five (\$5.00) dollars and satisfying the board that he was lawfully engaged in the practice of osteopathy in this territory at the time of the passage of this act.

"Sec. 7. Any person before engaging in the practice of osteopathy in this territory, after the passage of this act, shall, upon the payment of a fee of twenty-five (\$25.00) dollars make application for a certificate to practice osteopathy to the board of osteopathy, on a form prescribed by the board, i. e.

"1-t. Evidence of good moral character; 2nd, preliminary education equal to a high-school di-

ploma or teacher's certificate; 3d, the name of the school or college of osteopathy from which he or she was graduated, and which shall have been in good repute as such at the time of the issuing of their diploma, as determined by the board; 4th, the date of their diploma and evidence that such diploma was granted on personal attendance and completion of a course of study of not less than three full terms of nine months each in three separate years: Provided, however, That the board may in its discretion receive applications for the examination from osteopaths who have graduated from a reputable osteopathic college of not less than two years' course and furnishing evidence of field practice of not less than one year, and such other information as the board may require. And such applicant shall at the regular meeting of the board, submit to an examination in the following branches, to-wit: Anatomy, physiology, chemistry and toxicology, pathology, gynecology, obstetrics, diagnosis, hygiene, dietetics, surgery and theory and practice of osteopathy and such other subjects as the board may require.

"The person receiving said certificate shall have same recorded in the office of the probate clerk of the county in which he or she intends to practice, and shall pay a fee of one dollar and fifty cents (\$1.50) and the record shall be endorsed thereon. In case a person removes to another county to practice, the holder shall record his certificate in like manner in the county to which he or she removes.

"Sec. 8. Any person practicing osteopathy within the territory without having obtained the certificate herein provided for, or contrary to the provisions of this act, or who, for the purpose of obtaining such license, shall falsely represent himself or herself to be the holder of a diploma as herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars or by imprisonment of not more than ninety days for each and every offense.

"Sec. 9. This act shall take effect and be enforced from and after its passage and all acts and parts of acts in conflict herewith are hereby repealed."

NEW MEXICO MEDICAL LAW.

AN ACT to regulate the Practice of Medicine in New Mexico.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That a Board of Health is hereby established which shall be known as the New Mexico Board of Health, and be composed of seven reputable physicians of medical schools of good standing, who are registered practitioners in, and who are bona fide residents of

New Mexico. The Governor of New Mexico shall appoint the members of said board, and shall fill all vacancies occurring therein, and shall remove from said board any member who fails to perform the duties of said board. The members of said board shall be appointed for a term of two years, and qualify as the Board of Regents of the University of New Mexico are required to do.

Sec. 2. The board shall organize and select one of its members as president, one as vice-president, one as secretary and one as treasurer, within four months after the appointment of its members. Said board shall hold meetings in the city of Santa Fe in the Capitol Building in the rooms provided for it by the Capitol Custodian Committee, in the first Mondays of each and every June and December. Said board may hold a special meeting in cases of emergency, said special meeting to be called by the president of the board, and the object of the meeting fully stated. A majority of the members of this board shall constitute a quorum for the transaction of all business.

Sec. 3. The said board, shall on the production of evidence satisfactory to it, license any reputable person who is a graduate of a medical college in good standing as defined by this act, to practice medicine, surgery and obstetrics in New Mexico. A medical college in good standing for the purpose of this act is declared to be one of at least ten years continuous existence, one which now requires a high school certificate or its equivalent, for admission to it, and one which now or hereafter requires an attendance on and gives four full courses in four separate years, and one which has ample clinical facilities such as are furnished in large cities. And said board shall at its December meeting in each year prepare and cause printed and distributed for the information of those interested a copy of this law and a list of the medical colleges in the United States of America recognized by it to be in good standing under this section; and such board shall recognize any honorary or emeritus degree conferred on any eminent foreigner by any such college as fully and to the same extent as if the applicant were a graduate thereof. The president and secretary of said board shall be and are hereby empowered to administer oaths to applicants and all witnesses and others appearing before said board in any application or preceeding provided for herein, and any person making a false oath or affidavit application or preceeding provided for herein, and any person making a false oath or affidavit before said board shall be guilty of perjury and be subject to punishment for that crime. The secretary of said board shall issue a temporary license to any person complying with the provisions of this Act who has paid the fee to the secretary.

Sec. 4. Every person holding a certificate of said Board of Health shall have the same recorded in a book provided for that purpose in the office of the probate clerk of the county wherein the practitioner resides within thirty days after said certificate is issued, and the date of the recording shall be endorsed on said certificate. Said certificate, or a copy of the registration, must be again recorded in any county to which the practitioner may remove permanently. And the fact that no such certificate shall be found recorded in the county where any person is practicing or offering to practice medicine shall be accepted by the court as prima facie evidence that no such certificate has been issued, and shall throw the burden of the proof that he has a certificate on the defendant in any suit or prosecution brought against him for the violation of the provisions of this Act.

Sec. 5. It is hereby made the duty of this board to refuse to license any person guilty of immoral, dishonest or unprofessional conduct, and said board shall also revoke and annul any certificate which has been issued by said board, or any previous board, on satisfactory proof being made to said board that the holder of said certificate or diploma has been guilty of immoral, dishonest or unprofessional conduct. Five days notice in writing shall be given to the person accused of improper conduct, with a copy of the charge against him, requiring him on a day named to appear before the board and show cause why his license should not be cancelled or revoked. When any such license has been revoked or cancelled by said board, the said board shall send notice in writing under the hand of the secretary, which notice shall be filed for record and recorded in the book in which the physician's license or record is in the office of the probate clerk in the county in which the person whose license has been revoked resides. Any person whose certificate has been cancelled or revoked by said board, under the provisions of this Act, who shall hereafter practice or attempt or offer to practice medicine in New Mexico, shall thereby become guilty of a misdemeanor and shall be punished as provided as in Sec. 9 of this Act.

Sec. 6. For the purposes of this Act the words "practice of medicine" shall mean to open an office for such purpose or to announce to the public or to any individual in any way a desire or willingness or readiness to treat the sick or afflicted, or to investigate or diagnose, or offer to investigate or diagnose, any physical or medical ailment or disease of any person, or to suggest, recommend, prescribe, or direct, for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for

the cure or relief, of any wound, fracture, or bodily injury or deformity, after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift or compensation.

Provided, That nothing in this Act shall be construed to prohibit gratuitous service in cases of emergency, or the domestic administration of family remedies, or women from practicing midwifery, and this Act shall not apply to Surgeons of the United States in the discharge of their duties.

Sec. 7. Each applicant for a license to practice medicine in New Mexico shall pay the secretary of this board a fee of twenty-five dollars.

Sec. 8. Any vendor, except licensed druggists, or any drug, nostrum, ointment, or appliance of any kind intended for the treatment of disease or injury, or who shall by writing or printing, or any other method, profess to cure or treat disease or deformity by any drug, nostrum, manipulation or other expedient, shall pay a license of one hundred dollars per month into the treasury of said board, on which said payment such vendor shall be licensed by said board to sell drugs, nostrums, medicines and ointments.

And any person so vending, or attempting to sell either from his home or office or from a vehicle or by traveling through the country, on foot or horseback, any drug, medicine or ointment, without paying such license, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not to exceed one hundred dollars or imprisonment in the county jail not to exceed ninety days or be both fined and imprisoned, in the discretion of the court.

Sec. 9. On the payment to the board of the fees provided for in Sec. 7 of this Act said board may grant licenses to licentiates of other states and territories which have like regulations as this Act provides for, and when said state or territory also honors our licenses and certificates, to the same extent as they now recognize our licenses and no further. Any person who shall practice medicine, or attempt to practice, without first complying with the provisions of this law, and without being the holder of a certificate entitling him to practice medicine in New Mexico, shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by a fine not to exceed one hundred dollars, or imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 10. One half of every fine collected under the provisions of this Act shall go and be paid by the court in which conviction is had to the sheriff, deputy sheriff, constable or other persons who make complaint and arrests and causes to be prosecuted the person so convicted. The

other half of all such fines and all fees herein provided to be paid shall go to and be the property of said Board of Health and shall be by the treasurer of said board kept in some bank designated by said board. He shall give bond to the board in the sum of one thousand dollars conditioned for the faithful performance of his duties as treasurer and that he shall pay over any and all sums of money by him as such on the proper order thereof. Such bond shall be given by some fidelity or surety company authorized to do business in this territory, and the premium paid therefor shall be paid by the board as one of its necessary expenses. All of the expenses of said board necessary and proper incurred in attending the sessions of said board and for necessary supplies shall be paid out of the said fund on the order of the president and secretary of said board. The treasurer of the board shall keep a correct and itemized account of all moneys received and disbursed, and shall make a report to the board at each meeting. The secretary of said board is required to report the doings and proceedings of said board, together with the amount of all moneys by it received and disbursed, and on what account, with items, on the first day of December in each year, to the Governor of New Mexico.

Sec. 11. The State Board of Health is hereby authorized and empowered to make all necessary rules and regulations for carrying out the provisions of this Act.

Sec. 12. Section 3 of Chapter 189 of the Session Laws of 1901 and all acts and parts of acts in conflict with this Act are hereby repealed, and this act shall take effect and be in force thirty days after its passage.

NEW YORK MEDICAL ACT.

AN ACT to regulate the practice of medicine, and to repeal article eight of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three and acts amendatory thereof.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Definitions as used in this act:

1. The education department means the education department of the state of New York, as provided for by chapter forty of the laws of nineteen hundred and four.

2. University means university of the state of New York.

3. Regents means board of regents of the university of the state of New York.

4. Board means the board of medical examiners of the state of New York.

5. Medical examiner means a member of the board of medical examiners of the state of New York.

6. Medical school means any medical school,

college, or department of a university, registered by the regents as maintaining a proper medical standard and as legally incorporated.

7. The practice of medicine is defined as follows: A person practices medicine within the meaning of this act, except as hereinafter stated, who holds himself out as being able to diagnose, treat, operate, or prescribe for any human disease, pain, injury, deformity or physical condition, and who shall either offer or undertake, by any means or method, to diagnose, treat, operate, or prescribe for any human disease, pain, injury, deformity, or physical condition.

8. Physician means a practitioner of medicine.

Sec. 2. Qualifications.—No person shall practice medicine, unless registered and legally authorized prior to September first, eighteen hundred and ninety-one, or unless licensed by the regents and registered under article eight of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three and acts amendatory thereto, or unless licensed by the regents and registered as required by this act; nor shall any person practice under this act who has ever been convicted of a felony by any court, or whose authority to practice is suspended or revoked by the regents on recommendation of the state board. The conviction of a felony shall include the conviction of any offense which if committed within the state of New York would constitute a felony under the laws thereof.

Sec. 3. The state board of medical examiners.

—There shall be a state board of medical examiners of nine members who shall be appointed by the regents and who shall hold office for three years from August first of the year in which appointed. In constituting the first board, however, to be appointed under this act, the regents shall designate three members to serve for one year from August first, nineteen hundred and seven; three members to serve two years from August first, nineteen hundred and seven; and three members to serve for the full term of three years from August first, nineteen hundred and seven. Thereafter the regents shall annually appoint three members to fill the vacancies caused by expiration of term of office, and may at any time fill vacancies on the board caused by death, resignation, or removal from office. No person shall be appointed a member of the board of medical examiners who is not eligible to receive a license to practice from the regents in accordance with the provisions of this act or of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three and acts amendatory thereof and who has not been in practice in this state for at least five years prior to date of appointment. The regents may remove any member of the board of examiners for misconduct, incapacity or neglect of duty. The regents shall appoint a secretary to the board of examiners.

who shall not be a member of the board, and who shall hold office during the pleasure of the regents and who shall receive an annual compensation of four thousand dollars, payable from the fees received under this act. The secretary shall be a duly licensed physician.

Sec. 4. Certificate of appointment; oath; powers.—Every medical examiner shall receive a certificate of appointment from the regents and before beginning his term of office shall file with the secretary of state the constitutional oath of office. The board, or any committee thereof, may employ counsel, shall have the power to compel the attendance of witnesses, and may take testimony and proofs concerning all matters within its jurisdiction. The board may, subject to the regents' approval, make all by-laws and rules not inconsistent with law needed in performing its duty; but no by-laws or rule by which more than a majority vote is required for any specified action by the board shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

5. Expenses.—The fees derived from the operation of this act shall be paid into the state treasury, and the legislature shall annually appropriate therefrom for the education department an amount sufficient to pay all proper expenses incurred pursuant to this act.

Sec. 6. Officers; meetings; quorum; committees.—The board shall annually elect from its members a president and a vice-president for the academic year, and shall hold one or more meetings each year pursuant to call of the regents. At any meeting a majority shall constitute a quorum; but questions prepared by the board may be grouped and edited, or answer papers of candidates may be examined and marked by committees duly authorized by the board and approved by the regents.

Sec. 7. Admission to examination.—The regents shall admit to examination any candidate who pays a fee of twenty-five dollars and submits evidence, verified by oath, and satisfactory to the regents, that he

1. Is more than twenty-one years of age.
2. Is of good moral character.
3. Had prior to beginning the second year of medical study the general education required preliminary to receiving the degree of bachelor or doctor of medicine in this state.
4. Has studied medicine not less than four school years, including four satisfactory courses of at least seven months each, in four different calendar years in a medical school registered as maintaining at the time a standard satisfactory to the regents. New York medical schools and New York medical students shall not be discriminated against by the registration of any medical school out of the state whose minimum graduation standard is less than that fixed by statutes

for New York medical schools. The regents may, in their discretion, accept as the equivalent for any part of the third and fourth requirement, evidence of five or more years' reputable practice, provided that such substitution be specified in the license, and, as the equivalent of the first year of the fourth requirement, evidence of graduation from a registered college course, provided that such college course shall have included not less than the minimum requirements prescribed by the regents for such admission to advanced standing. The regents may also in their discretion admit conditionally to the examination in anatomy, physiology, hygiene, sanitation, and chemistry, applicants nineteen years of age certified as having studied medicine not less than two years, including two satisfactory courses of at least seven months each, in two different calendar years, in a medical school registered as maintaining at the time a satisfactory standard, provided that such applicants meet the second and third requirements.

5. Has either received the degree of bachelor or doctor of medicine from some registered medical school, or a diploma or license conferring full right to practice medicine in some foreign country unless admitted conditionally to the examinations as specified above, in which case all qualifications, including the full period of study, the medical degree and the final examinations in surgery, obstetrics, gynecology, pathology, including bacteriology, and diagnosis must be met. The degree of bachelor or doctor of medicine shall not be conferred in this state before the candidate has filed with the institution conferring it the certificate of the regents that before beginning the first annual medical course counted toward the degree, unless matriculated conditionally as hereinafter specified, he had either graduated from a registered college or satisfactorily completed a full course in a registered academy or high school; or had a preliminary education considered and accepted by the regents as fully equivalent; or held a regents' medical student certificate; or passed regents' examinations securing sixty academic counts, or their full equivalent, before beginning the first annual medical course counted toward the degree, unless admitted conditionally as hereinafter specified. A medical school may matriculate conditionally a student deficient in not more than one year's academic work or fifteen counts of the preliminary education requirements, provided the name and deficiency of each student so matriculated be filed at the regents' office within three months after matriculation, and that the deficiency be made up before the student begins the second annual medical course counted toward the degree.

6. Where the application be for a license to practice osteopathy, the applicant shall produce

evidence that he has studied osteopathy not less than three years including three satisfactory courses of not less than nine months each in three different calendar years in a college of osteopathy maintaining at the time a standard satisfactory to the regents. After nineteen hundred and ten the applicant for a license to practice under this act shall produce evidence that he has studied not less than four years including four satisfactory courses of not less than seven months each in four different calendar years in a college maintaining at the time a standard satisfactory to the regents.

Sec. 8. Questions.—The board shall submit to the regents, as required, lists of suitable questions for thorough examination in anatomy, physiology, hygiene, sanitation, chemistry, surgery, obstetrics, gynecology, pathology, including bacteriology, and diagnosis. From these lists the regents shall prepare question papers for all these subjects, which at any examination shall be the same for all candidates, except that the examination may be divided as provided in section seven.

Sec. 9. Examinations and reports.—Examinations for licenses shall be given in at least four convenient places in this state and at least four times annually, in accordance with the regents' rules, and shall be exclusively in writing and in English. Each examination shall be conducted by a regents' examiner who shall not be one of the medical examiners. At the close of each examination the regents' examiner in charge shall deliver the questions and answer papers to the board or its duly authorized committee, who, without unnecessary delay, shall examine and mark the answers and transmit to the regents an official report, signed by its president and secretary, stating the standing of each candidate in each branch, his general average and whether the board recommends that a license be granted. Such report shall include the questions and answers and shall be filed in the public records of the university. If a candidate fails on first examination, he may, after not less than six months' further study, have a second examination without fee. If the failure is from illness or other cause satisfactory to the regents they may waive the required six months' study.

Sec. 10. Licenses.—On receiving from the state board an official report that an applicant has successfully passed the examinations and is recommended for license, the regents shall issue to him a license to practice according to the qualifications of the applicant. Every license shall be issued by the university under seal and shall be signed by each acting medical examiner and by the officer of the university who approved the credential which admitted the candidate to examination, and shall state that the licensee has given satisfactory evidence of fitness as to age,

character, preliminary and medical education and all other matters required by law, and that after full examination he has been found properly qualified to practice. Applicants examined and licensed by other state examining boards registered by the regents as maintaining standards not lower than those provided by this article and applicants who matriculated in a New York state medical school before June fifth, eighteen hundred and ninety, and who received the degree of doctor of medicine from a registered medical school before August first, eighteen hundred and ninety-five, may without further examination, on payment of twenty-five dollars to the regents and on submitting such evidence as they may require, receive from them an indorsement of their licenses or diplomas conferring all rights and privileges of a regents' license issued after examination. The commissioner of education may in his discretion on the approval of the board of regents indorse a license or diploma of a physician from another state, provided the applicant has met all the preliminary and professional qualifications required for earning a license on examination in this state, has been in reputable practice for a period of ten years, and has reached a position of conceded eminence and authority in his profession. If any person, whose registration is not legal because of some error, misunderstanding or unintentional omission, shall submit satisfactory proof that he had all requirements prescribed by law at the time of his imperfect registration and was entitled to be legally registered, he may on unanimous recommendation of the state board of medical examiners receive from the regents under seal a certificate of the facts which may be registered by any county clerk and shall make valid the previous imperfect registration. Before any license is issued it shall be numbered and recorded in a book kept in the regents' office, and its number shall be noted in the license; and a photograph of the license filed with the records. This record shall be open to public inspection, and in all legal proceedings shall have the same weight as evidence that is given to a record of conveyance of land.

Sec. 11. Registry; revocation of license; annulment of registry.—Every license to practice medicine shall, before the licensee begins practice thereunder, be registered in a book kept in the clerk's office of the county where such practice is to be carried on, with name, residence, place and date of birth, and source, number and date of his license to practice. Before registering, each licensee shall file, to be kept in a bound volume in the county clerk's office, an affidavit of the above facts, and also that he is the person named in such license, and had, before receiving the same, complied with all requirements as to attendance, terms and amount of study and

examinations required by law and the rules of the university as preliminary to the conferment thereof; that no money was paid for such license, except the regular fees paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by any one or occurred in order that such license should be conferred. Every license, or if lost a copy thereof legally certified so as to be admissible as evidence, or a duly attested transcript of the record of its conferment, shall, before registering, be exhibited to the county clerk, who, only in case it was issued or indorsed as a license under seal by the regents, shall indorse or stamp on it the date and his name preceded by the words: "Registered as authority to practice medicine in the clerk's office of county." The clerk shall thereupon give to every physician so registered a transcript of the entries in the register with a certificate, under seal that he has filed the prescribed affidavit. The licensee shall pay to the county clerk a total fee of one dollar for registration, affidavit and certificate. The regents shall have power at any and all times to inquire into the identity of any person claiming to be a licensed or registered physician and after due service of notice in writing, require him to make reasonable proof, satisfactory to them, that he is the person licensed to practice medicine under the license by virtue of which he claims the privilege of this act. When the regents find that a person claiming to be a physician, licensed under this act, is not in fact the person to whom the license was issued, they shall reduce their findings to writing and file them in the office of the clerk of the county in which said person resides or practices medicine. Said certificate shall be prima facie evidence that the person mentioned therein is falsely impersonating a practitioner or a former practitioner of a like or different name. The regents may revoke the license of a practitioner of medicine, or annul his registration, or do both, in any of the following cases:

(a) A practitioner of medicine who is guilty of any fraud or deceit in his practice, or who is guilty of a crime or misdemeanor, or who is guilty of any fraud or deceit by which he was admitted to practice; or.

(b) Is an habitual drunkard or habitually addicted to the use of morphine, opium, cocaine, or other drugs having a similar effect; or

(c) Who undertakes or engages in any manner or by any ways or means whatsoever, to procure or perform any criminal abortion as the same is defined by section two hundred and ninety-four of the penal code; or

(d) Who offers or undertakes by any manner or means to violate any of the provisions of section three hundred and eighteen of the penal code.

(e) Proceedings for revocation of a license or the annulment of registration shall be begun by filing a written charge or charges against the accused. These charges may be preferred by any person or corporation, or the regents may on their own motion direct the executive officer of the board of regents to prefer said charges. Said charges shall be filed with the executive officer of the board of regents, and a copy thereof filed with the secretary of the board of medical examiners. The board of medical examiners, when charges are preferred, shall designate three of their number as a committee to hear and determine said charges. A time and place for the hearing of said charges shall be fixed by said committee as soon as convenient, and a copy of the charges, together with a notice of the time and place when they will be heard and determined, shall be served upon the accused or his counsel, at least ten days before the date actually fixed for said hearing. Where personal service or service upon counsel cannot be effected, and such fact is certified on oath by any person duly authorized to make legal service, the regents shall cause to be published for at least seven times, for at least twenty days prior to the hearing, in two daily papers in the county in which the physician was last known to practice, a notice to the effect that at a definite time and place a hearing will be had for the purpose of hearing charges against the physician upon an application to revoke his license. At said hearing the accused shall have the right to cross-examine the witnesses against him and to produce witnesses in his defense, and to appear personally or by counsel. The said committee shall make a written report of its findings and recommendations, to be signed by all its members, and the same shall be forthwith transmitted to the executive officer of the board of regents. If the said committee shall unanimously find that said charges, or any of them, are sustained, and shall unanimously recommend that the license of the accused be revoked or his registration be annulled, the regents may thereupon in their discretion, revoke said license or annul said registration, or do both. If the regents shall annul such registration, they shall forthwith transmit to the clerk of the county or counties in which said accused is registered as a physician, a certificate under their seal certifying that such registration has been annulled, and said clerk shall, upon receipt of said certificate, file the same and forthwith mark said registration "Annulled." Any person who shall practice medicine after his registration has been marked "Annulled" shall be deemed to have practiced medicine without registration. Where the license of any person has been revoked, or his registration has been annulled as herein provided, the regents may, after the expiration of

one year, entertain an application for a new license, in like manner as original applications for licenses are entertained; and upon such new application they may in their discretion, exempt the applicant from the necessity of undergoing any examination.

Sec. 12. Registry in another county.—A practicing physician having registered a lawful authority to practice medicine in one county, and removing such practice or part thereof to another county, or regularly engaging in practice or opening an office in another county shall show or send by registered mail to the clerk of such other county, his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued under seal by the regents, or if the certificate itself is endorsed by the regents as entitled to registration, the clerk shall thereupon register the applicant in the latter county, on receipt of a fee of twenty-five cents, and shall stamp or endorse on such certificate, the date and his name preceded by the words, "Registered also in county," and return the certificate to the applicant.

Sec. 13. Certificate presumptive evidence; unauthorized registration and license prohibited.—Every unrevoked certificate and endorsement of registry, made as provided in this article, shall be presumptive evidence in all courts and places, that the person named therein is legally registered. Hereafter no person shall register any authority to practice medicine unless it has been issued or endorsed as a license by the regents. No such registration shall be valid unless the authority registered constituted, at the time of registration, a license under the laws of the state then in force. No diploma or license conferred on a person not actually in attendance at the lectures, instruction and examinations of the school conferring the same, or not possessed at the time of its conferment of the requirements then demanded of medical students in this state as a condition of their being licensed so to practice, and no registration not in accordance with this article shall be lawful authority to practice medicine, nor shall the degree of doctor of medicine be conferred *causa honoris* or *ad eundem* nor if previously conferred shall it be a qualification for such practice.

Sec. 14. Construction of this article.—This article shall not be construed to affect commissioned medical officers serving in the United States army, navy or marine hospital service, while so commissioned; or any one while actually serving without salary or professional fees on the resident medical staff of any legally incorporated hospital; or any legally registered dentist exclusively engaged in practicing dentistry; or any person or manufacturer who mechanically fits or sells lenses, artificial eyes, limbs,

or other apparatus or appliances, or is engaged in the mechanical examination of eyes, for the purpose of constructing or adjusting spectacles, eye glasses and lenses; or any lawfully qualified physician in other states or countries meeting legally registered physicians in this state in consultation; or any physician residing on a border of a neighboring state and duly licensed under the laws thereof to practice medicine therein, whose practice extends into this state, and who does not open an office or appoint a place to meet patients or receive calls within this state; or any physician duly registered in one county called to attend isolated cases in another county, but not residing or habitually practicing therein; or the furnishing of medical assistance in case of emergency; or the domestic administration of family remedies; or the practice of chiropody; or the practice of the religious tenets of any church. This article shall be construed to repeal all acts or parts of acts authorizing conferment of any degree in medicine *causa honoris* or *ad eundem* or otherwise than on students duly graduated after satisfactory completion of a preliminary medical course not less than required by this article as a condition of license. It is further provided that any person who shall be actively engaged in the practice of osteopathy in the state of New York on the date of the passage of this act, and who shall present to the board of regents satisfactory evidence that he is a graduate in good standing of a regularly conducted school or college of osteopathy within the United States which at the time of his or her graduation required a course of study of two years or longer, including the subjects of anatomy, physiology, pathology, hygiene, chemistry, obstetrics, diagnosis and the theory and practice of osteopathy, with actual attendance of not less than twenty months, which facts shall be shown by his or her diploma and affidavit, shall upon application and payment of ten dollars be granted, without examination, a license to practice osteopathy, provided application for such license be made within six months after the passage of this act. A license to practice osteopathy shall not permit the holder thereof to administer drugs or perform surgery with the use of instruments. Licenses to practice osteopathy shall be registered in accordance with the provisions of this act, and the word osteopathy be included in such registration; and such license shall entitle the holder thereof to the use of the degree D. O., or doctor of osteopathy.

Sec. 15. Penalties and their collection.—Any person who, not being then lawfully authorized to practice medicine within this state and so registered according to law, shall practice medicine within this state without lawful registration or in violation of any provision of this article; and any person who shall buy, sell, or fraudu-

lently obtain any medical diploma, license, record, or registration, or who shall aid or abet such buying, selling, or fraudulently obtaining, or who shall practice medicine under cover of any medical diploma, license, record, or registration illegally obtained, or signed, or issued unlawfully or under fraudulent representations, or mistake of fact in a material regard, or who, after conviction of a felony, shall attempt to practice, and any person who shall in connection with his name use any designation tending to imply or designate him as a practitioner of medicine within the meaning of this act without having registered in accordance therewith, or any person who shall practice medicine or advertise to practice medicine under a name other than his own, or any person not a registered physician who shall advertise to practice medicine, shall be guilty of a misdemeanor. Any person who shall practice medicine under a false or assumed name, or who shall falsely personate another practitioner or former practitioner of a like or different name, shall be guilty of a felony. When any prosecution under this act, or under sections three hundred and eighteen, two hundred and ninety-four, two hundred and ninety-five, two hundred and ninety-seven, four hundred and five-b of the penal code, and any amendments thereto, is made on the complaint of any incorporated medical society of the state, or any county medical society entitled to representation in a state society, any fines collected shall be paid to the society making the complaint, and any excess of the amount of fines so paid over the expense incurred by the said society in enforcing the medical laws of this state, shall be paid at the end of the year to the county treasurer.

Sec. 16. Article eight of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, chapter three hundred and ninety-eight of the laws of eighteen hundred and ninety-five, chapter six hundred and thirty-six of the laws of eighteen hundred and ninety-five, chapter one hundred and eleven of the laws of eighteen hundred and ninety-six, chapter six hundred and forty-six of the laws of nineteen hundred and one, and chapter two hundred and forty-three of the laws of nineteen hundred and two are hereby repealed.

Sec. 17. This act shall take effect immediately.

NORTH CAROLINA OSTEOPATHIC LAW.

AN ACT to regulate the practice of the system, method or science of treating diseases, known as osteopathy, and creating a Board of Examination and Registration for the Regulation of the same, and providing for the violation of this Act.

The General Assembly of North Carolina do enact:

Section 1. Be it enacted by the State of North Carolina that there shall be a State Board of Osteopathic Examination and Registration, consisting of five members, appointed by the Governor, in the following manner, to-wit:

Within thirty days after this Act goes into effect the Governor shall appoint five persons who are reputable practitioners of osteopathy, selected from a number of not less than ten, whom are recommended by the North Carolina Osteopathic Society, and this number may be increased to fifteen upon the request of the Governor; the recommendation of the President and Secretary being sufficient proof of the appointee's standing in the profession; and said appointees shall constitute the first Board of Osteopathic Examination and Registration. Their term of office shall be so designated by the Governor that the term of one member shall expire each year. Thereafter in each year the Governor shall, in like manner, appoint one person to fill the vacancy thus created in the Board at that time from a number of not less than five who are recommended by the State Osteopathic Society; the term of said appointee to be for five years. A vacancy occurring from any other cause shall be filled by the Governor for the unexpired term in the same manner as last above stated. The board shall, within thirty days after its appointment by the Governor, meet in the city of Raleigh, and organize by electing a president, secretary and treasurer, each to serve for one year. Thereafter the election of said officers shall occur annually. The treasurer and secretary shall each give bond, approved by the board, for the faithful performance of their respective duties, in such sum as the board may from time to time determine. The board shall have a common seal, and shall formulate rules to govern its actions; and the president and secretary shall be empowered to administer oaths. The board shall meet in the city of Raleigh at the call of the president in the month following the election of its officers, and in July of each succeeding year, and at such other times and places as a majority of the board may designate. Three members of the board shall constitute a quorum, but no certificate to practice osteopathy shall be granted on an affirmative vote of less than three. The board shall keep a record of its proceedings, and a register of all applicants for certificates giving the name and location of the institution granting the applicant the degree of doctor of, or diplomate in, osteopathy; the date of his or her diploma; and also whether the applicant was rejected or a certificate granted. The record and registers shall be prima facie evidence of all matters recorded therein.

Sec. 2. Any person before engaging in the practice of osteopathy in this State shall, upon the payment of a fee of Twenty-five Dollars,

make application for a certificate to practice osteopathy to the Board of Osteopathic Examination and Registration on a form prescribed by the board, giving; First, his name, age, which shall not be less than twenty-one years, and residence. Second, evidence that such applicant shall have, previous to the beginning of his course in osteopathy, a certificate of examination for admission to the freshman class of a reputable literary or scientific college, a diploma from a high school, academy, state normal school, college or university, approved by aforesaid board. Third, the date of his or her diploma, and evidence that such diploma was granted on personal attendance and completion of a course of not less than four terms of five months each, and after July, 1907, of three terms of not less than nine months each in three separate years. Fourth, the name of the school or college of osteopathy from which said applicant was a graduate, and which shall have been in good repute as such at the time of the granting of his or her diploma, as determined by the board. The board may, in its discretion, accept as the equivalent of any part, or all of the second, third and fourth requirements, evidence of five or more years reputable practice of osteopathy, provided such substitution be specified in the certificate. If the facts thus set forth, and to which the applicant shall be required to make affidavit, shall meet the requirements of the board, as prescribed by its qualifications for the practice of osteopathy, which shall include the subjects of anatomy, physiology, physiological chemistry, toxicology, osteopathic pathology, bacteriology, osteopathic diagnosis, hygiene, osteopathic obstetrics and gynecology, minor surgery, principles and practice of osteopathy, and such other subjects as the board may require. If such examination is passed in a manner satisfactory to the board, then the board shall issue to said applicant a certificate granting him or her the right to practice osteopathy in the State of North Carolina. Any person failing to pass such examination may be re-examined at any regular meeting of the board within one year from the time of such failure, without additional fee; provided, that any person having a diploma from a legally chartered school or college of osteopathy which was in good standing at the time of issuing such diploma, as defined by the board, and who shall meet the requirements of the board in other respects, who is in active practice in this State at the time of the passage of this act, may, upon the payment of a fee of two dollars, be granted a certificate by the board, to practice osteopathy in this State without examination, if application for such certificate is filed within ninety days after the passage of this act. Provided, further, that a physician's certificate issued by a reputable

school of osteopathy to a graduate from a reputable school of medicine after an attendance of not less than two terms of five months each may be accepted by the board on the same terms as a diploma, and the holder thereof be subject to the same regulations in all other respects as other applicants before the board, provided that after July, 1907, they shall have attended two terms of not less than nine months in two separate years.

Provided, further, that the board may in its discretion, dispense with an examination in the case: First, of an osteopathic physician duly authorized to practice osteopathy in any other State or Territory, or the District of Columbia, who presents a certificate of license issued after an examination by the legally constituted board of such State, Territory, or District of Columbia, accorded only to applicants of equal grade with those required in this State; or Second, an osteopathic physician who has been in the actual practice of osteopathy for five years, who is a graduate of a reputable school of osteopathy, who may desire to change his residence to this State, and who makes application on a form to be prescribed by the board, accompanied by a fee of twenty-five dollars.

The secretary of the board may grant a temporary permit until a regular meeting of the board, or to such time as the board can conveniently meet, to one whom he considers eligible to practice in the State, and who may desire to commence practice immediately. Such permit shall only be valid until legal action of the board can be taken. In all the above provisions the fee shall be the same as charged to applicants for examination, except to those who are practicing in the State at the time of the passage of this act.

The board may refuse to grant a certificate to any person convicted of a felony, or of gross unprofessional conduct, or who is addicted to any vice to such a degree as to render them unfit to practice osteopathy, and may, after due notice and hearing revoke such certificate for like cause.

Sec. 3. All fees shall be paid in advance to the treasurer of the board, to be by him held as a fund for the use of the State Board of Osteopathic Examination and Registration. The compensation and expenses of the members and officers of said board, and all expenses proper and necessary in the opinion of said board, to discharge its duties under and to enforce the law, shall be paid out of such fund, upon the warrant of the president and secretary of said board, and no expense shall be created to exceed the income of fees or fines as herein provided. The salaries shall be fixed by the board, but shall not exceed ten dollars per day per member, and railroad and hotel expenses.

Sec. 4. Osteopathic physicians shall observe and be subject to all 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, the same as physicians of other schools of medicine, and such reports shall be accepted by the officers or department to whom the same are made.

Sec. 5. Every person holding a certificate from the State Board of Examination and Registration shall have it recorded in the office of the county clerk of the county in which he or she expects to practice. Until such certificate is filed for record, the holder shall exercise none of the rights or privileges therein conferred. Said clerk of the county shall keep in a book for that purpose a complete list of all certificates recorded by him, with the date of the recording of each certificate. Each holder of a certificate shall pay to said clerk a fee of one dollar for making such record.

Sec. 6. Any person who shall practice, or pretend or attempt to practice, or use the science or system of osteopathy in treating diseases of the human body by fraud or misrepresentation; or any person who shall buy, sell or fraudulently obtain any diploma, license, record, or registration to practice osteopathy, illegally obtained or signed or issued unlawfully or under fraudulent representation; or who shall use any of the forms, or letters, "Osteopathy," "Osteopath," or "Osteopathist," "Diplomate in Osteopathy," "D. O.," "D. Sc. O.," "Osteopathic Physician," "Doctor of Osteopathy," or any other title or letters, either alone or with other qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such term or terms, is engaged in the practice of osteopathy, without having complied with the provisions of this act, shall be deemed guilty, of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each offense, or not less than three months, nor more than six months in the county jail.

Sec. 7. That the object of the said society shall be to unite the osteopaths of this State for mutual aid, encouragement, and improvement, to encourage scientific research into the laws of health and the treatment of diseases of the human family, to elevate the standard of professional thought and conduct in the practice of osteopathy, and to restrict the practice of osteopathy to persons educated and trained in said science.

Sec. 8. For the purpose of this Act, Osteopathy is defined to be the science of healing without the use of drugs, as taught by the various colleges of Osteopathy recognized by the American Osteopathic Association.

Sec. 9. Nothing in this Act shall be construed to prevent or in any way interfere with any person engaging in the art of healing in the manner taught by any school of medicine or science, except such as claim to be osteopaths, or practice osteopathy as herein defined.

Sec. 10. This Act shall be in force from and after its ratification.

Sec. 11. This Act repeals all former Acts regulating osteopathy.

NORTH CAROLINA MEDICAL ACT.

THE LAWS regulating the Practice of Medicine in North Carolina.

Sec. 3121. Medical Society of State, a Body Politic; Private Laws 1858-9, c 258, s. 1:

The association of regularly graduated physicians calling themselves "The State Medical Society," is hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The Medical Society of the State of North Carolina."

Sec. 3122. Who May Practice.

No person shall practice medicine or surgery, nor any of the branches thereof, nor in any case prescribe for the cure of disease, for fee or reward, unless he shall have been first licensed so to do in the manner hereinafter provided.

Sec. 3123. Board of Physicians to Consist of Seven.

In order to the proper regulation of the practice of medicine and surgery there shall be established a board of regular graduate physicians, to be known by the title of "The Board of Medical Examiners of the State of North Carolina" which shall consist of seven regularly graduated physicians.

Sec. 3124. Duty of the Board.

It shall be the duty of said board to examine all applicants who shall exhibit a diploma or further satisfactory proof of graduation from a medical college in good standing requiring an attendance of not less than three years and supplying such facilities for clinical instruction as shall meet the approval of said board, for license to practice medicine or surgery, or any of the branches thereof, on the following branches of medical science: anatomy, physiology, surgery, pathology, medical hygiene, chemistry, pharmacy, materia medica, therapeutics, obstetrics, and practice of medicine, and if on such examination they be found competent, to grant to each applicant a license or diploma, authorizing him to practice medicine and surgery or any of the branches thereof; provided five members of the board shall constitute a quorum and four of those present shall be agreed as to the qualifications of the applicant; provided, that the requirement of the three-years attendance shall not apply to those graduated prior to January 1st, 1900; provided, further, that licenses or other satisfactory evidence of standing as a

legal practitioner in another state shall be accepted in lieu of a diploma and entitle to examination.

Sec. 3125. Temporary License.

To prevent delay and inconvenience, two members of the board of medical examiners may grant a temporary license to any applicant who shall comply with the requirements as to graduation prescribed in Sec. 3124 as amended, and make report thereof to the next regular meeting of the board; provided, that such temporary license shall not continue in force longer than the next regular meeting of the board, and such temporary license shall in no case be granted after the applicant has been refused a license by the Board of Medical Examiners.

Sec. 3126. How Appointed.

The State Medical Society shall have power to appoint the Board of Medical Examiners.

Sec. 3127. Where and When to Assemble.

The Board of Medical Examiners shall assemble at the same time and place when and where the Medical Society assembles, which society shall assemble at least once in every year at such time and place as the said society, at its next preceding meeting, shall have fixed; and the said board shall remain in session from day to day until all applicants who may present themselves for examination within the first five days after its meeting shall have been examined and disposed of; provided, that the said board may, at its discretion, meet not more than one week before the said society, but always in the same place; and that one additional meeting in each year may be held at some suitable point in the state if deemed advisable.

Sec. 3128. Officers, Etc.

The board of Medical Examiners are authorized to elect all such officers and to frame all such by-laws as may be necessary, and in the event of any vacancy by death, resignation or otherwise, of any member of said board, the board or a quorum thereof is empowered to fill such vacancy.

Sec. 3129. The Board to Keep a Record.

The Board of Examiners shall keep a regular record of its proceedings in a book kept for that purpose, which shall always be open for inspection, and shall cause to be entered on a book kept for the purpose the name of each applicant licensed to practice medicine and surgery, and the time of granting the same, together with the names of the members of the board present, and shall publish the names of those licensed in two of the newspapers published in the city of Raleigh within thirty days after granting the same.

Sec. 3130. License.

The board shall have power to demand of every applicant thus licensed the sum of ten dollars before issuing a license or diploma, and

the sum of five dollars for each temporary license, to be paid to the secretary of the board.

Sec. 3131. The Board; their Compensation.

The members of said board shall receive as compensation for their services four dollars per day during the time of their session, and in addition thereto their traveling expenses to and from their places of meeting by the most direct route from their respective places of residence, to be paid by the secretary of the board out of any moneys in his hands, on the certificate of the president of the Board of Medical Examiners.

Sec. 3132. Practicing Without License.

Any person who shall practice medicine or surgery without first having applied for and obtained license from the said Board of Examiners shall not be entitled to sue for or recover before any court any medical bill for services rendered in the practice of medicine or surgery, or any of the branches thereof; and any person who shall begin the practice of medicine or surgery in this state for fee or reward, after the passage of this act (March 7, 1885), without first having obtained license from the said Board of Examiners, shall not only not be entitled to sue for or recover before any court any bill for services rendered in the practice of medicine or surgery, or any of the branches thereof, but shall also be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25, nor more than \$100, or imprisonment at the discretion of the court for each and every offense; provided, that this act shall not be construed to apply to women who pursue the vocation of midwife; and provided further, that this act shall not apply to any reputable physician or surgeon resident in a neighboring state or coming into this state for consultation with a registered physician therein. But this provision shall not apply to physicians resident in a neighboring state regularly practicing in this state; provided, that this section shall not apply to physicians who have a diploma from a regular medical college and who were practicing medicine or surgery in this state prior to the 7th day of March, 1885.

Sec. 3133. May Rescind Licenses.

Said board shall have power, to rescind any license granted by them when, on satisfactory proof, it shall appear that any physician thus licensed has been guilty of grossly immoral conduct.

Sec. 3134. Secretary.

The Secretary of the Board of Medical Examiners shall give bond, with good security, to the president of the board, for the safe-keeping and proper payment of all moneys that may come into his hands.

Registration. That Chapter 34 of the Code be amended by striking out from Sec. 3125 the words: "For confirmation" and by adding immediately after Sec. 3134 the following words.

"Any person who shall begin the practice of medicine or surgery after the passage of this act shall personally apply before the clerk of the Superior Court of the county in which he resides or practices within thirty days after obtaining a license from the Board of Examiners of the state, as now provided by law for registration.

Sec. 4. That any person applying for registration as herein provided shall produce and exhibit before the clerk of the Superior Court a license obtained from the Board of Medical Examiners aforesaid; and upon such exhibition being made as aforesaid, the clerk shall register the date of registration with the name and address of such applicant in a book to be kept for this purpose in his office, marked: "Register of Physicians and Surgeons," and shall issue to him a certificate of such registration under the seal of the Superior Court of the county on the form furnished him, as hereinafter provided, for which the clerk shall be entitled to collect from such applicant a fee of 25 cents. The person obtaining such certificate shall be entitled to practice medicine or surgery, or both, in the county where the same was obtained and in any other county in this state, but if he shall remove his residence to any other county he shall exhibit said certificate to the clerk of such other county and be registered, which registration shall be made by said clerk without fee or charge; provided, that any one having obtained a temporary license, as provided in Sec. 3125 of the Code, shall not be entitled to register, but may practice during the time such license shall remain in force.

Sec. 5. That any person who shall practice medicine or surgery in this state without first having registered and obtained the certificate as aforesaid shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$25, nor more than \$100, or be imprisoned at the discretion of the court for each offense; provided, this act shall not apply to women pursuing the vocation of midwives, nor to reputable physicians or surgeons resident in a neighboring state coming into the state for consultation with registered physicians of this state.

Sec. 6. That any clerk of the Superior Court who shall issue a certificate to any person in any other manner than that provided by this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$200 and shall be removed from office.

Sec. 7. That it shall be the duty of the Medical Society of the State of North Carolina to present a proper form of certificate required by this act.

NORTH DAKOTA OSTEOPATHIC LAW.

AN ACT creating a State Board of Osteopathic Examiners to Regulate the Practice of Osteopathy in the State of North Dakota; to Provide for Licensing Doctors of Osteopathy and to Prescribe Penalties for the Violation of this Act.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. State Board of Osteopathic Examiners, How Appointed, Qualifications, Vacancies, how filled). Within thirty days after the passage of this act the governor shall appoint a state board of osteopathic examiners, consisting of three practicing doctors of osteopathy, graduates of reputable schools of osteopathy and resident practitioners of the state. The members of said board shall hold their offices for a term of three years and until their successors are appointed and qualified, except the first appointees, who shall serve for one, two, and three years, respectively, in the order of their appointment. All vacancies in the board shall be filled by the governor by appointment, the appointees to such vacancies to possess the qualifications above required for members of said board.

Sec. 2. Officers, meetings for examinations, expenses of board, quorum, record of licenses.) Such board shall elect a president, a secretary and treasurer and shall have a seal. The president and secretary shall have the power to administer oaths. The board shall hold regular meetings for examinations at such places as it may designate on the first Tuesdays of January and July of each year, and such special meetings as it may from time to time appoint. The board shall by appropriate rules and regulations make provision for the payment of the expenses of its members, including per diem and mileage, but all such expenses shall be paid out of application fees. Two members of the board shall constitute a quorum and no license to practice osteopathy shall be granted except upon an affirmative vote of at least two of such members. The board shall keep a record of all its proceedings and also a register of applicants for license, showing the name of each, his age, time spent in the study of osteopathy, the names and location of the institutions from which such applicant holds the degree of doctor of, or, diplomate in, osteopathy, together with the date of his diploma. Such register shall also show whether the applicant was licensed or rejected. Such record and register shall be prima facie evidence of the matters therein recorded.

Sec. 3. Examinations, how conducted, licenses, how granted, and revoked). All persons before commencing the practice of osteopathy in this state shall apply to the state board of osteopathic examiners for a license so to do,

and such applicants shall submit to an examination in the following subjects:

Anatomy, histology, physiology, physiological chemistry, toxicology, diagnosis, pathology, obstetrics, gynecology, surgery, principles and practice of osteopathy, medical jurisprudence and such other subjects as the board may require; and shall present a diploma from a reputable school of osteopathy, wherein the course was not less than twenty months prior to the year A. D. 1907 and not less than three years of nine months each since said year. And the board shall cause such examination to be practical and scientific and sufficient to test the applicant's fitness to treat the diseases of the human body according to the theory of osteopathy, which shall not include the prescribing of internal medicines. If the applicant passes the prescribed examination by answering correctly not less than seventy-five per cent of the questions propounded to him in each subject, the board shall grant him a license to practice osteopathy in this state, which license shall be signed by the President and Secretary of the board and attested by his seal thereof. The fee for such examination shall be twenty dollars (\$20.00) payable in advance, which shall be applied to the payment of the expenses of the board and of such examination. The board may, in its discretion, permit an unsuccessful applicant to take a second examination within one year after rejection, without the payment of an additional fee. The board may also, in its discretion, grant a license for the fee above specified, without examination, to applicants examined and licensed by the legally constituted boards of other states and territories of the United States, or the District of Columbia, maintaining standards of equal grade with those required in this act. The board may refuse or revoke a license for dishonorable, unprofessional or immoral conduct, chronic or persistent inebriety, or mental aberration, excessive use of narcotics, or the practice of criminal abortion or for violating the provisions of this section. The accused shall be furnished with a copy of the complaint and given a hearing before the board in person, or by attorney.

Sec. 4. License to be Recorded). The person receiving a license shall file the same for record in the office of the register of deeds of the county wherein he resides and the register of deeds shall record the same in like manner as other instruments required to be recorded.

Sec. 5. Present Practitioners). The board shall acknowledge all osteopathic diplomas of physicians who were residents in the state of North Dakota at the time of the passage of this act and issue a license to the applicant upon

the payment of five dollars (\$5.00) without requiring of applicant to pass the state board examination; provided, the board is satisfied as to the good character of the applicant.

Sec. 6. Permits.) An applicant for a license may upon payment to the secretary of the fee of twenty dollars (\$20.00) be granted a permit by the board to practice osteopathy until the next regular examination, but only one such permit shall be granted to the same applicant.

Sec. 7. Who Exempt from the Provisions of this Act). This act shall not apply to doctors of osteopathy in actual consultation from other states or territories, or in the District of Columbia.

Sec. 8. Penalty for Practicing Without a License). Any person practicing osteopathy without a license or permit, or who, without complying with the provisions of this act shall advertise or attempt to practice as an osteopath or who shall use any of the terms or letters "osteopath," "osteopathist," "osteopathy" or "D. O." or any other title or titles under such circumstances or in such a manner as to induce the belief that he is engaged in the practice of osteopathy, or otherwise violates the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than fifty dollars and not more than five hundred dollars for each offense. Nothing in this section shall be construed so as to prohibit gratuitous assistance to a sick or injured person in case of emergency.

Sec. 9. Repeal of Former Act). Chapter 105 of the laws of 1897, the same being section 323 of the revised codes of North Dakota for 1905, is hereby repealed.

Sec. 10. Emergency). Whereas there is no general law in force regulating the practice of osteopathy and the examinations of applicants for license to practice osteopathy in this state, therefore, an emergency exists and this act shall take effect and be in force from and after its passage and approval.

Approved by Governor, March 20, 1909.

NORTH DAKOTA MEDICAL ACT.

Article 12. State Board of Medical Examiners.
Board of Medical Examiners, How Appointed
Qualifications.

Sec. 294. The Governor shall appoint a state board of medical examiners consisting of nine members, of which eight shall be practicing physicians, graduates of reputable medical colleges, who shall hold their office for three years after such appointment and until their successors are appointed and qualified. Two members of such board shall be homeopathic physicians, and one a lawyer.

(1890, ch., 93, Sec. 1; R. C. 1895, Sec. 275.)

Officers. Meeting for Examinations. Record of Licenses.

Sec. 295. Such board shall elect a president and treasurer and shall have a seal. The president and secretary shall have power to administer oaths. The board shall hold meetings for examinations at such places as it may designate on the first Tuesday in January, April, July and October of each year, and such special meetings as it may from time to time appoint. The board shall keep a record of all its proceedings, and also a register of applicants for license together with their ages, time spent in the study of medicine and the name and location of all the institutions granting to such applicant degrees or certificate of attendance on lectures in medicine or surgery. Such register shall also show whether the applicant was rejected or licensed under this article. Said books and register shall be prima facie evidence of all matters therein recorded.

(1890, ch. 93, Sec. 2; R. C. 1895, Sec. 276).

Examinations, How Conducted. Licenses, How Granted and Revoked.

Sec. 296. All persons before commencing the practice of medicine, surgery, or obstetrics in this state shall apply to the board of medical examiners so to do, and such applicant shall submit to an examination in the following subjects: Anatomy, physiology, chemistry, pathology, therapeutics, diseases of women and children, nervous diseases, diseases of eye and ear, medical jurisprudence, and such other subjects as the board may deem advisable, and present evidence of having graduated from a reputable medical college and having attended three courses of lectures of at least six months each; provided, however, that after the year 1904, applicants must present evidence of having graduated from a reputable medical college and attended four courses of lectures of at least eight months each and the board shall cause such examination to be practical and scientific, and sufficient to test the candidates fitness to practice medicine, surgery and obstetrics; provided, however, that the examination of any applicant in therapeutics shall be conducted by the member or members of said board who represent the system of medicine of which such applicant has been a student. If there be no representative of the school or system of which the applicant has been a student, the examination in therapeutics shall be conducted by an examiner appointed for that purpose by the Governor of North Dakota, but all other examinations other than in therapeutics shall be conducted as heretofore provided by this section. If any such applicant passes the prescribed examination, the board shall grant him a license to practice medicine, surgery and obstetrics in this state, which license shall be signed by the president and secretary of the board and attested by the seal thereof.

The fee for such examination shall be twenty dollars to be applied by the board toward paying the expenses thereof. The board in its discretion may grant license for the same fee without examination to applicants examined and licensed by other state examining boards maintaining standards not lower than those provided for in this article. The board may revoke or refuse a license for dishonorable or immoral conduct, chronic or persistent inebriety or mental aberration, excessive use of narcotics, or for the practice of criminal abortion. In complaints for violating the provisions of this section the accused shall be furnished with a copy of the complaint and be given a hearing before the board in person or by attorney. (1890, ch. 93, Sec. 3; R. C. 1895, Sec. 277, ch. 148, Sec. 1).

Sec. 297. Licenses to be Recorded. The person receiving a license shall file the same for record in the office of the register of deeds of the county wherein he resides, and the register of deeds shall record the same in like manner as other instruments required to be recorded.

(1890, ch. 93, Sec. 4; R. C. 1895, Sec. 278, 1901, ch. 142).

Sec. 298. Who Exempt from Provisions of this Article. This article shall not apply to surgeons of the United States Army, or Navy, physicians or surgeons in actual consultation from other states or territories, or actual medical students practicing medicine under the direct supervision of a preceptor.

(1890, ch. 93, Sec. 5; R. C. 1895, Sec. 279).

Sec. 299. Penalty for Practicing Without a License. Any person practicing medicine, surgery or obstetrics without a license or otherwise violating the provisions of this article is guilty of a misdemeanor, and upon conviction thereof, is punishable by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both. Nothing in this section shall be construed so as to prohibit gratuitous assistance to a sick or injured person in case of emergency.

(1890, ch. 93, Sec. 6; R. C. 1899, Sec. 280, 1905, ch. 148, Sec. 1).

OHIO MEDICAL ACT.

A BILL to revise and consolidate the laws relating to the appointment, powers and duties of the state board of medical registration and examination.

Be it enacted by the General Assembly of the State of Ohio:

STATE MEDICAL BOARD.

Section 19. The governor, with the advice and consent of the senate, shall appoint a state medical board, consisting of seven members, who shall be physicians in good standing in their profession. One member shall be appointed each year and shall serve for a term of seven

years. Schools of practice shall be given representation on the board as nearly as possible in proportion to their numerical strength in the state, but no school shall have a majority of the board. (R. S. Sec. 4403.)

Sec. 20. The state medical board shall organize by the election of a president and a treasurer, who shall be members of the board, and a secretary, who shall be a physician in good standing in his profession. Each of the officers so elected shall serve for a term of one year, and the president and the secretary may administer oaths. (R. S. Sec. 4403.)

Sec. 21. Each member of the state medical board shall receive ten dollars for each day employed in the discharge of his official duties and his necessary expenses so incurred. (R. S. Sec. 4403.)

Sec. 22. The secretary of the state medical board shall receive an annual salary, to be fixed by the board, and his necessary expenses incurred in the performance of his official duties. (R. S. Sec. 4403.)

Sec. 23. The treasurer of the state medical board shall give a bond to the state in the sum of ten thousand dollars, with two or more sureties approved by the board, conditioned for the faithful discharge of the duties of his office. Such bonds, with the approval of the board and the oath of office indorsed thereon, shall be deposited with the board and kept in its office. (R. S. Sec. 4403.)

Sec. 24. The state medical board shall meet in Columbus on the first Tuesday of January, April, July and October of each year, and at such other times and places as the board may direct. Five members of the board shall constitute a quorum. The board shall have a seal and shall prescribe rules for its government. (R. S. Sec. 4403.)

Sec. 25. The state medical board shall keep a record of its proceedings. It shall also keep a register of applicants for certificates, showing the name of the applicant, the name and location of the institution granting him the degree of doctor of medicine or surgery, and whether he was granted or refused a certificate. The books and records of the board shall be prima facie evidence of matters therein contained. (R. S. Sec. 4403.)

Sec. 26. Each person who desires to practice medicine or surgery shall file with the secretary of the state medical board a written application, under oath, on a form prescribed by the board, and furnish satisfactory proof that he is more than twenty-one years of age and of good moral character. (R. S. Sec. 4403c.)

Sec. 27. The state medical board shall appoint an entrance examiner, who shall not be directly or indirectly connected with a medical college and who shall determine the sufficiency

of the preliminary education of applicants for admission to the examination. The following preliminary educational credentials shall be sufficient:

A diploma from a reputable college granting the degree of A. B., B. S., or equivalent degree;

A diploma from a legally constituted normal school, high school or seminary, issued after four years of study;

A teacher's permanent or life certificate;

A student's certificate of examination for admission to the freshman class of a reputable literary or scientific college.

In the absence of the foregoing qualifications the entrance examiner may examine the applicant in such branches as are required for graduation from a first-class high school of this state, and to pass such examination shall be sufficient qualification. Such examination shall be held simultaneously in Cincinnati, Cleveland, Columbus and Toledo, and the questions submitted shall be uniform in such places. If the entrance examiner finds that the preliminary education of the applicant is sufficient, he shall, upon payment to the treasurer of the state medical board of a fee of two dollars, issue a certificate thereof, which shall be attested by the secretary of the state medical board.

The applicant must also produce a certificate issued by the entrance examiner and a diploma from a legally chartered medical institution in the United States, in good standing, as defined by the board, at the time the diploma was issued or a diploma or license approved by the board which conferred the full right to practice all branches of medicine or surgery in a foreign country. (R. S. Sec. 4403c.)

Sec. 28. At the time of his application the applicant shall present such diploma or license, with his affidavit that he is the person named therein and is the lawful possessor thereof, stating his age, residence, the college or colleges at which he obtained his medical education, the time spent in each, the time spent in the study of medicine, and such other facts as the state medical board requires. If engaged in the practice of medicine or surgery, the affidavit shall state the period during which and the place where he has been so engaged. (R. S. Sec. 4403c.)

Sec. 29. If the state medical board finds that the applicant has obtained any one of the credentials necessary for admission to the examination, that his diploma is genuine and granted by a legally chartered medical institution in the United States in good standing as determined by the board, or that his license is genuine and confers upon him full right to practice all branches of medicine or surgery in the foreign country in which he obtained it, and of a standard approved by the board, that the person named in the diploma or license is the person holding and

presenting it and is of good moral character, the board shall admit such applicant to an examination. (R. S. Sec. 4403c.)

Sec. 30. The examinations of applicants for certificates to practice medicine or surgery shall be conducted in the cities of Cincinnati, Cleveland, Columbus and Toledo under rules prescribed by the state medical board. Each applicant shall be examined in anatomy, physiology, pathology, chemistry, materia medica and therapeutics, the principles and practice of medicine, diagnosis, surgery, obstetrics and such other subjects as the board requires. The applicant shall be examined in materia medica and therapeutics and principles and practice of medicine of the school of medicine in which he desires to practice, by the member or members of the board representing such school. (R. S. Sec. 4403c.)

Sec. 31. If the applicant pass such examination, and has paid the fee required by law, the state medical board shall issue its certificate to that effect, signed by its president and secretary, and attested by its seal. Such certificate when deposited with the probate judge as required by law, shall be conclusive evidence that the person to whom it is issued is entitled to practice medicine or surgery in this state. An affirmative vote of not less than five members of the board is required for the issuance of a certificate. (R. S. Sec. 4403c.)

Sec. 32. The state medical board may refuse to grant a certificate to a person guilty of fraud in passing the examination, or at any time guilty of felony or gross immorality, or addicted to the liquor or drug habit to such a degree as to render him unfit to practice medicine or surgery. Upon notice and hearing, the board, by a vote of not less than five members, may revoke a certificate for like cause or causes. (R. S. Sec. 4403c.)

Sec. 33. An appeal may be taken from the action of the state medical board refusing to grant or revoking a certificate, for the causes named in the proceeding section, to the governor and attorney-general, whose decision affirming or overruling the action of the state board shall be final. (R. S. Sec. 4403c.)

Sec. 34. Each applicant for a certificate to practice medicine or surgery in this state shall pay a fee of twenty-five dollars for an examination. On failure to pass such examination the fee shall not be returned to the applicant, but within a year after such failure he may present himself and be again examined without the payment of an additional fee. All fees for examinations shall be paid in advance to the treasurer of the board and by him paid into the state treasury to the credit of a fund for the use of the state medical board. (R. S. Sec. 4403c.)

Sec. 35. Each person who receives a certificate to practice medicine or surgery, before be-

ginning practice, must deposit his certificate with the probate judge of the county in which he resides. The probate judge shall record it in a book kept for that purpose and indorse on the margin of the record and on the certificate the time when he received it for record, and make an index to all certificates by him recorded. The probate judge shall also note the revocation of a certificate, or the death or change of location of the owner of a certificate in the margin of the record. If the owner of a certificate changes his place of residence, he must have such certificate recorded by the probate judge of the county into which he removes. (R. S. Sec. 4403d.)

Sec. 36. Upon application the probate judge shall make a certified copy of a certificate and the indorsements thereon, which certified copy shall be prima facie evidence of the matters and facts therein contained. (R. S. Sec. 4403d.)

Sec. 37. For services under the provisions herein relating to the state medical board, the probate judge shall receive from the holder of a certificate the following fees: for recording and indexing each certificate, fifty cents; for certified copies, the same fees as are allowed by law for copies of records kept by him. (R. S. Sec. 4403d.)

Sec. 38. During the month of December in each year, the probate judge shall furnish the secretary of the state medical board a list of certificates recorded and in force, of certificates revoked, and of certificates whose owners have removed from the county or died during the preceding year. (R. S. Sec. 4403d.)

Sec. 39. The state medical board may dispense with the examination of a physician or surgeon, duly authorized to practice medicine or surgery in another state, a territory or the District of Columbia, who wishes to remove from such state, territory or district and reside and practice his profession in this state, upon his complying with the following conditions:

Such physician or surgeon shall make an application on a form prescribed by the board, pay a fee equal to that which such state, territory or district would require a physician or surgeon of this state removing from this state and residing and practicing his profession in such state, territory or district, and present a certificate or license issued by the medical board thereof; provided the laws of such state, territory or district require of physicians and surgeons practicing therein qualifications of a grade equal to those required of physicians and surgeons practicing in Ohio, and equal rights are accorded by such state, territory or district to physicians and surgeons of Ohio holding a certificate from the state medical board who desire to remove to, reside and practice their profession in such state, territory or district. (R. S. Sec. 4403c.)

Sec. 40. Each person who desires to practice midwifery in this state, and is not authorized by law so to do, shall appear before the state medical board and submit to such examination as the board requires. (R. S. Sec. 4403e.)

Sec. 41. If the applicant passes a satisfactory examination and has paid a fee of ten dollars, the state medical board shall issue its certificate to that effect, which must be deposited with the probate judge of the county in the manner provided for a physician's certificate, and thereupon entitle its holder to practice midwifery in this state. Such certificate may be refused or revoked as in the case of certificates to physicians and surgeons. (R. S. Sec. 4403e.)

Sec. 42. No certificate to practice midwifery shall authorize its holder to perform version, treat breech or face presentation, do any obstetric operation requiring instruments, or treat any other abnormal condition, except in emergencies. (R. S. Sec. 4403e.)

Sec. 43. A person shall be regarded as practicing medicine, surgery or midwifery, within the meaning of this act, who uses the words or letters, "Dr.," "Doctor," "Professor," "M. D.," "M. B.," or any other title in connection with his name which in any way represents him as engaged in the practice of medicine, surgery or midwifery, in any of its branches, or who examines or diagnoses for a fee or compensation of any kind, or prescribes, advises, recommends, administers or dispenses for a fee or compensation of any kind, direct or indirect, a drug or medicine, appliance, application, operation or treatment of whatever nature for the cure or relief of a wound, fracture or bodily injury, infirmity or disease. The use of any such words, letters or titles in such connection or under such circumstances as to induce the belief that the person who uses them is engaged in the practice of medicine, surgery or midwifery, shall be prima facie evidence of the intent of such person to represent himself as engaged in the practice of medicine, surgery or midwifery. (R. S. Sec. 4403f.)

Sec. 44. Nothing in this act shall prohibit service in case of emergency, or domestic administration of family remedies. This act shall not apply to a commissioned medical officer of the United States army, navy or marine hospital service in the discharge of his professional duties, or to a regularly qualified dentist when engaged exclusively in the practice of dentistry, or to a physician or surgeon residing in another state or territory who is a legal practitioner of medicine or surgery therein, when in consultation with a regular practitioner of this state; nor shall this act apply to a physician or surgeon residing on the border of a neighboring state and duly authorized under the laws thereof to practice medicine and surgery therein, whose

practice extends within the limits of this state; provided equal rights and privileges are accorded by such neighboring state to the physicians and surgeons of Ohio residing on the border of this state contiguous to such neighboring state. Such practitioner shall not open an office or appoint a place to see patients or receive calls within the limits of this state. (R. S. Sec. 4403f.)

Sec. 45. The provisions of this act shall not apply to an osteopath who passes an examination before the state medical board in the subjects of anatomy, physiology, obstetrics and diagnosis in the manner required by the board, receives a certificate from such board, and deposits it with the probate judge as required by law in the case of other certificates. Such certificate shall authorize the holder thereof to practice osteopathy in the state, but shall not permit him to prescribe or administer drugs, or to perform major surgery. (R. S. Sec. 4403f.)

Sec. 46. Before he shall be admitted to an examination before the state medical board a person who desires to practice osteopathy shall pay a fee of twenty-five dollars to its treasurer and file with its secretary such evidence of preliminary education as is required by law of applicants for examination to practice medicine or surgery, together with a certificate from an osteopathic examining committee as hereafter provided, showing that the applicant holds a diploma or a physician's osteopathic certificate from a reputable college of osteopathy as determined by such committee, and that he has passed an examination in a manner satisfactory to the committee in the subjects of pathology, physiological chemistry, gynecology, minor surgery, osteopathic diagnosis, and the principles and practice of osteopathy. (R. S. Sec. 4403f.)

Sec. 47. Upon recommendation of the Ohio osteopathic society, the state medical board shall appoint three persons who shall constitute the state osteopathic examining committee. One member of such committee shall be appointed each year, who shall serve for a term of three years. (R. S. Sec. 4403f.)

Sec. 48. Each person so appointed shall file with the state medical board a certificate of the Ohio osteopathic society that he is a graduate of a reputable college of osteopathy, that he has been engaged in the practice of osteopathy in this state for at least one year, that he is of good moral character, and is in good standing in his profession. (R. S. Sec. 4403f.)

Sec. 49. Upon recommendation of the osteopathic committee and the payment by the applicant of a fee of fifty dollars, the state medical board may issue a certificate without examination to a graduate of a reputable school of osteopathy, who is of good moral character, and has been engaged in the practice of osteo-

pathy in any other state for at least five years. (R. S. Sec. 4403f.)

Sec. 50. The osteopathic examining committee shall meet at the office of the state medical board for action on applications for osteopathic certificates at such time as the board directs; but the committee shall take no part in the deliberations of the board. Each member of the committee shall receive the same compensation as a member of the state board, payable as provided in such case. (R. S. Sec. 4403f.)

Sec. 51. The compensation and expenses of the members and officers of the state medical board, and the necessary expenses of the board shall be paid from a fund in the state treasury for the use of the board, upon the warrant of the auditor of state, issued upon vouchers signed by the president and secretary of the board. (R. S. Sec. 4403c.)

Sec. 52. Whoever practices medicine or surgery in any of its branches in this state before he obtains a certificate from the state medical board in the manner required by law, or whoever so practices medicine or surgery after such certificate has been duly revoked, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, or both. (R. S. Sec. 4403c, R. S. Sec. 4403g.)

Sec. 53. Whoever practices midwifery in this state without first obtaining a certificate from the state medical board, or other competent authority authorizing her so to do, shall be fined not less than twenty-five dollars nor more than one hundred dollars. (R. S. Sec. 4403g.)

Sec. 54. Whoever announces or advertises himself as an osteopath, or practices as such, without complying with all the provisions of law relating to the practice of osteopathy, shall be fined not less than twenty-five dollars nor more than five hundred dollars or be imprisoned in the county jail not less than thirty days nor more than one year, or both. (R. S. Sec. 4403f.)

Sec. 55. Whoever files, or attempts to file, as his own, the medical diploma or certificate to practice of another, or files or attempts to file a false or forged affidavit of his identity, or wilfully swears falsely in answer to a question asked him on his medical examination or to an affidavit required to be made or filed by him with the state medical board, shall be imprisoned in the penitentiary not less than one year nor more than five years. (R. S. Sec. 4403g.)

Sec. 56. All fines collected under the last four preceding sections shall be paid to the state medical board (R. S. Sec. 4403g.)

Sec. 57. Whoever makes, issues, publishes or causes to be made, issued or published, for the purpose of sale, barter or gift, a diploma, cer-

tificate or writing representing the holder thereof to be a graduate of a medical school, college or educational institution of medicine, unless such holder has attended a complete course of instruction therein, which is equal to the average course of instruction in other such schools, colleges or institutions in good standing in this state, shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned in the penitentiary not less than one year nor more than three years, or both. (R. S. Sec. 4403a.)

Sec. 58. Whoever makes, issues or publishes, for the purpose of sale, barter or gift, a certificate, diploma, other writing or document falsely representing the holder or receiver thereof to be a graduate of a medical school, college or educational institution of medicine and entitled to the powers, privileges or degrees thereby pretended to be conferred; or sells or otherwise disposes of, or offers to sell or dispose of such diploma, certificate, writing or document containing such false representation; or uses his name, or permits it to be used, as a subscriber to such false and fictitious diploma, certificate, writing or document; or engages in the practice of medicine, and surgery under and by virtue of such fraudulent diploma, certificate, writing or document, shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned in the penitentiary not less than one year nor more than three years, or both. (R. S. Sec. 4403b.)

Sec. 59. The secretary of the state medical board shall enforce the provisions of law relating to the practice of medicine, surgery or midwifery in this state. If he has knowledge or notice of a violation of such law he shall investigate the matter, and upon probable cause and hearing file a complaint and prosecute the offender. When requested by the secretary, the prosecuting attorney of the proper county shall take charge of and conduct such prosecution. (R. S. Sec. 4403g.)

OKLAHOMA MEDICAL ACT.

AN ACT to define and Regulate the Practice of Medicine; to Create a Board of Medical Examiners for the Examination and Licensing of Physicians and Surgeons and to Prescribe their Qualifications; to Provide for their Proper Regulation, and to Provide for the Revocation of their License, to Require Itinerant Vendors to Procure a County License and to fix Suitable Penalties for the Violation of this Act, and Repealing Laws and Parts of Laws in Conflict Herewith.

Be it Enacted by the People of the State of Oklahoma:

Section 1. A State Board of Medical Examiners is hereby established, to consist of nine members, learned in medicine, legal and active

practitioners in the State of Oklahoma, who shall have resided and practiced medicine in the State under a diploma from a legal and reputable college of medicine of the school to which said practitioner shall belong, for more than three years prior to their appointment, and no one of such schools shall have a majority on said Board.

Provided, that for the societies represented by only one member, there shall be one alternate appointed by the Governor to act at the meeting of said Board in case of the absence or inability of the regularly appointed member, said alternative to derive the same benefits and subscribe to the same oath of office as the regularly appointed members of said Board. The Board shall be appointed by the Governor of the State of Oklahoma within thirty days after this act becomes effective, and the term of office therefor shall be for four years, or until a successor is appointed and qualified.

Provided, that the term of office of the first Board shall expire with the term of the present Governor in January, 1911. Vacancies occurring at any time on the Board shall be appointed by the Governor of the State of Oklahoma as provided for in this section, from a school of medicine from which the vacancy occurs, so that at no time shall one school have a majority on said Board. It shall require a majority vote of said Board to carry any motion or resolution, to adopt any rule, or to pass any measure, or to issue any certificate to practice surgery and medicine as in this act provided. No member of said Board shall be a stockholder or member of the faculty or Board of Trustees of any medical college or school.

Sec. 2. Each member of said Board shall, before entering upon the duties of his office, take the constitution oath of office from some one qualified to administer oaths, and shall, in addition, make oath that he is a graduate in medicine, and a legally qualified practitioner of medicine and surgery in this State; that he has been engaged in the active practice of medicine and surgery in this State, or in the territory formerly known as Oklahoma, or what was formerly known as Indian Territory, for a period of three years preceding his appointment.

Sec. 3. The State Board of Medical Examiners shall, immediately after the members shall qualify, organize by electing a president, vice-president, secretary and treasurer. The president of said board shall preside at all meetings of the Board and perform such other duties as the Board by their rules may prescribe. The vice-president shall perform all the duties of the president during the latter's absence or disability. The secretary shall keep a record of all the proceedings of the Board and perform such other duties as are prescribed in this act, or

which may be prescribed by said Board. The treasurer shall, in order to qualify, give bond in the sum of \$5,000.00, the same to be approved by the Governor, and filed with the Secretary of State. It shall be his duty to receive and care for all money from the secretary, receipting him therefor, and to pay out the same upon written order of the secretary, countersigned by the president.

Sec. 4. The Board of Medical Examiners shall preserve a record of its proceedings in a book kept for that purpose, showing name, age, place and duration of residence of each applicant; the time spent in medical study in respective medical schools, and the year and school from which degrees were granted. Said register shall also show whether applicants were rejected or licensed, and shall be prima facie evidence of all matters concerned therein. The secretary of the board shall, on March the first of each year, transmit an official copy of said register to the Secretary of State for permanent record, a certified copy of which, with hand and seal of the Secretary of the State Board or Secretary of State, shall be admitted in evidence in all courts of the State.

Sec. 5. Said Board shall hold regular meetings every three months in some convenient city or town in this State, for the consideration of certificates, and may transact such other business which may properly come before it, and shall have the power to adjourn from time to time, until its business is conducted. Notice of the regular meeting of the Board shall be given thirty days previous to the meeting of said Board, by publication in at least one daily newspaper in each supreme judicial district. Said Board shall procure a seal for its use and shall receive through its secretary applications for certificates provided to be issued under this act.

Sec. 6. Said board may from time to time adopt such rules as may be necessary to carry into effect the provisions of this act. Any member of the Board may administer oaths in all matters pertaining to duties of said board, and the board shall have authority to take evidence on questions pertaining to the enforcement of this act.

Sec. 7. Every person before practicing medicine and surgery or any of the departments of medicine and surgery in this State, must have the credentials herein provided for. In order to procure such credentials, he must produce satisfactory evidence of good moral character, and a diploma issued by some legal chartered medical school or college, the requirements of such medical school or college shall have been at the time of granting such diploma in no particular less than those prescribed by the American Association of Medical Colleges, or the Southern Association of Medical Colleges in that year

in which the said diploma was granted. Or he must show satisfactory evidence of having possessed such diploma or license from some legally constituted institution which grants medical and surgical licenses only on actual examinations, or satisfactory evidence of having possessed such license or diploma. He must accompany said diploma or license with an affidavit showing that he is the person therein named, and that the diploma or license was procured in the regular course without fraud or misrepresentation of any kind, such affidavit to be taken before any person authorized to administer oaths. The same shall be attested under the hand and seal of such officer, if he have a seal. In addition to such affidavit, the board shall hear such information as in its discretion it may deem proper as to any of the matters embraced in said affidavits. If it should appear from the evidence that said affidavit is untrue in any particular, or if it should appear that the applicant is not of good, moral character, the application must be rejected; provided, that osteopaths shall be subject to the above regulations with the exception that instead of the diploma hereinbefore mentioned, they shall be required to file a diploma from a legally chartered college of osteopathy in good repute as such, having a course of instruction of at least twenty months, requiring actual attendance thereon, and after 1907 of three years of nine months each. In addition to the requirements above set out, each applicant for a certificate, upon the payment of a fee of \$15.00 to the secretary of the State Board of Health, must be personally examined by said Board as to his qualifications to practice medicine and surgery. The examination must be conducted in the English language, and shall be in whole or in part in writing, and shall be on the following branches, to-wit, which branches shall be considered fundamental: Anatomy, histology, physiology, chemistry, physical diagnosis, bacteriology, pathology, medical jurisprudence, toxicology, surgery, gynecology, and obstetrics, the branches peculiar to the teachings of the school attended by the applicant, and such other additional subjects made necessary by the advance in medical education as the board may designate or deem advisable to test the scientific and practical knowledge of the applicant; provided that the applicant shall be examined in theory and practice, materia medica and therapeutics by those members of each Board of Examiners who represent the school of practice to which the applicant professes to belong; and be it further provided, that those legally qualified to practice medicine only in that school known as osteopathy shall not be permitted to administer medicines internally in the treatment of diseases, except in the use of anesthetics in the practice of surgery and

obstetrics, and in cases of emergency. The credentials of applicants, which shall be sworn to by the applicants, relating to their general reputation, their preliminary education, and the course of studies that they have pursued; the degrees they have received; the number of years they have been engaged in the lawful practice of medicine; their experience in general hospitals, the medical department of the army, navy and public health and marine and hospital service, licenses granted to them by other states and countries, and their experience as teachers of medicine. All these shall be given consideration by the board in conducting its examinations.

Provided that nothing herein contained shall be so construed as to prevent midwives from practicing, in cases of emergency.

Provided, further, that those who use only herbs and roots and treat diseases without compensation shall not be required to register.

Provided, however, that all physicians who have lawfully registered since statehood shall not be required to re-register under this act.

Sec. 8. The said board may, at its discretion, accept and register upon payment of the registration fee without examination of the applicant, any certificate which shall have been issued to him, or her, by the State Board of Examiners of other States, Territories or the District of Columbia;

Provided, however, that the legal requirements of such medical examining board shall have been at the time of issuing such certificates in no degree or particular less than those of Oklahoma at the time when such certificate shall be presented for registration to the board created by this act;

And provided further, that the provisions provided in this act shall be held to apply only to such of said medical examining boards as accept and register the certificates granted by this Board without examination by them of the one holding such certificate. Each applicant upon making application shall pay to the secretary of the Board a fee of \$25.00, which shall be paid into the treasury of said Board by its secretary.

Sec. 9. The said Board of Medical Examiners shall conduct and grade all examinations, and all applicants who shall make an average grade of seventy per cent, and a minimum in any one branch of fifty per cent., and who shall have complied with the conditions specified in Section VII of this act, shall receive the certificate entitling such applicant to practice medicine in this State, subject to the performance by the said applicant of the heretofore preliminary conditions in this act required. The applicants shall be known by numbers so that no member of said Board shall be able to identify the appli-

cants with their respective papers until said papers shall be finally graded. The questions and answers with the respective grades attached shall be preserved for two years and shall be open to public inspection by all persons interested. In case of failure to secure the percentage required for a passing grade, the applicant may take another examination within twelve months without extra cost. Temporary permits may be granted and shall be effective until the next meeting of the Board, unless sooner revoked for cause;

Provided, that the applicant shows good faith by payment to the secretary of the State Board of Health, the regular examination fee and delivering to the Board such credentials and other evidence of intentions to become a bona fide resident of the State, as the board may require.

Sec. 10. When any applicant has shown himself to be possessed of the qualifications herein required, and has successfully passed the examination, a certificate must be issued to him by said Board authorizing him to practice medicine and surgery in this State. Said certificate shall be signed by each member of the Board and sealed with the seal of said Board; provided, however, that all physicians and surgeons who were legally licensed and practicing in Oklahoma Territory and the Indian Territory on the 16th day of November, 1907, shall be required to register with the said Board, but shall be exempt from examination, except as to their credentials, and shall be entitled to re-registration with the said Board, and certificate of registration free of cost; provided, however, that said physician and surgeon desiring re-registration, shall make an application therefor within ninety days after this act becomes operative, such physician and surgeon failing to make such application within the said ninety days, shall be considered an illegal practitioner, and shall be dealt with as herein provided, for the violation of this act.

Sec. 11. Every person holding a certificate authorizing him to practice medicine and surgery in this State, must have it recorded in the office of the county clerk, as herein provided. Every such person on the change of residence must have his certificate recorded in like manner in the county to which he shall have changed his residence, and said certificate shall be displayed in his office as evidence of having complied with the law. The absence of such record shall be prima facie evidence of the want of possession of such certificate, and every such person holding such certificate who shall practice medicine and surgery or attempt to practice medicine and surgery without first having recorded same with the county clerk, as herein provided, shall be deemed guilty of a misdemeanor.

Sec. 12. It shall be the duty of the county

clerk of the several counties of the State, immediately upon the taking effect of this act, to purchase, at the expense of the county, a suitable book to be known as the "Medical Register" for the purpose herein set forth; said record shall be open to public inspection during office hours. The county clerk shall receive compensation in the manner provided in the Statutes of Oklahoma for the recording of similar documents.

Sec. 13. Said board must refuse a certificate to any applicant guilty of unprofessional conduct, but before such refusal, the applicant must be cited by citation signed by the secretary of the board and sealed with its seal. No such citation shall be issued except upon a sworn complaint filed with the secretary of the Board, charging the applicant with having been guilty of unprofessional conduct, and setting forth the particular act constituting such unprofessional conduct. Upon the filing of such complaint, the secretary must forthwith issue a citation and make the same returnable at the next session of the board, occurring at least thirty days next after the filing of the complaint. Such citation shall notify the applicant of the time and place, when and where the matter of such unprofessional conduct shall be heard, and the particular unprofessional conduct with which the applicant is charged. The applicant shall file written answer under oath within twenty days after the service on him of such citation, or default will be taken against his application for certificate refused. The attendance of witnesses shall be compelled at such hearing by subpoenas issued by the secretary of the Board under its seal, and said secretary shall in no case refuse to issue any such subpoena upon the fee of twenty-five cents being paid to him for its issuance.

Said citation and said subpoenas shall be served in accordance with the statutes of this State, then in force, as to the service of citation and subpoenas generally, and all of the provisions of the statutes of this State then in force relating to the subpoenas are hereby made applicable to the subpoenas provided for herein. If any person refuses to obey a subpoena served on him or her according to the statutes of this State, then in force, providing for the manner of serving subpoenas, the fact of such refusal shall be certified by the secretary of the said Board under the seal thereof, to the county court of the county in which the service was had, and said court shall proceed to hear said matter in accordance with the statutes of this State, then in force, as to contempt for disobedience of its own process. In all cases of illegal or unprofessional conduct, arising under the provisions of this act, and all provisions of the statutes of this State then in force as to the taking of depositions are hereby made applicable to the taking

of testimony under this act. If the applicant shall fail to file with the secretary of the said board his answer under oath to the charges made against him within twenty days after the service on him of said citation, or within such further time as the board may give him, the charges on the face may be deemed sufficient by the board, and default may be entered against him and his application refused.

Whenever any holder of a certificate issued as herein provided shall be guilty of unprofessional conduct as defined by this act, and such unprofessional conduct is brought to the attention of the Board granting said certificate in the manner herein pointed out, it shall be their duty to, and they must, at once revoke the same, and the holder of such certificate shall not thereafter be permitted to practice medicine and surgery or in any other departments of medicine and surgery in this State. But no such revocation shall be made unless such holder is cited to appear and the same proceedings are had, as is hereinbefore provided in this section, in case of refusal to issue certificates. The accused party at the time he presents his answer for filing shall deposit with the secretary his certificate, and unless he does so, the secretary must not file his answer, and default may be thereon entered against him, and his certificate revoked if the charges on their face be deemed sufficient by the Board.

When the certificate is revoked the secretary of the Board, if the certificate has been deposited with him, shall write across the face thereof in red ink the fact of such revocation, and shall file such certificates so revoked among the archives of his office under the seal of the Board to the county clerk of the county of which the certificate of the person whose certificate has been revoked is recorded, and said county clerk must thereupon write on the margin or across the face of his register the fact and day of such revocation in accordance with this act.

From the time of the revocation of certificate the holder shall be disqualified from practicing medicine in this State.

The words "unprofessional conduct" as used in this act are hereby declared to mean:

First. The procuring or aiding or abetting in procuring a criminal operation.

Second. The obtaining of any fee on the assurance that an incurable disease can be permanently cured.

Third. The willful betrayal of a professional secret to the detriment of a patient.

Fourth. All advertising of medical business in which grossly improbable statements are made that are calculated to mislead the public.

Fifth. All advertising of any medicine or means whereby the monthly periods of women

can be regulated or menses re-established, if suppressed.

Sixth. Conviction of any offenses involving moral turpitude.

Seventh. Habitual intemperance, and the habitual use of habit forming drugs.

Eighth. The employment of what is commonly known as "cappers" or "steerers" in procuring practice. These specifications are not intended to exclude other acts for which license may be revoked on the ground of unprofessional conduct.

Sec. 14. Said Board shall fix the salary of the secretary not to exceed one hundred and fifty dollars (\$150.00) per year and the other members of said board shall receive not to exceed six (\$6.00) dollars per diem for each and every day of actual service in the discharge of their duties under this act, and the necessary traveling expenses and all money in excess of their actual expenses of the board, as provided by this act shall be paid annually into the State Treasury.

Sec. 15. Any person practicing medicine and surgery in this State without having at the time a valid, unrevoked certificate as provided in this act, shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment for a term of not less than sixty days nor more than one hundred and eighty days or by both such fine and imprisonment, and each day's practice shall constitute a separate offense. All fines under the provisions of this section shall be paid into the road and bridge fund of the county wherein the conviction is secured.

Sec. 16. Any person who shall render unprofessional services as a physician in this State, without first complying with the provisions of this act shall, in addition to the other penalties prescribed herein, receive no compensation for such services; and no indebtedness shall be created thereby against the person for whose benefit such services shall be rendered.

Sec. 17. Every person filing for record, or attempting to file for record the certificate issued to another falsely claiming himself to be the person entitled to the same, shall be guilty of a felony and upon conviction thereof shall be subject to such penalties as are provided by the laws of this State for the crime of forgery.

Sec. 18. The following persons shall be deemed as practicing medicine and surgery within the meaning of this act.

First: Those who prescribe or administer any drug or medicine now or hereafter included in materia medica in the treatment of disease, injury, or deformity of human beings.

Second: Those who practice major or minor surgery in the treatment of disease, injury, or

deformity of human beings, except dealers in surgical, dental or optical appliances.

Sec. 19. It shall be unlawful for any person to sell or offer for sale by peddling, or to offer for sale from house to house, or to offer for sale by public outcry, or to be vending in the street, any drug or medicine, pharmaceutical preparation, chemical or any composition or combination thereof, or any implement or appliance or agency for the treatment of disease, injury or deformity, or by writing, or printing or any other method to publicly profess to cure or treat any disease, injury or deformity by any drug, nostrum, manipulation or other expedient, without previously obtaining a license therefor as herein provided. An annual County license fee of fifty dollars is hereby levied upon all such itinerant vendors, doing business in any county in this State. Said sum shall be paid to the county clerk who shall pay the same over to the county treasurer for the use of the county road and bridge fund of said county. The county clerk shall thereupon issue a license showing the applicant has paid his license fee and is authorized to do business as above described in this section, in that county for one year. Provided, however, that this shall not prevent incorporated towns or cities from levying an additional license on such vendors of aforesaid articles or goods. Any person who shall violate this section shall upon conviction be fined not less than fifty dollars nor more than one hundred dollars or imprisonment, said fine to be turned over to the county treasurer for the use of the county road and bridge fund.

Sec. 20. Said board of medical examiners shall annually on or before the first day of January, file with the governor, a correct written report of all their proceedings, and account for all moneys received and paid out by them during the year.

Sec. 21. Any person who has been aggrieved by any act, rule, or regulation of said board, shall have his right of action to have such issue tried in the district court of the county in which some member of the board shall reside.

Sec. 22. Any person who shall violate any of the provisions of this act, except as otherwise provided, shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

Sec. 23. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Chapter 5 of the session laws of the territory of Oklahoma of 1893, and sections 1, 2, 3, 4, 5, 6, 7 and 8 of Chapter 22, of the Session laws of the Territory of Oklahoma of 1893, and section 15, of Chapter 28 of the session laws of the Territory of Oklahoma of 1897, together with all acts or parts of acts in conflict with this act are hereby repealed.

Approved June 10, 1908.

OREGON MEDICAL ACT.

REGULATING THE PRACTICE OF MEDICINE AND SURGERY.

3794. Board of Medical Examiners Created.

The governor shall appoint five persons from among the most competent physicians of the state, all of whom shall have been residents of the state for seven years and of at least five years' practical experience in their profession, who shall be known as the board of examiners for the State of Oregon. Three of the board shall be regulars, one eclectic, and one homeopathist, one of whom shall hold his office for five years, one for four years, and one for three years, and one for two years, and one for one year, and each until his successor shall be appointed and qualified, and each year thereafter another commissioner shall be appointed for five years, and until a successor be appointed and qualified. If a vacancy occur in said board, another shall be appointed as aforesaid to fill the unexpired term thereof.

3795. Oath of Members, Officers and Meetings of Board, and Record of Proceedings.

The members of said medical examining board shall, on entering upon their duties as such members take and subscribe an oath to support the constitution and laws of the State of Oregon and of the United States, and to well and faithfully and without partiality perform the duties of such office according to the best of their knowledge and ability; which oaths shall be filed and preserved of record in the office of the secretary of said board. Said medical examining board shall elect a president, secretary and treasurer, and shall have a common seal. The president and secretary shall have the power to administer oaths. Said medical examining board shall hold meetings for examination on the first Tuesday of January and July of each year. Said meetings shall be held at Portland, Oregon: Provided, that the board may call special meetings when in the opinion of a majority of said board such special meetings are necessary. Said board shall keep a record of all the proceedings thereof, and also a record or register of all applicants for a license, together with his or her age, the time such applicants shall have spent in the study and practice of medicine and surgery, if they shall have so practiced at all, and the name and location of all institutions granting to such applicants, degrees or certificates of lectures in medicine or surgery. Said record or register shall also show whether such applicant was rejected or licensed under this act. Said books and register shall be prima facie evidence of all matters therein recorded.

3796. License to Practice Medicine—Application and Examination for.

Every person, except as hereinafter provided, desiring to practice medicine and sur-

gery, or either of them, in any of their or its branches in this state, shall make a written application to said board for a license so to do, which application shall be supported and accompanied by an affidavit of such applicant, setting forth the actual time spent by such applicant in the study of medicine and surgery, and when, whether such study was in an institution of learning, and if so, the name and location thereof, and if not in such an institution, where and under whose tutorship such study was prosecuted, the time said applicant shall have been engaged in the actual practice, if at all, of medicine and surgery, or either of them, and where the applicant was located during the time of such practice, and the age of the applicant at the time of making application; such application and affidavit to be filed and preserved of record in the office of secretary of said board. Such applicant, at the time and place designated by said board, or at the regular meeting of said board, shall submit to an examination in the following branches, to-wit: Anatomy, physiology, chemistry, materia medica, therapeutics, practice of medicine, surgery, obstetrics, diseases of women, medical jurisprudence, and such other branches as the board shall deem advisable. Said board shall cause such examination to be both scientific and practical, and of sufficient severity to test the candidate's fitness to practice medicine and surgery, which examination shall be by written or printed, or partly written and partly printed, questions and answers, and the same shall be filed and preserved of record in the office of the secretary of said board. After examination, if the same is satisfactory, said board shall grant a license to such applicant to practice medicine and surgery in the State of Oregon; which said license can only be granted by the consent of not less than four (4) members of said board, except as hereinafter provided, and which said license shall be signed by the president and secretary of said board, and attested by the seal thereof. The fee for such examination shall be ten (\$10) dollars, and shall be paid by the applicant to the treasurer of said board towards defraying the expenses thereof; and such board may refuse or revoke a license for unprofessional or dishonorable conduct, subject, however, to the right of such applicant to appeal from the decision of said board refusing or revoking such license, as hereinbefore provided: Provided, that all persons who have been regularly licensed under heretofore existing laws of this state, and having complied with the provisions thereof, shall be taken and considered as licensed physicians under this act, and the secretary of the board herein provided for shall enter the names of such persons upon the register kept by him, as licensed physicians and surgeons, upon the

written application of such person, accompanied with such license heretofore regularly issued. Provided further, that in all cases where an applicant for a license under this act shall produce and exhibit to the examining board a certificate from the board of medical examiners appointed under the laws of any state of the United States, which state recognizes licenses from this state, certifying to the fact that the person presenting such certificate is duly and well qualified to practice medicine and surgery in the state issuing such certificate, and that said board issuing such certificate has subjected the applicant to a thorough examination to ascertain this fact, he or she may, at the discretion of the examining board, upon paying the fee herein prescribed, and otherwise complying with all the requirements of this act, received from the examining board, provided for in this act, a license as if the examination of said applicant was had in this state, and upon filing such license with the county clerk, as herein provided, he or she shall be a legally qualified practitioner of medicine and surgery in this state, subject to all provision of this act as to the revocation of said license as herein provided.

Approved, as amended, February 17, 1903.

3797. "Unprofessional" and "Dishonorable Conduct," Meaning of.

The words "unprofessional" or "dishonorable conduct," as used in the preceding section, are hereby declared to mean: first, the procuring or aiding or abetting in procuring a criminal abortion; second, the employing of what are popularly known as "cappers" or "steerers"; third, the obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured; fourth, the willfully betraying of a professional secret; fifth, all advertising of medical business in which untruthful and improbable statements are made; sixth, all advertising of any medicines or of any means whereby the monthly periods of women can be regulated, or the menses re-established, if suppressed; seventh, conviction of any offense involving moral turpitude; eighth, habitual intemperance.

3798. Revocation of License, Proceeding Therefor.

In any case of the refusal or revocation of a license by said board under the provision of this act, said board shall file a brief and concise statement of the grounds and reasons for such refusal or revocation in the office of the secretary of said board, which said statement, together with the decision of said board in writing, shall remain of record in said office. Before a license can be revoked by said board for unprofessional or dishonorable conduct under the provision of this act, a complaint of some person under oath must be filed in the office of the secretary of said

board, charging the acts of unprofessional or dishonorable conduct and facts complained of against the licentiate accused, in ordinary and concise language; and thereupon said board shall cause to be served upon accused licentiate a written notice and copy of such complaint, which shall contain a statement of the time and place of hearing of the matters and things set forth and charged in such complaint; and said notice shall be served at least ten days prior to the time of such hearing. Such accused licentiate may appear at such hearing and defend against the accusations of such complaint personally and by counsel, and may have the sworn testimony of witnesses taken and present other evidence in his behalf at such hearing, and said board may receive the arguments of counsel at such hearing.

3799. Appeal to the Circuit Court and Proceedings Thereon.

In any case of the refusal or revocation of a license by said board under the provisions of this act, the applicant whose application shall be so refused, and the licentiate whose license shall be revoked by said board, shall have the right to appeal from the decision so refusing or revoking such license within thirty days after the filing of such decision in the office of the secretary of said board as hereinbefore in this act provided. Such appeal shall be to the circuit court in and for the county in which was held the last general meeting of said board, prior to the refusal of such license, in case of such refusal; and to the circuit court in and for the county in which the hearing was had upon which such license was revoked, in case of revocation. In any case a person desiring to take such appeal shall serve, or cause to be served, upon secretary of said board, a written notice of such appeal, which shall contain a statement of the grounds of such appeal, and shall file in the office of such secretary an appeal bond with good and sufficient surety, to be approved by said secretary, to the State of Oregon, conditioned for the speedy prosecution of such appeal and the payment of such cost as may be adjudged against him upon such appeal. Said secretary shall, within ten (10) days after the service, of said notice of appeal and the filing and approval of said appeal bond, transmit to the clerk of the circuit court to which such appeal is taken a certified copy under the seal of said board, and the grounds thereof in the case of the refusal of license; and in addition thereto a certified copy, under such seal, of the complaint in the cause of the revocation of a license, together with the bond and notice of appeal. The clerk of such court shall thereupon docket such appeal causes, and they shall stand for trial in all respects as ordinary civil actions, and like proceedings be had thereon. Upon such appeal said cause shall be tried de novo. Either party may ap-

peal from the judgment of said circuit court to the supreme court of the state in like manner as in civil actions, within sixty (60) days after rendition and entry of such judgment in said superior court. If such judgment shall be in favor of the party appealing from the decision of said board, and in case said examining board does not appeal from judgment within sixty (60) days, then and in that case said board shall, at the end of sixty (60) days, and immediately upon expiration thereof, issue to such successful party the usual license to practice medicine and surgery in this state, and in addition thereto shall reinstate upon records of said board the name of such successful applicant in case of the revocation of his license by such board. In case of such appeal to the supreme court by said board, no such license shall be issued or reinstatement be required until the final determination of said cause, as hereinafter provided. In case the final decision of the supreme court be against said medical examining board, then and in that case said court shall make such order in the premises as may be necessary, said board shall act accordingly: Provided, that in no case shall an appeal bond be required of said board, nor shall any costs be adjudged or taxed against the same.

3800. Filing and Record of License, Removal of Licensee.

The person receiving said license shall file the same, or a copy thereof, with the county clerk in and for the county where he resides, and said county clerk shall file said certificate, or copy thereof, and enter a memorandum thereof, giving the date of said license and the name of the person to whom the same is issued, and the date of such filing, in a book to be provided and kept for that purpose; and said county clerk shall each year furnish to the secretary of said board a list of all certificates on file in his office, and upon notice to him of the change of location or death of a person so licensed, or of the revocation of the license granted to such person, said county clerk shall enter at the appropriate place in the record so kept by him a memorandum of said facts, so that the records kept by the said county clerk shall correspond with the records of the board as kept by the secretary thereof. In case a person so licensed shall move into another county of this state, he or she shall procure from the county clerk certified copy of said license and file the same with the county clerk in the county to which he or she shall have removed. Said county clerk shall file and enter the same with like effect as if the same was the original license.

3801. Penalty for Practicing Without License.

Any person practicing medicine or surgery within this state after the first day of April, 1895, without first having obtained the license

herein provided for, or contrary to the provisions to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or by imprisonment in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment. All such fines shall be paid into the state treasury for the use and benefit of the common schools. Any person shall be regarded as practicing within the meaning of this act who shall append the letters "M. D.," or "M. B." to his or her name, or, for a fee, prescribe, direct or recommend for the use of any person, any drug or medicine or agency for the treatment, care, or relief of any wound, fracture or bodily injury, infirmity, or disease: Provided however, the act shall not apply to dentists in the practice of their dental profession. Justices of the peace and the respective municipal courts shall have jurisdiction of violations of the provisions of this act. It shall be the duty of the respective county or district attorneys to prosecute all violations of this act. In cases of appeals to the circuit court, as hereinbefore provided, it shall be the duty of the district attorney of the county wherein such appeal shall be tried to represent said board upon said appeal, and in all cases of appeal to the supreme court under the provisions of this act, the attorney-general shall represent said board upon such appeal.

3802. License of Nostrum Vendors, Penal Provision.

Any itinerant vendor of any drug, nostrum, medicine, ointment, or appliance of any kind intended for the treatment of disease or injury, who shall by writing or printing, or any other method, publicly profess to cure or treat diseases, injuries, deformities, or ailments of any kind by any drug, nostrum, medicine, or other application, shall pay to the secretary of state a license of one hundred dollars per month, to be collected by said secretary of state or by his lawfully authorized attorney. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500) or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment. Any license issued to a firm or company shall not be construed so as to permit such firm or company to transact business in different places at the same time. All moneys received for said license shall be disposed of as prescribed by the laws of this state relating to insurance licenses, and the compensation of the secretary of state for collecting moneys under this section shall be the same as that allowed the insurance commissioner for collecting insurance licenses.

AN ACT to regulate the practice of the system, method or science of treating diseases known as osteopathy, creating a member of the Board of Medical Examiners of the State of Oregon, and providing a penalty for the Violation of this Act.

Be it Enacted by the People of the State of Oregon:

Section 1. Any person holding a diploma from an established school of osteopathy, recognized as of good standing by the Oregon Osteopathic Association, and wherein the course of study comprises a term of at least twenty (20) months, or four (4) terms of five (5) months each, in actual attendance at such school, and which shall include instruction in the following branches, to-wit: anatomy, physiology, chemistry, histology, pathology, gynecology, obstetrics, theory of osteopathy, and two full terms of practice of osteopathy, shall, upon application and the presentation of such diploma to the State Board of Medical Examiners and satisfying such Board that he is the legal holder thereof, be granted by such Board an examination in said branches, provided, however, that, until such time as there may be appointed an osteopathic physician on said Board as herein-after provided, the theory and practice of osteopathy shall not be included in any such examination. The fee for said examination, which shall accompany the application shall be ten dollars (\$10.00), and shall be paid to the Treasurer of said Board as are other fees received by it. Except as herein otherwise provided, such examination shall be conducted in the same manner as is prescribed by law for other examinations by said Board. Upon said applicant passing such examination said Board shall issue a license to such applicant, signed by the president and secretary of said Board, which license shall authorize the holder thereof to practice osteopathy in the State of Oregon. Any graduate of any such school of osteopathy, who is at the time of passage of this Act, engaged in the practice of osteopathy in Oregon, shall be entitled to receive a license upon the payment of a prescribed fee without such an examination, if application is made within sixty days after this Act takes effect. Any such license shall be filed with the county clerk of the county in which the holder thereof resides, in the same manner as is provided by law for the filing of other licenses issued by said Board.

Sec. 2. The license provided for in the foregoing section shall not authorize the holder thereof to prescribe or use drugs in his practice or to perform major or operative surgery.

Sec. 3. The Board of Medical Examiners may refuse to grant a license to any person otherwise qualified, who is not of good moral character. For like cause, or for incompetency, or habitual intoxication, or upon satisfactory evidence by

affidavit or otherwise, that a license had been granted upon false or fraudulent statements as to graduation or of length of practice, the said Board may revoke a license by an affirmative vote of at least five members of the Board, which number shall include one or more members of the different schools of medicine represented in said Board. After the revocation of a license the holder thereof shall not practice osteopathy or obstetrics in the State.

Sec. 4. Any person who presents to the Board of Medical Examiners a fraudulent or false diploma, or one of which he is not the rightful owner, for the purpose of procuring a license as herein provided, or files or attempts to file with the clerk of any county in the State the license of another as his own, or falsely personates any one to whom a license has been granted by such Board, or practices osteopathy or obstetrics in the State without having first obtained and filed the license herein required, or continues to practice osteopathy or obstetrics after the revocation of his license, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty (\$50.00) dollars, nor more than one hundred (\$100.00) dollars, or by imprisonment in the county jail not less than ten days, nor more than ninety days, or by both such fine and imprisonment.

Sec. 5. This Act shall not be so construed as to interfere with or prevent the practice of or use of massage, Swedish movement, physical culture, neuropathy, chiropractic, naturopathy, or other natural methods requiring the use of the hand or hands.

Sec. 6. Within thirty days after this Act goes into effect the Governor shall appoint one person who is a reputable practitioner of osteopathy, selected from a number of not less than three who are recommended by the State Osteopathic Association, who shall be a member of the State Board of Medical Examiners and shall qualify in the same manner as other members of the Board. His term of office shall be five years and he shall hold office until his successor is duly appointed and qualified.

Sec. 7. In case of the refusal or revocation of a license by said Board under the provisions of this Act, the applicant whose application shall be refused, or the licentiate whose license shall be revoked shall have the same right of appeal as is, by Section 3799 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon, conferred under similar instances on other applicants and licentiates.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Passed by the House, February 22, 1907.

Passed by the Senate, February 15, 1907.

PENNSYLVANIA OSTEOPATHIC LAW.

AN ACT to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act.

Section 1. Be it enacted, etc., That there shall be established a Board of Osteopathic Examiners for the State of Pennsylvania. The Board shall consist of five members, and each of said members shall serve for a term of three years from the first day of August next after his appointment, or until his successor is appointed with the exception of those first appointed, who shall serve as follows; namely, two for one year, two for two years, and one for three years, from the first day of August, Anno Domini one thousand nine hundred and nine. Each member of the said board shall be a graduate of a legally incorporated and reputable college of osteopathy, and shall have been licensed to practice osteopathy under the laws of this State,—excepting in the case of the first board, which shall be appointed as provided for in section three,—and shall not be in any manner financially interested in, or connected with, the faculty or management of any osteopathic school or college, and shall have been engaged in the practice of osteopathy in this State for a period of at least three years.

Sec. 2. The Governor shall appoint the members of said Board of Examiners, from a full list of the members in good standing of the Pennsylvania Osteopathic Association who are eligible for appointment upon said Board of Osteopathic Examiners; which list shall, on or before the first day of May, one thousand nine hundred and ten, and annually thereafter, be transmitted to the Governor, under the seal and signed by the president and secretary of the said association, from which list the Governor shall make further appointments to the State Board of Osteopathic Examiners. In case of failure of said Osteopathic Association to submit said list, as aforesaid, the Governor shall appoint members in good standing of said Osteopathic Association, without restriction: Provided however, That said members shall be qualified, as aforesaid, by graduation and practice.

Sec. 3. Within fifteen days after the approval of this Act, the secretary of the Pennsylvania Osteopathic Association shall transmit to the Governor of this State a full list of the members in good standing of said association, who are eligible for licensure under the provisions of this act, and shall not be in any manner financially interested in, nor connected with, the faculty or management of any osteopathic school or

college, and shall have been engaged in the practice of osteopathy in this State for a period of at least three years; and within thirty days from the receipt of said list, the Governor shall appoint, from said list, five persons who shall serve upon the first board.

The Governor shall, in his first appointments, designate the number of years for which each appointee shall serve. In case of vacancy, by death or otherwise, there shall be appointed, in like manner, a person to serve through such unexpired term. Each person who shall be appointed to serve on said Board of Osteopathic Examiners shall receive a certificate of appointment from the Secretary of the Commonwealth. Each and every member of said board shall, within ten days after appointment, on being apprised of the same, take and subscribe an oath or affirmation before the Secretary of the Commonwealth to faithfully and impartially perform the duties of said office.

The board shall be authorized to take testimony concerning all matters within its jurisdiction, and the presiding officer for the time being of the said board, or any of the committees thereof, may issue subpoenas and administer oaths to witnesses. The Board of Examiners shall make and adopt all necessary rules, regulations, and by-laws, not inconsistent with the Constitution and laws of the State or of the United States, whereby to perform the duties and transact the business required under the provisions of this act.

Sec. 4. The first meeting of the said Board of Osteopathic Examiners shall be held on the first Tuesday of August, one thousand nine hundred and nine, at Harrisburg, and subsequent meetings for organization, in August, annually; suitable notice in the usual form being given by the secretary of the board to each of the members thereof, specifying the time and place of meeting.

At the first meeting of the board, and at each annual meeting in August, an organization shall be effected by the election from its membership of a president, a secretary, and a treasurer.

Sec. 5. For the purpose of examining applicants for license, the said Board of Osteopathic Examiners shall hold two stated meetings in each year, due notice of which shall be made public, at such times and places as the board may determine. At said meetings a majority of the members of the board shall constitute a quorum thereof; but the examination may be conducted by a committee of one or more members of the Board of Examiners, duly authorized by said board; but no license to practice osteopathy shall be granted on an affirmative vote of less than three. Said examinations shall be conducted in writing, in accordance with the rules and regulations prescribed by the State Board of Osteo-

pathic Examiners, and may be supplemented by practical examinations at the bedside in available eleemosynary or other institution, the laboratory, and by practical tests upon the human cadaver, and shall embrace the subjects named in section eight of this act. After each such examination the committee having charge thereof shall, without unnecessary delay, act upon the same. An official report of such action, signed by each acting member of said committee of examiners, stating the examination average of each candidate in each branch, the general average, and the result of the examination, whether successful or unsuccessful, shall be transmitted to the said State Board of Osteopathic Examiners. Said report shall embrace all the examination papers; questions, and answers thereto, and such written reports as result from the practical tests as hereinbefore specified. All such examination papers and reports shall be kept for reference and inspection, for a period of not less than five years. The board shall keep a record of its proceedings, and a register of all applicants for license; giving name and location of the institution granting the applicant the degrees of doctor of, or diplomate in osteopathy; the date of his or her diploma; and also whether the applicant was rejected or granted a license, and the number of the license granted. The record and register shall be prima facie evidence of all matters recorded therein.

Sec. 6. All fees provided by this act shall be paid in advance to the treasurer of the board, to be by him held as a fund for the use of the State Board of Osteopathic Examiners. The compensation and expenses of the members and officers of said board, and all expenses proper and necessary, in the opinion of said board, to discharge its duties under and to enforce the law, shall be paid out of such fund, upon the warrant of the president and secretary of said board; and no expense shall be created to exceed the income of fees and fines as herein provided. The salaries shall be fixed by the board, but shall not exceed fifteen dollars per day of actual service, per member, and railroad and hotel expenses.

Sec. 7. Any person who is engaged in the practice of osteopathy in this State at the time of the approval of this act may deliver to the Secretary of the Board of Osteopathic Examiners, within ninety days after the approval of this act, a written application for license to practice osteopathy, together with satisfactory proof that the applicant is not less than twenty-one years of age, is of good moral character, and has obtained a diploma from some legally incorporated, reputable osteopathic college, requiring a course of study of at least four terms of five months each for graduation; and upon the pay-

ment by the applicant of a fee of ten dollars, the Secretary of the said Board of Osteopathic Examiners shall issue to such applicant a license to practice osteopathy in this State, which license shall be subscribed by every member of the Board of Osteopathic Examiners, and shall have a like effect, for all purposes, as a license issued after examination by the Board of Examiners, as hereinafter provided.

Every license to practice osteopathy, issued under the provisions of this act, shall be signed by each member of the Board of Examiners; and shall have affixed to it, by the person authorized to affix the same, the seal of the State Board of Osteopathic Examiners. Before said license shall be issued, it shall be recorded in a book to be kept by the Secretary of the Board of Examiners; and the number of the books, and the page therein containing such recorded copy, shall be noted upon the face of said license. Said records shall, under proper restrictions for their safe-keeping, be open to public inspection: Provided further, That anyone who has been in continuous practice of osteopathy for ten years in some other State, and who graduated from a legally incorporated and reputable college of osteopathy, as provided for in this act, may be granted a license, without further examination, after complying with all the other conditions provided for in the licensing of osteopaths in this State at the time of the approval of this act.

Sec. 8. From and after the approval of this act, any person not theretofore authorized to practice osteopathy in this State, and desiring to enter upon such practice, may deliver to the Secretary of the State Board of Osteopathic Examiners, upon the payment of a fee of twenty-five dollars, a written application for license, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a preliminary education, as hereinafter provided, and has received a diploma conferring the degree in osteopathy from some legally incorporated, reputable osteopathic college of the United States, or some foreign country, wherein the course of instruction consists of at least three separate years of not less than nine months in each separate year. Applicants who receive their degree in osteopathy after the first day of January, Anno Domini one thousand nine hundred and twelve, must have pursued the study of osteopathy for four years, of at least eight months in each year, in four different calendar years, the work of each year having been successfully passed in some legally incorporated, reputable osteopathic college, or colleges, prior to the granting of said diploma or foreign license: Provided: however, That any applicant who shall have completed a course of study, in any osteopathic college, consisting of three years of nine months each,

and a post-graduate course of at least five months, aggregating at least thirty-two months, shall be accepted in lieu of the full period of four years of eight months each, provided for in this act; Provided further, That any one who is in the practice of osteopathy in some other State at the time of the approval of this act, and who is a graduate from a reputable and legally incorporated college of osteopathy, providing a course of study of at least four terms of five months each, shall be eligible for examination, upon all other terms and conditions provided for applicants for examination under the provisions of this act: And provided further, That the completion of the regular four years' course and graduation from a reputable literary college, in which four years' course two years were devoted to scientific and biologic work in the college, shall be accepted by the State Board of Osteopathic Examiners as an equivalent for the first year in a recognized reputable osteopathic college: Provided, That the examinations of the first year of the said osteopathic college have been successfully passed, and accepted by the osteopathic college as dealing adequately with chemistry, toxicology, physics, physiology, anatomy, and the biologic sciences. Such proof shall be made, if required, on affidavit. Upon the making of said payment and proof, the State Board of Osteopathic Examiners, if satisfied with the same, shall admit said applicant to examination as to his other qualifications for the practice of osteopathy; which examination shall include the subjects of anatomy physiology, chemistry, toxicology, pathology, diagnosis, hygiene, obstetrics, and gynecology, minor surgery, principles and practice of osteopathy, and such other subjects as the board may require. On receiving from the committee of examiners, delegated to conduct examinations as provided for in section five of this act, official report of the examination of any applicant for license, the said State Board of Osteopathic Examiners shall issue, forthwith, to each applicant who shall have obtained a general average of not less than seventy-five per centum, and therefore has been returned as having successfully passed said examination, and who shall have been adjudged by the said Board of Examiners to be duly qualified for the practice of osteopathy, a license to practice osteopathy in the State of Pennsylvania, as provided for in section ten of this act. In case of failure at any such examination the candidate, after the expiration of six months, and within two years, shall have the privilege of a second examination. Having failed upon a second examination, as herein provided, application de novo may be made, upon conforming with the standard of qualification, both as to character, preliminary and osteopathic education, in force at the time of said application, and upon the payment of a fee of twenty-five dollars.

Sec. 9. A school or college of osteopathy to be recognized as reputable under the provision of this act must be legally incorporated, prosecute a course of study consisting of the time element as provided for under the provisions of this act, and instruct in all the branches of study in which examinations are required for licensure under the provisions of this act: Provided, That nothing in this act shall be construed to affect the right to practice osteopathy, on the part of any person who has been in the practice of osteopathy within this State for two continuous and consecutive years, immediately prior to the approval of this act, and who has had granted into him or her a diploma from any legally incorporated school or college of osteopathy. Such a person appearing before the prothonotary of the county in which he or she is practicing, and making affidavit, and upon the payment of a fee of one dollar, shall be registered.

Sec. 10. Applicants examined and licensed by the State Boards of Osteopathic Examiners of other States, on the payment of a fee of twenty-five dollars to the State Board of Osteopathic Examiners, and filing in the office of the State Board of Osteopathic Examiners a copy of said license, certified by the affidavit of the president or secretary of such board, showing also that the standard of requirements adopted by said Board of Examiners is substantially the same as is provided by section eight of this act, shall, without further examination, receive a license conferring on the holder thereof all the rights and privileges provided by section eleven of this act.

Candidates for license to practice osteopathy in this State, who present their applications and undergo examinations after the first day of January, Anno Domini one thousand nine hundred and twelve, shall be obliged to present to the State Board of Osteopathic Examiners one of the following credentials, satisfactory to the said board, covering their preliminary education prior to their beginning the study of osteopathy in some legally incorporated, reputable osteopathic college to-wit, A diploma of graduation from a reputable college or university granting the degree of bachelor of arts or science, or equivalent degree; or a diploma of graduation from an educational institution maintaining a four years' course of study—that is, a State Normal School or a high school, a seminary, an academy, or a college preparatory school; or a certificate of having passed examination for admission to the freshman class of a reputable literary or scientific college or university; or a certificate of having passed an equivalent examination conducted by a certified examiner for the State of Pennsylvania, to be appointed by the State Superintendent of Public Instruction, and, for other States, to be approved by the State Superintendent of Public Instruction of Pennsylvania; said certified examiner being

privileged to accept credentials from reputable and recognized preliminary schools, for any subjects included in the preliminary examination.

Sec. 11. The license provided for in this act shall authorize the holder thereof to practice osteopathy as taught and practiced in the legally incorporated, reputable colleges of osteopathy, as provided for in this act.

Sec. 12. Osteopathic physicians shall observe and be subject to all 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, the same as physicians of other schools, and such reports shall be accepted by the officers or department to whom the same are made.

Sec. 13. From and after the approval of this act, no person shall enter upon or continue the practice of osteopathy in the State of Pennsylvania unless he or she has complied with the provisions of this act, and shall have exhibited to the prothonotary of the court of common pleas of the county in which he or she desires to practice osteopathy a license duly granted to him or her, as hereinbefore provided; whereupon he or she shall be entitled, upon the payment of one dollar, to be duly registered in the office of the prothonotary of the court of common pleas of the said county; and any person who shall practice or attempt to practice osteopathy, as defined in section eleven of this act, in treating diseases or any ailment whatsoever of the human body, or who shall use any of the terms or letters,—osteopath, osteopaths, osteopathy, doctor of osteopathy, diplomate in osteopathy, or D. O.,—or any other titles or letters, under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of osteopathy, without having first obtained the license herein provided for, or contrary to the provisions of this act; or who shall, under any other term or name, practice or attempt to practice osteopathy as defined in section eleven of this act; or who, for the purpose of obtaining such license, shall falsely represent himself or herself to be the holder of a diploma, as herein provided,—shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the court of quarter sessions of the county wherein the offense shall have been committed, shall pay a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, for each offense, either or both, at the discretion of the court: Provided however, That nothing contained in this act shall be construed as affecting the so-called practice of medicine.

Sec. 14. On and after the approval of this act, the State Board of Osteopathic Examiners shall refuse to grant a license to an applicant to practice osteopathy in this State, and is empowered

spectively an organization shall be effected by the election, from their own membership, of a president and secretary. For the purpose of examining applicants for license each of said boards of medical examiners shall hold two or more stated or special meetings in each year, due notice of which shall be made public at such times and places as they may determine. At said stated or special meetings a majority of the members of the board shall constitute a quorum thereof, but the examination may be conducted by a committee of one or more members of the board of examiners duly authorized by said board.

Sec. 10. The several boards of medical examiners shall not less than one week prior to each examination submit to the Medical Council of Pennsylvania questions for thorough examinations in anatomy, physiology, hygiene, chemistry, surgery, obstetrics, pathology, diagnosis, therapeutics, practice of medicine and materia medica; from the lists of questions so submitted the council shall select the questions for each examination, and such questions for each examination shall be the same for all candidates, except that in the departments of therapeutics, practice of medicine and materia medica, the questions shall be in harmony with the teachings of the school selected by the candidate.

Sec. 11. Said examinations shall be conducted in writing in accordance with the rules and regulations prescribed by the Medical Council of Pennsylvania and shall embrace the subjects named in section ten of this act. After each such examination the board having charge thereof shall without unnecessary delay act upon the same. An official report of such action signed by the president, secretary, and each acting member of said board of medical examiners, stating the examination, average of each candidate in each branch, the general average and the result of the examination, whether successful or unsuccessful, shall be transmitted to the Medical Council. Said report shall embrace all the examination papers, questions and answers thereto. All such examination papers shall be kept for reference and inspection for a period of not less than five years.

Sec. 12. On receiving from any of said boards of medical examiners such official report of the examination of any applicant for license, the Medical Council shall issue forthwith to each applicant who shall have been returned as having successfully passed said examination, and who shall have been adjudged by the Medical Council to be duly qualified for the practice of medicine, a license to practice medicine and surgery in the State of Pennsylvania. The Medical Council shall require the same standard of qualifications from all candidates, except in the departments of therapeutics, practice of medicine and materia medica, in which the standard shall be determined

by each of the boards respectively. Every license to practice medicine and surgery issued pursuant to this act shall be subscribed by the officers of the Medical Council and by each medical examiner who reported the licensee as having successfully passed said examinations. It shall also have affixed to it by the person authorized to affix the same the seal of this Commonwealth.

Before said license shall be issued it shall be recorded in a book to be kept in the office of the Medical Council, and the number of the book and page therein containing said recorded copy shall be noted upon the face of said license. Said records shall be open to public inspection, under proper restrictions as to their safe keeping and in all legal proceedings shall have the same weight as evidence that is given to the conveyance of land.

Sec. 13. From and after the first day of July, Anno Domini, one thousand eight hundred and ninety-four, any person not theretofore authorized to practice medicine and surgery in this State, and desiring to enter upon such practice, may deliver to the Secretary of the Medical Council, upon the payment of a fee of twenty-five dollars, a written application for license, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a competent common school education, and has received a diploma conferring the degree of medicine from some legally incorporated medical college of the United States, or a diploma or license conferring the full right to practice all the branches of medicine and surgery in some foreign country; applicants who shall have received their degree in medicine after the first day of July one thousand eight hundred and ninety-four, must have pursued the study of medicine for at least three years, including three regular courses of lecturers, in different years, in some legally incorporated medical college or colleges, prior to the granting of said diploma, or foreign license, and after the first day of July, eighteen hundred and ninety-five, such applicants must have pursued the study of medicine for at least four years, including three regular courses of lecturers, in different years, in some legally incorporated medical college, or colleges, prior to the granting of said diploma or foreign license. Such proof shall be made, if required, upon affidavit. Upon the making of said payment and proof the Medical Council, if satisfied with the same, shall issue to said applicant an order for examination before such one of the State Boards of Medical Examiners as the applicant for license may select. In case of failure at any such examination the candidate, after the expiration of six months and within two years, shall have the privilege of a second examination by the same board to which application was first made, without the

lished in section six of this act. And the said Medical Council shall have no power, duty or functions except such powers, duties and functions as pertain to the supervision of the examinations of applicants for licenses to practice medicine and surgery and to the issuing of licenses to such applicants as have successfully passed the examination of one of the State Boards of Medical Examiners, or have presented satisfactory and properly certified copies of licenses from State Boards of Medical Examiners, or State Boards of Health of other States, as provided for in section thirteen of this act.

Sec. 6. It is further enacted that from and after the first day of March, Anno Domini one thousand eight hundred and ninety-four, there shall be and continue to be three separate Boards of Medical Examiners for the State of Pennsylvania, one representing the Medical Society of the State of Pennsylvania, one representing the Homeopathic Medical Society of the State of Pennsylvania, one representing the Eclectic Medical Society of the State of Pennsylvania.

Each board shall consist of seven members, and each of said members shall serve for a term of three years from the first day of March next after his appointment, with the exception of those first appointed, who shall serve as follows: Two of each board for one year, two of each board for two years, and three of each board for three years, from the first day of March, Anno Domini one thousand eight hundred and ninety-four.

The Governor shall appoint the members of said boards of examiners, respectively, from the full lists of the members of the said medical societies, which list shall on or before the first day of January, one thousand eight hundred and ninety-four, and annually thereafter, be transmitted to the Governor under the seal and signed by the secretary of the society so nominating. From these lists of nominees respectively the Governor shall during the month of January, Anno Domini one thousand eight hundred and ninety-four, appoint three separate Boards of Medical Examiners, each board to be composed exclusively of members of the same medical society. In case of failure of any or all of said medical societies to submit lists, as aforesaid, the Governor shall appoint members in good standing of the corresponding society or societies entitled to nominate without other restrictions. Each one of the said appointees must be a registered physician in good standing and shall have practiced medicine or surgery under the laws of the State for a period of not less than ten years prior to such appointment.

The Governor shall fill vacancies by death or otherwise, for unexpired terms of said examiners from their respective lists submitted by the said medical societies, and may remove any member of any of said boards for continued neglect of the

duties required by this act, or on recommendation of the medical society of which said members may be in affiliation for unprofessional or dishonorable conduct.

The Governor shall in his first appointments designate the number of years for which each appointee shall serve. The appointments of successors to those members whose term of office will expire on the first day of March of each year shall be made by the Governor during the month of January of such year, upon the same conditions and requirements as hereinbefore specified with reference to the appointment of three separate examining boards, each to be composed exclusively of members of the same medical school and society as hereinbefore provided.

Sec. 7. Said boards shall be known by the name and style of Boards of Medical Examiners of the State of Pennsylvania. Every person who shall be appointed to serve on either of said boards shall receive a certificate of appointment from the Secretary of the Commonwealth.

Each of said boards shall be authorized to take testimony concerning all matters within its jurisdiction, and the presiding officer for the time being of either of said boards, or of any of the committees thereof, may issue subpoenas and administer oaths to witnesses. Each of said boards of examiners shall make and adopt all necessary rules, regulations and by-laws not inconsistent with the Constitution and laws of this State, or of the United States, whereby to perform the duties and transact the business required under the provisions of this act; said rules, regulations and by-laws to be subject to the approval of the Medical Council of Pennsylvania established by this act.

Sec. 8. From the fees provided by this act the respective boards may pay, not to exceed said income, all proper expenses incurred by its provisions, and if any surplus above said expenses shall remain at the end of any year it shall be apportioned among said examiners pro rata according to the number of candidates examined by each: Provided, That the Medical Council shall keep separate accounts of all fees received from physicians applying for licenses to practice medicine or surgery and shall not devote any such fees to the use of the council, or to the uses or remuneration of any other examining board than that of the society with which the physician who pays the fee wishes to be affiliated.

Sec. 9. The first meeting of each of the examining boards respectively shall be held on the first Tuesday of April, one thousand eight hundred and ninety-four, suitable notice in the usual form being given with the notice of their appointment by the Secretary of the Commonwealth to each of the members thereof, specifying the time and place of meeting.

At the first meeting of each of the boards re-

office of the city or town in which he or she resides, his or her authority for so practicing Medicine as herein prescribed, together with his or her address, age, place of birth, and the School or System of Medicine to which he or she proposes to belong; and the person so registering shall subscribe and verify by oath, before such clerk, an affidavit containing such facts, which, if willfully false, shall subject the affiant to conviction and punishment for perjury.

Sec. 3. Authority to practice Medicine under this Chapter shall be a Certificate from the State Board of Health and said board shall on application, after examination, issue a certificate to any reputable physician who intends to practice Medicine or Surgery in this State and who shall present himself before the State Board of Health and pass in a satisfactory manner such examination as said Board may require. Any physician so presenting himself shall pay to said Board the sum of ten dollars for each examination, and said fee shall in no case be returned, but shall be applied to pay the expense of said Board of Health in conducting such examinations. Each certificate so issued shall be signed by the president and countersigned by the secretary of said Board and shall be attested by the official seal and not more than two dollars shall be charged for the Certificate.

Sec. 4. Nothing in this Chapter shall be construed as to authorize any itinerant doctor to register or to practice Medicine in any part of this State.

Sec. 5. The Board may, after due notice and hearing, in its discretion, refuse to grant the Certificate provided for in Section 3 of this Chapter to any physician who is not of good moral character or who has violated any of the laws of the State, or who has been guilty of any gross unprofessional conduct or conduct of a character liable to deceive or defraud the public, and may, after due notice and hearing, revoke any certificate issued or granted by it heretofore for any like cause or for any fraud or deception committed in obtaining such certificate, or from any other cause which in the opinion of said Board shall render the holder of such certificate an unfit person to practice Medicine in this State. The members of said Board are hereby severally authorized to administer oaths, and said Board, in all cases or proceedings pending before it, is hereby authorized and empowered to summon witnesses by subpoena signed by the secretary of said Board, and to compel such witnesses to attend and testify in the same manner as witnesses are compelled to appear and testify in either division of the Supreme Court; and said Board is authorized to compel the production of all papers, books, documents, records, certificates or other legal evidence that may be necessary or proper for the determination and

decision of any question or the discharge of any duty required by law of said Board, by issuing a subpoena "*quam duces tecum*" signed by the secretary; and any person disobeying any such writ shall be considered as in contempt, and said Board may punish any contempt of its authority in like manner as contempt may be punished by either division of the Supreme Court. Any person who shall wilfully swear falsely in any proceeding, matter or hearing before said Board shall be deemed guilty of the crime of perjury. Said Board shall serve a copy of its decision or ruling on any person whose certificate has been refused or revoked. Any person aggrieved by any decision or ruling of said Board may, within ten days after receiving said notice, exclusive of Sundays and legal holidays, take an appeal therefrom to the Appellate Division of the Supreme Court, sitting in Providence, and shall file therein his reasons for appeal, and serve copy thereof on the secretary or person performing the duties of secretary of said Board, and said Appellate Division of the Supreme Court shall, as soon as may be, hear and determine said appeal.

Sec. 6. Nothing in this law shall be construed as to discriminate against any particular school or system of medicine, or to prohibit gratuitous service in case of emergency; nor shall this Chapter apply to commissioned surgeons of the United States Army, Navy or Marine Hospital Service, or to legally qualified physicians of another state called to see a particular case in consultation with a registered physician of this state, but who do not open an office or appoint any place in this state where they may meet patients or receive calls.

Sec. 7. Complaints for the violation of the provisions of this Chapter shall be made by the secretary of said Board, and said secretary shall be exempt from giving surety for costs on any complaint made as aforesaid.

Sec. 8. Any person who, not being then lawfully authorized to practice medicine within this state, and so registered according to law, shall practice medicine or surgery or attempt to practice medicine or surgery, or any of the branches of medicine or surgery, after having received therefor or with the intent of receiving therefor, either directly or indirectly, any bonus, gift or compensation, or who shall open an office with intent to practice medicine or who shall hold himself out to the public as a practitioner of medicine, whether by appending to his name the title of doctor or any abbreviation thereof, or M. D., or any other title or designation implying a practitioner of medicine, or in any other way, shall be guilty of a misdemeanor, and on conviction thereof shall be fined fifty dollars, and on each and every subsequent count shall be fined one hundred dollars and imprisoned

thirty days, either or both in the discretion of the court; and in no case when any of the provisions of this Chapter has been violated shall the person so violating such provisions be entitled to receive compensation for services rendered.

SOUTH CAROLINA MEDICAL ACT.

AN ACT to Regulate the Practice of Medicine in South Carolina, to Provide for a State Board of Medical Examiners and to Define Their Duties and Powers.

Section 1. Be it enacted by the General Assembly of the State of South Carolina, That on and after the approval of this Act, no person shall practice medicine or surgery within the State unless he or she is twenty-one years of age, and either has been heretofore authorized so to do, pursuant to the laws in force at the time of his or her authorization, or is hereafter authorized to do so by subsequent subdivisions of this Act.

Sec. 2. Any person shall be regarded as practicing medicine, within the meaning of this Act, who shall treat, operate on, or prescribe for any physical ailment of another, except those engaged solely in the practice of osteopathy. But nothing in this Act shall be construed to prohibit service in cases of emergency, or the domestic administration of family remedies.

Sec. 3. There shall be established a State Board of Medical Examiners, composed of eight reputable physicians or surgeons, one from each of the seven Congressional Districts, and one from the State at large, to be nominated by the State Medical Association, and appointed and commissioned by the Governor. The term of office of the members of the Board shall be for a period of two years, and until their successors in office shall have been appointed and qualified. Any vacancy in said Board of Examiners by death, resignation or otherwise, shall be filled in the same manner as above specified: Provided, That the Governor shall have the right to reject any or all of the members nominated, upon satisfactory showing as to the unfitness of those rejected. In case of such rejection, former members of the Board shall hold over until their successors can be chosen in the manner as above provided.

The members of the Board first appointed under the provisions of this Section shall be divided into two classes. The first class to consist of the four members from the odd number Congressional Districts of the State, and the second class of the remaining four members, the three from the even number Congressional Districts with the one from the State at large. The first class shall hold office under the said first appointment for the period of two years, until 1905; the second class for one year from the date of their appointment, until 1904. Thereafter the term of office of the first class shall expire on each odd num-

ber year of the calendar, and those of the second class on each even number year of the calendar: Provided, further, That the first nomination herein provided for shall be held at the next annual meeting of said State Medical Association, and the members of the present Board shall continue in office until their successors are appointed and have qualified, as hereinbefore provided.

Sec. 4. Said Board of Medical Examiners shall meet regularly at Columbia, S. C., on the second Tuesday in June of each year, and continue in session until all applicants are duly examined.

A majority of said Board shall constitute a quorum for the transaction of business.

At their first meeting they shall organize by the election of a Chairman and a Secretary, who shall also be Treasurer, and said Board shall have power to call extra meetings, when necessary, and to make all necessary by-laws and rules for their government.

Sec. 5. It shall be the duty of said Board, when organized, to examine all candidates for examination, as hereinafter provided and described, and to pass upon their qualifications and fitness to practice medicine in this State, and to give to each successful applicant a certificate to that effect, upon the payment of ten dollars to the Treasurer of said Board, one-half of which shall be returned if the applicant fails to secure a certificate of qualification. Such certificate of qualification shall entitle the holder or holders thereof, respectively, to be registered as a lawful practicing physician by the Clerk of Court of the county in which he or she, or they, may reside, upon payment to said Clerk of Court of a fee of twenty-five cents for each registration. No physician will be considered as a legally qualified practitioner, or as having fully complied with the law, until he shall have obtained said registry. In the interim between the meetings of the Board, the President and Secretary of the Board shall be allowed to grant temporary license to practice medicine until the next regular meeting of the Board, to such persons as would, under the above Sections, be eligible for examination. Said temporary license shall not entitle the holder to registry with the Clerk of Court of the county in which he resides, but at the next regular meeting of the Board, the applicant must come up for the regular examination for permanent license.

Sec. 5a. The said Board of Medical Examiners is hereby authorized and empowered to suspend or revoke, subject on appeal to revisions by the Circuit Courts of the State, by a majority vote of its total membership, the license of any practicing physician or surgeon qualified under any provision of this Act, and whether qualified prior or subsequent to the passage of this Act, after due notice and fair opportunity for hearing, upon

its being made satisfactorily to appear that the holder thereof is guilty of felony or gross immorality, or is addicted to the liquor or drug habit to such a degree as to render him or her unworthy or unfit to practice medicine in this State, or has been convicted in a court of competent jurisdiction of illegal practice. And the said Board is further empowered to administer oaths in the taking of testimony upon any and all matters pertaining to the business or duties of the Board: Provided, That pending an appeal under this Section the doctor under charges shall practice his or her profession until the decision of the tribunal appealed to.

Sec. 6. All persons who hold diplomas from any medical college or schools of established reputation, given prior to the passage of this Act, and who present certificates of their good moral character, and of their sobriety, from some reputable person or persons known to the Board, and who give evidence of sufficient preliminary education (equivalent to the possession of a teachers' first grade certificate), shall be eligible for examination before the Board, irrespective of their time of attendance upon medical lectures; but no person who shall graduate after the passage of this Act, shall be eligible to appear before the Board for examination unless he or she shall give evidence, in addition to sufficient preliminary education, that he or she has attended four full courses of lectures of at least twenty-six weeks each, no two courses being in the same year, and has received a diploma of M. D. therefrom: Provided, That nothing in this Act contained shall be construed to prevent the State Board of Medical Examiners from admitting as eligible for examination before said Board, on both the junior and senior curriculum prescribed in Section Seven of this Act, any person who satisfies said Board that he or she had been regularly admitted to advanced standing in some medical college or school of established reputation, requiring a four years' course of study, and had received a diploma of M. D. therefrom, and is otherwise eligible under the provisions of this Act.

Sec. 7. The Curriculum of the State Board of Medical Examiners shall be divided into two sections; the first comprising the junior or primary branches of medical education, hereafter to be designated as the Junior Curriculum. The second, comprising the senior and clinical portion of medical education, hereafter to be designated as the Senior Curriculum. The Junior Curriculum shall comprise the following branches, namely:

1. General Anatomy.
2. Physiology and Histology.
3. Materia Medica and Medical Botany.
4. Chemistry, Organic and Inorganic, and Medical Physics.

5. Bacteriology and Pathology.

The Senior Curriculum shall comprise:

1. Anatomy, Regional and Surgical.
2. Practical Hygiene and Sanitary Science, State Medicine.
3. Practical Urinalysis, Urinary Microscopy.
4. Therapeutics and Toxicology.
5. Surgery, General and Special, Surgical Procedure.
6. Practical Medicine and Diseases of Children.
7. Practical Obstetrics and Gynecology.
8. Medical Jurisprudence.

Said examinations shall be conducted either in writing or orally, or both, at the discretion of the Board.

Sec. 8. All applicants before the Board, holding a diploma from a four-year graded medical college of established reputation, whether in or out of the State, who have pursued a study of four separate courses, and have attained a mark of not less than seventy-five per cent. on each individual branch of their curriculum, as evidenced by certificate from the Dean of their college, shall be exempted from examination in the Junior Curriculum, and shall be examined only on those subjects contained in the Senior Curriculum, as heretofore outlined. Those applicants who hold diplomas issued by chartered medical colleges, but whose term of attendance has been less than four years, as above stated, must pass upon both the Junior and Senior Curriculum, as must also those attending a four years' course who cannot produce a certificate showing that they have attained a mark of seventy-five per cent. on all the branches of their college curriculum.

Sec. 9. The Board shall be empowered without examination to indorse, upon receipt of the license fee of ten dollars, the licenses issued by other State Boards having an equal standard: Provided, Said other Boards accord to the licenses of the South Carolina State Board the same courtesy; and said other State Board licenses, when indorsed, shall entitle the holder to registry in this State, and to all the rights and privileges thereby granted.

Sec. 10. The standard required by the State Board of Medical Examiners shall be an average of not less than seventy-five per cent. on all the branches examined upon, and not less than sixty per cent. on any individual branch.

Sec. 11. The Board shall keep a record of all the proceedings thereof, and also a record or register of all applicants for a license, together with his or her age, time spent in the study of medicine, and the name and location of all institutions granting such applicant's degrees or certificates of lectures in medicine or surgery. Said books and register shall be prima facie evidence of all the matters therein recorded.

Sec. 12. The members of said Examining Board shall receive for their services the same per diem and mileage as is paid to the members of the General Assembly, for each day engaged. Said compensation to be paid from the State Treasury, upon the certificate of the President of the Board, countersigned by the Secretary. The license fees collected from applicants shall be turned into the State Treasury. There shall be set aside from said fees each year the sum of fifty dollars (if so much be needed) as a contingent fee, for the purpose of supplying the Secretary with necessary stamps and stationery, and to print the proceedings of the Board.

Sec. 13. It shall be unlawful for any person or persons to practice medicine or surgery or any branch or specialty of the same in this State who has failed to comply with the provisions of this Act, and any one violating the provisions of this Act shall be deemed guilty of a misdemeanor, and for each offense, upon conviction by any court of competent jurisdiction, shall be fined in any sum not less than fifty dollars, nor more than three hundred dollars, or imprisonment in the county jail for a period of not less than thirty, nor more than ninety days, or both, at the discretion of the Court; one-half of said fine to go to the informant and the other half to the State. Provided, That dentists and midwives shall not be subject to the provisions of this Section: Provided, That the State Board of Medical Examiners shall issue license to osteopaths and homeopaths specifically for the purpose of practicing osteopathy or homeopathy, respectively, when the applicant presents a diploma from a duly authorized school of osteopathy or homeopathy and satisfactorily passes examination before the State Board of Medical Examiners on all regular branches upon which applicants for license to practice medicine are examined, except Materia Medica and Therapeutics, Major Surgery, and the Practice of Medicine: Provided, further, That osteopaths and homeopaths now holding license from the State Board of Medical Examiners shall be exempt from the provisions of this Act.

Sec. 14. In no case, wherein the provisions of this Act shall have been violated, shall any person violating be entitled to receive a compensation for services rendered. But all persons now practicing, in accordance with the law now of force, or who may hereafter practice medicine or surgery, as herein provided, shall be entitled to charge, sue for and collect for their services.

Sec. 15. Upon the refusal of the said Board to grant a license to any applicant an appeal may be had to the Governor, who may order a re-examination of the applicant, to be held in the presence of the Dean of the Faculty of any medical college in this State, and a Committee composed of seven practicing physicians.

Sec. 16. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved the 27th day of February, A. D. 1904.

Amended the 4th day of March, A. D. 1905.

Amended the 26th day of February, A. D. 1908.

OSTEOPATHIC LAW OF SOUTH DAKOTA

1907

Senate Bill No. 222.

AN ACT creating a State Board of Osteopathic Examiners and Registration, to regulate the practice of osteopathy in the State of South Dakota and to license Osteopathic Physicians and to prescribe penalties for the violation of this Act.

Be it enacted by the Legislature of the State of South Dakota:

Section 1. Within thirty days after the passage of this act, the governor shall appoint three Osteopathic physicians, who have been resident practitioners, for at least two years, to be known as the State Board of Osteopathic Examiners. The members of said board shall serve for a term of three years, except the first appointees, who shall serve for one, two and three years, in the order of their appointment; all expirations, vacancies or resignations shall be filled by the governor.

Within thirty days after the appointment of the members of the above board, they shall meet and organize, by electing a president, secretary and treasurer, and adopt rules and regulations governing time and place of holding examinations, per diem, mileage and other expenses, which must be paid from applicant fees.

Any person holding a diploma from a legally incorporated and regularly conducted school of Osteopathy of good repute and recognized as such by the National Osteopathic Association, wherein the course of instruction was not less than twenty months, and after the year 1907 will not be less than three years of nine months each, including the following subjects, to-wit: Anatomy (with a full course in dissecting); histology, physiology, chemistry, toxicology, urinalysis, osteopathic pathology and symptomatology, bacteriology, osteopathic obstetrics and gynecology, psychology, mental and nervous diseases, skin and venereal diseases, general surgery, medical jurisprudence, hygiene and dietetics, public health and sanitation and the theory and practice of Osteopathy, with one year of clinical practice, shall on the presentation of such diploma to the state board of Osteopathic Examiners, and upon passing the examination in the following subjects, to-wit: anatomy, histology, physiology, physiological chemistry, toxicology, osteopathic diagnosis, osteopathic pathology, osteopathic obstetrics and

gynecology, minor surgery, principles and practice of osteopathy, and such other subjects as the board may require, and paying a fee of twenty dollars to the Secretary of the examining board, one-half of which shall be returned to applicant in case of failure to pass, or the applicant may within one year, upon request, have another examination, in lieu of accepting one-half as mentioned in this section, receive a certificate to practice osteopathy in the State of South Dakota, which certificate shall be recorded in the office of the Register of Deeds in the county in which the applicant proposes to practice. Before beginning to practice an application must be made to the Secretary of the State Board of Osteopathic Examiners, accompanied by the examination fee of twenty dollars, for which he will receive a permit to practice until the next regular examination. Provided, further, that osteopathic physicians practicing under prior acts are not required to pass an examination under this act, and provided further, that all persons practicing osteopathy in this state under certificates issued from Osteopathic schools not recognized by the National Osteopathic Association, shall be required to pass an examination before the State Board of Osteopathic Examiners under the provisions of this act, and upon passing such examination shall receive from said board a certificate to practice Osteopathy in the State of South Dakota.

Sec. 2. The certificate provided for in the foregoing section shall not authorize the holder thereof to perform major operations, his or her practice shall be limited to the methods of practice taught in the Standard Colleges of Osteopathy. Osteopathic physicians shall be subject to the same rules, both municipal and state, that govern physicians of other schools, as to births and deaths and the control of contagious diseases, and shall be entitled to all the privileges granted other physicians pertaining to the public health.

Sec. 3. Any certificate may be revoked by the State Board of Osteopathic Examiners upon proof of any unprofessional conduct on the part of any practitioner, duly licensed to practice Osteopathy in this State.

Sec. 4. Osteopathy is hereby declared not to be the practice of medicine within the meaning of Chapter 176 of the Session Laws of the Eighth Legislative Session, for the year 1903.

Sec. 5. Any person who shall begin the practice of osteopathy within the State, before obtaining a permit or certificate to practice, or who shall continue to practice after the expiration of such permit, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars.

Sec. 6. Any person practicing osteopathy in

this State, who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor and on conviction thereof be fined not less than fifty dollars, nor more than one hundred dollars, and for a second offense, in addition to fine, his or her certificate may be revoked.

Sec. 7. Any person who shall advertise or attempt to practice osteopathy, or who shall use any of the terms or letters, Osteopath, Osteopapist or Osteopathy, D. O., or any other title or titles under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of Osteopathy, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars, nor more than five hundred dollars.

Sec. 8. Any person convicted under any of the provisions of this act, in addition to the penalties heretofore provided in this act, may be imprisoned in the county jail not less than thirty days nor more than six months in the discretion of the court. It shall be the duty of the State's Attorney in the county in which such person resided or practices when notified of such violation to take charge and conduct the prosecution under this act.

Sec. 9. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 10. Whereas, an emergency exists, this act shall take effect from and after its passage and approval.

Note:—Any person knowing of any violations of the above act are requested to notify the Secretary of the State Board of Osteopathic Examiners and he will investigate the case and proceed according to the law.

Passed Senate, Feb. 23rd, 1907.

Passed Senate House, Feb. 26,

Signed by Gov. Crawford, March 2.

MEDICAL LAW OF SOUTH DAKOTA.

(Approved March 5th, 1903).

AN ACT to establish a Board of Medical Examiners, making an appropriation for the same, regulating the practice of medicine, surgery and obstetrics, providing for licensing physicians and surgeons and providing for penalties for violation of such regulation of the practice of medicine, surgery and obstetrics.

Be it enacted by the Legislature of the State of South Dakota:

Section 1. Board Created: There is hereby created a Board of Medical Examiners for the purpose of examination, regulation, licensing and registration of physicians and surgeons in the State of South Dakota. Said board shall consist of seven members, who shall have been resident of the State of South Dakota for not less

than five years preceding their appointment, not more than two of whom shall be from the same county.

Sec. 2. Governor to Appoint: The Governor shall, immediately on the taking effect of this Act, appoint seven skilled and capable physicians, who shall constitute said board, two of whom shall hold their office for one year, two for two years, and three for three years from the date of their respective appointments and until their successors are appointed, and the Governor shall each year thereafter, on or before the first day of April, appoint for the term of three years two or three as the case may be, skilled and capable physicians to fill the vacancies caused by the expiration of the terms of said members, as above provided. The Governor shall fill by appointment all vacancies occasioned by death or otherwise.

Sec. 3. Board of whom to consist: The said board shall consist of not more than four members of the school known as regular, not more than two of the schools known as homeopathic, and not more than one of the schools known as eclectic. Five members of this board shall constitute a quorum for the transaction of business.

Sec. 4. Meetings of—Election of Officers—Bond of: The board shall meet at Huron, South Dakota, at a date to be named by the Governor, for organization, in 1903, and shall elect from their number a president, vice-president and secretary, who shall also act as treasurer, and all officers shall be elected annually thereafter. Said board shall procure a common seal. The secretary and treasurer shall execute a bond to the State of South Dakota in the penal sum of \$2000, with two or more sufficient sureties. Said bond shall be conditioned upon the faithful discharge of his duties, and shall be approved by the Governor.

Sec. 5. Meetings, When Held: The board shall hold two regular meetings each year, beginning on the second Wednesday of July and second Wednesday of January of each year, and such additional meetings at such times and at such places as the board may deem advisable. The board shall have power to make rules and regulations for the government of said board and its officers, and for the proper discharge of its duties.

Sec. 6. Board Must Keep Records: Said board shall keep a record of all proceedings thereof and also a record or register of all applicants for license, together with his or her name, time spent in the study of medicine, and the location and names of all the institutions granting to such applicant degrees or certificates of lectures in medicine and surgery; such record shall also show whether such applicant was rejected or licensed under this Act; said record or register shall be prima facie evidence of all

matters therein recorded. No member of said board shall belong to the faculty of any medical college or university, nor shall any one of the board be financially interested in the manufacture or sale of drugs or the practice of pharmacy.

Sec. 7. Application for License: Qualifications of Applicant: On and after the taking effect of this Act, all persons desiring to begin the practice of medicine or surgery or obstetrics in any of their branches in this State shall make application to the board for a license to practice medicine or surgery or obstetrics in the State of South Dakota. Such licenses shall be granted to such applicants who give satisfactory proofs of being at least twenty-one years of age and of good moral character, but only on compliance with the following conditions: The applicant shall be given such license if he shall pass an examination before the board in the following subjects: anatomy, physiology, chemistry, pathology, therapeutics, practice of medicine, surgery, obstetrics, gynecology, diseases of eye and ear, bacteriology, medical jurisprudence, and such other branches as the board may deem advisable, and in addition thereto shall present evidence of having attended four full courses of lectures of at least twenty-six weeks each in a legally organized and reputable medical college, recognized by the Board of Medical Examiners, not two courses being in the same year, and of having received a diploma from a legally organized and reputable medical college, which shall be in good standing, as shall be determined by the board, and said diploma must be submitted to the board for inspection and verification, provided that the four courses of lectures of six months each shall not apply to applicants who graduated prior to 1898.

Sec. 8. Examinations—How Conducted: Said examinations shall be conducted as follows: 1st, the applicant shall, before being permitted to take the examination, pay the secretary of the board an examination fee of \$20; 2nd, the examination shall be in writing, oral, or both as the board may determine; 3rd, the questions on all subjects except therapeutics and practice of medicine shall be such as may be answered alike by all schools of medicine. The applicant shall, if possible, be examined in therapeutics and practice of medicine by those members of the board belonging to the same school as the applicant, and a license and certificate shall not be refused any applicant because of his adherence to any particular school of medicine. The average per cent of at least 75% of correct answers shall be required of every applicant. Any applicant who shall not pass said examination shall be eligible to a second examination at the next regular meeting of the board or at such time as the board may designate without an additional examination fee.

Sec. 9. Licenses: Said board shall grant a license to practice medicine, and surgery and obstetrics in all of their branches in the State of South Dakota to each applicant who has satisfactorily passed the said examination and has fulfilled all the other requirements of this Act. A license can only be granted by the consent of not less than five members of said board, and which said license shall be signed by the president and secretary of said board and attested by the seal of the board. All examination papers, together with a list of questions and answers shall be kept for reference and inspection for a period of not less than three years.

Sec. 10. Licenses without Examination—When. The said board, may, in its discretion, accept and license on the payment of the license fee without examination of the applicant, any license which shall have been issued to him by examining board of the District of Columbia, or any state or territory of the United States; provided, however, that the legal requirements of such examining board shall have been at the time of issuing such certificate or license in no degree or particular less than those of the State of South Dakota at the time when such certificate or license shall be presented for registration to the board created by this Act; and provided, further, that the provisions of this section contained shall be held to apply only to such of said medical examining boards as accept and register the certificates or licenses granted by this board without examination by them of the persons holding such certificates or licenses. Each applicant on making application under the provisions of this section, shall pay to the secretary of the board a license fee of \$20.

Sec. 11. Board May Refuse to Grant Licenses: The board shall have the power and authority to refuse to grant a license under this Act for unprofessional, immoral or dishonorable conduct on the part of the applicant. The action of the board in refusing to grant a license under this Act shall be final.

Sec. 12. May Revoke Licenses: The board shall have the power and authority to revoke the license of any person heretofore or hereafter granted or issued upon complaint to it on oath by one responsible person if it shall satisfactorily appear to the board either, first, that such person has been guilty of unprofessional, immoral, or dishonorable conduct; or, second, that such person has been convicted of a felony; third, if such person publicly professes or claims to treat diseases, injuries or deformities in such a manner as to deceive the public; or fourth, grossly professionally incompetent: Provided, that such license shall not be revoked except after a hearing before the board of medical examiners, at which at least five members of such board shall be present, and at which hearing the per-

son holding the license to be revoked shall have had not less than ten days written notice of the time and place of said hearing, and only on due proof of the facts stated in the complaint.

Sec. 13. Unprofessional and Dishonorable—Meaning of—The words "unprofessional and dishonorable conduct" as used in sections 11 and 12 of this act are hereby declared to mean: first, procuring or aiding or abetting a criminal abortion; second, the employing of what are known as cappers or steerers; third, the obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured; fourth, willful betrayal of a professional secret; fifth, all advertising of medical business in which untruthful or improbable statements are made or which are calculated to deceive or mislead the public; sixth, all advertising of any medicine or any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed; seventh, conviction of any offense involving moral turpitude; eighth, habitual intemperance.

Sec. 14. Persons Aggrieved May Appeal: All persons feeling aggrieved at the action of the board in revoking their licenses may appeal to the circuit court of the county in which the person whose license is revoked resides, in the same manner as is now provided by law in cases of appeal from a board of county commissioners, and the perfection of such appeal shall operate as a stay to the revocation of such license until the final determination thereof by the court; provided, however, than any time during the pendency of such appeal the said board may appeal to the court for a temporary injunction restraining the appellant from the practicing of medicine, surgery or obstetrics until the final determination and judgment on such appeal, which said injunction may, in the discretion of the court, be issued without the requirement of any bond.

Sec. 15. Licenses Must Be Recorded: The person receiving a license to practice shall have the same recorded in the office of the register of deeds in the county where he resides and practices. And said register of deeds shall, in July and January of each year, furnish to the secretary of the State Board of Medical Examiners a list of all licenses so recorded.

Sec. 16. Moneys Must be Paid to State Treasurer: All moneys received by the said board shall be paid to the state treasurer and shall be credited to the general fund of the State, and a receipt in duplicate shall be filed with the secretary of said Board of Medical Examiners and in the office of state auditor.

Sec. 17. Compensation of Members of the Board: Each member of said board shall receive as compensation the sum of five dollars per day for each day actually in attendance on

the meetings of the board and five cents for every mile necessarily traveled and his necessary expenses while attending such meetings. The secretary of the Board of Medical Examiners shall receive as a compensation for his services the sum of \$800 per annum, which salary shall be in full for his services as a member of the board. All bills for stationery, postage and other necessary expenses shall be approved by the said board and sent to the auditor of the state, who shall draw his warrant on the state treasury for the amount due.

Sec. 18. Medical Board Fund Established: There is hereby established a fund to be known as the "medical board fund," and the sum of \$4000 is hereby appropriated out of the moneys in the state treasury not otherwise appropriated to meet the expenses of carrying out the provisions of this Act for two years, namely, \$2000 for the year beginning February 15th, 1903, and ending February 14th, 1904, and \$2000 for the year beginning February 15th, 1904, and ending February 14th, 1905. And the state treasurer is hereby directed and required to set such sums apart to the credit of this fund, subject to the orders and disbursements as herein provided for. The money in the said fund shall only be paid out by the state and warrant on said fund and on an order drawn by the secretary of said board and countersigned by the president.

Sec. 19. Itinerant Physicians Must Procure Itinerant License: Any physician practicing medicine, surgery or obstetrics or attempting to treat, cure or heal diseases, ailments or injuries, by any medical appliance or method, who goes from place to place, or from house to house, or by circulars, letters, or advertisements solicits persons to meet him or her for prospective treatment at places other than his office at the place of his permanent residence, is hereby declared to be an itinerant physician, and shall in addition to the ordinary physician's license, as in this Act provided, procure an itinerant's license from the State Medical Examining Board, for which he shall pay to the secretary of the board the sum of \$500 per annum, on the payment of said sum of \$500 the board shall issue to the applicant therefor a license to practice within the State as an itinerant physician for one year from the date thereof. The board may, for the same reasons specified in Sections 11, 12, and 13 of this Act, refuse to issue such itinerant license, or, having issued it, may revoke it for the same reasons specified in Sections 11, 12, and 13 hereof.

Sec. 20. Penalty for Practicing Without a License: Any person practicing medicine, surgery or obstetrics in any of their branches as an itinerant physician, as in section 19 hereof defined, without having procured such itinerant license, shall be guilty of a misdemeanor, and on

conviction thereof, shall be fined not less than \$500 nor more than \$800, or be imprisoned in the county jail for a period not less than 30 days or more than 90 days, or both fine and imprisonment.

Sec. 21. Unlawful to Use Title and Prescribe: When a person shall append or prefix the letters M. B. or M. D. or the title Dr. or Doctor, or any other sign or appellation in a medical sense, to his or her name, or shall profess publicly to a physician or surgeon, or who shall recommend, prescribe or direct for the use of any person any drug, medicine, apparatus, or other agency for the cure, relief or palliation of any ailment or disease of mind or body, or for cure or relief of any wound, fracture or bodily injury, or deformity, after having received or with the intent of receiving therefor, either directly or indirectly any bonus, gift or compensation, shall be regarded as practicing within the meaning of this Act.

Sec. 22. This Act Not Applicable—When: This Act shall not apply to the commissioned surgeons of the United States Army, Navy or Marine Hospital Service in the actual performance of their duties, or to regularly licensed physicians of this State, nor to dentist or osteopaths in the legitimate practice of their professions, nor to christian scientists as such, who do not practice medicine, surgery or obstetrics by the use of any material, remedy or agency, nor to resident physicians and surgeons of this State regularly licensed and practicing in this State at the time of the taking effect of this Act; provided, however, that the licenses heretofore or hereafter granted to any person may be revoked for the same reasons and in the same manner as stated and provided in sections 12 and 13 hereof.

Sec. 23. Presenting of Fraudulent Diplomas—Penalty: Any person who shall present to the State Board of Medical Examiners a fraudulent or false diploma, or one of which he is not the rightful owner, for the purpose of procuring a license as herein provided, or who shall file or attempt to file with the recorder of deeds of any county in the State a license of another, representing the same to be his own, or shall falsely personate any one to whom a license has been granted, or who shall file or attempt to file with the recorder of deeds of any county in this State the license of another with the name of the party to whom it was granted or issued erased, and his own name inserted in its place, or whom shall file or attempt to file with the Board of Medical Examiners any false or forged affidavit of identification, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$100, or imprisoned in the county jail for not more than 30 days, or both fine and imprisonment.

Any person who shall practice medicine, sur-

gery or obstetrics in any of their branches in this State without having obtained a license as in this Act provided, and had such license recorded in the office of the register of deeds in the county in which such person resides and practices, as hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$100, or imprisoned in the county jail not more than 30 days, or both fine and imprisonment: provided, that this portion of this section shall not apply to provisions of sections 19 and 20 of this Act, nor modify or change the penalty prescribe in Section 20 hereof.

Sec. 25. Repeal: All acts or parts of acts in conflict with the provisions of this Act are hereby repealed.

Sec. 26. Emergency: An emergency is hereby declared to exist, and this Act shall take effect and be in force from and after its passage and approval.

Approved March 5th, 1905.

TENNESSEE OSTEOPATHIC LAW.

CHAPTER 255.

SENATE BILL NO. 287.

A BILL to be entitled "An Act to regulate the practice of the system, method, or science of healing known as Osteopathy, and creating a Board of Examination and Registration for the regulation of the same, and providing penalties for the violation of the provisions under this Act, and to repeal Chapter 364 of the Acts of 1899, entitled 'An Act regulating the practice of Osteopathy in Tennessee.' "

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That there shall be a State Board of Osteopathic Registration and Examination, consisting of five persons, appointed by the Governor in the following manner—viz.: Within thirty days after this Act goes into effect, the Governor shall appoint five persons who are duly registered under the Act now in force, to regulate the practice of osteopathy in Tennessee, approved April 21, 1899, who shall constitute the first Board of Osteopathic Examination and Registration. Their terms of office shall be so designated by the Governor that the term of one member shall expire each year. Thereafter in each year the Governor shall in like manner appoint one person to fill the vacancy to occur on the Board on that date, the term of said appointee to be five years. A vacancy occurring from any other cause shall be filled by the Governor for the unexpired term in the same manner. The Board shall, within thirty days after its appointment by the Governor, meet in the City of Nashville and organize by electing a President, Secretary, and Treasurer, each to serve for one year. The Treasurer and Secretary shall each give bond with sureties approved by the Board, for the faith-

ful performance of his duties, respectively, in such sum as the Board may, from time to time, determine. The Board shall have a common seal, and shall formulate rules to govern its actions.

The Board shall meet in the City of Nashville, at the call of the President, in July following the passage of this Act, and in July of each succeeding year, and at such other times and places as a majority of the Board may appoint.

Three members of the Board shall constitute a quorum, but no certificate to practice osteopathy shall be granted on an affirmative vote of less than three. The Board shall keep a record of its proceedings, and a register of all applicants for certificates, giving the name and location of the institution granting the applicant the degree of doctor of or diplomate in osteopathy, the date of his diploma, and also whether the applicant was rejected or a certificate granted. The books and register shall be prima facie evidence of all matters recorded therein.

Sec. 2. Be it further enacted, That before engaging in the practice of osteopathy in this State, every person so proposing shall, upon the payment of a fee of fifteen dollars, make application for a certificate to practice osteopathy to the Secretary of the Board of Osteopathic Examination and Registration, on a form to be prescribed by the Board; giving, first, his name, age—which shall not be less than twenty-one years—and residence; second, the name of the School of Osteopathy from which he or she was graduated, and which shall have been in good repute as such at the time of the issuing of his or her diploma as determined by the Board; third, the date of his diploma, evidence that such diploma was granted on personal attendance and completion of the course of study of not less than four terms of not less than five months each; and such other information as the Board may require, and sufficient evidence that the applicant is of good moral character. The Board shall subject all applicants to an examination in the subjects of anatomy, physiology, symptomatology, physiological chemistry and toxicology, osteopathic pathology, diagnosis, hygiene, obstetrics and gynecology, minor surgery, principles and practice of osteopathy, and such other subjects as the Board may require; Provided, that any person having a diploma from a legally chartered school or college of osteopathy in good standing as such at the time of issuing such diploma as determined by the Board, and who shall meet the requirements of the Board in other respects, who is in active practice in this State at the time of the passage of this Act, and who shall apply to said Board within ninety days after this Act goes into effect, may be granted a certificate by the Board to practice osteopathy in this State, without examina-

tion, and upon the payment of a fee of two dollars to said Board for said certificate; and Provided further, that the Board may, in its discretion, dispense with an examination in the case of an osteopathic physician duly authorized to practice osteopathy in any other State or Territory of the United States, or in the District of Columbia, who shall present a certificate of registration or examination by the legally constituted Board of such State or District, accorded only to applicants of equal grade with those required in the State of Tennessee; Provided further, that after June, 1907, no holder of a diploma issued after said date shall be admitted to an examination, nor shall a certificate to practice osteopathy be otherwise granted by said Board, to any such person, unless said person shall have graduated after personal attendance from an osteopathic school of good repute, as such, determined by said Board, wherein the course of study shall consist of at least three years of nine months each.

Sec. 3. Be it further enacted, That all fees shall be paid in advance to the Treasurer of the Board, and all expenses proper and necessary, in the opinion of the said Board, to discharge its duties under this Act, shall be paid out of such funds in such manner as the Board may order; Provided, that no member of the Board shall be allowed out of said funds more than the amount spent for traveling expenses, and ten dollars for each day of actual service.

Sec. 4. Be it further enacted, That osteopathic physicians shall observe and be subject to all 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 such reports shall be accepted by the officer or department to whom the same are made.

Sec. 5. Be it further enacted, That every person holding a certificate from the State Board of Examination and Registration shall have it recorded in the office of the County Clerk of the county in which he expects to practice. Until such certificate is filed for record the holder shall exercise none of the rights or privileges therein. Said Clerk of the County Court shall keep in a book for that purpose a complete list of all certificates recorded by him, with the date of the recording of each certificate. Each holder of a certificate shall pay to said Clerk a fee of one dollar for making such record.

Sec. 6. Be it further enacted, That any person who shall practice, or pretend, or attempt to practice, or use the science or system of osteopathy in treating diseases of the human body, or any person who shall buy, sell, or fraudulently obtain any diploma, license, record, or registration to practice osteopathy illegally ob-

tained, or signed or issued unlawfully or under fraudulent representation, or who shall use any of the forms, or letters, "Osteopathy," "Osteopath," or "Osteopathist," "Diplomate in Osteopathy," "D. O.," "Osteopathic Physician," "Doctor of Osteopathy," or any other title or letters, either alone or with other qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such term is engaged in the practice of osteopathy, without having complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each offense.

Sec. 7. Be it further enacted, That Chapter 364, of the Acts of 1899, entitled "An Act regulating the practice of Osteopathy in Tennessee," be, and the same is hereby, repealed.

Sec. 8. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1905.

TENNESSEE MEDICAL ACT.

A BILL to be entitled, An Act to regulate the practice of medicine and Surgery in the State of Tennessee, and to define and punish offenses committed in violation of this Act and to repeal an Act passed in 1889.

Section 1. Be it enacted by the general assembly of the State of Tennessee. That no person shall practice medicine in any of its departments in this state unless and until such person shall have obtained a certificate of license from the State Board of Medical Examiners hereinafter created, and shall have recorded it in the County Clerk's office in the county or counties in which he proposes to practice; Provided, however, that the provisions of this Act shall not apply to any person or persons who at the time of its passage are duly and regularly licensed by law to practice medicine in any of its branches in this State and provided further, that the provisions of this Act shall not apply to any graduate of a reputable medical college, who has been a practitioner of medicine or surgery for more than ten years in the State of Tennessee, at the date of the passage of this Act.

Sec. 2. Be it further enacted, That there shall be a board, to be known as the State Board of Medical Examiners, and to be composed of six graduate physicians of not less than six years experience each in the practice of medicine or surgery, one or both, two of whom shall reside in each grand division of the State, and whose duty it shall be to examine into qualifications of

all applicants for certificate of license to practice medicine or surgery in this State; Provided, however, that the three schools of medicine shall be represented on the said Board of Examiners as follows: four representatives from the regular school of medicine, one from the eclectic, and one from the homeopathic school of medicine; and, provided, also, that no member of the said board shall be connected with any medical college of the State or the State Board of Health.

Sec. 3. Be it further enacted, That the members of said Board shall be appointed by the Governor, and shall hold office for a term of four years, but all vacancies occurring in the Board by reason of death or resignation shall be filled by the Board itself for the unexpired terms: Provided, however, that the first board shall be appointed upon the expiration of the term of the present board, shall be appointed as the terms of the present members expire, and shall within thirty days of said appointment meet and organize, and shall serve, one from each grand division of the State, for two years, and one from each grand division for four years, decided by lot or agreement among themselves as to their respective terms of office.

Sec. 4. Be it further enacted, That the said Board is authorized to elect from its own members a President and Secretary, and to create other offices and to adopt such by-laws as may be necessary and proper for the efficient operation of the Board. Three members shall constitute a quorum, and the majority of those present shall be necessary to reject any application; but such rejection shall not bar the applicant from re-examination after the lapse of six months.

Sec. 5. Be it further enacted, That a regular meeting of the board shall be held once each year in the city of Nashville, Tennessee, so long as the period of temporary licenses hereinafter provided for shall continue, and shall thereafter be held semi-annually in said city of Nashville; but special meetings may be held oftener upon the call of the President.

Sec. 6. Be it further enacted, That persons desiring to obtain a certificate of license to practice medicine or surgery in this State shall make application therefor in writing to said State Board of Medical Examiners, which application shall be accompanied by the examination fees hereafter prescribed, and by satisfactory proof that the applicant is of good moral character. When these preliminary requirements are satisfied, the applicant shall then present himself before the Board for examination upon the following branches, viz.: anatomy, physiology, chemistry, pathology, surgery, obstetrics, materia medica, and practice; but the member or members of the Board representing each separate school of medicine shall have the right to ex-

amine all applicants of that school in branches peculiar to the teachings of that school, and the board shall accept the grade placed by such member or members upon such special branches, Provided, however, that graduates of any reputable medical college in the State of Tennessee shall, until after January 1st, 1902, be granted a certificate of license by said Board without reference to number or lengths of terms attended, and without the examinations hereinbefore prescribed; but this proviso shall cease and terminate after January 1st, 1902.

Sec. 7. Be it further enacted, That the two members of the said Board in each grand division of the State shall, at such time or times as the Board may direct, meet at some convenient point in their respective divisions for the purpose of examining applicants for permanent licenses. Such meetings shall be held at stated periods, and the questions to be propounded upon such examinations shall have determined upon in advance by the Board, and shall be identical in each division; and such examinations shall be held on the same day in each division, and under uniform rules and regulations, to be adopted by the Board. The examination papers shall be sealed up and carried to Nashville to the annual meeting of the Board at which time they shall be examined, graded, and passed upon by the Board in annual session, and the results declared and certificates issued to those entitled to receive them. The Board, or any of its respective sections, may, at the option of the members, supplement each written examination by an oral examination, and the recorded value of such oral examination may be given such importance as each member of the Board sees fit.

Sec. 8. Be it further enacted, That if the applicant for examination shall therefore be found worthy and competent by the Board, it shall issue to him a certificate of permanent license, in accordance with the facts in each case to practice medicine or surgery in this State,

Sec. 9. Be it further enacted, That, in order to prevent delay and inconvenience, the two members of the Board of any grand division of the State may grant a certificate of temporary license to any applicant who is permanently located as a resident of some designated place in that division of the State, upon satisfactory evidence to them that such applicant possesses the qualifications hereinbefore required, and upon examination by them of such applicant in the subjects named in Section 6 of this Act, and make report thereof to the next regular meeting of the Board. Such temporary license shall not continue in force longer than until the conclusion of the next regular meeting of the Board, and shall in no case be granted within six months after the applicant has been refused a certi-

cate of license by the Board; Provided, that after January 1st, 1903, no certificate of temporary license shall be issued. (The Legislature of 1903 extended the temporary license provision indefinitely.)

Sec. 10. Be it further enacted, That the Board of Examiners shall keep a record of their proceedings in a book for that purpose, which book shall be open for inspection, and shall record the name of each applicant, the time of granting a certificate of license, the names of the members of the Board present; and where a certificate of license is denied by the Board to any applicant under authority of this Act, the fact and ground of such denial, shall be entered upon the minutes of the Board, and shall be communicated in writing to such applicant.

Sec. 11. Be it further enacted, That the Board is empowered to demand a fee of ten dollars for an examination for a certificate of permanent license, and five dollars for an examination for a certificate of temporary license, and to demand for the issuance of a certificate of permanent license five dollars, and for the issuance of a certificate of temporary license one dollar.

Sec. 12. Be it further enacted, That any person thus receiving a certificate of license, whether permanent or temporary, from the State Board of Medical Examiners shall forthwith have it recorded in the office of the County Court Clerk in the county in which he proposes to practice, and the date of such recording shall be endorsed thereon; and such license, when so recorded, shall not be collaterally questioned in any legal proceeding. Until the license is recorded the holder shall not exercise any of the rights or powers therein conferred, and in case said license is not recorded in three months of the date of its issuance, it shall become invalid. The Clerk shall be paid a fee of fifty cents for recording such certificate. Any registered physician removing his residence from one county in the state to another, in order to practice medicine, shall in like manner record his certificate of license in the county to which he moves, and the holder of the certificate shall pay the County Clerk the usual fee for so doing.

Practitioners who have registered in the county in which they reside may go from one county to another on professional business without being required to register.

Sec. 13. Be it further enacted, That the County Court Clerk of each county shall keep in a book provided for that purpose, a complete list of the certificates of license recorded by him, together with the date of each, and the date of recording. He shall further, record the name of the medical college which conferred the diploma on which the certificate is based, and the date when conferred; and the Clerk shall, hereafter, beginning with the first Monday in July, 1901,

and regularly at the expiration of six months thereafter, report to the secretary of the State Board of Medical Examiners a list of such registrations in his office, together with a list of the deaths and removals from his county of physicians who have thus registered, for which service the Clerk shall be paid, out of the funds of the Board, ten cents for each name so reported. This record of the County Court Clerk shall be open for inspection during business hours.

Sec. 14. Be it provided further, That the members of said Board shall receive as a compensation for services ten dollars per day while in actual service of the Board, and also their actual hotel and traveling expenses by the most direct route to and from their respective places of residence, which, together with the necessary expenses of each member of the Board, shall be paid out of any moneys in the treasury of the Board, upon certificate of the President and Secretary.

Sec. 15. Be it further enacted, That the Board shall have the right and power to revoke any license upon the ground that it was procured by fraud, or that the licensee has been guilty of unprofessional or dishonorable conduct.

Sec. 16. Be it further enacted, That the words unprofessional or dishonorable conduct, as used in Section 15 of this Act, are here declared to mean: (1) By procuring or aiding or abetting in procuring a criminal abortion. (2) The obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured. (3) Wilful betrayal of professional secret. (4) All advertising of medical business in which untruthful or improbable statements are made. (5) All advertising of medicine or other means whereby the monthly periods of women can be regulated or menses re-established if suppressed. (6) Conviction of any offense involving moral turpitude. (7) Habitual intemperance or excessive use of narcotics.

Sec. 17. Be it further enacted, That it shall be unlawful of any itinerant physician or person, vendor of any drug, ointment, nostrum, or appliance of any kind intended for the treatment of disease or injury, to sell or apply the same; or for such itinerant physician or vendor, by writing, printing, or other method, to profess to cure or treat diseases or deformities by any drug, nostrum or manipulation, or other expedient in this State, and whoever shall violate the provisions of this section of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction before a court of competent jurisdiction, shall be fined in any sum not less than \$100 nor more than \$400.

Sec. 18. Be it further enacted, That any person who shall not at the time of the passage of this act be duly and regularly licensed by law to practice medicine and surgery in this State,

and who shall, notwithstanding, practice medicine or surgery in this State without first having complied with the provisions of this Act, shall, for each and every instance of such practice be deemed guilty of a misdemeanor, and, upon conviction, be fined in a sum not less than \$10 nor more than \$25; and any person filing, or attempting to file, as his own, a diploma or license of another, or a forged affidavit of identification, shall be deemed guilty of a felony and upon conviction shall be subject to the punishment prescribed by law for the crime of forgery. All fines for offenses under this Act shall be paid over to the Board of Medical Examiners, to constitute part of the funds of said Board.

Sec. 19. Be it further enacted, That any person shall be regarded as practicing medicine within the meaning of this Act, who shall treat or profess to treat, operate on, or prescribe for any physical ailment or physical injury to or deformity of another; Provided, that nothing in this section shall be construed to apply to the administration of domestic or family remedies in cases of emergency, or to the laws regulating the practice of dentistry; And this Act shall not apply to surgeons of the United States Army, Navy, or Marine Hospital Service, or to any registered physician or surgeon of other states when called in consultation by a registered physician of this State, or to midwives, or to veterinary surgeons, or to osteopaths not giving or using medicine in their practice, or to opticians, or the Christian Scientists.

Sec. 20. Be it further enacted, That it shall not be lawful for the Board of Medical Examiners, or any member thereof, in any manner whatever, or for any purpose to charge or obligate the State for the payment of any money; and said Board shall look alone to the revenue derived from the operation of this Act for the compensation designated in Section 14 hereof, and, if said revenue is not sufficient to pay each member in full, together with the necessary expenses of the Board, then the amount available shall be pro rated among the members. But, if there should be a greater revenue derived than shall be required to pay the compensation and expenses hereinbefore directed, any surplus remaining therefrom shall be paid to the Comptroller of the State, who shall receipt the Board for the amount so received and shall account for said money as for other state revenue.

Sec. 21. Be it further enacted, That the grand jury in each county of the State is hereby given inquisitorial power over offenses against or violations of this Act, and the Circuit and Criminal Judges shall give the same in their charge to the grand jury, and the Board shall designate one of its members in each grand district of the State, whose duty it shall be to report any violation of this Act to the proper authorities.

Sec. 22. Be it further enacted, That Chapter 178 of the Acts of 1889, entitled, "An Act to regulate the practice of medicine and surgery in the State of Tennessee" together with all acts amendatory thereto, to-wit: Chapter 109 Acts of 1811-61—and all other laws or parts of laws in conflict with this Act, and the same are hereby repealed.

Sec. 23. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Approved April 22nd, 1901, and amended in 1905.

TEXAS MEDICAL ACT.

Section 1. That a Board, to be known as the Board of Medical Examiners for the State of Texas, is hereby established. Said Board shall consist of eleven men learned in medicine, legal and active practitioners in the State of Texas, who shall have resided and practiced medicine in this State under a diploma from a legal and reputable college of medicine of the school to which said practitioner shall belong, for more than three years prior to their appointment, and no one school shall have a majority representation on said Board. Said Board shall be appointed by the Governor of this State within ninety days after this act shall become effective and biennially thereafter within ninety days after his inauguration and the term of office of its members shall be two years, or until their successors shall be appointed and qualified. No member of said Board shall be a stockholder or a member of the faculty or a board of trustees of any medical school. Vacancies occurring in the Board shall be filled by the Governor. The word "medicine" as used in this section, shall have the same meaning and scope as given to it in Section 13 of this Act.

Sec. 2. The members of said Board shall qualify by taking the oath of office before a notary public, or other officer empowered to administer oaths in the county in which each shall respectively reside. At the first meeting of said Board after each biennial appointment, the Board shall elect a president, vice-president and secretary-treasurer. Six members shall constitute a quorum. Regular meetings shall be held at least twice a year, at such times and places as shall be deemed most convenient for applicants. Due notice of such meetings shall be given by publication in such papers as may be selected by the Board. Special meetings may be held upon a call of three members of the Board. The Board may prescribe rules, regulations and by-laws, in harmony with the provisions of this act, for its own proceedings and government for the examination of applicants for the practice of medicine and obstetrics. Said Board, or any member, shall have power to administer oaths for all purposes required in the

discharge of its duties, and to adopt a seal to be affixed to all of its official documents.

Sec. 3. The Board of Examiners shall preserve a record of its proceedings in a book kept for that purpose, showing name, age, place and duration of residence of each applicant, the time spent in medical study in respective medical schools, and the year and school from which degrees were granted; said register shall also show whether applicants were rejected or licensed, and shall be prima facie evidence of all matters contained therein. The secretary of the Board shall, on March 1 of each year, transmit an official copy of said register to the Secretary of State for permanent record, certified copy of which, with hand and seal of the secretary of said Board, or Secretary of State, shall be admitted in evidence in all courts.

Sec. 4. From and after the passage of this act it shall be unlawful for any one to practice medicine in any of its branches upon human beings within the limits of this State who has not registered in the District Clerk's office of the county in which he resides his authority for so practicing, as herein prescribed, together with his age, postoffice address, place of birth, school of practice to which he professes to belong, subscribed and verified by oath, which if wilfully false, shall subject the applicant to conviction and punishment for false swearing as provided by law. The fact of such oath and record shall be endorsed by the District Clerk upon the certificate. The holder of the certificate must have the same recorded upon each change of residence to another county, and the absence of such record shall be prima facie evidence of the want of possession of such certificate.

Sec. 5. It is hereby made the duty of the District Clerk of each county in this State to purchase a book of suitable size, to be known as the "Medical Register" of such county, and set apart one full page for the registration of each physician, and to record in the same the name and record of each practitioner who presents a certificate from the State Board of Examiners issued under this act. The clerk shall receive the sum of one dollar from each physician so registered, which shall be his full compensation for all duties required under this act. When any physician shall die or remove from the county, or have his license revoked, it shall be the duty of said clerk to make a note of facts at the bottom of the page as closing the record. On the first day of January, in each year, said clerk shall, on the request of the Board, certify to the officer of the State Board of Medical Examiners, a correct list of the physicians then registered in the county, together with such other information as said Board may require. Any District Clerk, upon conviction of knowingly violating any of the provisions of this act, shall be fined

not more than fifty dollars. A copy from the Medical Register pertaining to any person certified to by said clerk under the seal of said court; also a certificate issued by said officer certifying that any person named has or has not registered in said office, as required by this act, shall be admitted as evidence in all trial courts.

Sec. 6. Within one year after the passage of this act, all legal practitioners of medicine in this State, who, practicing under the provisions of previous laws, or under diplomas of a reputable and legal college of medicine, have not already received license from a State medical examining board of this State, shall present to the Board of Medical Examiners for the State of Texas, documents or legally certified transcripts of documents, sufficient to establish the existence and validity of such diplomas or the valid and existing license heretofore issued by previous examining boards of this State, or exemption existing under any law, and shall receive from said Board verification license, which shall be recorded in the District Clerk's office in the county in which the licentiates may reside. Such verification license shall be issued for a fee of fifty cents to all practitioners who have not already received a license from a board of medical examiners of this State. It is especially provided that those whose claims to State licenses rest upon diplomas from medical colleges recorded from January 1, 1891, to July 9, 1901, shall present to the State Board of Medical Examiners satisfactory evidence that their diplomas were issued from bona fide medical colleges of reputable standing, which shall be decided by the Board of Medical Examiners before they are entitled to a certificate from said Board. This Board may, at its discretion, arrange for reciprocity in license with the authorities having requirements equal to those established by this act. License may be granted applicants for license under such reciprocity on payment of twenty dollars.

Sec. 7. All applicants for license to practice medicine in this State who are not licensed under the provisions of the previous section must successfully pass an examination before the Board of Medical Examiners established by this act. Applicants to be eligible for examination must present satisfactory evidence to the Board that they are more than twenty-one years of age, of good moral character and graduates of bona fide, reputable medical schools. Such school shall be considered reputable within the meaning of this act whose entrance requirements and courses of instruction are as high as those adopted by the better class of medical schools of the United States, whose course of instruction shall embrace not less than four terms of five months each. Application for examination must be made in writing under affidavit to the secretary of the Board, on forms prepared by the Board, accom-

panied by a fee of fifteen dollars; except when an applicant desires to practice obstetrics alone, the fee shall be five dollars. Such applicants shall be given due notice of the date and place of examination. Applicants to practice obstetrics in the State of Texas, upon proper application, shall be examined by the Board in obstetrics only, and upon satisfactory examination shall be licensed to practice that branch only; provided, this shall not apply to those who do not follow obstetrics as a profession, and who do not advertise themselves as obstetricians or midwives, or hold themselves out to the public as so practicing. In case any applicant, because of failure to pass examination, be refused a license he or she shall, after one year, be permitted to take a second examination without an additional fee.

Sec. 8. The fund realized from the aforesaid fees shall be applied first to the payment of necessary expenses of the Board of Examiners; any remaining funds shall be applied by the order of the Board to compensating members of the Board in proportion to their labors.

Sec. 9. All examinations shall be conducted in writing and in such manner as shall be entirely fair and impartial to all individuals and every school of medicine, the applicants being known by numbers, without names or other method of identification on examination papers by which members of the Board may be able to identify such papers until after the applicants have been granted licenses or rejected. Examinations shall be conducted on the scientific branches of medicine only, and shall include anatomy, physiology, chemistry, histology, pathology, bacteriology, physical diagnosis, surgery, obstetrics, gynecology, hygiene and medical jurisprudence. Upon satisfactory examination, under the rules of the Board, applicants shall be granted licenses to practice medicine. All questions and answers, with grades attached, shall be preserved for one year. All applicants examined at the same time shall be given identical questions in each of the above branches. All certificates shall be attested by the seal and signed by all members of the Board, or a quorum thereof.

Sec. 10. Nothing in this act shall be construed as to discriminate against any particular school or system of medical practice. This act shall not apply to dentists legally qualified and registered under the laws of this State who confine their practice strictly to dentistry; nor to nurses who practice only nursing; nor to masseurs in their particular sphere of labor, who publicly represent themselves as such; nor to commissioned or contract surgeons of the United States Army, Navy or Public Health and Marine Hospital Service, in the performance of their duties, but such shall not engage in private practice without license from the Board of Medical Examiners;

nor to legally qualified physicians of other States called in consultation, but who do not open offices or appoint places in this State where patients may be met or called to see. This act shall be so construed as to apply to persons other than licensed druggists of this State, not pretending to be physicians, who offer for sale on the streets or other public places remedies which they recommend for the cure of disease.

Sec. 11. The State Board of Medical Examiners may refuse to admit persons to its examinations or to issue the certificate provided for in this act for any of the following causes: First. The presentation to the Board of any license, certificate or diploma which was illegally or fraudulently obtained, or when fraud or deception has been practiced in passing the examination. Second. Conviction of a crime of the grade of felony, or one which involves moral turpitude, or procuring or aiding or abetting the procuring of a criminal abortion. Third. Other grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public; or for habits of intemperance or drug addiction calculated to endanger the lives of patients; provided, that any applicant who may be refused admittance to examination before said Board shall have his right of action to have such issue tried in the District Court of the county in which some member of the Board shall reside.

Sec. 12. The right herein to practice medicine in this State may be revoked by any court of competent jurisdiction, upon proof of the violation of the law in any respect in regard thereto, or for any cause for which the State Board of Medical Examiners is authorized to refuse to admit persons to its examinations as provided in section 11 of this act; and it shall be the duty of the several district and county attorneys of this State to file and prosecute appropriate judicial proceedings in the name of the State on request of any member of said Board.

Sec. 13. Any person shall be regarded as practicing medicine within the meaning of this act (1) who shall publicly profess to be a physician or surgeon and shall treat, or offer to treat any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect cures thereof. (2) Or who shall treat or offer to treat any disease or disorder, mental or physical, or any physical deformity or injury by any system or method or to effect cures thereof and charge therefor, directly or indirectly, money or other compensation.

Sec. 14. Any person practicing medicine in this State in violation of the provisions of this act shall, upon conviction thereof, be fined in any sum not less than \$50 nor more than \$500, and by imprisonment in the county jail for a term not exceeding six months, and each day of such violation shall constitute a separate offense, and

in no such case shall the violator be entitled to recover anything for the services rendered

Sec. 15. All certificates heretofore issued by any board of medical examiners in this State under any former law shall be and continue in full force and effect for one year after this act shall take effect, but not afterwards, and any person who may, when this act shall take effect, be practicing medicine within this State under the provisions of existing laws or under any exception contained therein, but without license, may, for one year thereafter, but not longer, continue in such practice, without license; and all such certificates and all such rights to practice medicine shall be in all respects subject to the provisions of this act as though issued or acquired under its provisions.

Sec. 16. The terms "physician" and "surgeon," as used in this act, shall be construed as synonymous, and the terms "practitioners" and "practitioners of medicine," as used in this act, shall be construed to refer to and include physicians and surgeons.

Sec. 17. All laws and parts of law in conflict with the provisions of this act be, and the same are hereby repealed.

Sec. 18. The fact that there is now no law properly regulating the practice of medicine in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage.

UTAH MEDICAL ACT.

AN ACT regulating the Practice of Medicine in the State of Utah.

CHAPTER 88.

REGULATING THE PRACTICE OF MEDICINE AND SURGERY.

AN ACT for the regulation of the practice of medicine and surgery in the State of Utah, and for the appointment of a Board of Medical Examiners in the matter of said regulation, and providing for the repeal of Sections 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, of Title 52, Revised Statutes of Utah, 1898.

Be it Enacted by the Legislature of the State of Utah:

Section 1. Board Appointed. Qualifications of Members. Vacancies. There shall be appointed by the Governor at each regular session of the Legislature by and with the consent of the Senate, A State Board of Medical Examiners, which shall consist of nine members, who shall be representatives of the various recognized Schools of Medicine, each of whom shall be at the time of his appointment a licensed graduate practitioner of medicine in the State. Each person so ap-

pointed shall qualify by taking an oath before a judge of the District Court, that he is a graduate of a legally chartered medical college in good standing, and that he will faithfully perform the duties of his office, and upon the qualification of every person appointed, as aforesaid, he shall hold his office until his successor is appointed and qualified. Vacancies in the board shall be filled by appointment by the Governor within one month from the time the vacancy shall occur. Said board shall have power to sue and be sued in its official name, "The Board of Medical Examiners of the State of Utah;" to employ legal counsel and clerical assistance; and the money received under the act may be applied in defraying expenses incurred by the said board either in the employment of said legal counsel or clerical assistance, or in any other manner whatsoever.

Sec. 2. Board Must Organize. Powers and Duties. Certificate. Said board shall organize immediately after its appointment by selecting from its members, a President, Secretary and Treasurer. Five members of the board shall constitute a quorum. The board shall have a seal with which it shall attest its official acts. Any member of the board shall have authority to administer oaths and the board shall have authority to take testimony in all matters relating to the duties of the board. The board shall have power to examine any person who furnishes satisfactory proof of having received a degree or diploma from a legally chartered medical school, which at the time of granting such diploma required at least the following hours of study: Anatomy, 420; histology, 90; physiology, 300; chemistry, 300; therapeutics, 90; bacteriology, 140; pathology, 240; physical diagnosis, 100; surgery, 540; obstetrics, 160, and gynecology 160; a leeway of ten per cent being allowed or a minimum total of 2286 hours, and a legally chartered school making the foregoing requirements shall be deemed a "recognized school of medicine." If the applicant has received a certificate from a high school of the first grade or educational attainments equivalent thereto, and if upon examination of such person by the board, the said board shall be satisfied that the applicant is qualified to practice medicine and surgery, then the said board shall have power to issue a certificate to such person so qualified and examined. The board shall issue two forms of certificates or license, one for persons holding such a degree or diploma who has been examined and favorably passed upon by the board, and another for persons desiring to practice obstetrics under the provisions of section thirteen. Certificates or licenses shall be signed by all members of the board granting them.

Sec. 3. Fee. The fee for the examination

provided for in the last preceding section shall be fifteen dollars, which shall be paid to the Treasurer of the Board of Medical Examiners.

Sec. 4. Non-Graduate Practitioners. No non-graduate licensed under the provisions of the territorial Legislature shall in any way advertise as a doctor, physician or surgeon, but shall, if he advertises at all, do so as a licensed non-graduate practitioner of medicine. The Secretary of the board shall enter, without fee, upon the register to be kept by him, the names of all persons to whom certificates are issued as physicians and surgeons.

Sec. 5. Certificate to be Recorded. Every person holding a certificate from the said board shall have it recorded in the office of the Recorder of the county in which he resides within three months from its date, and the date of record shall be endorsed thereon. Until such certificate is recorded as herein provided, the holder thereof shall not exercise any of the privileges conferred therein to practice medicine. Any person removing to another county to practice medicine shall record the certificate in like manner in the county to which he removes, and the holder of the certificate shall pay the Recorder the usual fees for recording such certificates.

Sec. 6. Duty of County Recorder. The County Recorder shall keep in a book provided for that purpose, a complete list of certificates recorded by him, with the date of the issue of the certificate, and, if the certificate be based upon a degree and examination, the name of the medical college conferring the degree, and the date thereof.

Sec. 7. Refusal to Grant Certificate. Witnesses. Contempt. Examination may be wholly or partially in writing. Said board must refuse a certificate to any applicant guilty of unprofessional conduct as defined in this act: but before such refusal, the applicant must be cited by citation, signed by the Secretary of the board, and sealed with its seal. No such citation shall be issued except upon a sworn complaint filed with the Secretary of the board and sealed with its seal, charging the applicant with having been guilty of unprofessional conduct and setting forth the particular acts constituting such professional conduct. On the filing of such complaint the Secretary must forthwith issue a citation, and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant of the time and place, when and where the matter of such unprofessional conduct shall be heard, the particular unprofessional conduct with which the applicant is charged, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation or default will be taken against him and his

application for a certificate refused. The attendance of witnesses at such hearing shall be compelled by subpoena issued by the Secretary of the board, under its seal; and said Secretary shall in no case refuse to issue any such subpoenas, upon a fee of twenty cents being paid him for each subpoena. Said citation and said subpoenas shall be served in accordance with the statutes of this State then in force as to the service of citation and subpoenas generally, and all of the provisions of the statutes of the State then in force relating to subpoenas are hereby made applicable to the subpoenas provided for herein. If any person refuse to obey a subpoena served upon him in accordance with the statutes of this State then in force providing for the manner of serving subpoenas, the fact of such refusal shall be certified by the Secretary of said board, under the seal thereof, to the District Court of the county in which the service was had, and said court shall thereupon proceed to hear said matter, in accordance with the statutes of this State then in force as to contempts for disobedience of process of the court; and should said court find that the subpoena had been legally served, and that the party so served had willfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, depositions of witnesses may be taken, the same as in civil cases, and all the provisions of the statutes of this State then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the Secretary of said board his answer, under oath, the charge made against him, within twenty days after service on him of said citation, or within such further time as the board may give him, and the charges on their face be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter and to that end shall hear such evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. No certificate shall be refused on the ground of unprofessional conduct unless the applicant has been guilty of such conduct subsequently to the passage of this act, and unless he has been guilty of such conduct within two years next preceding his application.

Sec. 8. Revocation of Certificate. Whenever any licensed practitioner of medicine and surgery or obstetrics in this state is guilty of unprofessional conduct, as the same is defined in this act, then the license or certificate of such per-

son shall be revoked or cancelled in the manner hereinafter provided by the District Court of the county where the holder of such certificate or license practiced at the time of such unprofessional conduct. Proceedings for such revocation or cancellation shall be conducted in the manner provided by law for proceedings in civil cases, except as in this act provided. "The Board of Medical Examiners of the State of Utah" shall be plaintiff and the person charged shall be defendant in any such proceeding. The complaint in said proceeding shall be in writing certified by the oath of one of the members of the board, or by any person having knowledge of the facts constituting the unprofessional conduct, and praying a decree of the court cancelling or revoking the certificate or license of the defendant and an injunction enjoining him from practicing medicine or surgery in this State. When, after trial the defendant is found guilty as charged, or when upon his default, which may be entered as in civil cases, provided the facts stated in the complaint constitute unprofessional conduct as defined in this act, then in either such case the court must decree a cancellation or revocation of the certificate or license of the defendant, and must enjoin him from practicing medicine or surgery in this State. Upon the entry of such judgment and decree it shall be the duty of the Secretary of the said Board of Medical Examiners to file a certified copy of said judgment and decree with the County Recorder of the counties in which the certificate of the defendant is recorded, and said Recorder must thereupon write upon the margin of the record of said certificate of said defendant the following:

"This certificate was revoked and cancelled by a decree of the District Court of County, Utah, on the day of, giving the day, month and year of such revocation by said court, together with the county wherein said decree was made and entered by said District Court. No certificate shall be revoked for unprofessional conduct under this section unless the accused has been guilty thereof, subsequently to the passage of this Act, and unless he has been guilty thereof within two years next preceding the time of filing the complaint charging him with such unprofessional conduct.

Sec. 9. "Unprofessional Conduct" Defined. The words "unprofessional conduct," as used in this act, are hereby defined to mean any of the following acts, to-wit:

First: Offering or attempting to procure or aid or abet in procuring a criminal abortion.

Second: The procuring or aiding or abetting in procuring a criminal abortion.

Third: The obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured.

Fourth: The willfully betraying a professional secret.

Fifth: All advertising of medical business in which grossly improbable statements are made.

Sixth: All advertising of medicines, or of any means, whereby the monthly periods of women can be regulated, or the menses re-established if suppressed.

Seventh: Conviction of any offense involving moral turpitude.

Eighth: Habitual intemperance or any excessive use of drugs or gross immorality.

Sec. 10. Practicing Medicine Contrary to Law. Any person practicing medicine, surgery or obstetrics within the State contrary to law, may, at the instance of the board herein created appearing as plaintiff in the District Court, be enjoined by said court from practicing medicine, surgery or obstetrics in this State until such person shall have been by said board lawfully admitted to practice.

The proceedings in said District Court, shall be the same, as near as may be, as hereinbefore provided in this act in case of revocation or cancellation of licenses or certificates.

Sec. 11. Practicing Medicine Defined. Any person shall be regarded as practicing medicine within the meaning of this act who shall diagnose, treat, operate upon, prescribe or advise, for, any physical ailment of another for a fee, or who shall hold himself out by means of signs, cards, advertisements, or otherwise, as a physician or surgeon; but nothing in this act shall be construed to prohibit services in case of emergency, or the administration of family remedies, nor to prevent medical officers of the United States Army from the discharge of their official duties, nor to prohibit visiting physicians in the act of consultation, nor shall any thing in this act be construed to apply to those who heal by spiritual means without pretending to have a knowledge of the science of medicine.

Sec. 12. Penalty. Any person practicing medicine, surgery or obstetrics within this State without holding a lawful certificate or license or otherwise contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment for a term of not less than sixty days or more than one hundred and eighty days, or by both such fine and imprisonment.

Sec. 13. Obstetrics. Examination. Fee. Persons desiring to practice obstetrics in this State shall be entitled to a license upon satisfactorily passing an examination by the Board of Medical Examiners and paying to the Treasurer thereof a fee of five dollars; provided, that this section shall not be construed to prevent physicians holding a certificate from practicing obstetrics, or

to prohibit such service or the acceptance of a fee in case of emergency, or persons practicing obstetrics in communities where there are no licensed practitioners.

Sec. 14. Meetings of the Board. The Board of Medical Examiners shall meet on the first Monday in January, April, July, and October, of each year, at ten o'clock A. M., and such other times as the President of the Board shall deem necessary.

The place of meeting shall be at the State Capitol.

Sec. 15. Removal of Members of Board. Any member of said board may be removed for misconduct in office by a two-thirds vote of all the members of the board, but no member shall be removed until after he has been given a trial before said board.

Sec. 16. Examination May Be Waived. When. The said board may in its discretion accept and register upon the payment of the registration fee of twenty-five dollars and without examination of the applicant any certificate which shall have been issued to him by the Medical Examining Board of the District of Columbia, or any State or Territory of the United States; provided, however, that the applicant has received a degree or diploma from a legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year; and provided further that the legal requirements of such medical examining board of such State or Territory shall have been at the time of issuing such certificate in no degree or particular less than those of this State at the time when such certificate shall be presented for registration to the board created by this act; and provided further that the provisions in this paragraph contained shall be held to apply only to such of said Medical Examining Boards of such States and Territories as accept and register the certificates granted by this board without examination by said boards of the one holding such certificates.

Sec. 17. Osteopathy. Certificate. Nothing in this act shall be deemed to require persons now holding certificates from the Territorial or State Board of Medical Examiners to make application for license, and any person who is now practicing osteopathy in this State of Utah, who holds a degree or diploma from a regularly chartered college of osteopathy, whose requirements are not less than those prescribed by the Associated Colleges of Osteopathy for that year, upon presenting his diploma to said Board of Medical Examiners within sixty days after the approval of this act, shall be entitled to receive a certificate or license to practice medicine and surgery in this State. Said certificate shall be register-

ed and recorded as hereinbefore provided for the registering and recording of other certificates issued by said Board.

Sec. 18. Contempts. Contempts under this act will be governed and controlled in the manner provided by the general law relating thereto now in force in this State.

Sec. 19. Repeal. That Sections 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, and 1742, Revised Statutes of Utah, 1898, and all acts and parts of acts in conflict with this act are hereby repealed.

Sec. 20. This act to take effect upon approval. Approved this 14th day of March, 1907.

VERMONT MEDICAL ACT.

PRACTICE OF MEDICINE AND SURGERY.
(AS AMENDED IN 1909.)

BOARD OF MEDICAL REGISTRATION.

Sec. 5359. Constitution; term. The state board of medical registration shall consist of seven physicians in active practice and not members of the faculty of a medical college. Three of said board shall be of the regular school, two of the homeopathic school, and two of the eclectic school, and each shall be a graduate of a chartered medical college having power to confer the degree of doctor of medicine and surgery. The term of office of each member hereafter appointed shall be six years from and including the fifteenth day of December following his appointment.

Sec. 5360. Appointment; vacancies. In November, nineteen hundred and eight, the governor shall appoint members of the board to succeed those whose terms will expire on the fifteenth day of December following; and thereafter, in November of each biennial year, he shall appoint members to succeed those whose terms will expire on the fifteenth day of December following. The persons appointed shall be of the same school as those whom they succeed. A vacancy in said board shall be filled by the governor, and the person so appointed shall be of the same school as the person whom he succeeds. The governor may remove a member of the board for cause.

Sec. 5361. Manner of appointment. Appointments shall be made from a list to be nominated by the Vermont medical society, Vermont homeopathic medical society, or Vermont eclectic medical society, according as the term of office of members representing each school is about to expire, such list to contain at least twice the number to be appointed. Such nomination shall be made biennially at the annual meeting of each society, and shall be duly certified by the president and secretary of the society making the nomination and transmitted to the governor, on or before the first day of November of such year. In case no such nominations are so transmitted, the governor shall appoint such physi-

cians as he may select, maintaining the same proportion of regular, homeopathic and eclectic physicians as provided in the second preceding section.

Sec. 5362. Officers and their duties. On the second Tuesday of January, nineteen hundred and seven, and every two years thereafter, said board shall choose from among its number a president, a secretary and a treasurer, who shall hold their respective offices for two years and until their successors are chosen. The secretary shall keep a record of the transactions of the board and a separate record of the name, residence, college and date of graduation of each person licensed by it. The treasurer shall receive license fees, keep a true account thereof, make a quarterly report to the state treasurer of examinations given and licenses granted, and pay into the state treasury all moneys received by him therefor.

Sec. 5363. Meetings for examinations; issue of licenses. Said board shall meet at the state house on the second Tuesday in January, and at Burlington on the second Tuesday in July, and at such other times and places as it may determine, for the purpose of examining applicants for license to practice medicine and surgery. Said board may make such rules and regulations as may be necessary for its government, and a majority shall constitute a quorum.

LICENSES.

Sec. 5364. A person twenty-one years of age and of good moral character, who is a graduate of a legally chartered medical college or university, having power to confer degrees in medicine and surgery, and such medical college or university being recognized as determined by the board, shall, upon payment of a fee of twenty dollars, be entitled to examination, and, if found qualified, shall be licensed to practice medicine and surgery in this state and receive a license signed by the president and secretary of the board.

Provided, however, that students who have completed the studies of anatomy, physiology, chemistry and histology, may be examined after presenting a certificate from the secretary of the college in which they are pursuing their studies, that they have completed the work of the second year. The fee which shall accompany such certificate shall be one-half of that for the final examination and shall be credited to the student as a part of the whole fee. Practitioners graduated prior to the year nineteen hundred and one, under a lower standard, who have been five or more years in active reputable practice, may be examined by the board, if of satisfactory moral character, and if recommended as worthy by physicians in good standing. A person refused a license may be re-examined at a regular meeting of the board within one year of

the time of such refusal, without an additional fee.

EXAMINATIONS.

Sec. 5365. The examination shall be wholly or in part in writing in the English language, and shall be of a practical character, sufficiently strict to test the qualifications of the applicant. It shall embrace the general subjects of anatomy, physiology, chemistry, pathology, bacteriology, hygiene, practice of medicine, surgery, obstetrics, gynecology, materia medica, therapeutics and legal medicine. Each applicant shall pass a general average of seventy-five per cent to entitle him to a license: provided, however, that reputable practitioners may be allowed one per cent for each year of practice, but such allowance shall not exceed ten per cent. Examinations in materia medica shall be conducted by members of the board representing the same school as the applicant.

Sec. 5366. Record; fees. A license certificate issued by said board shall be valid if recorded within thirty days from date thereof in the office of the secretary of state in a book kept for that purpose. The fee for making such record shall be twenty-five cents.

Sec. 5367. Said board shall, without examination, issue a license to a reputable physician or surgeon who personally appears and presents a certified copy of a certificate of registration or a license issued to him in a state whose requirements for registration are deemed by said board as equivalent to those of this state, provided that such state accords a like privilege to holders of licenses granted under the laws of this state. The fee for such license shall be fifty dollars.

Requirements for admission to Practice.

Sec. 5368. The standard of requirements for admission to practice in this state, under the preceding section, shall be as follows:

Academic: Preliminary requirements to be a high school education or its equivalent, such as would admit the student to a recognized university. The standards of such secondary schools shall be determined by agreement between the educational department of the state in which the applicant received such education and the state superintendent of education.

Medical: Four courses of lectures of nine hundred hours each, in four different calendar years prior to graduation from a medical college approved by said board. Practitioners graduated prior to nineteen hundred and one are exempt from this requirement.

Moral: Applicant shall present qualifications as to moral character and professional standing from two reputable physicians in the county in which he resides, and from the town clerk of his place of residence.

Examining: The examination in writing shall have embraced twelve subjects of ninety ques-

tions, viz.: anatomy, physiology, chemistry, pathology, bacteriology, hygiene, practice of medicine, surgery, obstetrics, gynecology, materia medica, therapeutics and legal medicine. The general average must have been at least seventy-five per cent, and no license shall be recognized when a lower rating has been obtained.

Sec. 5369. Refusal and revocation of licenses. Said board may refuse to issue the certificates provided for in the fifth preceding section to persons who have been convicted of the practice of criminal abortion, or who have, by false or fraudulent representations, obtained or sought to obtain money or any other thing of value, or who assume names other than their own, or for any other immoral, unprofessional or dishonorable conduct; and said board may, for like causes, revoke any certificate issued by it or the respective board of censors of the Vermont state medical, the Vermont state homeopathic or the Vermont state eclectic medical societies; provided that no certificate shall be revoked or refused until the holder or applicant is given a hearing before said board.

PRACTICING UNDER FICTITIOUS NAME OR WITHOUT LICENSE.

Sec. 5370. Penalty. A person who practices medicine or surgery under a fictitious or assumed name, or who personates another practitioner, or who, not being licensed, advertises or holds himself out to the public as a physician or surgeon, or signs a certificate of death for the purpose of burial or removal, shall be imprisoned not more than three months or fined not more than two hundred dollars, or both. No action shall be maintained by such person for the recovery of compensation for such services.

DEFINITION.

Sec. 5371. A person who advertises or holds himself out to the public as a physician or surgeon, or who assumes the title or uses the words or letters, "Dr.," "Doctor," "Professor," "M. D." or "M. B.," in connection with his name, or any other title intending to imply or designate himself as a practitioner of medicine or surgery in any of its branches, and in connection with such title or titles, shall prescribe, direct, recommend or advise, give or sell for the use of any person, any drug, medicine or other agency or application for the treatment, cure or relief of any bodily injury, infirmity or disease, or who follows the occupation of treating disease by any system or method, shall be deemed a physician or practitioner of medicine or surgery, for the purposes of this chapter. The provisions of this chapter shall apply to persons professing and attempting to cure diseases by means of "faith cure," "mind healing," or "laying on of hands;" but shall not apply to persons who merely practice the religious tenets of their

church without pretending a knowledge of medicine or surgery.

But the provisions of this section shall not apply to a person, firm or corporation that manufactures or sells patent, compound or proprietary medicine, that are compounded according to the prescription of a physician who has been duly authorized to practice medicine.

APPLICATION OF CHAPTER.

Sec. 5372. Osteopaths; prior practitioners; United States officers; midwives and non-resident physicians and surgeons. This chapter shall not apply to persons licensed to practice osteopathy under chapter two hundred and twenty-two; nor shall it apply to persons licensed under the laws in force prior to December ninth, nineteen hundred and four, or to persons who resided and practiced medicine in this state for five years previous to December twenty-eighth, eighteen hundred and seventy-six, or to commissioned officers of the United States army, navy or marine hospital service, or to the practice of midwifery by women in the locality in which they reside, or to a non-resident physician or surgeon who is called to treat a particular case, and who does not otherwise practice in this state, provided that such non-resident physician or surgeon is duly licensed where he resides and that the state of his residence grants the same privilege to duly licensed practitioners of this state. This chapter shall not prevent a non-resident physician or surgeon from coming into this state for consultation with a duly licensed practitioner herein.

COMPLAINTS.

Sec. 5373. Board to make. Said board shall investigate cases of disregard or violation of the provisions of this chapter, and make complaint thereof to the proper prosecuting officer.

ADVANCEMENT OF ANATOMICAL SCIENCE.

Sec. 5374. Dead bodies for physicians. An overseer of the poor of a town or a superintendent of a public institution shall, when requested in writing by a practicing physician, resident of this state, deliver the body of a person who dies within such town or public institution, and whose body is subject to burial at public expense, to such physician, to be used by him for the advancement of anatomical science. No such body shall be so delivered, if the deceased, during his last sickness, made request for the burial of his body, nor if a person claiming to be kin to the deceased and satisfying such overseer or superintendent thereof shall, within forty-eight hours after such person's decease, require such body to be buried; nor if the deceased was a stranger or traveler who had died suddenly and before making himself known; nor if he had served in the army or navy of the United States.

Sec. 5375. Same; use; penalty. A person so receiving a dead body shall not remove it from the state, nor use it for a purpose other than the

prosecution of anatomical science; and after he has so used the same he shall, at his own expense, decently bury the remains under direction of such overseer or superintendent. But such remains shall be delivered to the relatives of the deceased for burial if they so request. A person who violates a provision of this section shall be imprisoned not more than five years or fined not more than five hundred dollars, or both.

VERMONT OSTEOPATHIC LAW.

PRACTICE OF OSTEOPATHY.

Sec. 5376. Board of examination; constitution; term. The state board of osteopathic examination and registration shall consist of three persons, appointed by the governor, who are graduates of a reputable school of osteopathy and have resided and actively practiced osteopathy in this state for at least two years preceding their appointment. The term of office of each member shall be three years from and including the date of his appointment.

Sec. 5377. Same; appointment; vacancies. The governor shall annually, in the month of December, appoint a member of said board to succeed that member whose term expires in that month. A vacancy in said board shall be filled by the governor.

Sec. 5378. Organization of board; examinations; licenses; fees. Said board shall, forthwith after the annual appointment thereto has been made, elect a president, secretary and treasurer, who shall hold their respective offices for one year from the date of their election and until their successors are chosen. Said board shall meet at least semi-annually, and at least thirty days notice of the time and place shall be given in two osteopathic journals circulating in this state. At such meetings, said board shall examine applicants for license to practice osteopathy and shall grant license to such as pass the prescribed examination. Such applicants shall furnish to said board satisfactory evidence of a sufficient preliminary education, shall be at least twenty-one years of age, of good moral character and graduates of a recognized school of osteopathy requiring a three years course of at least nine months in each year. Applicants shall pay twenty-five dollars to the treasurer of said board before examination; but a person failing to pass such examination may, at any time within one year, present himself for re-examination without payment of an additional fee.

Sec. 5379. Subjects of examination; percentages. The examination prescribed by said board shall include the following subjects: anatomy, physiology, physiological chemistry, toxicology, pathology, urinalysis, histology, neurology,

physical diagnosis, obstetrics, gynecology, minor surgery, hygiene, medical jurisprudence, principles and practice of osteopathy and such other subjects as the board may prescribe. Applicants shall attain a minimum grade of seventy per cent in each of the subjects and a general average of not less than seventy-five per cent.

Sec. 5380. Licenses to non-resident licensees; fee. A person who produces satisfactory evidence of having practiced osteopathy in another state for at least five years, and who personally appears and presents a certified copy of a certificate of registration or license issued to him in such other state and a diploma granted by a recognized school of osteopathy, shall, upon payment of a registration fee of twenty-five dollars, be entitled to practice osteopathy in this state; provided that the requirements for registration in such other state are deemed by said board as equivalent to those of this state.

Sec. 5381. Record of license; fee. A person receiving a certificate of registration shall cause the same to be recorded in the office of the secretary of state, in a book kept for that purpose, and shall pay him twenty-five cents for recording the same.

Sec. 5382. Duties of treasurer of board. The treasurer of said board shall make a quarterly report to the state treasurer of registration certificates granted, and pay into the state treasury all money received by him for such examinations and certificates.

Sec. 5383. Practitioners to comply with health and registration laws. Practitioners of osteopathy shall be subject to the provisions of law relating to contagious diseases and to the granting of certificates of births and deaths.

Sec. 5384. Penalty. A person who practices or attempts to practice osteopathy without complying with the provisions of this chapter shall be imprisoned not more than one year or fined not more than five hundred dollars nor less than fifty dollars, or both.

VIRGINIA MEDICAL ACT.

(As Amended in 1903.)

AN ACT to amend and re-enact sections 1744, 1745, 1746, 1747, 1749, 1750 and 1752 of Chapter 77 of the Code, regulating the practice of Medicine and Surgery in Virginia.

Approved March 7, 1906.

1. Be it enacted by the General Assembly of Virginia, That sections seventeen hundred and forty-four, seventeen hundred and forty-five, seventeen hundred and forty-six, seventeen hundred and forty-seven, seventeen hundred and forty-nine, seventeen hundred and fifty, seventeen hundred and fifty-two of chapter seventy-seven of the Code, regulating the practice of med-

icine and surgery in Virginia, be amended and re-enacted so as to read as follows:

Sec. 1744. Board of Medical Examiners; numbers and terms of members. There shall be for this State a Board of Medical Examiners, consisting of one member for each congressional district in this State, and three for the State at large, and in addition two homeopathic physicians from the State at large, whose term of office shall be for four years, or until their successors are appointed and qualified. The term of office of the Board first appointed after this Act takes effect shall commence on the first day of April, nineteen hundred and two, but the Board in office under the law in force at the time of the passage of this Act shall constitute a Board of Medical Examiners under this Act until a new Board shall be appointed and qualified.

Sec. 1745. How appointed; when office deemed vacant. The said Board shall consist of men learned in medicine and surgery and shall be appointed by the Governor on or before the first day of April, nineteen hundred and two, and every fourth year thereafter, from a list of names to be recommended by the Medical Society of Virginia. He shall also appoint two homeopathic physicians who may be nominated to him by the Hahnemann Medical Society of the Old Dominion, in the manner hereinafter provided. Vacancies occurring in such Boards for unexpired terms shall be filled in the same manner. Such recommendations shall be by the votes of a majority present at some meeting of the said Society and the same shall be certified to the Governor by the President and Secretary of such Society; provided, however, in case the Governor shall consider any of the persons so recommended unsuitable, he may decline to appoint such person or persons, and communicate the fact to the President of the Society presenting the nomination, and such Society shall, within ninety days thereafter, make other recommendations in the same manner as hereinbefore prescribed, which shall stand on the same footing in all respects as those first made: provided, further, if such Society fail to make such recommendations prior to the time of appointment, or within the ninety days, the Governor shall appoint such Board, either in whole or in part, without regard to such recommendations. If any of such examiners shall cease to reside in the district for which he was appointed his office shall be deemed vacant.

Sec. 1746. Qualification of members; officers of Board; its meetings; quorum. The members of said Board shall qualify by taking the usual oath of office before the county or corporation court of the county or corporation in which they respectively reside, or before the judge of such court in vacation. The officers of said Board shall be a President, Vice President,

and Secretary (who shall also act as Treasurer); said officers to be members of and selected by the Board. Regular meetings of the Board shall be held at such time and places as the Board may prescribe, and special meetings may be held upon the call of the President and any five members; but there shall not be less than one regular meeting each year. Five members of the Board shall constitute a quorum. The Board may prescribe rules, regulations and by-laws for its own proceedings and government, and for the examination by its members of candidates for the practice of medicine and surgery.

Sec. 1747. Examination of applicants for the practice of medicine and surgery; re-examination; fees of board.—It shall be the duty of the said board, at any of its said meetings, to examine all persons making application to them, who shall desire to commence the practice of medicine or surgery in this State: provided, said applicant shall produce before said Board a diploma or other satisfactory evidence of his graduation in some medical college or institution teaching the art of healing human diseases chartered by the State or Territory in which the same is situated: provided, that any undergraduates taking a graded course in any regularly chartered medical school shall be entitled to examination on such branch or branches as he or she may present a certificate from the said college of having passed a satisfactory examination, and having once passed a satisfactory examination on each of such branches before the State Board of Medical Examiners, no further examination shall be required on such branch or branches; but an applicant failing to pass a satisfactory examination on any of such branches shall not be permitted to be examined on such branch or branches until he or she presents a diploma of graduation as doctor of medicine from some regularly chartered college of medicine. And when an applicant shall have passed an examination satisfactory as to proficiency before the Board in session, the president thereof shall grant to such applicant a certificate to that effect: provided, however, that any applicant professing a system of medicine which does not require the use of drugs in the treatment of disease shall be exempt from standing an examination of materia medica.

A fee of ten dollars shall be paid to said Board, through such officers or members as it may designate, by each applicant before such examination is had. And in case any applicant shall fail to pass a satisfactory examination, he shall not be permitted to stand any further examination within the next six months thereafter, nor shall he have again to pay the fee prescribed as aforesaid: provided, however, no applicant shall be rejected upon his examination on the account of his adherence to any particular school of medi-

cine or system of practice, nor on account of his views as to the method of treatment and care of diseases; and provided, further, that when in the opinion of the president of the Board any applicant has been prevented by good cause from appearing before the Board, he shall have authority, in his discretion, to grant a special permit to such applicant to practice medicine or surgery until he shall have an opportunity to appear before the Board in session for examination, which said special permit shall be revocable at the discretion of the president; and in no case shall it entitle the holder thereof to practice after the next regular meeting of said Board.

The said Board shall have, in their discretion, authority to accept in lieu of examination of an applicant, a diploma or other satisfactory evidence of the graduation of the applicant in some medical college chartered by the State or Territory in which the same is situated, and a certificate from the Examining Board of any State or Territory of the United States or the District of Columbia showing that said applicant has passed a satisfactory examination as to his proficiency, and obtained license from said Board to practice medicine and surgery in said State, Territory or District: provided, that any person who was examined by the State Examining Board prior to January first, nineteen hundred, and whose fee for such examination was duly paid, but who failed to pass said examination, shall have the right and privilege of taking the examination before the State Board, notwithstanding the provisions of this act.

Sec. 1749. Applicant to have certificate of Board recorded; fee of clerk. Before any person who obtains a certificate as aforesaid may lawfully practice medicine or surgery in this State, he shall cause the said certificate to be recorded in the clerk's office of the county or corporation in which he resides in this State, or if he resides in the city of Richmond, in the Clerk's office of the Chancery Court of said city; but if he does not reside in the State of Virginia, he shall cause the said certificate to be recorded in the clerk's office of the county or corporation in which he offers to practice in this State, or in the clerk's office of the Chancery Court of the city of Richmond, if he offers to practice in said city. The certificate shall be recorded by the clerk in a book to be kept for that purpose, and it shall be indexed in the name of the person to whom the certificate is granted. The clerk's fee for recording shall be the same as for recording a deed.

Sec. 1750. Who prohibited from practicing medicine or surgery without certificate; penalty for practicing illegally; what courts have jurisdiction to inflict.—No person who shall have commenced the practice of medicine or surgery in this State since the first day of January, eighteen hundred and eighty-five, or who shall hereafter

commence the practice of the same, shall practice as a physician or surgeon for compensation without having first obtained a certificate from the State Board of Medical Examiners and caused the same to be recorded as aforesaid, or a special permit from the president of said Board.

To open an office for such purpose or to announce to the public in any way a readiness to practice medicine in any county or city of the State, or prescribe for, or to give surgical assistance to, or to heal, cure or relieve, or to attempt to heal, cure or relieve those suffering from injury or deformity, or disease of mind or body, or to advertise, or to announce to the public in any manner a readiness or ability to heal, cure or relieve those who may be suffering from injury or deformity, or disease of mind or body, shall he engage in the practice of medicine within the meaning of this section: provided, that nothing in this section shall be construed to apply to or to limit in any manner the manufacture or sale of proprietary medicines, or to apply to, affect or interfere in any way with the operation of any hospital now established in this State, or any person while engaged in conducting such hospital now established, if there be a licensed physician resident and practicing therein, or to any person who commenced the practice of osteopathy in this State prior to January first, nineteen hundred and three. It shall also be regarded as practicing medicine within the meaning of this section if any one shall use in connection with his or her name the words or letters "Dr.," "Doctor," "Professor," "M. D.," or "Healer," or any other title, word, letter or designation intending to imply or designate him or her as a practitioner of medicine or surgery in any of its branches, but this section shall not be construed to apply to non-itinerant opticians who are at this time engaged in the practice of optometry in this State, nor to professional or other nurses. Any person who shall practice medicine or surgery in this State in violation of the provisions of this section shall be fined not less than fifty nor more than five hundred dollars for each offense; and it shall not be lawful for him to recover by action, suit, motion or warrant in any of the courts of the State any compensation for services which may be claimed to have been rendered by him as such physician or surgeon.

The county and corporation courts shall have exclusive original jurisdiction to try offenses for violations of the provisions of this section committed within their respective counties and corporations.

2. This act shall take effect from its passage.

Sec. 1752. Who exempted from examination.—Nothing in this chapter shall be taken as including or effecting in any way any dentist or midwife, nor any commissioned officer or con-

tract surgeon of the United States army, navy or marine hospital service in the performance of his duties as such, nor to any physician or surgeon residing in any other State or Territory of the United States, or in the District of Columbia, called into consultation in a special case with a physician or surgeon residing in this State, nor shall this chapter be construed as effecting or changing in any way the laws in reference to the license tax required to be paid by physicians, surgeons and dentists.

2. All acts and parts of acts in conflict with this act are hereby repealed.

3. This act shall be in force from its passage.

WASHINGTON MEDICAL ACT.

CHAPTER 192.

(H. B. 144.)

AN ACT for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of Washington, and for the appointment of a board of medical examiners, in the matter of said regulations, and declaring an emergency.

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

Section 1. The Governor shall appoint a board of medical examiners to be known as: the Board of Medical Examiners of the State of Washington, consisting of nine members, who shall be appointed as follows: Five members from the regular profession, two from the homeopathic profession, and two from the osteopathic profession. The osteopathic members shall be graduates only of a regular osteopathic college. The appointment of each member shall be for a term of three years, and until his successor is appointed and qualified: Provided, That no member shall serve more than two consecutive terms. It shall require the affirmative vote of a majority of the members of said board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize the issuance of any certificate as in this act provided.

Sec. 2. Each member of said board shall, before entering upon the duties of his office, take the constitutional oath of office, and shall, in addition, make oath that he is a graduate in medicine and surgery or osteopathy, and a licensed practitioner of medicine and surgery, or of osteopathy, of this state: Providing, That the osteopathic members of the board first appointed under this act shall not have been licensed by any previous examining board of this state. The president and secretary shall be empowered to administer the oath of office.

Sec. 3. Said board shall be organized on or before the second Tuesday of June, 1909, by

electing from its members a president, vice president, secretary and treasurer, who shall hold their respective positions during the pleasure of said board. Said board shall hold its regular meetings on the first Tuesday of January and July of each year, alternating between the eastern and western part of the State of Washington. Special meetings of the board may be held at such time and place as the board may designate.

Sec. 4. Any person who treats the sick or afflicted may register his or her diploma with the board of medical examiners, and receive a license to practice his or her respective mode of treatment, by paying a fee of ten dollars, which fee shall go towards defraying the expenses of said board: Provided, That he or she show evidence satisfactory to said board that he or she has been legally engaged in such practice prior to the passage of this act, in the State of Washington, and is a graduate of a legally incorporated school or college teaching the system or mode of treatment which the applicant intends or claims to follow, wherein the course comprises actual attendance and completion of two years of ten months each, or four terms of five months each, and the curriculum of study includes instruction in the following branches, to-wit: Anatomy, physiology, chemistry and toxicology, bacteriology, gynecology and obstetrics, histology, hygiene, pathology and general diagnosis; or by having been in continuous practice in one locality in this state for the past two years; and all such persons shall be granted thirty days after the organization of said board to make such application and furnish such evidence, after which time all persons desiring to treat the sick shall first take the examination as provided by this law.

It shall be the duty of every holder of a license from the State Board of Medical Examiners to exhibit his or her license to any resident of this state who may request to see the same, and any person refusing or failing so to do, or who shall exhibit any such license as his or her own, in response to such request, when such license has not been issued to him or her, shall be guilty of a misdemeanor.

Sec. 5. Said board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act.

Sec. 6. Three forms of certificates shall be issued by said board under the seal thereof, and signed by the president and secretary: First, a certificate authorizing the holder thereof to practice medicine and surgery; second, a certificate authorizing the holder thereof to practice osteopathy; third, a certificate authorizing the holder thereof to practice any other system

or mode of treating the sick or afflicted not referred to in this section.

In order to procure a certificate to practice medicine and surgery, the applicant for such certificate must file with said board at least two weeks prior to a regular meeting thereof, satisfactory testimonials of good moral character, and a diploma issued by some legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or satisfactory evidence of having possessed such diploma, and he must file with such diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he 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 upon a blank furnished by said board, and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as said board may by rule provide. Applicants who have failed to meet the requirements must be rejected. Applicants for a certificate to practice osteopathy shall be subject to the above regulation, except that in place of a diploma hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of osteopathy, having a course of instruction of at least twenty months, requiring actual attendance, and after 1909, of three years of nine months each, and including the studies examined upon under this act. Applicants for a certificate to practice any other system or mode of treatment not in this act referred to shall be subject to the above regulations, except that in the place of the diplomas hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of the system or mode of treatment which the applicant claims or intends to follow.

In addition to the requirements above set forth, such applicants for a certificate must be personally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice his profession, and shall be, in whole or in part, in writing on the following fundamental subjects, to-wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry and toxicology, physiology, obstetrics, general diagnosis and hygiene. Examinations in each subject shall consist of not less than ten questions, none of which shall relate to treatment, answers to which shall be

marked upon a scale of zero to ten. But all applicants must obtain not less than sixty per cent. in any one subject: Provided, That applicants who can show at least ten years of reputable practice shall be granted a credit of five per cent. upon the general average, and five per cent. additional for each subsequent ten years of such practice.

The examination papers shall form a part of the records of the board and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application.

Sec. 7. Each applicant on making application shall pay the secretary of the board a fee of twenty-five dollars (\$25.00) which shall be paid to the treasurer of the board by said secretary and used to defray the expenses and compensation of said board. In case the applicant's credentials are insufficient, or in case he does not desire to take the examination, the sum of fifteen dollars (\$15.00) will be returned on application.

Sec. 8. Said board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act, with the result of each application. Said record shall be evidence of all the proceedings of said board which are set forth therein.

Sec. 9. Every person holding a certificate authorizing him to practice medicine and surgery or osteopathy or any other system or mode of treating the sick or afflicted, in this state, must have it recorded in the office of the county clerk of the county in which the holder of said certificate is practicing his profession, and the fact of such recording shall be endorsed on the certificate by the county clerk recording the same. Every such person, on each change of his residence, must have the certificate recorded in the county to which he shall have changed his residence. The absence of such record shall be prima facie evidence of the want of possession of such certificate. Any person holding a certificate to practice medicine and surgery or osteopathy, or any other system or mode of treating the sick or afflicted in this state, or to attempt to practice medicine or surgery or osteopathy, or any other system or mode of treating the sick or afflicted, in this state, without first having filed his certificate with the county clerk as herein provided shall be deemed guilty of a misdemeanor.

Sec. 10. The county clerk shall keep in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours.

Sec. 11. Said board must refuse a certificate to any applicant guilty of unprofessional conduct; but before such refusal the applicant must be cited by citation, signed by the secretary of the board, and sealed with its seal. No such citation shall be issued except upon a sworn complaint filed with the secretary of the board, charging the applicant with having been guilty of unprofessional conduct, and setting forth the particular act constituting such unprofessional conduct. On filing of such complaint the secretary must forthwith issue a citation and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant of the time and place when and where the matter of said unprofessional conduct shall be heard, the particular unprofessional conduct with which the applicant is charged, and that the applicant shall file his written answer, under oath, within twenty days next after service upon him of said citation, or default will be taken against him, and his application for a certificate refused. The attendance of witnesses at such hearing shall be compelled by subpoenas issued by the secretary of the board under its seal; and said secretary shall in no case refuse to issue any such subpoena, upon a fee of twenty cents being paid him for each subpoena. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citations and subpoenas generally and all provisions of the statutes of this state then in force relating to subpoenas are hereby made applicable to the subpoenas provided for therein. If any person refuses to obey a subpoena served upon him in accordance with the statutes of this state then in force providing for the manner of serving subpoenas, the fact of such refusal shall be certified by the secretary of said board, under the seal thereof, to the superior court of the county in which the service was had and the said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempt for disobedience of process of the court, and should said court find that the subpoena had been legally served and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, testimonies of witnesses may be taken, the same as in civil cases, and all the provisions of the statutes of this state then in force as to the taking of testimony are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board his answer, under oath, to the charges made against him, within twenty days after service on him of said citation or

within such further time as the board may give him, and the charges on their face be deemed sufficient by the board, default shall be entered against him and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, to that end, shall hear such evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. No certificate shall be refused on the grounds of unprofessional conduct unless the applicant has been guilty of such conduct within two years next preceding his application. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and said unprofessional conduct has been brought to the attention of the board granting said certificates, in the manner hereinafter pointed out, or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, it shall be their duty to, and they must, revoke the same at once, and the holder of said certificate shall not be permitted to practice medicine and surgery, or osteopathy, or any other system or mode of treating the sick or afflicted in this state. But no such revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in 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 certificate 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 certificate of such person, the following: "The certificate was revoked on theday of.....," giving the day, month and year of revocation in accordance with certification to him by secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of said regularity of all the proceedings of said board in the matter of said revocation. From the time of the revocation of a certificate the holder thereof shall be disqualified from practicing medicine or surgery, osteopathy, or any other system or mode of treating the sick or afflicted, in this state.

The words "unprofessional conduct," as used in this act, are hereby declared to mean:

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

Second. The wilfully betraying of professional secret.

Third. All advertising of medical business which is intended or has a tendency to deceive

the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

Fourth. All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed.

Fifth. Conviction of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.

Sixth. Habitual intemperance.

Seventh. The personation of another licensed practitioner of a like or different name.

Sec. 12. In any case of the refusal or revocation of a license by said board under the provisions of this act, said board shall file a brief and concise statement of the grounds and reasons for such refusal or revocation in the office of the secretary of said board, which said statement, together with the decision of said board, in writing, shall remain a record in said office.

Sec. 13. In any case of the refusal or revocation of a license by said board under the provisions of this act, the applicant whose application shall be so refused, and the licensee whose license shall be so revoked by said board, shall have the right to appeal from the decision so refusing or revoking such license within thirty days after the filing of such decision in the office of the secretary of said board, as hereinbefore in this act provided. Such appeal shall be to the superior court in and for the county in which was held the last general meeting of said board, prior to the refusal of such license, in the case of such refusal; and to the superior court in and for the county in which the hearing was had upon which such license was revoked, in case of such revocation. In any case a person desiring to take such appeal shall serve or cause to be served, upon the secretary of said board, a written notice of such appeal, which shall contain a statement of the grounds of such appeal, and shall file in the office of such secretary an appeal bond, with good and sufficient surety, to be approved by said secretary, to the State of Washington, conditioned for the speedy prosecution of such appeal, and the payment of such cost as may be adjudged against him upon such appeal. Said secretary shall within ten (10) days after the service of said notice of appeal, and the filing and approval of said appeal bond, transmit to the clerk of the superior court to which such appeal is taken, a certified copy, under the seal of said board, of the decision of said board, and the grounds thereof in the case of the refusal of the license; and in addition thereto, a certified copy under such seal of the complaint in the case of the revocation of a license, together with the bond and notice of appeal. The clerk of such court shall thereupon docket such appeal causes, and they shall stand for trial in all respects as ordi-

nary civil actions, and like proceedings be had thereon. Upon such appeal said cause shall be tried de novo. Either party may appeal from the judgment of said superior court to the supreme court of the state in like manner as in civil actions within sixty (60) days after the rendition and entry of such judgment in said superior court. If such judgment shall be in favor of the party appealing from the decision of said board, and in case said examining board does not appeal from said judgment within said sixty (60) days, then, and in that case, said board shall, at the end of said sixty (60) days, and immediately upon the expiration thereof, issue to such successful party the usual license to practice medicine and surgery in this state, and in addition thereto, shall reinstate upon the records of said board the name of such successful applicant, in case of the revocation of his license by such board. In case of such appeal to the supreme court by said board, no such license shall be issued nor reinstatement be required until the final determination of said cause, and as herein-after provided. In case the final decision of the supreme court be against said medical examining board, then, and in that case, said court shall make such order in the premises as may be necessary, and said board shall act accordingly: Provided, That in no case shall an appeal bond be required of said board, nor shall any costs be adjudged or taxed against the same.

Sec. 14. Any person who shall practice or attempt to practice, or hold himself out as practicing medicine and surgery, osteopathy, or any other system or mode of treating the sick or afflicted in this state, without having, at the time of so doing, a valid, unrevoked certificate as provided in this act, shall be guilty of a misdemeanor. In each such conviction the fine shall be paid, when collected, to the State Treasurer, and shall constitute a special fund for the prosecution of illegal practitioners as defined in this act, the said fund to be paid to the said board upon warrants drawn therefor by its secretary, and the said board is authorized to prosecute all persons guilty of a violation of the provisions of this act.

Sec. 15. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in such certificate, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Sec. 16. Any person assuming to act as a member of the State Board of Medical Examiners without so being, or who shall sign, or subscribe, or issue, or cause to be issued, or seal, or cause to be sealed, a certificate authorizing any per-

son to practice medicine or surgery, or osteopathy, or any other system or mode of treating the sick or afflicted, in this state, shall be guilty of a misdemeanor.

Sec. 17. Any person who holds a license from the board of medical examiners heretofore existing, under the provisions of any laws of this state, past or present, shall be entitled to practice medicine and surgery in this state the same as if issued under this act: Provided, however, That all licenses herein mentioned may be revoked for unprofessional conduct, in the same manner and upon the same grounds as if issued under this act.

Sec. 18. 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 to births and deaths, and all matters pertaining to public health; and all such reports shall be accepted as legal.

Sec. 19. Nothing in this act shall be construed as to inhibit service in the case of emergency, or to the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy, or marine hospital service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry; nor shall this act apply to any practitioner from any other state or territory in which he resides: Provided, That such practitioner shall not open an office or appoint a place of meeting patients or receive calls within the limits of this state. Nor shall this act be construed to discriminate against any particular school of medicine or surgery or osteopathy, or any system or mode of treating the sick or afflicted, or to interfere in any way with the practice of religion: Provided, That nothing herein shall be held to apply or to regulate any kind of treatment by prayer.

Sec. 20. All persons receiving a certificate or license under this act shall use no deception in the use of titles of his or her mode of treating the sick, but shall use only such titles as are designated by his or her diploma; or those not having a diploma shall use only such title as he or she holds license to practice. Any person violating this section of this act shall be guilty of a misdemeanor.

Sec. 21. The words "certificates" and "licenses" shall be known as interchangeable terms in this act.

Sec. 22. All acts, or parts of acts, in any wise conflicting with the provisions of this act, are hereby repealed.

Sec. 23. An emergency exists and this act shall take effect immediately.

Passed by the House February 19, 1909.

Passed by the Senate March 8, 1909.

Approved March 18, 1909.

WEST VIRGINIA MEDICAL ACT.

Sections of Chapter 150 Relating to the Practice of Medicine in the State of West Virginia, 1906—as amended in 1907.

Sec. 6. It shall be the duty of the county court to nominate and the state board of health to appoint, in each of the counties in this State, three intelligent and discreet persons residing therein, two of whom shall be citizens and one a physician qualified to practice medicine under the provisions of this chapter, and the persons so appointed, shall, with the president of the county court and the prosecuting attorney for the county of their residence except as hereinafter otherwise provided, they shall hold their office for four years and until their successors are appointed unless sooner removed from office by the state board of health. The physician of the local board shall be the executive officer of the board and the health officer of the county, and he shall out of the treasury of the county receive a yearly salary to be fixed by the county court, and the other members of the local board shall be paid their expenses when actually employed; vacancies of the said board shall be filled by the state board for the unexpired term, upon the nomination of the county court. The said local board of health shall make and establish for their county, or for any district, or place therein, such sanitary regulations or rules as they may deem proper to prevent the outbreak and spread of cholera, smallpox, scarlet fever, diphtheria, tuberculosis and other endemic, epidemic, infectious and contagious diseases, and they or any of them may, except in the night time, in the performance of the duty imposed upon them, enter into or upon any house or premises and inspect the same, whenever they have reason to believe that such house or premises is in an unclean or infectious condition; and if any house or premises so inspected, is found in such condition as aforesaid, said local board of health shall direct and require the person in charge, or occupying the same, if of sufficient means, to cleanse and purify same according to the sanitary rules and regulations made by the said board as aforesaid. Such local board shall enforce within their county all the lawful rules and regulations of the state board of health applicable to such county. It shall be the duty of every practicing physician in any county in which there is such local board of health to report promptly all or any diseases of the above named character under treatment by him, and said local board shall once at least in every three months report to the state board of health the character of all such infectious, contagious and epidemic diseases, the number of persons reported as infected with such diseases, naming the same, the action taken by the local board to arrest the progress of every such disease and the visible effects, if any, of such action.

It shall be the duty of the council of every incorporated city, town or village to nominate and the state board of health to appoint, in each incorporated city, town or village within this state three intelligent and discreet persons of said city, town or village, one of whom shall be a practicing physician, if there be such physician within the corporate limits of said city, town or village, and the persons so appointed shall, with the mayor and city solicitor, if there be a city solicitor, constitute a local board for the city, town or village of their residence whose duties and powers within the corporate limits of their said city, town or village and terms of office shall be the same as those of the local county board of health hereinbefore mentioned. The physician of the board shall be the executive officer of the board and health officer of the city, town or village and he shall out of the treasury of the city, town or village receive a yearly salary fixed by the council of said city, town or village, and the other members of the board shall be paid their expenses when actually employed. The jurisdiction of the county board of health shall not extend thereto, but said city town or village board of health shall be auxiliary to and act in harmony with the state board of health. When a vacancy shall occur in the membership of either of the local boards herein provided for either by the expiration of the term of office or otherwise, it shall be the duty of the county court or the municipal council, as the case may be, in the county or city, town or village in which the vacancy exists, at its next regular meeting after such vacancy shall occur to nominate and the state board of health to appoint a person to fill said vacancy, and if the said county court or municipal council fail or refuse to make said nomination at the time above specified it shall be the duty of the state board of health to appoint a person to fill said vacancy notwithstanding. Any person failing or refusing to perform any duty required of him by this section shall be guilty of a misdemeanor and fined not less than ten nor more than one hundred dollars.

Sec. 9. The following persons and no others shall hereafter be permitted to practice medicine in this state.

1st. All such persons as shall be legally entitled to practice medicine in this state at the time of the passage of this act.

2nd. All such persons as shall be graduates of a reputable medical college, recognized as such by the state board of health, who shall pass an examination before said state board of health and shall receive certificates therefrom, as herein-after provided; Provided, also, That the state board of health, or a majority of them, may accept in lieu of an examination, the certificate of license to practice medicine legally granted by the board of registration or examination or li-

censing board of any other state, territory or any foreign country whose standard of qualification for the practice of medicine is equivalent to that of this state, and grant to the said applicant a certificate of license to practice medicine in this state; Provided, Such states, territories or foreign countries accord like privilege to medical licentiates of this state. The state board of health shall, at such times as a majority of them may deem proper, hold examinations for the licensing of practitioners of medicine. Such examinations shall not be less in number than three, during each year and shall be held at such points in the state as shall be most convenient to those presenting themselves for examination, or to the state board of health. At such examinations, written and oral questions shall be submitted to the applicants for license, covering all the essential branches of the sciences of medicine and surgery, and the examination shall be a thorough and decisive test of the knowledge and ability of the applicants. The president and secretary of the state board of health shall issue certificates to all who successfully pass the said examination, and to all those whose certificates said board of health or a majority of them shall accept in lieu of an examination as hereinbefore provided, except that in all the certificates issued to applicants who adhere to the osteopathic school it shall appear that it is for the practice of osteopathy, and such certificates, after being duly recorded as hereinafter provided, shall be deemed licenses to practice medicine, surgery and osteopathy in all their branches in this state. The state board of health shall give timely notice of the time and place of holding each such examination, by publishing such notice in at least three newspapers of general circulation in this state, and all such persons wishing to present themselves for examination shall notify the secretary and comply with the rules of the state board of health. No applicant for license to practice medicine in this state shall be rejected because of his or her adherence to any particular school of theory of medicine. The state board of health shall call to their assistance, in the examination of any applicant who professes the homeopathic, osteopathic or eclectic school of medicine, a homeopathic, osteopathic or eclectic physician duly licensed to practice medicine in this state, and such homeopathic, osteopathic or eclectic physician so called to the assistance of the state board of health, shall be allowed the per diem and actual expenses incurred hereinafter allowed to regulate members of the state board of health; Provided, however, That the provisions of this and the preceding section shall not apply to physicians living in other states and duly qualified to practice medicine therein, who shall be called into consultation in this state, by a physician legally entitled to

practice medicine in this state under this chapter, and provided further that the provisions of this chapter shall not apply to females practicing midwifery, or to commissioned officers of the United States Army and Navy and Marine Hospital Service when in the actual discharge of their duties as such commissioned officers; Provided, further, That this Act shall not apply to osteopathic physicians practicing in the state at the time this Act takes effect who are graduates of any recognized, reputable, school of osteopathy.

Sec. 10. Certificates to be Recorded. Any person holding such certificate, as hereinbefore provided for, shall have the same recorded in the office of the secretary of the State Board of Health in a book to be kept by him for that purpose, and the secretary shall endorse in said certification the fact of such recordation, and deliver the same to the person named therein or to his order. The State Board of Health may refuse certificates to individuals guilty of malpractice or dishonorable conduct, and they may revoke certificates for like causes. Such revocation being after due notice and trial by the Board of Health, with right of appeal to the Circuit Court of the county in which such individual resides; but no such refusal or revocation shall be had or made by reason of the individual belonging to or practicing any particular system of medicine.

Sec. 11. Every person on presenting himself for examination as hereinbefore provided, shall pay to the state board of health, or to the members thereof by whom he is examined, a fee of ten dollars, which shall not be returned if a certificate be refused him. But he may again at any time within one year after such refusal, present himself for examination as aforesaid, without the payment of an additional fee, and if a certificate be again refused him, he may as often as he sees fit thereafter, on the payment of a fee of ten dollars, be examined as herein provided, until he obtains such certificate. All other persons who shall be granted a license to practice medicine in this state under the provisions of section nine of this chapter shall each pay a fee of twenty-five dollars to the state board of health.

Section twelve of chapter one hundred and fifty of the Code of nineteen hundred and six is repealed.

Sec. 13. To whom this Chapter Applies. Any person shall be regarded as practicing medicine within the meaning of this Chapter who shall profess publicly to be a physician and prescribe for the sick, or who shall append to his name the letters M. D. This Act shall also apply to apothecaries and pharmacists who prescribe for the sick. This Act shall not apply to commissioned officers of the United States Army, Navy or Marine Hospital Service.

Sec. 14. Itinerant Physicians. Tax On, Etc. Any itinerant physician desiring to practice medicine in this State, or any itinerant vendor of any drug, nostrum or appliance of any kind intended for the treatment of disease or injury; or who shall by writing or printing or in any other method, publicly profess to cure or treat disease, injuries or deformities, by any drug, nostrum, manipulation or other expedient, shall before doing so pay to the sheriff of every county in which he desires to practice a special tax of \$50 for each month or fraction of a month he shall so practice in such county and take his receipt in duplicate therefor. He shall present said receipts to the Clerk of the County Court of such county, who shall file and preserve one of them in his office, and shall endorse on the other the words "a duplicate of this receipt has been filed in my office," and sign the same, and if such physician or vendor of patent medicines shall practice or attempt to practice in any counties without having paid such tax and filed such receipt with the Clerk of the County Court and obtained his endorsement on the other as aforesaid, or if he shall practice or attempt to practice for a longer time than that for which he has paid such tax as aforesaid, he shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500. Any person who shall travel from place to place, and by writing, printing, or otherwise, publicly profess to treat or cure disease, injuries or deformities shall be held and deemed to be an itinerant physician and subject to the taxes, fines and penalties prescribed in this Section.

Sec. 15. Penalty for Practicing, Etc., Unlawfully. If any person shall practice or attempt to practice medicine, surgery or obstetrics in this state without having complied with the provisions of section 9 of this Chapter, except as herein provided, he shall be guilty of a misdemeanor and fined for such offense not less than \$50 nor more than \$500, or be imprisoned in the county jail not less than one month nor more than twelve months, or be punished by both such fine and imprisonment, at the discretion of the court. If any person file or attempt to file a false or forged affidavit of his identity, or shall wilfully swear falsely to any questions which may be propounded to him on examination, as herein provided for, he shall, on conviction thereof, be confined in the penitentiary not less than one nor more than three years, or imprisoned in the county jail for not less than six nor more than twelve months, and fined not less than \$100 nor more than \$500, at the discretion of the court.

WISCONSIN LAW—COMPOSITE BOARD.

No. 637, A.

A BILL Relating to the state board of medical examiners, and to the registration and licensing of persons engaged in the practice of med-

icine, surgery, or osteopathy in the state of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The governor shall appoint a board of medical examiners to be known as the Wisconsin State Board of Medical Examiners, consisting of eight (8) members. Such appointments shall be made from separate lists presented to him every second year, one list of ten (10) names presented by the Wisconsin State Medical Society one list of ten (10) names presented by the Homeopathic Medical Society of the state of Wisconsin, one list of ten (10) names of the Wisconsin State Eclectic Medical Society, and one list of five (5) names of the Wisconsin State Osteopathic Association. In case any of said societies or associations fail to present such list of names, the governor may fill vacancies in the board by appointment from the last list filed by such association or society previous to the occurrence of such vacancy. The appointment of each member of said board shall be for the term of four (4) years and until his successor is appointed and qualified; the proportion of the different schools of medicine, as herein provided, shall be preserved. No instructor, stockholder, member, or person financially interested in any school, college or university having a medical department, or any school of osteopathy, shall be appointed a member of said board. Three members of said board shall be allopathic, two shall be homeopathic, two eclectic and one osteopathic, and all shall be licensentiates of said board and no member shall serve for more than two consecutive terms provided nothing contained in this act shall be construed as terminating or in any manner interfering with the term of any member of the present state board of medical examiners, but each of said members shall serve out his present term as a member of said board.

Sec. 2. Said board shall elect from its members a president, secretary and treasurer, and shall have a common seal. The president and secretary may administer oaths for the accomplishment of the objects of the board. Said board shall hold regular meetings on the second Tuesday in each January; one in Madison and one in Milwaukee, and such other meetings at such other times and places as it may from time to time determine. The board shall keep a record of all its proceedings and also a register of all applicants for license, together with a record showing their ages, time spent in the study of medicine and the name and location of all institutions granting to such applicants degrees or certificates of lectures in medicine, surgery or osteopathy. Said register shall also show whether such applicant was rejected or licensed, and said books and register shall be prima facie evidence of all the matters required to be kept therein.

Sec. 3. All persons commencing the practice of medicine, surgery or osteopathy in any of their branches in this state, shall apply to said board at the time and place designated by said board, or at any regular meeting thereof for license so to practice, and shall present to said board a diploma from a reputable college of medicine and surgery. A college to be deemed reputable by this board shall maintain the same standard as required by its national association, that requires at least four courses of not less than seven months each before graduation, no two of such courses to be taken within any one twelve months, and that shall require for admission thereto a preliminary education equivalent to that necessary for entrance to the junior class of an accredited high school in this state, including a one years' course in Latin, or qualifications equal to those adopted by the Association of American Medical Colleges, and that shall after the year 1906 require for admission to such school a preliminary education equivalent to graduation from an accredited high school of this state, or qualifications equal to those adopted by the Association of American Medical Colleges, and shall submit to an examination in the various branches in medicine and surgery usually taught in reputable medical colleges, or if the applicant be an osteopath he or she shall present a diploma from a regularly conducted college of osteopathy maintaining a standard in all respects equal to that hereby imposed on medical colleges as to preliminary education, said colleges after 1904 to give three courses of eight months each, no two courses to be given in any one twelve months and after the year 1909 such college shall give four courses of seven months each, as herein before provided for medical colleges, and shall pass the regular examination of such board in anatomy, histology, physiology, obstetrics, gynecology, pathology, urinalysis, chemistry, toxicology, dietetics, physical and general diagnosis, hygiene, and theory, and practice of osteopathy. The examination in Materia Medica, therapeutics, and practice shall be conducted by members of the board representing the school of practice, which the applicant claims or intends to follow. After examination as herein before provided, the board shall, if it find the applicant qualified, grant a license to said applicant to practice medicine and surgery in all their branches in this state, or a license to practice osteopathy therein, which license can only be granted by the consent of not less than five members of said board, and which, after the payment of fees as hereinafter provided, shall be signed by the president and secretary thereof and attested by the seal of the board. Osteopaths, when so licensed, shall have the same rights and be subject to the same laws and regulations as practitioners of medicine and surgery, but shall not have the right to give or prescribe drugs or to perform surgical opera-

tions. The fee for examination shall be fixed by the board, but shall not exceed \$20.00 in each case, with \$5.00 additional for the license if issued. Such fee or fees shall be paid by the applicant to the treasurer of the board and may be applied toward defraying any proper and reasonable expenses of the board; provided, however, that any student who is exempted as a matriculant of any medical college of this state under chapter 306 of the laws of 1901 whose name is now on file with the Wisconsin State Board of Medical Examiners, shall on the presentation of a diploma from any Wisconsin college, and on the payment of the fees specified in this act, and having satisfied said board that he or she is a person of good moral character, be licensed to practice without further examination by such board, provided that said college maintains its standard. Every person practicing medicine or surgery in the state of Wisconsin, who at the time of the passage and publication of this act, has not received a license from said board, and who shall after such passage and publication present a diploma from a reputable medical college and give satisfactory evidence of having been a reputable practitioner of medicine and surgery in the state of Wisconsin continuously since the first of July, 1897, shall be granted a license without examination upon the payment of a fee not exceeding \$5.00, as determined by said board. Any person applying for such license shall if he or she be possessed of a certificate of registration issued under and according to the provisions of chapter 87 of the laws of 1899, present such certificate to said board with the diploma and application of such license and surrender said certificate on the issuance of said license, the registration fee paid for same shall be deducted from the last named fee. Any practitioner of medicine or osteopathy holding a certificate from any other state board imposing requirements equal to those established by the board provided for herein, may on presentation of the same with a diploma from a reputable medical or osteopathy college, be admitted to practice within this state without an examination, at the discretion of the board, on the payment of the fee fixed by the board, not exceeding the sum of \$25.00.

Sec. 4. All money received by the board shall be kept by the secretary thereof who shall also act as treasurer. Out of the funds coming into their possession from the fees mentioned in the preceding section the board may pay all legitimate and necessary expense incurred by them, their agents or employees in the discharge of the duties of the board, and the members may receive for their services a sum to be determined by the board, not exceeding five dollars for each day actually spent in attending to the business of the board; the secretary shall receive a salary

by said board, not to exceed one thousand dollars per annum. Such salary, compensation and expenses shall be paid from the fees received by the board, and no part thereof shall be paid out of the state treasury. The secretary shall furnish to the board such bond as they may from time to time direct. It shall be the duty of said board to make a report of their proceedings to the governor at the end of each biennial period, together with an account of all moneys received and disbursed by them, and all moneys in excess of actual expenses shall be paid into the state treasury, secretary of said board securing a receipt therefor, said moneys there to remain as an emergency fund which may be withdrawn in whole or in part by said board in case of necessity, with the consent of the governor. Said biennial period shall begin Dec. 31, 1904. The provisions of this act shall not apply to commissioned surgeons of the United States army, navy or marine hospital service, or to physicians or surgeons of other states or countries in actual consultation with resident physicians of this state.

Sec. 5. Every person hereafter practicing medicine, surgery or osteopathy in this state shall be required to have the license herein provided for, or heretofore issued by the Wisconsin State Board of Medical Examiners, or a certificate of registration issued pursuant to the provisions of chapter 87 of the laws of 1899, and a diploma from a reputable medical college or society dated prior to April 20, 1897, and any person having or hereafter receiving a license according to the provisions of this act, or having such certificate of registration, shall record the same with the county clerk of any county in which said person shall practice and pay to said clerk or clerks a fee of fifty (50) cents each for recording the same, and said clerk shall enter a memorandum thereof, giving the date of said license or certificate, the name of the person to whom it was issued, school of practice chosen, and the date of such recording in a book to be provided and kept for that purpose. Any such person who shall fail to record his or her license or registration certificate, as herein provided, shall not exercise any of the rights or privileges conferred by such license or certificates. And any person beginning such practice without having obtained such license, contrary to law, or any person who, not having such license or certificate of registration herein referred to, shall advertise or hold himself or herself out to the public as a physician, surgeon, osteopathist or specialist in any of the branches of medicine, surgery or osteopathy, or who shall use the title of "Doctor," or shall append to his or her name the letters "M. D." or "M. B." meaning doctor or bachelor of medicine, or "D. O." meaning doctor or diplomate of osteopathy, or any other letters of designa-

tion meaning any of the titles enumerated in this section, shall be punished by a fine of not less than \$50.00 nor more than \$100.00 for each offense, or by imprisonment in the county jail for a term not exceeding three months, or by both such fine and imprisonment. Any person practicing medicine, surgery or osteopathy, or without authority assuming the title of "doctor of medicine," "doctor or diplomate of osteopathy," "bachelor of medicine," or "physician," or "surgeon" or "osteopathist," shall not be exempted from, but shall be liable to all the penalties and liabilities for malpractice, which physicians, surgeons or osteopathists are liable to, and ignorance on the part of any such person shall not lessen such liability for failing to perform, or for negligently or unskillfully performing or attempting to perform any duty assumed, and which is ordinarily performed by physicians, surgeons, osteopathists. If any person licensed or registered by said board shall be convicted of any crime committed in the course of his professional conduct, the court in which such conviction is had, may in addition to any other punishment imposed pursuant to law, revoke such license or certificate. Said board shall have the power to adopt such rules for its government and may require the filling out of such blanks by applicants, as it may deem necessary in order to ascertain the true character and qualifications of an applicant for license, and the board may in its discretion refuse to grant license to any person who does not furnish satisfactory proof of good moral and professional character.

Sec. 6. Every person shall be regarded as practicing medicine or osteopathy within the meaning of this act, who shall append to his or her name the letters "M. D.," "M. B.," or "D. O.," Doctor, Dr., or any other letters or designation with intent to represent that he or she is a physician, surgeon or osteopathist, or who shall for a fee prescribe drugs or other medical or surgical treatment or osteopathic manipulation for the cure or relief of any wound, fracture, bodily injury, infirmity, or disease; provided however, that nothing in this act contained shall be construed to apply to any dentist engaged in the practice of his or her profession.

Sec. 7. It shall be the duty of the Board of Medical Examiners to investigate all complaints in regard to the violation, or disregard of, or non-compliance with the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers, and it shall be the duty of the district attorney of the proper county to prosecute all violations of this act.

Sec. 8. No person practicing medicine, surgery or osteopathy shall have the right to collect by law any fees or compensation for the performance of any medical or surgical service or

fees for any service as an osteopathist, or to testify in a capacity as a physician, or surgeon or insanity expert in any case, unless he or she holds a license from the Wisconsin Board of Medical Examiners, or the certificate of registration hereinbefore referred to, with a diploma from a reputable medical college or society dated prior to April 20, 1897, and has been duly recorded as a practitioner in the state of Wisconsin; provided that nothing in this act contained shall be construed as restricting any court in criminal action from receiving the testimony of any person as a witness.

Sec. 9. All acts or parts of acts in any wise conflicting with the provisions of this act are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its passage and publication.

Passed May 20th, and approved on May 22nd, 1903. Hon. R. M. LaFollette, Governor

WYOMING MEDICAL LAW.

CHAPTER 45, SESSION LAWS OF 1905.

House Bill No. 71.

BOARD OF MEDICAL EXAMINERS.

AN ACT to amend and re-enact Chapter 5, Division I, Title XVI, Revised Statutes of 1899, relating to the State Board of Medical Examiners.

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

APPOINTMENT OF BOARD.

Section 1. The Governor, by and with the consent of the Senate, shall appoint three regularly licensed physicians of the state of Wyoming, who shall constitute the State Board of Medical Examiners, and who shall hold office for a term of four years. Any vacancy which may occur in said Board from any cause shall be filled by appointment by the Governor, and the physician so appointed shall hold his office until the expiration of the term.

ORGANIZATION.

Sec. 2. The members of the said board of Medical Examiners shall meet and organize within thirty days after their appointment by taking an oath faithfully to discharge the duties of their office, which oaths shall be filed with the Secretary of State, and by the election of a President, a Vice-President and a Secretary. They shall provide such blanks and certificates as are necessary to comply with the provisions of this act, and an appropriate seal, which shall be attached to all official papers issued by the said Board, and they shall from time to time adopt such rules and regulations as shall be deemed necessary in the performance of their duties consistent with the requirements of this act.

DUTIES.

Sec. 3. It shall be the duty of the said board to pass upon the qualifications and determine the fitness of all persons who may desire to prac-

tice medicine, surgery and obstetrics, or who may publicly profess in any manner to assume the responsibility of the care or treatment of disease, injury or deformity of human beings in the state.

REQUIREMENTS.

Sec. 4. Every person wishing to practice medicine in any of its departments in this State shall possess the qualifications required by this act. He shall be a graduate from a regularly chartered college of the system which he claims to practice. Said college must be recognized by the State Board of Health or the State Board of Medical Examiners of the State in which it is located. He shall give evidence of the fact that he is a person of good moral character, and that he shall not be the victim of such habits as shall cause him to endanger the lives of those entrusted to his care. He shall present his diploma to the State Board of Medical Examiners for verification as to its genuineness. Said certificate shall consist in the affidavit of the holder of the diploma that he is the lawful possessor of the same and that he is the person therein named. Such affidavit may be taken before any person authorized to administer oaths, and the same shall be attested under the hand and seal of such officer. He shall appear before the State Board of Medical Examiners in person at a time and place appointed, and shall pass an examination sufficiently strict to test his qualifications as a practitioner. Said examination may be in whole or in part in writing. It shall be of an elementary and practical character, and shall be upon the following subjects: Anatomy, Physiology, Chemistry, and Toxicology, Pathology, Physical Diagnosis, Gynecology, the principles of Surgery, Obstetrics, Hygiene and Bacteriology. He shall further be required to pass an examination in such branches as are necessary to complete the system of which he is a practitioner. If the applicant is a practitioner of any school or system not represented in the membership of the Board, the Board shall have authority to call a regularly licensed practitioner of that system to assist in the examination. The practitioner thus called shall receive a compensation of five dollars for each person examined. An average grade of seventy-five per cent, in all branches of the examination shall be required; Provided, That the applicant shall not pass lower than sixty per cent. in any one branch. Said examination shall be conducted by and under the supervision of the Secretary of the Board, with such assistance from the other members as shall be agreed upon by them. Said examinations shall be held at stated periods to suit the convenience of the Board and applicants; Provided, That not more than four examinations shall be held in any one year.

The President and Secretary of the State Board of Medical Examiners shall issue certificates to all

persons who successfully pass said examinations, and such certificates, after being duly recorded as hereinafter provided, shall be deemed license to practice medicine in all branches in which the applicant has taken examination in the State. No application for license to practice medicine in the State shall be rejected because of adherence to a particular school of practice. All persons who are licensed practitioners in this State prior to the passage of this act shall be exempt from its requirements.

APPLICATIONS—FEES.

Sec. 5. The State Board of Medical Examiners shall receive, through its Secretary, applications for certificates and examinations. A fee of twenty-five dollars shall accompany each application. Should the applicant fail to pass the examination, he may present himself at any time within a period of one year for another examination without the payment of an additional fee.

ADMISSION WITHOUT EXAMINATION.

Sec. 6. Said Board may, in its discretion, accept and register, upon payment of the registration fee, and without examination of the applicant, any certificate which shall have been issued to him by the Medical Examining Board of the District of Columbia or of any State or Territory of the United States; Provided, however, That the legal requirements of such Medical Examining Board shall have been, at the time of issuing such certificate, in no degree or particular less than those of Wyoming at the time when such certificate shall be presented for registration to the Board created by this act; and Provided, further, That the provisions in this section contained shall be held to apply only to such of said Medical Examining Board as accept and register the certificates granted by this Board without examination by them of the ones holding such certificates.

WHO ARE PRACTICING PHYSICIANS.

Sec. 7. Any person shall be regarded as practicing medicine, within the meaning of this act, who shall in any manner hold himself out to the public as being engaged within this State in the diagnosis and treatment of diseases or injuries or deformities of human beings; or who shall suggest, recommend or prescribe any form of treatment for the intended palliation, relief or cure of any physical or mental ailment of any person with the intention of receiving therefor, either directly or indirectly, any fee, gift or compensation whatsoever; or who shall maintain an office for the reception, examination and treatment of any person suffering from disease or injury of body or mind; or who shall attach the title of M. D., Surgeon, Doctor or any other word or abbreviation to his name indicative that such person is engaged in the practice of medicine as hereinbefore defined.

EXAMINATION PAPERS.

Sec. 8. The examination papers of applicants, when placed in the hands of the Secretary, shall become the property of the State and shall remain in the possession of the State Board of Medical Examiners, and the questions and answers of any examinations, together with the gradings thereon, shall be subject to inspection at any time at the Secretary's office.

CERTIFICATE TO BE RECORDED.

Sec. 9. Every person holding a certificate as having successfully passed an examination before said Board of Medical Examiners shall have the same recorded at the office of the County Clerk of the county in which he resides, and the date and place of record shall be endorsed thereon. Any person moving to another county to practice shall procure a certificate to that effect from the County Clerk and the holder of the certificate shall pay to the County Clerk the usual fees for making the record.

RECORD OF COUNTY CLERK.

Sec. 10. The County Clerk shall keep in a book provided for that purpose a complete list of all the certificates recorded by him, with the date of issue.

MEDICAL FUNDS.

Sec. 11. The fees received by the said Board of Medical Examiners from examination shall be kept in a fund to be known as the "Medical Fund," and shall be subject at all times to the warrant of the State Auditor drawn upon written requisition of the President and attested by the Secretary of the State Board of Medical Examiners, with seal attached, for the payment of any expenses made by said Board.

REFUSAL OF CERTIFICATE.

Sec. 12. Said Board of Medical Examiners may refuse certificates to individuals guilty of malpractice or dishonorable conduct, or who shall have been convicted of penal offenses before any court in this State or elsewhere; or may revoke certificates for like causes, such revocation being after due notice and trial by the Board of Medical Examiners, subject to the right of an appeal to the District Court of the county in which said individual resides; but no such revocation shall be made by reason of the individual's belonging to or practicing any particular school or system of medicine.

APPLICATION OF THIS ACT.

Sec. 13. Nothing in this act shall be construed to prohibit gratuitous service in case of emergency, and this act shall not apply to commissioned surgeons of the United States army or navy, or medical examiners of relief departments of railroad companies, while so employed, or any lawfully qualified physicians residing in other states or counties meeting registered physician of this State in consultation, or any physician or surgeon residing upon the border of a neighbor-

ing State, and duly authorized under the laws thereof to practice medicine and surgery therein, whose practice extends into the limits of this State. This act shall apply to apothecaries and pharmacists who prescribe for the sick.

PENALTY.

Sec. 14. Any person practicing medicine without complying with the provisions of this act shall be deemed guilty of misdemeanor and punished by a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment in the county jail for not more than one year, or both; and each person filing, or attempting to file as his own, the diploma of another or a forged affidavit of identification shall be guilty of felony, and upon conviction thereof shall be imprisoned in the penitentiary for a term not exceeding three years.

EXAMINATION OF MIDWIVES.

Sec. 15. The State Board of Medical Examiners shall examine all persons upon the theory and practice of obstetrics who profess to practice obstetrics and midwifery, who do not have authority to practice medicine or surgery; and they may issue to such candidates and person or persons who shall pass a satisfactory examination, certificates which shall authorize and empower them to practice obstetrics or midwifery. No person shall practice obstetrics or midwifery unless either a practicing physician or authorized to practice under the provisions of this act, or holding such certificates as are prescribed by this section; Provided, That nothing in this section shall be construed to prohibit persons from rendering services in cases of obstetrics or midwifery in cases of emergency.

SALE OF MEDICINE BY ITINERANT.

Sec. 16. Any itinerant who has not qualified as hereinbefore provided, who shall sell or offer for sale any drug, nostrum or appliance of any kind intended for the treatment of any disease or injury or deformity, or for correction of impairment of vision or hearing, or shall by writing, printing or other method, except by ordinary professional card or sign, publicly profess to cure or treat disease, injury or deformity, by any drugs, nostrum or in any manner whatever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one hundred dollars, and costs of prosecution, for each offense, and shall be committed, until such fine and costs are paid; Provided, That any one who shall maintain an office or residence in the State for a period of not more than three months in any one year shall be deemed an itinerant.

SALARY OF SECRETARY.

Sec. 17. The Secretary of said Board shall be paid a salary which shall be compensation for the actual work done in the performance of the

duties of his office, the amount thereof to be fixed by the Board, not to exceed the sum of twenty-five dollars per month, the same to be paid out of the Medical Fund by warrants drawn by the State Auditor upon there being filed with the State Auditor a certificate to be signed by the President and Secretary of the Board, with the seal of the Board attached, showing that the Secretary has acted in that capacity for the time for which his bill is presented. The other members of the Board shall receive the sum of ten dollars per day while actually employed in attending meeting of the Board, or in carrying out of the provisions of this act. Members of the Board shall also receive their actual traveling

and necessary expenses while engaged in the performance of their duties, to be paid out of the Medical Fund warrants to be issued by the State Auditor, and all bids therefor shall be accompanied by a certificate signed by the President and Secretary of the Board with the seal of the Board attached, attesting the correction of the bill.

ACTS INCONSISTENT.

Sec. 18. All acts and part of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved February 15th, 1905.

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