

FEDERATION BULLETIN

Published Monthly by the
FEDERATION OF STATE MEDICAL
BOARDS OF THE UNITED STATES

VOLUME XI, No. 1

JANUARY, 1925

WALTER L. BIERRING, M.D., EDITOR, Bankers' Trust Bldg, Des Moines, Ia.
N. P. COLWELL, M.D., MANAGING EDITOR, CHICAGO, ILL

OFFICERS

PRESIDENT	DR. DAVID A. STRICKLER, Denver, Colo.
PRESIDENT ELECT	DR. THOMAS McDAVITT, St. Paul, Minn.
VICE PRESIDENT	DR. H. M. PLATTER, Columbus, Ohio
SECRETARY-TREASURER	DR. WALTER L. BIERRING, Des Moines, Iowa

EXECUTIVE COMMITTEE

DR. K. P. B. BONNER	DR. ALEXANDER MACALISTER
Raleigh, N. C.	Trenton, N. J.
DR. BYRON U. RICHARDS	THE PRESIDENT
Pawtucket, R. I.	THE SECRETARY TREASURER

\$1.00 A YEAR	THE FEDERATION PRESS	10 CENTS A COPY
	535 N. Dearborn St., Chicago, Ill	

Entered as second-class matter March 24, 1916, at the postoffice at Chicago, Illinois, under the Act of March 3, 1879. Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917, authorized on June 28, 1918.

THE ANNUAL FEDERATION DINNER

The annual dinner is an established institution in the Federation affairs. This year it comes on Tuesday evening, March 10, 1925, at the Congress Hotel, Chicago.

One of the interesting features will be the presence of former leaders of medical licensure. Dr. J. M. Baldy of Philadelphia has promised to come, and he adds interest and enthusiasm to any gathering. We hope also to have present Dr. W. A. Spurgeon of the Indiana Board, who, as one of the founders of the American Confederation which was merged into our present Federation, can give an interesting story of the early trials in the regulation of medical practice.

There will be other unique features. These gatherings about the table with their "flow of wit and soul" really make the journey to Chicago worth while. Let this be a dinner to be remembered.

**CONGRESS ON MEDICAL EDUCATION, MEDICAL
LICENSURE, PUBLIC HEALTH
AND HOSPITALS**

Federation of State Medical Boards of the United States,
Wednesday, March 11, 1925
Congress Hotel,
Chicago

PROGRAM

9-30 A.M.

SYMPOSIUM.—Essentials of an Adequate Examination.

1. Principles and Methods Underlying Adequate Achievement Measures
DONALD G. PATERSON, A.M., Professor of Psychology, University of Minnesota, Minneapolis.
 2. Fundamental Medical Sciences
F. C. WAITE, PH.D., Professor of Histology and Embryology, Western Reserve University School of Medicine, Cleveland
 3. Clinical Medical Sciences
DAVID L. EDSALL, M.D., Dean of Harvard Medical School, Boston
 4. Medical Licensure.
IRVIN D. METZGER, M.D., President, Pennsylvania Board of Medical Education and Licensure, Pittsburgh
 5. Written versus Practical
WALTER L. BIERRING, M.D., Secretary, Federation of State Medical Boards, Des Moines.
- Discussion opened by DR. E. P. LYON, Dean of the University of Minnesota Medical School, Minneapolis; DR. HORACE D. ARNOLD, Boston; DR. S. W. WELCH, Chairman, Alabama State Board of Medical Examiners, Montgomery

2 P.M.

SYMPOSIUM.—Essential Principles of a Medical Practice Act

1. Functions of Medical Practice Act
WM. C. WOODWARD, M.D., L.L.M., Secretary of Bureau of Legal Medicine and Legislation, A.M.A., Chicago
 2. Eligibility for License
(a) Essential qualifications
(b) Methods of determining
CHARLES B. PYNKHAM, M.D., Secretary California State Board of Medical Examiners, San Francisco.
 3. Methods of Enforcement.
(a) Criminal Prosecution
(b) Quo warranto.
(c) Injunction procedure.
(d) Revocation of license
H. M. PLATTER, M.D., Secretary Ohio State Medical Board, Columbus
 4. Diagnosis and Treatment
HON. HARRY EUGENE KELLY, of the Chicago Bar
- Discussion opened by AUGUSTUS S. DOWNING, PH.D., Assistant Commissioner and Director of Professional Education, University of State of New York, Albany; T. J. CROWE, M.D., Secretary Texas State Board of Medical Examiners, Dallas; ELDRIDGE M. SHANKLIN, M.D., President Indiana State Medical Association, Member Indiana Board, Hammond

Federation Dinner, Tuesday evening, March 10, Congress Hotel.

THE NEXT FEDERATION MEETING

The coming meeting offers a program of unusual interest.

For the first time since the Federation was organized thirteen years ago, an entire day Wednesday, March 11, has been set aside for its discussions during the Congress of Medical Education, Medical Licensure, Hospitals and Public Health, March 9-12, 1925, at the Congress Hotel, Chicago.

Two main subjects will be presented for discussion in the form of a symposium on "Essentials of an Adequate Examination" in the forenoon, and one on "Essential Principles of a Medical Practice Act" in the afternoon. The essayists invited are representative of leadership in education and medical licensure.

With the added general discussion, the Federation will give expression to a definite policy on these two important subjects, that will have a profound influence upon the future of medical education and the regulation of medical practice.

On the two preceding days, the Council on Medical Education and Hospitals of the American Medical Association has arranged a program in celebration of the Association's twenty-five years of special activities in medical education. This will be most interesting in presenting a comparison of progress in medical training and practice during that period. On the fourth day the discussion of hospital and public health problems will be of equal interest to the members and fellows of the Federation.

These annual conferences on medical education and licensure have become an important factor in promoting medical progress in this country, and it is earnestly hoped that members will make every possible effort to attend this year.

The Secretary will be pleased to make hotel reservations if desired.

NEW IOWA PRACTICE LAW

In this issue of the BULLETIN is published an outline of practice regulations now operative in the State of Iowa. It is the first successful attempt to bring the different professions concerned with public health under the supervision of the State Department of Health.

The plan is far from perfect, but it is distinctly a step in advance. Legislative changes can be more readily accomplished, because the different forms of practice are now coordinated under one department. It will greatly facilitate the securing of amendments of a general or fundamental nature, such as changes in methods of examination, increased preliminary requirements, and enforcement procedures. These laws which are not new in their entirety, but rather old laws changed sufficiently to permit

reorganization and consolidation, were formulated by a Code Commission appointed by a previous Legislature for the purpose of revising all laws on the statutes.

After considerable discussion and certain changes the present laws were adopted by the General Assembly one year ago. In this legislature the Chairman of the Public Health Committee in the House was the Secretary of the Palmer School of Chiropractic, and the same Committee in the Senate was presided over by a senator who was generally regarded as the special attorney of the State Chiropractic Association.

The osteopaths cast their fortunes with the chiropractors and thus were able to secure special privileges. The new form of practice, "osteopathy and surgery," which makes them at least "near-surgeons" is one of these.

During the last hours of the session the chiropractors and osteopaths were able to secure an amendment which exempted them from the general supervision of the Commissioner of Health. This permits them to have their own secretary, control of all receipts from examinations, and the qualifications of candidates for license do not come under the scrutiny of the Commissioner. This distinctly modifies the general object of the coordination, but it is hoped that this can be remedied in the near future.

Considering the prevailing conditions, to secure the passage of these laws at this time, is doing very well for Iowa.

NEWS ITEMS

Chiropractor Guilty.—G. F. Morris, chiropractor, Bethel, Ohio, was found guilty, Dec. 20, 1924, of practicing medicine without a license and sentenced to pay a fine of \$25 and costs, it is reported.

State Board Appointment.—Dr. John A. Donovan, Butte, has been appointed a member of the Montana Board of Medical Examiners for the term ending March 2, 1931, to succeed Dr. Herbert H. Judd, Bozeman.

Medical Service and the Legislature.—There is a movement on foot to try to have the next California legislature declare health and medical service to be a public utility and thus place its supervision under control of the state.

Medical Practice Act Upheld.—The Illinois State Supreme Court upheld, Dec. 16, 1924, the medical practice act of 1923. The appeal was brought by a naturopath, who was fined \$500 and costs in the Chicago Municipal Court.

Physician Arrested.—Dr. Benjamin E. Pearce, Atlanta, Ga., was bound over to the federal grand jury under bond of \$300 following a preliminary hearing on a charge of violation of the Harrison Narcotic Law, it is reported.

Physician Acquitted on Narcotic Charge.—Dr. James C. Ross, Marion, Ind., recently indicted for violating the narcotic law, was acquitted in

circuit court, Dec. 24, 1924, under instructions from the presiding judge after seven witnesses had testified for the state, it is reported.

Physician Sentenced.—Dr. Joseph C. Thompkins, Prescott, Ariz., and formerly of Smackover, it is reported, pleaded guilty in federal court, Nov. 26, 1924, to violation of the Harrison Narcotic Law, and was sentenced to one year and a day in the Fort Leavenworth penitentiary.

Governor Pardons Chiropractor Meyer.—Governor Smith granted a pardon, January 7, to Ernest G. Meyer, chiropractor, 458 Seventy-Seventh Street, New York City, who was sentenced last April to one year in Sing Sing penitentiary for manslaughter, in connection with the death of a patient from diphtheria.

Licenses Suspended.—At a meeting, Dec. 10, 1924, the Pennsylvania State Board of Medical Education and Licensure, Harrisburg, suspended the licenses of Drs. James P. Kirk and Edward G. Rappold, both of Erie, on account of violation of the Harrison Narcotic Law. Drs. Kirk and Rappold are both serving sentences in the federal penitentiary, Atlanta, Ga.

Chiropractor Freed on Plea of Ignorance.—It is reported that Milo M. Grimes, chiropractor, Rock Island, Ill., who was arrested last April charged with violating the state medical law for failing to report a communicable disease, was found not guilty by a jury, Dec. 17, 1924, he having pleaded ignorance of the fact that William Miller, his patient, had diphtheria.

License Revoked.—The license of Dr. John E. Doran to practice medicine in Colorado was revoked by the Colorado Board of Medical Examiners, July 1, 1924, he having been found guilty of unprofessional and dishonorable conduct, it is reported. Our records show Dr. Doran as living in Minneapolis and as licensed in Colorado, South Dakota and Minnesota.

Bill to Curb Diploma Mills.—The state superintendent of public instruction, assisted by Armin O. Leuschner, Ph.D., University of California, is preparing a bill, it is reported, to introduce into the legislature which aims to prevent diploma mill activities, by fixing standards for all educational institutions. A prospective school would meet these standards before being allowed a charter from the secretary of the state of California.

Illegal Practitioner Sentenced.—David McGraw, colored, Richmond, Va., was fined \$100 and costs and sentenced to six months in jail recently for practicing medicine without a license, it is reported. On the assurance of his attorney that McGraw would discontinue "practice," take down his "front door sign," and delete his name from the telephone directory in which he is listed as a physician, the court suspended sentence pending his carrying out the conditions imposed.

Chiropractor Guilty.—Blake D. Lewis, a chiropractor, charged with unlawfully practicing medicine, was found guilty, it is reported, in the circuit court at Flint, Mich., Dec. 16, 1924. Sentence was suspended until February 9 to allow for an appeal. The practice of chiropractic has been held by the Michigan Supreme Court to be the practice of medicine under the medical practice act of the state, which provides for licensing drugless healers of all kinds.

Physician Fined.—Dr. Albert G. Gran, Storm Lake, Iowa, recently found guilty of "maintaining a liquor nuisance," was sentenced, Dec. 11, 1924, to pay a fine of \$800 and costs, it is reported. Motion for a new trial was overruled by the court. Dr. Gran claimed, it is reported, that

the liquid sold was a mixture of alcohol, water and "another ingredient" intended for the treatment of a disease with which the state agents seemed to be suffering, and that he was also unfortunately delayed in getting his permit to sell alcohol.

New Medical Buildings.—The budget recently filed with the state comptroller by the dean of the University of Arkansas Medical Department calls for a building fund of more than \$1,000,000 for new medical buildings, about half of which sum would be used for the immediate construction of a state general hospital and clinical buildings. Plans are also being made to build and equip laboratory buildings and a research institute. If these plans mature, the new medical school will be located on the site west of the Deaf Mute Institute.

Chiropractic Standards of Quackery.—The New Jersey Court of Errors and Appeals, Oct. 30, 1924, affirmed a judgment for 6 cents against Dr. William A. Tansey, in favor of a chiropractor whom he had called a quack and a fakir. THE BULLETIN for December, 1924, p. 286, stated that the court had set this judgment aside. According to the New Jersey court, a chiropractor in that state is not to be characterized as a quack and a fakir if he practices according to chiropractic standards, as chiropractic has been recognized by the New Jersey statutes.

Dr. Bachmeyer Appointed Dean.—At a special meeting of the board of trustees, University of Cincinnati, Dec. 23, 1924, Dr. Arthur C. Bachmeyer, superintendent, Cincinnati General Hospital, was appointed dean of the University of Cincinnati College of Medicine to succeed Dr. Henry Page. The appointment is to be effective, Sept. 1, 1925, at which time the leave of absence of Dr. Page ends. Dr. Bachmeyer, a native of Cincinnati, has been identified with the university for many years. He is the acting dean now and the president-elect of the American Hospital Association.

Naturopath Bill Defeated.—A summary of the recent vote on the naturopath bill shows, it is reported, that 62 per cent. of the voters of the state of Oregon voted against the measure, and 38 per cent. of the voters favored it. Certain counties gave a larger percentage of votes favoring the measure than the average. Multnomah County, for example, where Portland is situated, gave 42.1 per cent. of its votes in the attempt to put this measure across; 49.5 per cent. of the votes in Lincoln County favored it, and 27.5 per cent. in Linn County. The principal city in Linn County is Albany.

Decision Concerning Unrecognized Practitioners.—The judicial council of the Indianapolis Medical Society was recently called on to decide concerning the ethics of any member of that society who consulted or performed operations at the Clark-Blakeslee Hospital in that city. The council decided, according to the *Indianapolis Medical Journal*, that it regards the consultation with and the performing of surgical operations for cultists, sectarians or individuals who are not graduates of regularly constituted schools of medicine and surgery as a violation of the Principles and Ethics of the American Medical Association.

Adcox Files Suit.—Dr. Robert Adcox, St. Louis, Mo., a prominent figure in the "diploma mill" scandal, whose license to practice medicine, it is reported, was revoked last October, and who is under bond on appeal from two years prison sentence for bribery, brought suit, Dec. 26, 1924, in the circuit court asking that the state board of health be compelled to certify the record of proceedings in which his license was revoked and present it to the court of review. Dr. Adcox alleges,

according to reports, that the action was unwarranted, and that no legal evidence was presented to prove him "of bad character."

"Dr." Elam Falvey Fugitive from Justice.—Elam Falvey, formerly of Houston and Somerville, Texas, was recently arrested and jailed on a charge of false swearing, it is reported. On former occasions, Falvey attempted to get into Wisconsin and California on an altered duplicate of a license issued to Dr. J. C. Falvey. In securing a narcotic permit it was necessary for him to make an affidavit that he was a registered physician, and since he is not, the Texas Board of Medical Examiners charged him with false swearing, and turned the evidence over to federal authorities. He was indicted at Abilene and released under bond, but failed to appear at San Angelo when the case was called for trial.

The Governor's Message.—Governor Smith of New York in his inaugural address, stated that he was convinced that there is a grave menace to public health in New York in the very large number of persons practicing medicine within the meaning of the law without being licensed or qualified. This, he said, should not be a political or a partisan matter. "I earnestly hope that the present legislature will give this careful consideration and enact legislation which will justly and effectively guard the public health and strengthen and enforce the Medical Practice Act." At every point, Governor Smith pledged his support to the extension of health and hospital work in New York.

Plans for Medical School.—Trustees of Indiana University, members of the Riley Memorial Association, and commissioners of the Indianapolis Park Board are planning a 100 acre wooded park, in part a gift of the city of Indianapolis, surrounding the medical school building, the Long Hospital, the City Hospital and the Riley Memorial Hospital. The expansion program includes also the construction on this tract of a psychopathic hospital, additional wards for the Robert W. Long Hospital, a maternity hospital, an outpatient's building, a clinical building and among other buildings, a nurses' home, the total cost of which is estimated at \$2,650,000, all to be completed within a period of ten years.

The New Medical College of Columbia University.—It was announced, Dec. 13, 1924, that the new College of Physicians and Surgeons to be erected as a unit of the great medical center at One Hundred and Sixty-Eighth Street between Broadway and Riverside Drive, New York City, will be a fourteen story building. The medical school buildings will be connected by "a fourteen story axis" with the Presbyterian Hospital, the capacity of which will be 765 beds, the two institutions having a common lighting and heating service. The medical school building will cost \$3,000,000, the funds having already been given by donations of \$1,000,000 each by the Carnegie Foundation, the Rockefeller Foundation and the General Education Board. For the Presbyterian Hospital section, costing \$7,000,000, a public campaign for \$4,500,000 is being conducted.

Howard University Needs Buildings.—In his annual report to Congress, the Secretary of the Interior points out the urgent need for new buildings and equipment for the Howard University School of Medicine, Washington, D. C. It is impossible to train classes of more than fifty students at present. This is an injustice to students who devote two or more years to college work to prepare for studying medicine, and who are then refused admission because of lack of room. With one exception, Howard University is the only institution in the United States which has a school of medicine for colored people exclusively. The endowment of \$500,000, pledged during 1922 and 1923, permitted an increase in the faculty, but funds are not available for the construction of suitable

buildings. The \$500,000 petitioned for from Congress is urgently needed, according to the secretary's report

Reciprocity with Mexico.—At a recent meeting of the Mexican Medical Association, the committee report on the question of medical reciprocity aroused a lively discussion. The committee urged that the government be appealed to not to sign any new treaties providing for reciprocity in the practice of medicine, and not to renew the present treaties when they expire. Briosio Vasconcelos opposed the suggestion, saying that the lack of reciprocity treaty between Mexico and the United States had worked great hardships on Mexican physicians who had settled in the Southern states. He emphasized that the capital of Mexico is a cosmopolitan city, and there is no reason why honorable physicians of different nationalities should not work side by side, while no reciprocity treaty would have any effect in preventing practice by quacks. Drs. Rojas Avendaño, Escobar and others argued for the adoption of the committee report, and it was voted by the assembly.

Chiropractors and Others Fined.—The New Jersey State Board of Medical Examiners reports the legal action taken recently in the following cases of chiropractors, midwives and others.

Fred H. Knierum, unlicensed chiropractor, sentenced to fifty days in jail for practicing without a license

Lotus J. Weiner, Red Bank, an advertising "foot correctionist and orthopedic specialist," convicted of practicing medicine without a license

William H. Sharp, unlicensed chiropractor of Pennsgrove, fined \$200 for practicing without a license.

Salvatore Caridi, West New York, N. J., fined \$200 for practicing medicine without a license

James F. Kerr, whose license to practice was revoked by the board in 1922, pleaded guilty to a second charge of practicing without a license, Oct. 24, 1924, and failing to pay the fine, was sentenced to twenty additional days in jail

Giuseppe Gorga, Hoboken, was fined \$200, Oct. 31, 1924, for practicing medicine without a license

E. J. Herman, unlicensed chiropractor, Palmyra, was fined \$200, Oct. 31, 1924, for practicing without a license

Feliska Wronski was fined \$200, Nov. 18, 1924, for practicing mid-wifery without a license.

The licenses of Leopoldine Rojar, Jersey City, and that of Emily Eisfelt, Newark, midwives, were revoked, Dec. 4, 1924, each having been found guilty of the practice of criminal abortion.

Report of Committee.—The committee of three members of the senate and six members of the house, appointed to study every aspect of the various divisions of registration in Massachusetts, has submitted its report. The committee opposes the recognition of chiropractors and midwives. It recommends for the general control of the boards of registration there shall be a board of registration within the department of civil service and registration, comprising seven persons appointed by the governor. The existing boards shall be known as examining boards under the supervision of the board of registration, and they shall report the results of their activities to the latter board. Certificates of registration shall be issued by the board of registration, which controls the financial affairs of the division and fixes the compensation of the examining boards, with the approval of the governor and council. The position of director of registration is to be abolished, and five inspectors are asked for the purposes of investigation. The *Boston Medical and Surgical Journal* says that aside from the general features of these recommendations, the great outstanding requirement is that of giving to the board of registration the authority to determine which are approved medical schools. The requirement that the board of registration may accept only applicants who are graduates of colleges approved by the board will be the storm center when the report is considered by the

legislature, because "it will arouse the opposition of those who have for many years induced the legislature to decline to enact laws which would enable the state to take its proper position among the great majority of the states of the nation." There is, however, a reasonable prospect for legislation which will lift Massachusetts out of the position of endorsing inadequate medical education.

IOWA HEALTH LAWS

Examinations and Licenses

These laws which became effective Oct. 28, 1924, are not new in their entirety, but old laws changed sufficiently to permit reorganization and consolidation

There is created an office of Commissioner, who shall be the head of the State Department of Health, having supervision over six divisions, viz:—Contagious and Infectious Diseases, Venereal Diseases, Housing, Sanitary Engineering, Vital Statistics, and Examinations and Licenses

The Commissioner of Public Health shall be appointed by the Governor within sixty days after the convening of the General Assembly in 1925, with the approval of two-thirds of the members of the Senate in executive session. The appointee shall be a physician specially trained in public hygiene and sanitation, and shall not be an officer or member of the instructional staff of any state educational institution or college in which is taught any of the professions for which a license must be obtained from the department to practice the same in this state, and he shall devote his entire time to the duties of his office. The term of office shall be four years commencing on July first of the year of appointment

Under the division of Examinations and Licenses are included the following "professions affecting the public health of the state":—"Medicine and surgery, podiatry, 'osteophy,' 'osteopathy and surgery,' chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, and embalming."

In presenting this outline of the regulatory measures for the different forms of practice, only the essential features are included.

THE PRACTICE OF CERTAIN PROFESSIONS AFFECTING THE PUBLIC HEALTH

General Provisions

DEFINITIONS.—1 "Examining Board" shall mean one of the boards appointed by the governor to give examinations to applicants for licenses.

2. "Licensed" when applied to a physician and surgeon, podiatrist, "osteopathy," "osteopathy and surgery," chiropractor, nurse, dentist, dental hygienist, optometrist, pharmacist, or embalmer shall mean a person licensed under this title

3. "Profession" shall mean medicine and surgery, podiatry, "osteopathy," "osteopathy and surgery," chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, or embalming

4. "Department," shall mean the state department of health.

5. "Physician" shall mean a person licensed to practice medicine and surgery, osteopathy and surgery, osteopathy, or chiropractic under the laws of this state, but a person licensed as a physician and surgeon shall be designated as a "physician" or "surgeon," a person licensed as an osteopath and surgeon shall be designated as an "osteopathic physician" or "osteopathic surgeon," a person licensed as an osteopath shall be designated as an "osteopathic physician," and a person licensed as a chiropractor shall be designated as a "chiropractor"

Licenses

LICENSE REQUIRED TO PRACTICE CERTAIN PROFESSIONS.—No person shall engage in the practice of medicine and surgery, podiatry, "osteopathy," "osteopathy and surgery," chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, or embalming as defined in the following chapters of this title, unless he shall have obtained from the state department of health a license for that purpose.

AGE AND CHARACTER QUALIFICATIONS.—No person shall be licensed to practice a profession under this title until he shall have furnished satisfactory evidence to the department that he has attained the age of twenty-one years and is of good moral character, except that women may be licensed as dental hygienists upon attaining the age of eighteen years.

GROUND FOR REFUSING LICENSE.—The department may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked by the district court.

FORM OF LICENSE.—Every license to practice a profession shall be in the form of a certificate under the seal of the department, signed by the commissioner of public health. Such license shall be issued in the name of the examining board which conducts examinations for that particular profession. The number of the book and page containing the entry of said license in the office of the department shall be noted on the face of the license.

CERTIFICATE PRESUMPTIVE EVIDENCE OF RIGHT TO PRACTICE.—Every license issued under this title shall be presumptive evidence of the right of the holder to practice in this state the profession therein specified.

DISPLAY OF LICENSE.—Every person licensed under this title to practice a profession shall keep his license displayed in the place in which he practices.

RECORD OF LICENSES.—OPEN TO PUBLIC INSPECTION.—The name, age, nativity, location, number of years of practice of the person to whom a license is issued to practice a profession, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department to be known as the registry book, and the same shall be open to public inspection.

NOTICE OF CHANGE OF RESIDENCE.—When any person licensed to practice a profession under this title changes his residence he shall notify the department and such change shall be noted in the registry book.

RENEWAL OF LICENSES.—Every license to practice a profession shall expire on the thirtieth day of June following the date of issuance of such license, and shall be renewed annually upon application by the licensee, without examination. Application for such renewal shall be made in writing to the department accompanied by the legal fee at least thirty days prior to the expiration of such license. Every renewal shall be displayed in connection with the original

license. Every year the department shall notify each licensee by mail of the expiration of his license.

REINSTATEMENT OF LICENSEE.—Any licensee who allows his license to lapse by failing to renew the same, as provided in the preceding section, may be reinstated without examination upon recommendation of the examining board for his profession and upon payment of the renewal fees then due.

Examining Boards

EXAMINING BOARDS.—For the purpose of giving examinations to applicants for licenses to practice the professions for which a license is required by this title, the governor shall appoint a board of examiners for each of said professions.

DESIGNATION OF EXAMINING BOARDS.—The examining boards provided in the preceding section shall be designated as follows: For medicine and surgery, Medical Examiners, for podiatry, Podiatry Examiners; for "osteopathy" and "osteopathy and surgery," Osteopathic Examiners; for chiropractic, Chiropractic Examiners, for nursing, Nurse Examiners, for dentistry and dental hygiene, Dental Examiners; for optometry, Optometry Examiners; for pharmacy, Pharmacy Examiners; for embalming, Embalmer Examiners.

COMPOSITION OF EXAMINING BOARDS.—Each examining board shall consist of three members, except the dental board which shall consist of five members.

PROFESSIONAL QUALIFICATIONS OF EXAMINERS.—Every medical, podiatry, chiropractic, nurse, optometry, pharmacy, and embalmer examiner shall be a person licensed to practice the profession for which the board, of which he is a member, conducts examinations for licenses to practice such profession. An osteopathic examiner shall be a licensed osteopath or an osteopath and surgeon, and a dental examiner shall be a licensed dentist.

ACTIVE PRACTICE REQUIREMENTS FOR EXAMINERS.—Each examiner shall be actively engaged in the practice of his profession and shall have been so engaged in this state for a period of five years just preceding his appointment.

SPECIAL QUALIFICATIONS FOR MEDICAL EXAMINERS.—In addition to the preceding requirements, each medical examiner shall be a graduate of some reputable school of medicine and not more than two of such examiners shall belong to the same school of medical practice.

DISQUALIFICATIONS.—No examiner shall be an officer or member of the instructional staff of any school in which any profession regulated by this title is taught, or be connected therewith in any manner, and no embalmer or optometry examiner shall be connected in any manner with any wholesale or jobbing house dealing in optical or embalming supplies.

TERM OF EXAMINERS.—The members of each examining board shall be appointed for a term of three years, except the dental examiners who shall be appointed for a term of five years. The term of each exam-

iner shall commence on July first in the year of appointment and the terms of the members of each board shall be rotated in such a manner that one examiner shall retire each year.

NOMINATION OF EXAMINERS BY STATE ASSOCIATIONS.—The regular state association or society or its managing board for each profession may submit each year to the governor a list of six persons of recognized ability in such profession, who have the qualifications prescribed for examiners for that particular profession. If such list is submitted, the governor in making an appointment to the board of examiners for such profession may select one of the persons so named.

VACANCIES.—Any vacancy in the membership of an examining board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.

OFFICERS.—Each examining board shall organize annually and shall select a chairman and a secretary from its own membership.

TRANSACTION OF BUSINESS BY MAIL.—Each examining board shall, as far as practicable, provide by rule for the conducting of its business by mail, but all examinations shall be conducted in person by the board or by some representative of the board as provided in section 2476. Any official action or vote taken by mail shall be preserved by the secretary in the same manner as the minutes of regular meetings.

COMPENSATION OF EXAMINERS.—Each member of an examining board shall, in addition to necessary traveling and hotel expenses, receive ten dollars per day for each day actually engaged in the discharge of his duties, including compensation for the time spent in traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination questions and the reading of papers, in addition to the time actually spent in conducting examinations.

APPROPRIATION.—There is hereby annually appropriated out of any funds in the state treasury, not otherwise appropriated a sum sufficient to pay the compensation and expenses of the members of each examining board.

SUPPLIES.—The department shall furnish each examining board with all articles and supplies required for the public use and necessary to enable said board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained and the same shall be considered and accounted for as if obtained for the use of the department. When examinations are held at the state university, the necessary articles and supplies for conducting the same shall be furnished by the university authorities.

QUARTERS.—The executive council shall furnish each examining board with suitable quarters in which to conduct the examina-

tions held by said board at the seat of government. When examinations are held at the state university, the superintendent of the buildings and grounds shall furnish such quarters.

REPRESENTATION AT NATIONAL MEETINGS.—Each examining board may select one of its members to attend either:

1. The annual meeting of the regular national association or society of the profession for which such board conducts examinations for licenses; or

2. The annual meeting of the national organization of state examining boards for such profession.

The member so selected shall receive his necessary traveling and hotel expenses in attending such meeting.

Examinations

APPLICATIONS FOR EXAMINATION.—Any person desiring to take the examination for a license to practice a profession shall make application to the state department of health at least fifteen days before the examination, on a form provided by the department. Such application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take such examination. All applications shall be in accordance with the rules of the department and shall be signed and verified by the oath of the applicant.

NOTICE OF TIME AND PLACE OF EXAMINATIONS.—The department shall give public notice at the time and place of all examinations to be held under this title. Such notice shall be given in such manner as the department may deem expedient and in ample time to allow all candidates to comply with the provisions of this title.

LIST OF ACCREDITED HIGH SCHOOLS.—The department shall prepare and keep up to date a list of accredited high schools and other secondary schools for the purpose of passing upon the qualifications of an applicant for an examination when such applicant is required by any provision of this title to be a graduate of such school. The secretary of the state board of education and the registrars of the state university, the state college of agriculture and mechanic arts, and the state teachers' college shall supply the necessary data to the department for the preparation of said list.

LIST OF ACCREDITED COLLEGES.—The state department of health shall prepare and keep up to date a list of accredited colleges in which are taught the professions which are regulated by this title. The examining board for each profession shall make recommendations thereto and shall approve the list for the profession for which it gives license examinations. No such school shall be accredited by the department unless it has been so recommended and approved by the proper examining board together with the commissioner of health. Such recommendations and approval shall be made at some regular session of the board held for the purpose of giving an examination.

DATA RELATIVE TO PROFESSIONAL SCHOOLS—As a basis for such action on the part of the examining board, the registrar of the state university and the dean of the professional school of said institution which teaches the profession for which said board gives license examinations, shall supply such data relative to any such professional school as said board may request.

TIME OF CONDUCTING EXAMINATION—Each examining board shall hold regular sessions for the purpose of giving examinations at such times as the department may fix, not to exceed four in any one year. The medical examiners, dental examiners, and pharmacy examiners shall hold a similar session at the state university at the close of each school year to give examinations to students of the medical, dental, and pharmacy colleges of said institution and to other applicants who are qualified to take the same. In case there are other schools located in the state at which any of the professions regulated by this title are taught, two of the examinations for the profession taught at any such school may be held each year at such institution, if the examining board for that profession so desires. All other sessions of the examining boards shall be held at the seat of government unless otherwise ordered by the department.

TRANSMITTAL OF NAMES OF ELIGIBLE CANDIDATES—Prior to each examination the department shall transmit to each examining board the list of candidates who are eligible to take the examination given by such board. In making up such list the department may call upon any examining board, or any member thereof, for information relative to the eligibility of any applicant.

RULES RELATIVE TO EXAMINATIONS—Each examining board shall establish rules for:

1. The conducting of examinations.
2. The grading of examinations and passing upon the technical qualifications of applicants, as shown by such examinations.

EXAMINATIONS IN THEORY—All examinations in theory shall be in writing, and the identity of the person taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon. In examinations in practice the identity of the candidate shall also be concealed as far as possible.

QUORUM AND REPRESENTATION AT EXAMINATIONS—Two members of each board, except the dental board, shall constitute a quorum for conducting examinations, but in the case of the medical examiners a quorum shall consist of one member from each school of medical practice represented on said board. Three members of the dental board shall constitute a quorum for conducting examinations.

CLERK OF EXAMINATION—Upon the request of any examining board, the department shall detail some employee to act as clerk of any examination given by said examining board. Such clerk shall have charge of the candidates during the exami-

nation and perform such other duties as the examining board may direct. If the duties of such clerk are performed away from the seat of government, he shall receive his necessary railroad and hotel expenses, which shall be paid from the appropriations to the department in the same manner in which other similar expenses are paid.

CERTIFICATION OF SUCCESSFUL APPLICANTS—Every examination shall be passed upon in accordance with the established rules of the examining board and shall be satisfactory to at least a majority of the members of said board. After each examination, the examining board shall certify the names of the successful applicants to the state department of health in the manner prescribed by it. The department shall then issue the proper license and make the required entry in the registry book.

SPECIAL EXAMINATIONS—Any examining board may give a partial examination for a license to practice a profession to any applicant who has completed a portion of his professional course. For such purpose said board shall establish by rule:

1. The portion of such course which shall be completed prior to such examination.

2. The subjects to be covered by such examination and the subjects to be covered by the final examination to be taken by such applicant after the completion of his professional course and prior to the issuance of his license, but the subjects covered in the partial and final examinations shall be the same as those specified in this title for the regular examination.

RULES RELATIVE TO PARTIAL EXAMINATIONS—In case any examining board shall provide for partial examinations under the preceding section, the department shall adopt rules establishing:

1. The portion of the license fee fixed in this chapter which shall be paid for a partial examination.

2. The credentials which shall be presented to the department by an applicant showing his qualifications to take such examination.

3. The method of certifying the list of the eligible applicants for such examination to the proper examining board.

4. The method of certifying back to the department the list of applicants who successfully pass such examination.

5. The method of keeping the records of such applicants for use at the time of completing the examination for a license.

6. The credentials which shall be presented to the department by such an applicant upon the completion of his professional course.

7. The method of certifying such applicant to the proper examining board for the remainder of his examination.

8. Such other matters of procedure as are necessary to carry into effect the preceding section.

PRESERVATION OF RECORDS—All matters connected with each examination for a license shall be filed with the state depart-

ment of health and preserved for five years as a part of the records of the department, during which time said records shall be open to public inspection.

Reciprocal Licenses

RECIPROCAL AGREEMENTS—For the purpose of recognizing licenses which have been issued in other states to practice any profession for which a license is required by this title, the department shall enter into a reciprocal agreement with every state which is certified to it by the proper examining board under the provisions of the following section and with which this state does not have an existing agreement at the time of such certification.

CERTIFICATION OF STATES ENTITLED TO RECIPROCAL RELATIONS—The department shall at least once each year lay before the proper examining board the requirements of the several states for a license to practice the profession for which such examining board conducts examinations for licenses in this state. Said examining board shall immediately examine such requirements and after making such other inquiries as it deems necessary, shall certify to the department the states having substantially equivalent requirements to those existing in this state for that particular profession and with which said examining board desires this state to enter into reciprocal relations.

RULES GOVERNING RECIPROCAL AGREEMENTS—In negotiating any reciprocal agreement, the department shall be governed by the following regulations:

1. *Protection to licensees of this state*—When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person licensed in this state to practice any profession regulated by this title which affects the right of said person to be licensed or to practice his profession in said state, then the same requirement or disability shall be placed upon any person licensed in said state when applying for a license to practice in this state.

2. *Special conditions*—When any examining board has established by rule any special condition upon which reciprocal agreements shall be entered into, as provided in the following section, such condition shall be incorporated into the reciprocal agreements negotiated with reference to licenses to practice the professions for which such examining board conducts examinations.

SPECIAL CONDITIONS IN RE RECIPROCAL AGREEMENTS—An examining board shall have power to provide by rule that no reciprocal relation shall be entered into by the department with any state with reference to licenses to practice the profession for which such examining board conducts examinations, unless every person licensed in another state when applying for a license to practice in this state shall comply with one or both of the following conditions:

1. Furnish satisfactory proof to the department that he has been actively engaged in the practice of his profession for a cer-

tain period of years to be fixed by such examining board.

2. Pass a practical examination in the practice of his particular profession as prescribed by such examining board.

TERMINATION OF RECIPROCAL AGREEMENTS—When the requirements for a license in any state with which this state has a reciprocal agreement are changed by any law or rule of the authorities therein so that such requirements are no longer substantially as high as those existing in this state, then such agreement shall be deemed terminated and licenses issued in such state shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated. The fact of such change shall be determined by the proper examining board and certified to the department for its guidance in enforcing the provisions of this section.

LICENSE GRANTED UPON BASIS OF LICENSE OF ANOTHER STATE—The department shall, upon presentation of a license to practice a profession issued by the duly constituted authority of another state, with which this state has established reciprocal relations, and subject to the rules of the examining board for such profession, license said applicant to practice in this state, unless under the rules of said examining board a practical examination is required in such cases.

APPLICATION FOR PRACTICAL EXAMINATIONS—If the rules of any examining board require an applicant for a license under a reciprocal agreement to pass a practical examination in the practice of his profession, then such applicant shall make application therefor to the department upon a form provided by it.

APPLICABILITY OF OTHER PROVISIONS—All the provisions of this chapter relative to applications, transmittal or the names of eligible candidates, certification of successful applicants, and issuance of licenses thereto, in the case of regular examinations, shall apply as far as applicable to applicants for practical examinations.

RECIPROCITY FOR GRADUATES OF STATE SCHOOLS—When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person holding a diploma or certificate from any college in this state in which one of the professions regulated by this title is taught, which affects the right of said person to be licensed in said state, the same requirement or disability shall be placed upon any person holding a diploma from a similar college situated therein, when applying for a license to practice in this state.

POWER TO ADOPT RULE—The department and each examining board shall have power to establish the necessary rules, not inconsistent with law, for carrying out the reciprocal relations with other states which are authorized by this chapter.

CHANGE OF RESIDENCE TO ANOTHER STATE—Any licensee who is desirous of changing his residence to that of another state or territory shall upon application

to the department, and payment of the legal fee, receive a certified statement that he is a duly licensed practitioner in this state.

Revocation of Licenses

Grounds for Revocation of License

—A license to practice a profession shall be revoked or suspended when the licensee is guilty of any of the following acts or offenses

- 1 Fraud in procuring his license.
- 2 Incompetency in the practice of his profession.
- 3 Immoral, unprofessional, or dishonorable conduct
- 4 Habitual intoxication or addiction to the use of drugs
- 5 Conviction for an offense involving turpitude
- 6 Fraud in representations as to skill or ability
- 7 Use of untruthful or improbable statements in advertisements
- 8 Distribution of intoxicating liquors or drugs for any other than lawful purposes
- 9 Wilful or repeated violations of this title, the title on "Public Health," or the rules of the state department of health.
- 10 Continued practice while knowingly having an infectious or contagious disease

UNPROFESSIONAL CONDUCT DEFINED—For the purpose of the preceding section "unprofessional conduct" shall consist of any of the following acts:

- 1 Solicitation of professional patronage by agents or persons popularly known as "cappers" or "steerers," or profiting by the acts of those representing themselves to be agents of the licensee
- 2 Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured
- 3 Acceptance of a fee for service as a witness, without the knowledge of the court, in addition to the fee allowed by the court
- 4 Division of fees or agreeing to split or divide the fees received for professional services with any person for bringing or referring a patient or assisting in the care or treatment of a patient without the consent of said patient or his legal representative
- 5 Advertisement of any medicine or means whereby the monthly periods of women can be regulated or the menses re-established if suppressed
- 6 Procurement or aiding or abetting in the procurement of a criminal abortion.
- 7 Wilful betrayal of a professional secret
- 8 Wilful neglect of a patient in a critical condition

DENTAL HYGIENIST AND DENTIST—The practice of dentistry by a dental hygienist shall also be grounds for the revocation of her license, and the permitting of such practice by the dentist under whose supervision said dental hygienist is operating

shall be grounds for revoking the license of said dentist.

JURISDICTION OF REVOCATION PROCEEDINGS—The district court of the county in which a licensee resides shall have jurisdiction of the proceeding to revoke or suspend his license.

PETITION FOR REVOCATION OF LICENSE—The petition for the revocation or suspension of a license may be filed.

1. By the attorney general in all cases
2. By the county attorney of the county in which the licensee resides

Said petition shall be filed in the office of the clerk of the district court having jurisdiction.

DUTY OF DEPARTMENT OF HEALTH—The state department of health shall direct the attorney general to file such petition against any licensee upon its own motion, or it may give such direction upon the sworn information of some person who resides in the county wherein the licensee practices

DUTY OF ATTORNEY GENERAL AND COUNTY ATTORNEY—The attorney general shall comply with such direction of the department and prosecute such action on behalf of the state, but the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in his county

RULES GOVERNING PETITION—The following rules shall govern the petition in such cases:

- 1 The state shall be named as plaintiff and the licensee as defendant.
- 2 The charges against the licensee shall be stated in full
- 3 Amendments may be made as in ordinary actions
4. All allegations shall be deemed denied, but the licensee may plead thereto if he desires.

TIME AND PLACE OF TRIAL—Upon the presentation of the petition, or a copy thereof, to the court or judge, he shall make an order fixing the time and place for the hearing, which shall be not less than ten nor more than twenty days there after.

NOTICE TO LICENSEE—Notice of the filing of such petition and of the time and place of hearing shall be served upon the licensee at least ten days before said hearing in the manner required for the service of notice of the commencement of an ordinary action

NATURE OF ACTION—WHEN TRIABLE—The proceeding shall be summary in its nature, triable as an equitable action, and may be heard either in vacation or term time.

JUDGMENT OF REVOCATION OR SUSPENSION—Judgment of revocation or suspension of the license shall be entered of record and the licensee shall not engage in the practice of his profession after his license is revoked or during the time for which it is suspended. The clerk of the court shall, upon the entry of such judgment,

forthwith furnish the state department of health with a certified copy thereof

FAILURE OF LICENSEE TO APPEAR—In case the licensee fails to appear, either in person or by counsel at the time and place designated in said notice, the court, after receiving satisfactory evidence of the truth of the charges, shall order the license revoked or suspended.

COSTS—If the judgment is adverse to the licensee the costs shall be taxed to him as in ordinary civil actions, but if the state is the unsuccessful party the costs shall be paid out of any money in the state treasury not otherwise appropriated

UNPAID COSTS—All costs accrued at the instance of the state, when the successful party, which the attorney general certifies cannot be collected from the defendant, shall be paid out of any money in the state treasury not otherwise appropriated

HEARING ON APPEAL—Both parties shall have the right of appeal, and in such event, the supreme court shall fix the time of hearing, and for filing abstracts and arguments. Said cause shall be advanced and take precedence over all other causes upon the court calendar, and shall be heard at the next term after the appeal is taken, provided the abstracts and arguments are filed in said court in time for said action to be heard

EFFECT OF APPEAL—The taking of an appeal by the defendant and the filing of a supersedeas bond shall not operate to stay the proceedings of the district court or judge, or restore the right of said defendant to practice his profession pending such appeal

Use of Titles and Degrees

PROFESSIONAL TITLES AND ABBREVIATIONS—Any person licensed to practice a profession under this title may append to his name any recognized title or abbreviation, which he is entitled to use, to designate his particular profession, but no other person shall assume or use such title or abbreviation, and no licensee shall advertise himself in such a manner as to lead the public to believe that he is engaged in the practice of any other profession than the one which he is licensed to practice

TITLES USED BY HOLDER OF DEGREE—Nothing in the preceding section shall be construed.

1 As authorizing any person licensed to practice a profession under this title to use or assume any degree or abbreviation of the same unless such degree has been conferred upon said person by an institution of learning accredited by the appropriate board herein created, together with the commissioner of health, or by some recognized state or national accrediting agency.

2. As prohibiting any holder of a degree conferred by an institution of learning accredited by the appropriate board herein created, together with the commissioner of health, or by some recognized state or national accrediting agency, from using the title which such degree authorizes him to use, but he shall not use such degree or

abbreviation in any manner which might mislead the public as to his qualifications to treat human ailments.

Fees

LICENSE—EXAMINATION—RENEWAL FEES—The following fees shall be collected by the state department of health.

1 For a license to practice medicine and surgery, osteopathy and surgery, and dentistry, issued upon the basis of an examination given by an examining board, twenty-five dollars

2 For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, fifty dollars

3 For a license to practice podiatry, osteopathy, chiropractic, and optometry, issued upon the basis of an examination given by an examining board, twenty dollars

4 For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, forty dollars

5 For a license to practice nursing, dental hygiene, pharmacy, and embalming, issued upon the basis of an examination given by an examining board, ten dollars

6 For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, twenty dollars

7 For the renewal of a license to practice any of the professions enumerated in the preceding paragraphs, one dollar

8 For a license to practice as an itinerant physician and surgeon, itinerant "osteopath," itinerant "osteopath and surgeon," itinerant chiropractor, or itinerant optometrist, two hundred and fifty dollars

9 For a certified statement that a licensee is licensed in this state, five dollars.

10 For an examination to determine whether an applicant has the educational attainments of a high school graduate, five dollars

SECOND EXAMINATION—Any applicant for a license who fails in his examination shall be entitled to a second examination without further fee at any time within a period of fourteen months after the first examination

FEES PAID INTO STATE TREASURY—All fees collected under this chapter shall be paid into the state treasury.

Violations—Crimes—Punishment

INJUNCTIONS AGAINST ILLEGAL PRACTICE—Any person engaging in any business or in the practice of any profession for which a license is required by this title without such license may be restrained by permanent injunction.

FORGERIES IN PROCURING LICENSES—Any person who shall file or attempt to file with the state department of health any false or forged diploma, or certificate or

affidavit of identification or qualification, shall be guilty of forgery and punished accordingly.

FRAUD IN PROCURING LICENSE—PENALTY.—Any person who shall present to the department a diploma or certificate of which he is not the rightful owner, for the purpose of procuring a license, or who shall falsely personate anyone to whom a license has been issued by said department shall be punished as provided in the following section.

PENALTIES.—Any person violating any provision of this or the following chapters of this title shall be fined not less than one hundred dollars nor more than one thousand dollars or be imprisoned in the county jail for not more than six months or by both such fine and imprisonment.

Enforcement Provisions

ENFORCEMENT.—The state department of health shall enforce the provisions of this and the following chapters of this title and for that purpose shall make necessary investigations relative thereto. Every licensee and member of an examining board shall furnish the department such evidence as he may have relative to any alleged violation which is being investigated.

REPORT OF VIOLATORS BY LICENSEE.—Every licensee and member of an examining board shall report, also, to the department the name of every person, without a license, that he has reason to believe is engaged in

1. Practicing any profession for which a license is required.

2. Operating as an itinerant practitioner of such profession.

PUBLICATION OF LAWS AND RULES.—The department shall have printed in pamphlet form for each profession the following matter which is pertinent to the particular profession for which such pamphlet is published:

1. The law regulating the practice of the profession.

2. The rules of the department relative to licenses.

3. The rules of the examining board relative to examinations.

Such pamphlet shall be supplied to any person applying for the same.

DUTY OF ATTORNEY GENERAL AND COUNTY ATTORNEY.—Upon request of the state department of health the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this or the following chapters of this title and the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in his county.

PRIME FACIE EVIDENCE OF PRACTICING.—The opening of an office or place of business for the practice of any profession for which a license is required by this title, the announcing to the public in any way the intention to practice any such profession, the use of any professional de-

gree or designation, or of any sign, card, circular, device, or advertisement, as a practitioner of any such profession, or as a person skilled in the same, shall be prima facie evidence of engaging in the practice of such profession.

Exceptions

LICENSING OF PHARMACISTS.—The provisions of this chapter relative to the making of application for a license, the issuance of a license, the negotiation of reciprocal agreements for recognition of foreign licenses, the collection of license and renewal fees, and the preservation of records shall not apply to the licensing of persons to practice pharmacy, but such licensing shall be governed by special regulations.

LICENSING OF CHIROPRACTORS AND OSTEOPATHS.—Notwithstanding the provisions of this title, every application for a license to practice chiropractic, osteopathy, or "osteopathy and surgery," shall be made direct to the secretary of the examining board of such profession, and every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by the examining board for such profession, and all examination, license, and renewal fees received from such persons licensed to practice any of such professions shall be paid to and collected by the secretary of the examining board of such profession, which secretary shall turn the same over to the department of health on the first day of January, 1925, and quarterly thereafter.

CLERICAL HELP AND SUPPLIES.—Subject to the approval of the executive council, the examining boards of chiropractic, osteopathy, and "osteopathy and surgery," may employ such clerical assistance as may be necessary to enable said boards to perform the duties imposed upon them by law. Payment for such assistance shall be made out of the appropriation provided for in section 2462. The executive council shall also furnish said boards with the necessary quarters and all articles and supplies required for the public use, and the provisions of section 2463 shall not apply to said boards.

RECORDS.—The secretary of each of said boards shall keep a correct record of the proceedings of said board, and upon the granting of any license to practice any of said professions the board shall, at the time of granting said license, certify to the department of health the application upon which such license was issued, together with the questions submitted in the examination of such applicant and the answers thereto, and such secretary shall deposit with the department of health all records not needed for the current use of his examining board.

Medicine and Surgery

PERSONS ENGAGED IN PRACTICE OF MEDICINE.—For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of medicine and surgery:

1. Persons who publicly profess to be physicians or surgeons or who publicly profess to assume the duties incident to the practice of medicine or surgery.

2. Persons who prescribe and furnish medicine for human ailments or treat the same by surgery.

PERSONS NOT ENGAGED IN PRACTICE OF MEDICINE.—The preceding section shall not be construed to include the following classes of persons:

1. Persons who advertise or sell patent or proprietary medicines.

2. Persons who advertise, sell, or prescribe natural mineral waters flowing from wells or springs.

3. Students of medicine or surgery who have completed at least two years' study in a medical school, approved by the medical examiners, and who prescribe medicine under the supervision of a licensed physician and surgeon, or who render gratuitous service to persons in case of emergency.

4. Licensed podiatrists, "osteopaths," "osteopaths and surgeons," chiropractors, nurses, dentists, optometrists, and pharmacists who are exclusively engaged in the practice of their respective professions.

5. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to physicians and surgeons licensed in another state, when incidentally called into this state in consultation with a physician and surgeon licensed in this state.

REQUIREMENTS FOR LICENSE.—Each applicant for a license to practice medicine shall:

1. Present a diploma issued by a medical college approved by the Medical Examiners.

2. Pass an examination prescribed by the Medical Examiners in the subjects of anatomy, chemistry, physiology, materia medica and therapeutics, obstetrics, pathology, theory and practice, and surgery; but in the subjects of materia medica and therapeutics, and theory and practice, each applicant shall be examined in accordance with the teachings of the school of medicine which he desires to practice.

RECOGNITION OF CERTIFICATES OF NATIONAL BOARD.—The state department of health may, with the approval of the Medical Examiners, accept in lieu of the examination prescribed in the preceding section a certificate of examination issued by the national board of medical examiners of the United States of America, but every applicant for a license upon the basis of such certificate shall be required to pay the fee prescribed for licenses issued under reciprocal agreements.

Osteopathy and Surgery

PERSONS ENGAGED IN PRACTICE OF OSTEOPATHY.—For the purpose of this title:

1. The following classes of persons shall be deemed to be engaged in the practice of osteopathy:

a. Persons publicly professing to be osteopaths or publicly professing to assume the duties incident to the practice of osteopathy.

b. Persons who treat human ailments by that system of the healing art which places the chief emphasis on the structural integrity of the body mechanism as being the most important factor for maintaining the organism in health.

2. The following classes of persons shall be deemed to be engaged in the practice of osteopathy and surgery:

a. Persons publicly professing to be osteopaths and surgeons or publicly professing to assume the duties incident to the practice of osteopathy and surgery.

b. Persons who treat human ailments by osteopathy and surgery.

PERSONS NOT ENGAGED IN PRACTICE OF OSTEOPATHY.—The preceding section shall not be construed to include the following classes of persons:

1. Licensed physicians and surgeons, podiatrists, nurses, and dentists, who are exclusively engaged in the practice of their respective professions.

2. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to "osteopaths" or "osteopaths and surgeons," licensed in another state, when incidentally called into this state in consultation with an "osteopath" or "osteopath and surgeon," licensed in this state.

REQUIREMENTS FOR LICENSE — OSTEOPATHY.—Every applicant for a license to practice osteopathy shall:

1. Present a diploma issued by a college of osteopathy approved by the Osteopathic Examiners.

2. Pass an examination in the science of osteopathy and the practice of the same as prescribed by the Osteopathic Examiners, including minor surgery.

REQUIREMENTS FOR LICENSE — OSTEOPATHY AND SURGERY.—In addition to the requirements of the preceding section, every applicant for a license to practice osteopathy and surgery shall:

1. Present satisfactory evidence that he has completed either:

a. A two-year postgraduate course of nine months each, in an accredited college of osteopathy, involving a thorough and intensive study in the subject of surgery as prescribed by the Osteopathic Examiners, or

b. A one-year postgraduate course of nine months, as prescribed in the preceding paragraph, and, in addition thereto, has completed a one-year course of training as a surgical assistant in a hospital having at least twenty-five beds for patients and equipped for doing major surgical work.

2. Pass an examination as prescribed by the Osteopathic Examiners in the subject of surgery, which shall be of such character as to thoroughly test the qualifications of the applicant as a practitioner of surgery.

PRELIMINARY EDUCATION—EXAMINATION.—The Osteopathic Examiners may, not-

withstanding the presentation of a diploma from an osteopathic college in good standing, subject the applicant to an examination to ascertain whether he has the educational attainments usually possessed by one who has completed the regular course of study in an accredited high school.

REQUIREMENTS FOR APPROVED COLLEGE—No college of osteopathy shall be approved by the Osteopathic Examiners as a college of recognized standing unless said college:

1 Requires for admission to its course of study a preliminary education equal to the requirements for graduation from an accredited high school or other secondary school.

2 Requires for graduation or for the receipt of an osteopathic degree the completion of a course of study covering a period of not less than four school years of nine months each year in actual continuous attendance, of which not more than one school year is completed in any period of twelve months and during which time the following subjects are taught for at least the numbers of hours specified:

Subject	Hours
Anatomy (descriptive, regional, applied surgical, and dissection)	600
Embryology	70
Chemistry (advanced to include organic and physiological chemistry and toxicology)	300
Histology	180
Physiology	300
Pathology	240
Bacteriology	150
Hygiene	60
X-Radiance and electrical diagnosis	36
Hydrotherapy	16
Dietetics	32
Osteopathy	
a. Principles of osteopathy.	
b. Osteopathic technique.	
c. Practice of osteopathy, to include diseases of the nervous system, alimentary tract, heart and vascular system, genito-urinary diseases, ductless glands, metabolism, respiratory tract, bone and joint diseases, corrective gymnastics, acute and infectious diseases, pediatrics, dermatology, syphilis, psychiatry, diagnosis (physical, laboratory, and differential), clinical practice and case recording	1,466
Minor surgery with emphasis on fractures, dislocations, principles of surgery, surgical diagnosis, orthopedics, official and chemical	400
Eye, ear, nose and throat	180
Gynecology	160
Obstetrics	200
Professional ethics and efficiency	16
Jurisprudence	16
Total	4,422

The number of hours herein prescribed for the study of any subject may be reduced not more than thirty per cent., but the total number of hours prescribed shall not be reduced.

2 Publishes in a regularly issued catalogue the requirements for admission, graduation, and degrees as herein specified.

DRUGS AND OPERATIVE SURGERY PROHIBITED—A license to practice "osteopathy" or "osteopathy and surgery" shall not authorize the licensee to prescribe or give internal curative medicines and a license to practice "osteopathy" shall not authorize the licensee to engage in major operative surgery.

Chiropractic

CHIROPRACTIC DEFINED—For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of chiropractic:

1. Persons publicly professing to be chiropractors or publicly professing to assume the duties incident to the practice of chiropractic.

2. Persons who treat human ailments by the adjustment by hand of the articulations of the spine or by other incidental adjustments.

PERSONS NOT ENGAGED IN PRACTICE OF CHIROPRACTIC—The preceding section shall not be construed to include the following classes of persons:

1. Licensed physicians and surgeons, licensed "osteopaths," and licensed "osteopaths and surgeons" who are exclusively engaged in the practice of their respective professions.

2. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to chiropractors licensed in another state, when incidentally called into this state in consultation with a chiropractor licensed in this state.

3. Students of chiropractic who have entered upon a regular course of study in a chiropractic college approved by the Chiropractic Examiners, who practice chiropractic under the direction of a licensed chiropractor and in accordance with the rules of said examiners.

REQUIREMENTS FOR LICENSE—Every applicant for a license to practice chiropractic shall:

1 Present satisfactory evidence that he possesses a preliminary education equal to the requirements for graduation from an accredited high school or other secondary school.

2. Present a diploma issued by a college of chiropractic approved by the Chiropractic Examiners.

3 Pass an examination prescribed by the Chiropractic Examiners in the subjects of anatomy, physiology, symptomatology and diagnosis, hygiene and sanitation, chemistry, histology, pathology, and principles and practice of chiropractic, including a clinical demonstration of vertebral palpation, nerve tracing and adjusting.

REQUIREMENTS FOR APPROVED COLLEGE—No college of chiropractic shall be approved by the Chiropractic Examiners as a college of recognized standing unless said college:

1. Requires for graduation or for the receipt of any chiropractic degree the completion of a course of study covering a period of not less than three school years of six months each year in actual continuous attendance.

2 Gives an adequate course of study in the subjects enumerated in paragraph three of the preceding section, and including practical clinical instruction.

3 Publishes in a regularly issued catalogue the requirements for graduation and degrees as herein specified.

OPERATIVE SURGERY — DRUGS — OSTEOPATHY—A license to practice chiropractic shall not authorize the licensee to practice operative surgery, osteopathy, nor administer or prescribe any drug or medicine included in materia medica.

SIGNS—DISPLAY OF WORD "CHIROPRACTOR"—Every licensee shall place upon all signs used by him, and display prominently in his office the word "chiropractor."

[The rules and requirements pertaining to the practice of dentistry, dental hygiene, nursing, optometry, podiatry, pharmacy and embalming are omitted.]

COURT DECISIONS

Chiropody Not Practice of Medicine—Use of "Dr."

(*State v. Armstrong (Idaho)*, 225 Pac. R. 491)

The Supreme Court of Idaho, in reversing a judgment of conviction of the defendant of having unlawfully operated and prescribed for a disease, injury and deformity for a fee, says that it cannot agree with the contention that the chiropractor practices medicine and surgery. Chiropody has long been recognized as an independent calling. It is a well known fact, of which the court will take judicial notice, that physicians and surgeons do not, and will not, do the ordinary work of the chiropractor. Under a reasonable interpretation, chiropody does not involve the practice of medicine or of surgery, either major or minor. To require a chiropractor to obtain the education and license of a physician and surgeon, an osteopath or a chiropractor is not a reasonable regulation, and is utterly unnecessary for the protection of the public. So far as the Idaho statute of 1923 relative to the practice of the healing art affects the practice of chiropody, the act is unconstitutional and void. But nothing that the court has said must be taken to mean that the act is void, generally speaking. So far as it affects the branches of the healing art licensed by the statutes, and all callings or practices sufficiently related to fall within them, it is valid.

On petition for rehearing, the court explains that it did not intend to give the impression that chiropractors could practice orthopedic surgery or treat diseases of the feet. The court decided that certain of the acts committed by the defendant, namely, removing corns and callouses, constituted the practice of chiropody within its generally accepted definition. This the court regarded as so well established that it could take judicial notice of it. As to the treatment of Morton toe, another of the acts charged, the court was not prepared to say that it fell within the scope of chiropody. Nor, on the other hand, was it prepared to say, as a matter of judicial knowledge, that it constituted the practice of medicine and surgery. Further evidence was required to answer that question, and the case was remanded for a new trial on that issue. To the removal of corns and callouses as constituting the practice of chiropody not inhibited by the statute may be added the treatment of the nails ordinarily practiced by chiropractors, but the court does not think it possible to go any further at present in laying down a general definition or rule.

The stipulated facts that the defendant had on the entrance door of her office the printed letters, "Dr. Armstrong, Chiropodist," and caused to be inserted in two newspapers printed matter describing her by the prefix "Dr.," and stating that she was engaged in the practice of chiropody and electrolysis, the court does not consider sufficient to establish a violation of the statute, it not being the intent of the statute to make the use of the word "doctor" unlawful, unless it is done in such a way as to imply that the person is a licensed practitioner of one of the learned branches of the healing art—*Jour. A. M. A.*

Cults Not Discriminated Against—Proof of License

(*Jackson v State (Ala.)*, 99 So R 826)

The Court of Appeals of Alabama, in affirming the judgment from which an appeal was taken by defendant Jackson, who was convicted of treating diseases of human beings without a license, says that the evidence was without conflict that he had engaged in the practice of a chiropractor without having obtained a certificate of qualification from the state board of medical examiners. Under the law of Alabama any person who treats, or offers to treat, diseases of human beings, by any system of treatment whatever, must obtain a certificate of qualification so to do from the state board of medical examiners, and the treating or offering to treat diseases of human beings without having obtained a certificate of qualification from the board is a misdemeanor (Acts 1915, p. 661), and this applies to the chiropractor as well as to any one who treats, or offers to treat, diseases of human beings by any system of treatment. In other words, under the present law the privilege of engaging in the calling or profession of treating, or offering to treat, diseases of human beings by any system whatever is denied to all persons who have not obtained the required certificate or qualification from the board.

This statute is not unconstitutional, as was insisted by the appellant. It is a valid exercise of the police powers, and has as its purpose the protection of the public; and is not discriminatory, as the authority of the state board of medical examiners to issue certificates of qualification is not limited to those who desire to enter the profession as homeopathic physicians, but extends to all schools or systems of treatment. Therefore the chiropractor is not excluded or discriminated against, under the provisions of this statute, for he has the same right to apply to the board for the required certificate of qualification as has the osteopath or homeopath, and, if the necessary certificate of qualification is awarded him, there is nothing in the law that denies him the right to pursue his method, known as the chiropractic system of treatment. As has well been said, this law is designed to protect the public from the ignorant and the incompetent; and as stated, since there is no discrimination in this law against the school of practice indulged by the appellant, there is no reason why he, or his class, should be excepted from the operation thereof.—*Jour. A. M. A.*

Affidavits Not Conclusive on Medical Board

(*State ex rel Copeland v State Medical Board et al. (Ohio)*, 140 N. E R 660)

The Supreme Court of Ohio, in dismissing the relator's petition and rendering judgment for the defendants, says that this was an action in mandamus to compel the state medical board to issue to the relator a license to practice certain limited branches of medicine and surgery, with-

out submitting to an examination before the board. The petition alleged that the relator was engaged in the practice within the state of chiropractic and mechanotherapy for a period of five years continuously prior to Oct. 1, 1915, and during all that time received compensation for his services so performed; that he had filed with the board his affidavit and the affidavits of five other Ohio citizens, alleging such practice, and requested a license, at the same time tendering the statutory fee, but that the board had illegally refused to issue to him such license. It was contended that by virtue of the Ohio statute the mere filing of the affidavit alleging five years' continuous practice prior to Oct. 1, 1915, made it mandatory on the state medical board to issue the license. But there must be the preliminary existing fact of such person having practiced as required, and there must also exist the subsequent compliance with the requirement of filing an affidavit with the board, thereby bringing the matter properly before it; and it is the opinion of this court that the mere filing of the affidavit is not to be taken as full proof of the preliminary fact.

The entire matter of issuing licenses is placed within the jurisdiction of the state medical board, and no other public official or board has any control over the issuing of such licenses, except that a review is provided by proper appeal from certain orders made by the board. If any determination of facts is necessary to be made, it must necessarily be made by the state medical board, and for this purpose the board must be held to have such implied powers as are necessary to carry into effect the express powers and duties enjoined on it by the statute. Before any person is entitled to a license without examination, he must have been actually engaged in the practice for a period of five years, and it cannot be said that there is a clear legal duty on the part of the board to issue a license on the mere filing of affidavits, when facts of a contrary ten have been brought directly to the attention of the board by the applicant himself, and when, in its opinion, the supporting affidavits are at best only legal conclusions, and therefore without probative force or effect.

It must be borne in mind that the state medical board has a most important function imposed on it—that of safeguarding the public against the ministrations of those who are not qualified by proper training, education and experience to minister to the wants of those who are afflicted by functional or organic diseases or are the unfortunate victims of accident. The board has an important duty to discharge, and that duty was none the less important because in the instant case the applicant sought only a certificate for the limited practice of medicine and surgery. However limited it might be, it was nevertheless the practice of medicine and surgery. Under the one construction the statute serves a useful purpose, while under the other it becomes a mere form and a source of infinite danger to the afflicted. The public has the right to be protected from the ministrations of incompetent and inexperienced persons who have not had the experience prescribed by the statute; and it is absurd to say that a clear legal duty is imposed on the state board to issue the license, notwithstanding previous statements of the applicant to the board which show that the affidavit he makes is untrue, or where other information coming to the attention of the board causes the board in good faith to believe that the applicant has not "actually" been engaged "continuously" in such practice for the period of time required.

The answer filed in this case by the state medical board put in issue the material averments of the petition and raised an issue of fact. The burden was on the relator to maintain affirmatively the issue thus made. But no competent evidence was offered on the part of the relator, and therefore the burden was not sustained by him. Affidavits attached to a petition and by proper averments made a part thereof may not properly be considered as evidence, and do not tend to support the petition or

sustain the burden of proof on an issue joined by an answer.—*Jour. A. M. A.*, March 8, 1924, p. 818.

Powers of Medical Board Not Changed

(*Meeher et al v Scudder et al (Ohio)*, 140 N. E. R 627)

The Supreme Court of Ohio, in affirming a judgment of the court of appeals that affirmed a judgment of the court of common pleas of Hamilton County denying the plaintiffs an injunction restraining the defendants from administering the Ohio Medical Act under the Administrative Act of 1921, says that it was urged that, by virtue of the provisions of the latter act, the prior powers of the state medical board are now vested solely in the department of education. But it is impossible to draw from the language of the act relied on to sustain that contention any purpose to cut down the previous power of the medical board, for it appears that the department of education, which is the department to which the state medical board is now attached under the administrative act, has merely the power or duty "to recommend" standards, methods, etc. It is not obligatory on the state medical board to follow such recommendations. The provision that "the following boards and committees shall be attached to the department of education" (one of them being the state medical board) seems decisive of the proposition that there was no purpose in the reorganization (administrative) act in any wise to lessen or impair the powers theretofore vested in the medical board. Moreover, following that provision, this language appears: "Such boards and their officers shall continue to exercise their functions as heretofore." It would be almost an insult to human intelligence to say that this language means anything else than just exactly what it says. The old statutes furnished the measure of the power of the various boards and were in no wise changed.

The supreme court finds nothing in the administrative act in any wise finally modifying or substantially changing the powers of the Ohio state medical board as they existed prior to the administrative act or code. It finds nothing in the administrative act, touching the Ohio state medical board, which in any wise raises a debatable constitutional question.

The defendants insisted that an action in equity was not maintainable. Obviously, an action in equity cannot lie so long as there is adequate remedy at law. The statutes of Ohio touching the powers of the Ohio state medical board with regard to examinations have been involved in numerous adjudications, and this court has upheld the right of a hearing before the board, and of appeal to the courts for any wrongful act done to any applicant for examination or to any practitioner of chiropractic. There being a full and adequate remedy at law, there is no right to an action in equity by way of injunction. Again, it was urged by the defendants that, even if this were a proper action in equity, such action from its very nature and purpose could not be brought as a class suit. It is self-evident, under the statutes pertaining both to the preliminary qualifications of a general educational nature, and to the professional qualifications to practice medicine either under the general medical act or the limited medical act, that each applicant must stand on his own qualifications, dependent solely on the facts and circumstances of his own case. The supreme court finds under the record that the plaintiffs had not capacity to sue in the relation that they had assumed; that this was not properly and legally a class suit; and that the petition as such was rightfully dismissed.

The defendants further complained that this suit was not lawfully brought in Hamilton County. It is hardly necessary to observe that these

public officers against whom suit was brought in their official relation officially resided in Franklin County; and that their official duties were administered from that office; and that Franklin County was the proper county, under the record in this case, in which to bring such suit. In other words, under Section 11271 of the General Code of Ohio, actions against the Ohio state medical board and other public officers having their official places of business in Franklin County, and in no other county, can be instituted only in Franklin County.—*Jour. A. M. A.*, March 15, 1924, p. 916.

Terms "Practice" and "Actual Practice" Construed

(*People ex rel Gillespie v La Barre et al (Calif)*, 224 Pac R 750)

The Supreme Court of California, in holding ineligible five members of the state board of chiropractic examiners appointed under the initiative act of 1922, says that it was admitted that none of them was ever the holder of a license or certificate issued by the state medical board to practice, either as a physician and surgeon, or as a drugless practitioner, but that all treatments administered by them or either of them for the period of three years before the act went into effect were administered without authority of law and in violation of law. The court does not think that their appointment was authorized by the provision of the act that.

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

The word "practice" means, of course, engagement in the treatment or healing of the sick in accordance with the rule that the state in the exercise of the police power has prescribed. It is not necessary to read into the act the word "lawful" or "legal" before the word "practice," in order to justify the conclusion that the act contemplates the holding of a license under the Medical Practice Act as a prerequisite for eligibility on the part of an appointee to membership in the board. Lawfulness is a fixed element which inheres in every statute. It is a fundamental principle of law that a right cannot be founded on a wrong. But, without resorting to rules of statutory construction, it seems clear to the court that the first meaning that the average person would give to the word "practice," as used in an act applying to a practitioner of medicine and surgery, or to others employing any of the methods of treatment recognized by the state, is that such practitioner should possess all of the qualifications required by law, and shall have complied with all rules governing such practice. How is the state to know whether applicants for appointment possess the standard qualifications except by applying its legal test? The act is silent as to any method or procedure by which qualification is to be otherwise determined. This being so indicates that the standard fixed by law must be the only true criterion of qualification.

Likewise, the court holds that the credits to which applicants for licenses under the act are entitled for each year of "actual practice," as provided by the act, are based on lawful or legal practice as prescribed by the Medical Practice Act, which formerly was the only act governing the subject. The phrase "actual practice" is open to but one construction. It is the opposite of casual or occasional or clandestine practice, and carries with it the thought of active, open and notorious engagement in a business, vocation or profession. It is not to be presumed that a person would boldly engage in active and open violations of the law for a period of three years, or that he would be permitted to do so if he so willed.—*Jour. A. M. A.*, 10-11-24, p. 1191

Practicing Without Certificate—Affidavit—Evidence

(*Fason v. State (Ala.)*, 98 So. R. 702)

The Court of Appeals of Alabama says that defendant Fason was prosecuted under Section 7564, Code of 1907, which provides that "any person who treats or offers to treat diseases of human beings in this state by any system of treatment whatsoever, without having obtained a certificate of qualification from the state board of medical examiners, shall be guilty of a misdemeanor," etc. The statute is not directed against any particular system of treatment, but requires that any person treating or offering to treat diseases of human beings by any system of treatment shall first obtain a certificate of qualification from the state board of medical examiners. This statute has been repeatedly upheld as a valid exercise of the police power of the state. One need not be a "medical" doctor, or one who prescribes drugs or medicines for human diseases, in order to be amenable to this statute against practicing medicine without a license. A certificate of qualification from the state board of medical examiners is required before one may hold oneself out to the public to treat diseases of human beings by any system whatsoever. A person practicing chiropractic must have such certificate; and, failing to obtain it, he is guilty of a violation of the law.

The affidavit in this case charged that the defendant "did treat or offer to treat diseases of human beings in this state by chiropractic system, or some other system, without having first obtained a certificate of qualification from the state board of medical examiners." The affidavit sufficiently charged that the system of treatment used was chiropractic. The affidavit undertook to describe the system of treatment as chiropractic or some other system. It may not be necessary to describe the system of treatment, but it certainly was sufficient to name the system chiropractic. When the alternative "or some other system" was added, these words made the affidavit indefinite and uncertain. While the statute mentions "any system" and the system may not be described, yet when a system is named, and in addition thereto, "or some other system" is averred, it should be named, or the affidavit should aver that it was unknown to the affiant. The affidavit was demurrable for not naming the other system relied on or averring that it was unknown.

The statute under which the defendant was prosecuted makes each treatment a separate offense, and provides that, on conviction, the defendant may be fined for each offense. Each treatment administered without the necessary certificate of qualification constitutes a distinct offense, and the state may be required to elect for which treatment it prosecutes. It may be that evidence of more than one treatment of the same or other persons might be admissible if limited to the purpose of showing the guilty knowledge of the defendant in administering the treatment for which the state elects to prosecute. But this question was not raised in this case, while, in the next sentence, the court says that, if the defendant is charged in the complaint or indictment with practicing medicine without license, evidence of all his treatments of patients as a practitioner of medicine would be admissible.

It was not competent to show that the defendant was paid for the treatment, unless this was shown to be part of the *res gestae* (essential circumstances) of the treatment.

A witness testified that he was not sick, but had a pain in the neck at the time he went to the defendant for treatment. A treatment for "pain in the neck," or any other physical ailment, is within the meaning of the statute.—*Jour. A. M. A.* 7-26-24, p. 298.