

Original Medical Practice Act

L A W S

PASSED AT THE

THIRD SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF COLORADO,

CONVENED AT DENVER

ON THE

FIFTH DAY OF JANUARY, A. D. 1881.

PUBLISHED BY AUTHORITY.

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1881.

the competency of any person for whose marriage the license in question, or concerning the procuring or issuing of which such affidavit may be made, shall be deemed guilty of perjury, and on conviction thereof, shall be punished as provided by statute in other cases of perjury.

SEC. 5. Any such minister or officer as aforesaid, to whom any such license, duly issued, may come, and not having personal knowledge of the incompetency of either party therein named to contract matrimony, may lawfully solemnize matrimony between them.

SEC. 6. If any such minister or officer shall presume to solemnize any marriage between any parties without such a license, or with knowledge that either party is legally incompetent to contract matrimony as is provided for in this act, he shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine of not less than fifty dollars nor more than two hundred dollars, before any court having jurisdiction.

SEC. 7. The county clerk of each county in this state shall keep on file every such marriage license returned to him, and shall record each marriage certificate so returned in a proper book to be kept for that purpose, and shall be entitled to a fee of one dollar therefor, which fee he shall demand and receive of the person applying for any such license, at the time of issuing the same, and he may refuse to issue any such license until such fee is paid to him.

Approved February 4, 1881.

AN ACT

TO PROTECT THE PUBLIC HEALTH AND REGULATE THE PRACTICE OF MEDICINE IN THE STATE OF COLORADO.

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

SEC. 1. That a board is hereby established which shall be known under the name and style of the state board of medical examiners, to be composed of nine practicing physicians, of known ability and integrity, who are graduates of medical schools of undoubted respectability, giving each of the three schools of medicine (known as the regular, homœopathic and eclectic schools,) a representation as follows, to wit: six physicians of the regular, two of the homœopathic, and one of the eclectic school or system of medicine.

State medical board, how constituted.

SEC. 2. The Governor of this state shall, as soon as practicable after this act shall have become a law, appoint a state board of medical examiners, as provided in section one of this act, and the members first appointed shall be so designated by the Governor that the term of office of three shall expire in two years from the date of appointment; the term of office of three shall expire in four years from the date of appointment, and the term of office of three shall expire in six years from the date of appointment. Thereafter the Governor shall biennially appoint three members, possessing qualifications as specified in section one, to serve for the term of six years, and he shall also fill all vacancies that may occur, as soon as practicable; *provided*, that in making biennial appointments or filling vacancies the representation of the medical schools in the board shall not be changed from the original basis, as in section one of this act.

Appointment of board, terms of office.

Proviso.

SEC. 3. The board of medical examiners shall, as soon after their appointment as practicable, organize by the election of one of their members as president, one as

Organization, rules, seal.

secretary and one as treasurer, and adopt such rules as are necessary for their guidance in the performance of the duties assigned them, and also adopt a seal, which shall be affixed to all certificates issued by them to practitioners of medicine.

SEC. 4. That every person practising medicine in any of its departments, shall possess the qualifications required by this act. If a graduate in medicine, he shall present his diploma to the state board of medical examiners for verification, or furnish other evidence conclusive of his being a graduate of a legally chartered medical school in good standing; the state board of medical examiners shall issue its certificate to that effect, signed by a majority of the members thereof, and such diploma or evidence and certificate shall be conclusive as to the right of the lawful holder of the same to practice medicine in this state. If not a graduate of a legally chartered medical institution in good standing, the person practicing, or wishing to practice medicine in this state, shall present himself before said board of medical examiners and submit himself to such examination as defined in section seven of this act, and if the examination be satisfactory to the examiners, the said board of board of medical examiners shall issue its certificate in accordance with the facts, and the lawful holder of such certificate shall be entitled to all the rights and privileges herein mentioned. All persons who have made the practice of medicine and surgery their profession or business continuously, for the period of ten (10) years, within this state, and can furnish satisfactory evidence thereof to the state board of medical examiners, shall receive from said board a license to continue practice in the State of Colorado.

SEC. 5. The state board of medical examiners within ninety (90) days after the passage of this act shall receive, through its president, applications for certificates and examinations. The president of said board of medical examiners shall have the authority to administer oaths, and the said board of medical examiners to take testimony in

all matters relating to its duties. It shall issue certificates to all who furnish satisfactory proofs of having received diplomas from some legally chartered medical institution in good standing. It shall prepare two (2) forms of certificates, one for persons in possession of diplomas, the other for candidates examined by its members. It shall furnish to the county clerks of the several counties a list of all persons receiving certificates. Certificates shall be signed by a majority of the members of the board of medical examiners granting them.

SEC. 6. There shall be paid to the treasurer of the state board of medical examiners a fee of five dollars (\$5.00) for each certificate issued to graduates or practitioners of ten (10) years' standing, and no further charge shall be made to the applicant; candidates for examination shall pay a fee of ten dollars (\$10.00) in advance.

SEC. 7. All examinations of persons, not graduates, shall be made directly by the state board of medical examiners. Examinations may be in whole, or part, in writing, and the subjects of examination shall be as follows: Anatomy, physiology, chemistry, pathology, surgery, obstetrics and practice of medicine (exclusive of materia medica and therapeutics.)

SEC. 8. Every person holding a certificate from the state board of medical examiners should have it recorded in the office of the clerk of the county in which he resides, and the record shall be endorsed thereon. Any person removing to another county to practice shall procure an endorsement to that effect on the certificate from the county clerk, and shall record the certificate in like manner in the county to which he removes, and the holder of the certificate shall pay to the county clerk a fee of one dollar (\$1.00) for making [the] record.

SEC. 9. The county clerk shall keep in a book provided for the purpose a complete list of the certificates recorded by him. If the certificates be based on a diploma, he shall record the name of the medical institution conferring

it and the date when conferred. This register shall be open to public inspection in business hours.

SEC. 10. The state board of medical examiners may refuse certificates to individuals who have been convicted of conduct of a criminal nature, and they may revoke certificates for like causes.

SEC. 11. Any person shall be regarded as practicing medicine within the meaning of this act who shall profess publicly to be a physician and prescriber for the sick, or shall attach to his name the title "M. D." or "Surgeon," or "Doctor," in a medical sense. But nothing in this act shall be construed to prohibit gratuitous services in cases of emergency.

SEC. 12. Any person practicing medicine or surgery in any of their departments, in this state, without complying with the provisions of this act, shall be punished by a fine of not less than fifty (\$50.) nor more than three hundred (\$300.) or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or by fine and imprisonment, for each and every offense; and any person filing, or attempting to file, as his own, the diploma or certificate of another, or who shall give false or forged evidence of any kind, 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 this state for the crime of forgery.

SEC. 13. All fees received by the treasurer of said board of examiners, and all fines collected by any officer of the law, under this act, shall be paid into the state treasury; and all necessary expenses of the board shall be paid for out of the funds of the state treasury not otherwise appropriated; but no fee shall be required or accepted by any member of the board for services.

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 Justices to have jurisdiction to enforce this act. and power to enforce the provisions of this act.

Approved March 14, 1881.

AN ACT

TO AMEND "AN ACT CONCERNING THE ENROLLMENT AND ORGANIZATION OF THE MILITIA OF THE STATE, PRESCRIBING THE DISTRICT, AND NUMBER, AND RANK OF THE OFFICERS THEREOF, AND DEFINING THE DUTIES OF SUCH OFFICERS," APPROVED FEBRUARY 8, 1879.

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

SECTION 1. There is hereby added to article V of said act, a section which shall be known as section seven, article V, as follows:

The county commissioners of each county shall, at the time of levying the tax for county purposes, cause to be levied an annual poll tax of one dollar upon each male inhabitant over the age of twenty-one years, excepting active members of the national guard and such other persons as may be exempt by law. A failure or neglect on the part of the county commissioners to levy such tax shall subject such county commissioners and each one of such commissioners to a fine of not less than one thousand nor more than five thousand dollars, for the benefit of the military fund, and it is hereby made the duty of the adjutant-general to institute proceedings against such commissioners to recover such fine.

Approved February 11, 1881.