

## A BILL

## FOR AN ACT TO REGULATE THE PRACTICE OF MEDICINE, SURGERY, AND OBSTETRICS, AND TO PUNISH OFFENDERS.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That from and after  
2 the                    day of                    A. D. 188     , it shall be unlawful for any person to prac-  
3 tice medicine, surgery, and obstetrics, in any of their respective departments, until he shall have  
4 first complied with the requirements of this act, and shall have obtained a certificate of  
5 qualification as herein provided.

SEC. 2. If a graduate of any chartered school, college, or university, he shall make appli-  
2 cation in writing to the state board of health, if the same be established by law, and if not,  
3 then to a board of examiners herein provided, for the certificate required by this act. Said  
4 application shall be accompanied by the diploma of the institution from which the applicant  
5 graduated, together with his affidavit that he is the lawful holder of said diploma, that he  
6 is the person named therein, that he is the graduate from the institution from which the di-  
7 ploma purports to issue, and that said institution is regularly chartered; said affidavit must  
8 be made before some officer authorized to administer oaths, and shall be attested under the  
9 hand and official seal of said officer, if he have a seal. The affidavit shall not be conclusive  
10 evidence of the truth of the facts therein set forth, but said board may require and take  
11 other testimony to satisfy them of the truth thereof. The application, diploma, and affidavit  
12 may be presented to said board by the applicant in person, by letter, or by proxy, but the  
13 board may require the applicant to appear personally before them. If the diploma is found  
14 by the majority of said board to be genuine and to be issued by a chartered medical school,  
15 college, or university; if the person named therein be found to be the person making the  
16 application for a certificate as herein provided; and if the applicant be found to be the law-  
17 ful holder of the diploma, the said board shall immediately issue a certificate, under its seal  
18 and signed by its president and secretary, setting forth the above facts, and also that the  
19 person to whom the same is issued has complied with the provisions of this act, and is enti-  
20 tled to practice medicine, surgery, and obstetrics, in any of their respective departments,

21 within this state. Said diploma and certificate shall then be surrendered to said applicant,  
 22 provided he shall have paid all fees herein required.

SEC. 3. Any person not a graduate of some chartered school, college or university, but  
 2 who has been reputably engaged in the practice of medicine, surgery and obstetrics for a  
 3 period of five successive years immediately preceding his application, may make application  
 4 in writing to said board for a certificate herein provided. Said application must be accompa-  
 5 nied by the affidavit of the applicant, made, signed and attested, as provided in section two,  
 6 in which he shall set forth the time and place, or places, in which he has been reputably en-  
 7 gaged in the practice of medicine, surgery and obstetrics; the affidavit shall not be conclu-  
 8 sive evidence of the truth of the facts therein, but said board may require and take other  
 9 testimony relative thereto. If a majority of the board shall find the facts stated in the affi-  
 10 davit to be true, the applicant shall then appear before said board, at a reasonable and con-  
 11 venient time to be fixed by it, of which he shall have due notice, and submit himself to an  
 12 examination touching his qualifications to practice medicine, surgery and obstetrics in all  
 13 their respective departments, and if, after a thorough examination, a majority of said board  
 14 shall be satisfied that said applicant possesses the requisite knowledge and skill for the prac-  
 15 tice of medicine, surgery and obstetrics, in their respective departments, they shall then,  
 16 upon the payment by the applicant of the fees herein provided, issue to him a certificate un-  
 17 der its seal and signed by its president and secretary, stating the above facts, and that the  
 18 party named in the certificate is entitled to practice medicine, surgery and obstetrics, in their  
 19 respective departments, within this state.

SEC. 4. Every person holding a certificate as herein provided shall, before he begins to  
 2 practice thereunder, cause the same to be recorded in the office of the clerk of the district  
 3 court in the county in which he resides or practices, and have the record, with the date  
 4 thereof, indorsed on the certificate; and any person removing to another county to practice,  
 5 shall in like manner have his certificate recorded in the county to which he removes, and  
 6 the certificate, when recorded as aforesaid, shall be evidence of the right of the party named  
 7 therein to practice medicine, surgery and obstetrics in this state. The said clerk shall pro-  
 8 vide and keep a book for that purpose, and shall record therein all certificates presented to  
 9 him for record, upon the payment of the fees now provided for recording deeds.

SEC. 5. Medical students of three years' close study may practice medicine, surgery and  
 2 obstetrics in connection with and under the supervision of their preceptors, who are practi-  
 3 tioners under this act: *provided*, that said preceptors shall be legally liable for all damage  
 4 arising from mal-practice of such student while so engaged.

SEC. 6. Nothing in this act shall be construed as a prohibition of gratuitous services in

2 cases of emergency; nor shall this act apply to commissioned surgeons of the United States  
3 army or navy.

SEC. 7. The said board may, upon written charges of unprofessional or dishonorable con-  
2 duct preferred against the holder of any certificate issued under this act, and on giving to  
3 the party against whom the charges are preferred sixty days' notice, with a copy of the  
4 charges, proceed to investigate and determine the truth or falsity of the same. The charges  
5 shall be verified by the party preferring them or by some other party who swears to the  
6 truth of the same. The party charged and the party preferring the charges shall have power  
7 to take testimony upon notice as is now provided by law for taking evidence in cases pending  
8 in court, and the board shall have power to examine witnesses under oath, produced before  
9 it. If the charges, or any of them, are established to the satisfaction of a majority of the  
10 board, it shall then have power to revoke the certificate issued, and the party shall not there-  
11 after be entitled to practice medicine, surgery and obstetrics within this state: *provided, how-*  
12 *ever,* that the party charged shall have the right to appeal from the decision and action of the  
13 board, within six months next thereafter, to the circuit court of the county in which he  
14 resides, but the revocation of his certificate shall be in full force pending the appeal. All  
15 papers, depositions and proceedings shall be, immediately on taking the appeal, certified up  
16 to said court by said board, and may be used in the trial of said appeal, but either party may  
17 produce additional evidence.

SEC. 8. Applicants for certificates under section 2 shall inclose with their application a  
2 fee of \$1.00, and applicants for certificates under section 3 shall inclose with their applica-  
3 tion a fee of \$21.00. All fees shall be applied to the expenses of the board and the compensa-  
4 tion of the members thereof.

SEC. 9. If no state board of health be established on or before the                    day of  
2 A. D. 1880, a board of examiners shall be appointed by the governor within 30 days from the  
3 said                    day of                    A. D. 1880, and the governor shall appoint a board of exam-  
4 iners every four years thereafter. The board of examiners shall consist of seven members  
5 who shall, unless a state board of health be established, hold their office for four years, and  
6 until their successors are appointed. The examiners first appointed shall be physicians who  
7 are regular graduates of some chartered medical school, college, or university; all subsequent  
8 appointments of examiners shall be made from those who hold a certificate as required by  
9 sections two and three of this act. Vacancies in the board are to be filled by the governor  
10 within 60 days. The board shall organize within three months from the                    day of  
11                    A. D. 1880; a majority of said board shall constitute a quorum; they shall elect  
12 a president from their number who shall be entitled to a vote on all questions; they shall ap-

