

House File 259.

MR. BARNES, from the Committee on Medicine and Surgery, submitted the following report:

MR. SPEAKER:

Your Committee on Medicine and Surgery, to whom was referred house file No. 259, a bill for an act to regulate the practice of medicine and surgery in the state of Iowa, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the house with the recommendation that it be amended by striking out the word "five," in eighth line of section one, and inserting the word "three," and by striking out the word "twelve," in sixth line of section two, and inserting the word "ten," and by striking out the word "five," in ninth line of section two, and inserting the word "three," and by striking out the word "twelve," in fifth line of section five, and inserting the word "ten," and by striking out the word "five," in fourth line of section seven, and inserting the word "four," and by striking out the word "twelve," in eighth line of section eight, and inserting "ten," and that being so amended that it do pass.

THOS. H. BARNES, *Chairman.*

Ordered passed on file.

The undersigned, appointed at the last meeting of the State Medical Society, to draft a bill for presentation to the approaching general assembly, creating a state board of health, believe they will but imperfectly meet the wants of an intelligent public without also taking some action looking to the regulation of the practice of medicine throughout the state. We think the time has come for the strong arm of the law to interfere for the protection of the lives and health of our citizens from ignorance and fraud.

The accompanying draft of a bill for this purpose is placed in your hands, with the earnest hope that you will lend it your cordial support, and by your influence render efficient aid in securing its passage during the coming winter.

W. S. ROBERTSON, Muscatine,

G. M. STAPLES, Dubuque,

S. B. THRALL, Ottumwa,

November, 1879.

Committee.

A BILL

FOR AN ACT TO REGULATE THE PRACTICE OF MEDICINE AND SURGERY IN THE
STATE OF IOWA.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That every person
2 practicing medicine and surgery, in any of their departments, shall possess the qualifications
3 required by this act. If a graduate in medicine, he shall present his or her diploma to the
4 state board of health for verification as to its genuineness. If the diploma is found genuine
5 and issued by a medical school in good standing, of which the board shall determine, and the
6 person claiming and presenting the same be the person to whom the diploma was originally
7 granted, then the state board of health shall issue its certificate to that effect, signed by at least
8 five physicians thereof, and such certificate shall be conclusive as to the right of the lawful
9 holder to practice medicine and surgery in the state. If not a graduate, the person practic-
10 ing medicine and surgery in this state, shall present himself, or herself, before said board,
11 and submit to such examination as the board may require, and if such examination be satis-
12 factory the board shall issue its certificate entitling the lawful holder to all the rights and
13 privileges herein mentioned.

SEC. 2. the state board of health shall procure a seal within sixty days after the passage
2 of this act, and shall, through their secretary, receive applications for certificates and exam-
3 inations. The president or any member of the board shall have authority to administer
4 oaths and take testimony in all matters relating to their duties as examiners. They shall
5 prepare three forms of certificates: one for persons in possession of genuine diplomas, one
6 for candidates examined by the board, and one for practitioners of twelve years' practice as
7 hereinafter provided. The board shall hold their meetings at such places as will best accom-
8 modate applicants residing in different portions of the state, and due notice of all such meet-
9 ings shall be published; certificates shall be signed by at least five physicians of the board,
10 and this number may act as examining board in the absence of a full board.

SEC. 3. The board shall examine all diplomas submitted to them for such purpose, as to
2 their genuineness, and the rightful ownership of the person presenting the same, and if the di-

3 ploma shall be found genuine, and issued to the person claiming the same, the secretary
 4 shall receive a fee of two dollars from each graduate, and no further charge to the applicant
 5 shall be made; but if the diploma be found to be fraudulent, or not lawfully owned by the
 6 possessor, the board shall be entitled to charge and collect the sum of twenty dollars (\$20)
 7 from the applicant presenting such diploma. The affidavit of the holder and applicant that
 8 he is the lawful possessor, and that he or she is the person therein named, shall be required
 9 to verify the diploma, and in case of doubt, such other testimony as the board may require
 10 may be taken. Diplomas and accompanying affidavits may be presented (in person or by
 11 proxy), and if satisfactory, the state board shall issue its certificate the same as though the
 12 owner was present.

SEC. 4. Every person holding a certificate from the state board of health shall, within
 2 sixty days after receiving the same, have it recorded in the office of the recorder of deeds of
 3 the county in which he is located; and should he remove from one county to another to
 4 practice his profession, his certificate must be recorded in the county to which he may re-
 5 move; the recorder shall indorse upon the certificate the date of the record, and shall be en-
 6 titled to a fee of fifty cents for his services.

SEC. 5. The recorder of deeds shall keep in a book provided for the purpose, a complete
 2 list of the certificates recorded in his office, with the date of their issue by the state board.
 3 If the certificate is issued by reason of a diploma, the name of the medical college conferring
 4 the same, and the date when conferred, shall also be recorded; and when such certificate
 5 shall have been granted upon the examination of the board, or because of twelve years' prac-
 6 tice in the state, such fact shall be shown by the records, and said records shall be open for
 7 inspection during business hours.

SEC. 6. Candidates for examination shall pay to the secretary of the board a fee of fifteen
 2 dollars in advance, which fee, together with those received for certificates, shall be applied
 3 towards paying the expenses of the board of examiners.

SEC. 7. The state board of health may refuse certificates to individuals guilty of unpro-
 2 fessional or dishonorable conduct, and may revoke the same for like causes, or for palpable
 3 evidences of incompetency; but such refusal or revocation of certificates can only be made
 4 with the affirmative vote of at least five physicians of the board, in which number shall be
 5 included one or more members of the different schools represented in said board: nor shall
 6 the standing of a legally chartered medical college from which a diploma may be pre-
 7 sented, be questioned, except by a like vote.

SEC. 8. Any person shall be regarded as practicing medicine and surgery within the
 2 meaning of this act who shall publicly profess to be a physician and assume the duties

3 thereof, or shall make a practice of prescribing, or shall prescribe or furnish medicine for the
 4 sick, or shall publicly profess to cure or heal by any means, but nothing in this act shall be
 5 construed to prohibit students from prescribing under the supervision of preceptors, or to
 6 prohibit gratuitous services in cases of emergency, and this act shall not apply to surgeons of
 7 the United States army and navy, and marine service, nor shall it apply to physicians who
 8 have been in continuous practice in the state for twelve years, six of which shall have been
 9 in one locality: *provided*, such physicians shall furnish to the state board of health satisfac-
 10 tory evidence of such continuous practice, and shall procure the proper certificate as pro-
 11 vided in this act, for which they shall pay over to the secretary of the board a fee of two dol-
 12 lars and thereafter they shall be amenable to this act.

SEC. 9. Any itinerant vender of any drug, nostrum, ointment, liniment, or appliance of
 2 any kind intended for the treatment of disease or injury, who shall by any method publicly
 3 profess to cure or treat disease, injury or deformity, shall pay into the county treasurer a li-
 4 cense of fifty dollars per month, to be collected by due process of law: and on failure to com-
 5 ply with the provisions of this section, shall be arrested and deemed guilty of a misdemeanor.

SEC. 10. Any person practicing medicine or surgery in the state without complying with
 2 the provisions of this act, shall be punished by a fine of not exceeding \$100, or by imprison-
 3 ment in the county jail for a period not exceeding thirty days for each and every day he may
 4 violate the same, and shall have no right to collect by civil suit for services rendered: and
 5 any person filing, or attempting to file as his own, the diploma or certificate of another, or
 6 one with the true name erased and the claimant's name inserted, or a forged affidavit of iden-
 7 tification, shall be guilty of felony, and upon conviction shall be subject to such fine and im-
 8 prisonment as are made and provided by the statutes of the state for the crime of forgery.

SEC. 11. This act being deemed of immediate importance shall take effect from and after
 2 its publication in any two papers published at the capital of the state, but the penalties
 3 herein provided shall not be enforced prior to the first of January 1881.