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.
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, 1925, 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. Thompson, Prescott, Ariz., and formerly of Smackover, it is reported, pleaded guilty in federal court, Nov. 30, 1924, to violation the Harrison Narcotic Law, and was sentenced to one year and a day in the Fort Leavenworth penitentiary.

Governor Pardons Chiropractor Mayer.—Governor Smith granted a pardon, January 7, to Ernest G. Meyer, chiropractor, 438 Seventy-Seven 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 F. 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. 7, 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 Minnesota 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 legislation 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 found guilty of $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. 10, 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 the 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. 25, 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 secretary 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 421 per cent of its votes in the attempt to put this measure across; 45 per cent of the votes in Lincoln County favored it, and 27.8 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-Blocklee 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 cutists, sectors, 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 Somervile, 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. Dr. J. C. Falvey, in seeking 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 on 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.

Plains 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. The medical school, the Presbyterian 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 766 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 passed 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 $300,000, pledged during 1922 and 1923, permitted an increase in the faculty, but funds are not available for the construction of suitable buildings.
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. Brioso 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. Kuneman, unlicensed chiropractor, sentenced to 30 days in jail for practicing without a license.

Louis W. Wener, Red Bank, an advertising "foot corrector and orthopedic specialist," convicted of practicing medicine without a license.

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

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

E. P. Eerl, whose license to practice was revoked by the board in 1923, pleaded guilty to a second charge of practicing without a license, Oct. 24, 1924, and failing to renew his license within the required time, was sentenced to 12 months in the State Penitentiary with the loss of $250, Oct. 31, 1924, for practicing medicine without a license.

Joseph Gorga, Hoboken, was fined $300, Oct. 31, 1924, for practicing medicine without a license.

E. J. Har, unlicensed chiropractor, Palmyra, was fined $300, Oct. 31, 1924, for practicing without a license.

Pedro M. W. was fined $200, Nov. 18, 1924, for practicing midwifery without a license.

The licenses of Leopoldine Rosi, Jersey City, and that of Emily E. Estell, 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 requirements 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, osteopathy, 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. "License" when applied to a physician and surgeon, podiatrist, osteopath, osteopathy and surgery, or chiropractor 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 "osteopath" or "surgeon," a person licensed as an osteopath and surgeon shall be designated as an "osteopath or surgeon," a person licensed as an osteopath and surgeon shall be designated as an "osteopath or surgeon," a person licensed as an osteopath and surgeon shall be designated as an "osteopathic physician," and a person licensed as a chiropractor shall be designated as a "chiropractor."
Licenses

Licenses Required to Practice Certain Professions—No person shall engage in the practice of medicine and surgery, podiatry, chiropractic, optometry, pharmacy, or embalming, as defined in the preceding section of this chapter, any such person shall first have obtained from the state department of health a license to practice the profession in question, and such license shall be renewed annually upon application. The annual fees for each year shall be set by the board as provided in section 2476. Any application for a license shall be made on forms approved by the secretary in the same manner as regular applications.

Examinations

Examination Boards—For the purpose of giving examinations to applicants for licenses who are required by this title, the governor may appoint boards of examination for such profession, and upon payment of the renewal fees than due.

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 optometry, Optometry Examiners; for pharmacy, Pharmaceutical Examiners, for embalming, Embalmer Examiners.

Composition of Examining Boards—Each examining board shall consist of persons who are members of the board, of which he is a member, conduct examinations and be entitled to practice such profession. An osteopathic examiner shall be a licensed osteopath or an osteopath and surgeon, and an optometrist examiner shall be a licensed optometrist.

Active Practitioner Requirements for Examiners—Each examiner shall be actively engaged in the practice of his profession and shall have been so engaged in the state for a period of five years prior to his appointment.

Special Qualifications for Medical Examiners—In order to be eligible for the examination and to be considered for the appointment, each examiner shall be a graduate of some reputable school of medicine and not more than one such examiner shall belong to the same school of medicine in the state.

Disqualifications—No examiner shall be an officer or member of the instructional staff of any school in which the examination is held or in which the regular supplies for the department are purchased, nor shall any person who was connected to the state university, shall be considered for appointment as an examiner for any such examinations. The examining board shall be composed of persons who are members of the board, of which he is a member, conduct examinations and be entitled to practice such profession. An osteopathic examiner shall be a licensed osteopath or an osteopath and surgeon, and an optometrist examiner shall be a licensed optometrist.

Term of Examiners—The members of each examining board shall be appointed for a term of five years. The term of each examiner shall commence on July first in the year of the appointment and the terms of the members of each such board shall be rotated so that one examiner shall retire each year.

Nomination of Examiners by State Associations—Examiners shall be appointed by the governor after consultation with the regular national association or society of the profession to which such board conduct examinations for licensing.

Representative at National Meeting—The board shall be represented at the annual meeting of the regular national association or society of the profession to which such board conduct examinations for licensing.

Annual Meeting of the National Organization—The organization shall hold an annual meeting of the state examining boards for such profession.

The members so selected shall receive their necessary expenses for attending the 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.

Fees for Examinations—Each examination shall be $10.00 payable by the candidate at the time of application.

Notice of Time and Place of Examination—The notice of time and place of examination shall be held under this title. Such notice shall be given to each candidate as the department may deem expedient and in ample time to allow all candidates to comply with the provisions of this title.
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nation and perform such other duties as the examiner deems necessary. All examinees may direct the personnel of such clerk to perform his necessary railroad and hotel expenses, which shall be paid from the appropriations made for that purpose. In the event in which other similar expenses are paid by any other source, such expenses shall be deducted from the fee of the examining board. Under such an arrangement, the examining board shall be relieved of the necessity of keeping a record of such expenses.

Reciprocal Licenses

Reciprocal Agreements—For the purpose of recognizing licenses which have been granted by any other state or territory, the examining board shall enter into a reciprocal agreement with every state with which the board desires to do business, under which the examining board shall certify the names of all persons who have been licensed by the board of health of that state, provided such licenses shall be issued by the proper examining board and shall be in accordance with the rules of the examining board of the state of residence of the applicant.

Rules Relative to Reciprocal Relations—The examining board shall enter into reciprocal agreements with the departments of health of such states with which the board desires to do business, provided such agreements shall be in accordance with the rules of the examining board of the state of residence of the applicant and shall be in accordance with the rules of the examining board of the state of residence of the applicant.

Rules Relative to Examinations

1. The examination of candidates.

2. The grid of examinations and passing of examinations on the part of applicants, as shown by such examinations.

3. Examination in Theory—All examinations shall be in writing, and the identity of the person taking the examination shall be shown on the examination papers in such a way as to enable the examining board to identify the examination. In case it be necessary to examine more than one candidate, the examination shall be conducted by a member of the board for the purpose of examining the candidates.

4. Examination in Practice—Two members of each board, except the dental board, shall conduct examinations for such examinations as are necessary to qualify for the office of the state. In the case of the examining boards a teacher shall also be employed to examine the candidates.

5. Clerk of Examination—All examinees shall be examined by a member of such board, except the dental board, who shall have charge of the candidates during the examination. He shall perform such duties as are necessary to carry out the provisions of this section.

6. Certification—Every examination shall be passed by the examining board and shall be satisfactory to at least a majority of the members of such board. In the event in which the examining board shall certify the names of all persons who are qualified to practice in the state department of health of the state in which the examining board is located, the examining board shall certify the names of all persons who have been licensed by the board of health of that state, provided such licenses shall be issued by the proper examining board and shall be in accordance with the rules of the examining board of the state of residence of the applicant.

7. Special Examinations—Any examining board may give a partial examination for a license to practice to any applicant who has completed a portion of the professional course and shall establish by such partial examination a license to practice.

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

9. The subjects to be covered by such examination and the subjects to be covered by the examination in theory to be covered by any such applicant for a certificate of qualification in the professional course and prior to the examination in practice, as recommended in the partial and final examinations shall be established by the examining board, and shall be in accordance with the rules for the regular examination.
Revolutions—Crimes—Punishment

Revocation of Licenses

Grades for Revocation of License

A license to practice a profession shall be revoked or suspended when the license is guilty of or is a party to the following acts or offenses:

1. Fraud in procuring his license.
2. Incompetence in the practice of his profession.
3. Immoral, unprofessional, or dishonorable conduct.
4. Habitual intoxication or addiction to the use of stimulants or narcotics.
5. Conviction for an offense involving turpitude.
6. Fraud in representations as to skill or ability.
7. Use of unlawful 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 or the title on "Public Health," or the rules of the state department of health.
10. Conduct of practice while knowingly having an infectious or contagious disease.

Unprofessional Conduct Defined

For the purposes of the preceding section "unprofessional conduct" shall consist of any of the following acts:

1. Solicitation of patients by agents or persons popularly known as "agents" or "patrons," or by producing the benefits of the services of such persons to be agents of the licensees.

2. Reckless disregard of the assurance that a dangerous disease can be permanently cured.

3. Acceptance of a fee for service as a witness or without the knowledge of the maker of the note.

4. Deposition of fees or agreeing to split or divide the fees received by a professional person with any person for bringing or retaining a patient or an agent to treat a patient.

5. Reasonable supervision of any medicine or means whereby the monthly periods of women may be regulated or the menstruation regulated.

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 Hygienists and Dental Assistants—The practice of dentistry by a dental hygienist or dental assistant shall also be grounds for revocation of the license, and the permitting of such practice by a person under whom supervision said dental hygienist is operating shall be grounds for revoking the license of such dental assistant.

Petition for Revocation of License

The petition for the revocation or suspension of a license may be

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

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

Duty of Department of Health

The attorney general shall cause the appropriate action to be taken in all cases which the health department of the state shall direct the attorney general to file such petition against any person upon its own motion, or if it may give such information as the department shall deem necessary to the extent that it shall be necessary to the welfare of the public.

Duty of Attorney General and County Attorney—The attorney general shall comply with such direction of the department and proceed with such action on behalf of the state, and the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in the name of the state.

Trial by Jury—The following rules shall govern the trial of the case:

1. The case shall be tried as a plaintiff.
2. The charges against the defendant 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 amend thereof if he desires.

Procurement and Place of Trial—Upon the presentation of the petition, a copy thereof shall be filed with the court or judge, and he shall proceed in accordance with the rules for the trial of such cases.

Notice to Licensees—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 in the commencement of any ordinary action.

Nature of Action—When Trifling—The proceeding is a judicial proceeding in nature, and may be heard on any day or term from time to time.

Judgment of Revocation or Suspension—Revocation or suspension of the license shall be entered and recorded in the manner provided for the revocation of a license, and the license shall not be engaged in the practice of his profession after his license is revoked or suspended.

In all cases in which the license has been suspended, the court shall enter, upon the entry of such judgment, forthwith furnish the state department of health with a certified copy thereof.

Penalty for License to Practice

In all cases in which the license is revoked or suspended, the attorney general shall lose his license and be disbarred from the practice of any profession for which such license is revoked or suspended.

Costs—If the judgment is adverse to the licensee, the costs shall be taxed to him, and the costs shall be taxed to the successful party, and such costs shall be paid out of any money in the state treasury not otherwise appropriated.

Unpaid Costs—All costs accruing at the expiration of the time allowed for the payment of the costs, which the attorney general certifies to the attorney general, 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 in its sound discretion, and for the public good, order the matter submitted to a jury or before a judge for trial.

Entry of Judgment—The taking of an appeal by the defendant and the filing of a superseding bond shall operate to stay proceedings in the court below during such appeal.

Use of Titles and Degrees

Professional Titles and Abbreviations—Nothing in any law, rule, or regulation of this state shall be deemed to authorize any person licensed to practice a profession under this law to add to his name any recognized title or abbreviation, which is not permitted by law to be used, to designate his particular profession, but no other person shall attach to his name any such title or abbreviation, and no license shall authorize the use of such a name to the public as to allow the person to hold himself out as a practitioner of the profession of medicine, or any other profession, that he is so licensed to practice.

Titles Used by Holder of Degree—Nothing in the preceding section shall be construed to prevent any person licensed to practice a profession under this law to add to his name any recognized title or abbreviation, if such title or abbreviation is granted by a recognized state or national accrediting agency.

Renewal of License—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 under a reciprocal agreement, twenty dollars.

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

5. For the renewal of a license to practice any of the professions enumerated in the preceding paragraph, ten dollars.

6. For a license to practice dentistry, pharmacy, and optometry, issued upon the basis of an examination given by an examining board, ten dollars.

7. For a license to practice any of the professions enumerated in the preceding paragraph, twenty dollars.

8. For a license to practice as a pharmacist, physician and surgeon, or osteopathic physician and surgeon, under a reciprocal agreement, fifty dollars.

9. For a certified statement that a license is licensed in this state, one dollar.

10. For an examination to determine whether or not a person has the educational qualifications of a high school graduate, five dollars.

11. For second Examination—Any applicant for a license who fails in his examination shall be entitled to a second examination without further fee for a period of one year after the first examination.

Fees Paid into State Treasury—All fees collected for the licenses issued in this chapter shall be paid into the state treasury.

Violations—Crimes—Punishment

Licensure—Examination—Renewal—Fees

Any person engaging in any business or practice in any of the professions for which such license is required shall be held guilty of a crime and such license may be revoked by recommendation of the proper authority.

 Forgery in Procuring Licenses—Any person who shall file or attempt to file with the state department of health a false or forged diploma, certificate or
Enforcement Provisions

Enforcement.—The state department of health shall enforce the provisions of this and the following chapters of this code and for that purpose shall make necessary in vestigations relative thereto. Every person and member of an examining body shall furnish the department such evidence as he may have relative to any alleged violations which are being investigated.

Exemptions

Exemptions.—The following persons are exempt from the provisions of this chapter:

1. Persons who have completed the requirements for a valid license.

2. Persons who have been granted a valid license by another state, provided they meet the requirements of this chapter.

3. Persons who have completed the requirements for a valid license in another country, provided they meet the requirements of this chapter.

4. Persons who have completed the requirements for a valid license in another province, provided they meet the requirements of this chapter.

5. Persons who have completed the requirements for a valid license in another state, provided they meet the requirements of this chapter.

6. Persons who have completed the requirements for a valid license in another country, provided they meet the requirements of this chapter.

7. Persons who have completed the requirements for a valid license in another province, provided they meet the requirements of this chapter.

8. Persons who have completed the requirements for a valid license in another state, provided they meet the requirements of this chapter.
nitholding the presentation of a diploma from an osteopathic college in good standing as evidence of graduation and admission to the practice of osteopathy without 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 school.

Requirements for Approved College

No college of osteopathy shall be approved by the Board of Examiners for practitioners as a college of recognized standing unless said college:

1. Shall require for graduation or for the re-examination of any osteopathic degree a period of postgraduate study and attendance amounting to not less than three years.

2. Shall offer an adequate course of study in the subjects enumerated in paragraph three of the preceding section, and include practical instruction in osteopathic surgery.

Drug and Operative Stones

—A license to practice "osteopathy" or "osteopathic surgery" shall not authorize the person to practice "osteopathy" to practice "osteopathic surgery" shall not authorize the person to

COURT DECISIONS

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

(State v. Armstrong (Idaho), 133 Pac. 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 chiropodist practices medicine and surgery. Chiropody has long been recognized as an independent calling. It is a well known fact which the court may take judicial notice of, that physicians and surgeons do not, and will not, do the ordinary work of the chiropodist. Under a reasonable interpretation, chiropody does not involve the practice of medicine, whether major or minor. To require a chiropodist 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 already recognized 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 chiropodists 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's 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 chiropodists, but the court does not think it possible to go any further at present in laying down a general definition or rule.

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

OPERATIVE SURGERY—DENTAL—OSTEOPATHY—A license to practice chiropractic shall not authorize the licensee to practice operative surgery or to prescribe any drug or medicine in dental or materia medica.

Signs—Display of Word "Chiroprac tion"—Every licensee shall place upon all signs using his name, clearly and prominently in his office, the word "chiropractor."
The stipulated facts that the defendant had on the entrance door of her office the printed letters, "Dr. Armstrong, Chiropractor," 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 chiropractic and electrotherapy, 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 was 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 (Act of 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 whatever, under the present law. The applicant, by 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 left 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 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. B R 669)

The Supreme Court of Ohio, in dismissing the relator's petition and rendering judgment in favor of 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, without submitting to an examination before the board. The petition alleged that the relator was engaged in the practice within the state of chiropractic and nature's therapeutics, and that he had continuously practiced in Ohio from May 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 that time. The court held 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 affidavits alleging five years of practice prior to Oct. 1, 1915, made it the duty of the state medical board to issue the license. But there must be the preliminary 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 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, therefore, he alleged 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 before the board. The opinion of the board by the applicant himself, and when, in its opinion, the supporting affidavits are at least 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 not 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, and the construction of the statute so makes it a useful and valid one; 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 the same 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. The averments attached to the petition and by proper averments made a part thereof must not properly be considered as evidence, and do not tend to support the petition or
Powers of Medical Board Not Changed

(Meekin v. Swedler et al. (Ohio), 140 N. E. 2d 222)

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 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 assumed 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 an adequate remedy at law. The statutes of Ohio touching the powers of the Ohio state medical board with regard to examinations which 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 nature and purpose could not be brought against the defendants in this action. 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 no capacity to sue in the relation that they had assumed; that this was not a proper and timely 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 were entitled to be sued 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. Guiseppi v. LaBarre et al. (Oueh.), 124 Pac. R. 159)

The Supreme Court of Ohio, 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 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 Ohio for a period of three years previous to the date upon which this act takes effect, thereafter applicants shall be insecure 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 its power has prescribed. It is nowhere to be found 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 this 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 hold 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., March 15, 1924, p. 916.
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.