A BILL

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

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

Section 1. That every person practicing medicine, surgery or obstetrics, in any of their departments, within this State, shall possess the qualifications required by this act. If a graduate in medicine, such person shall present his or her diploma to the State Board of Examiners, for verification as to its genuineness. If the diploma is found genuine, and is issued by a medical school legally organized and in good standing, whose teachers are graduates of a legally organized school, of which the State Board of Examiners shall determine, and if the person presenting and claiming such diploma be the person to whom the same was originally granted, then the State Board of Examiners shall issue its certificate to that effect, signed by not less than five physicians thereof, representing one or more physicians of the schools on the Board, and such certificate shall be conclusive as to right of the lawful holder to practice medicine, surgery and obstetrics within this State. If not a graduate, the person practicing medicine or surgery within this State, unless he or she shall have been in continuous practice in this State for a period of not less than twelve years, of which he or she shall present to the State Board of Examiners satisfactory evidence of the same in the form of affidavits, shall appear before said State Board of Examiners and submit to such examination as said Board may require. All examinations shall be conducted in writing, and all examination papers, together with the reports and action of the examiners thereon, shall be preserved as the records of the said Board for a period of five years, during which time they shall remain open for inspection at the office of the said State Board of Examiners. Such examinations shall be in anatomy, physiology, general chemistry, pathology, therapeutics, principles and practice of medicine, surgery and obstetrics. *Provided*, that each applicant, upon receiving from the Secretary of the Board an order for an examination, shall receive also a confidential number, which he or she shall place upon his or her examination papers, so that when said papers are passed upon by the examiners, the latter shall not know by what applicant said papers have been prepared. That upon each day of examination all candidates be given the same set or sets of questions. It is further provided that the examination papers shall be marked upon the scale of one hundred (100), and that in order to secure a license, it shall be necessary for the applicant to attain such

29 average as shall hereafter be determined by the State Board of Examiners. And if such
30 examination be satisfactory to at least five physicians of said Board, representing the dif-
31 ferent schools of medicine on the Board, the Board shall issue a certificate, which shall
32 entitle the lawful holder thereof to all the rights and privileges herein provided, and the
33 physicians and the Secretary of the State Board of Health shall constitute and be deemed
34 a Board of Examiners for the purposes of this act.

SEC. 2. The State Board of Examiners shall procure a seal within sixty days after the
2 passage of this act, and through the Secretary of said Board shall receive applications for
3 certificates and examinations. The president, or any member of the Board, shall have the
4 authority to administer oaths and take testimony in all matters relating to their duties as
5 examiners aforesaid. The Board shall provide three forms of certificates: One for persons
6 in possession of genuine diplomas; one for candidates examined by the Board, and one for
7 persons who have practiced medicine or surgery in any of its departments for twelve years,
8 as hereinafter provided. Said certificates shall be signed by not less than five physicians of
9 the Board, and this number may act as examining board in the absence of the full board;
10 *provided*, that one or more members of the different schools of medicine represented in the
11 State Board of Health shall also be represented in the Board of Examiners. The Board of
12 Examiners shall hold meetings at such places as will best accommodate applicants residing in
13 different portions of the State, and at any such time as they shall deem best, and due notice
14 of the time and place of such meetings shall be published.

SEC. 3. The Board shall examine all diplomas submitted to them for such purpose to de-
2 termine their genuineness and the rightful ownership of the person presenting the same.
3 The affidavit of the applicant and holder of any diploma that he or she is the person therein
4 named, and is the lawful possessor thereof, shall be necessary to verify the same, with such
5 other testimony as the Board may require. Diplomas and accompanying affidavits may be
6 presented in person or by proxy. If the diploma shall be found genuine, and in possession
7 of the person to whom it was issued, the State Board of Examiners shall, upon the payment
8 of a fee of two dollars to the secretary of the Board, issue a certificate to the holder of such
9 diploma, and no further fee or sum shall be demanded or collected from said applicant by
10 said Board for such certificate. If the diploma shall be found to be fraudulent, or not law-
11 fully in the possession of the holder or owner thereof, the person presenting such diploma,
12 or holding or claiming possession thereof, shall be deemed guilty of a misdemeanor, and on
13 conviction thereof, on complaint of the secretary of the State Board of Examiners, before
14 any court of competent jurisdiction, be fined not less than twenty dollars.

SEC. 4. Every person holding a certificate issued by the State Board of Examiners shall
2 within sixty days after the date of such certificate have the same recorded in the office of
3 the county recorder in the county wherein he resides, and should he remove from one

4 county to another to practice medicine, surgery or obstetrics, his certificate must be recorded
5 in the county to which he removes. The county recorder shall indorse upon the certificate
6 the date of record, and he shall be entitled to charge and receive a fee of fifty cents for his
7 services, the fee to be paid by the applicant.

SEC. 5. The county recorder shall record in a book provided for that purpose, a complete
2 list of the certificates presented for record, and the date of their issue by the State Board
3 of Examiners. If the certificate is issued by reason of a diploma, the name of the medical
4 college conferring the same, and the date when conferred, shall be recorded; and when such
5 certificate shall have been granted upon the examination of the Board, or because of twelve
6 years' practice in the State, such fact shall be recorded. Such records shall be open for in-
7 spection during business hours.

SEC. 6. Candidates for examination shall pay in advance, to the secretary of the State
2 Board of Examiners, a fee of fifteen dollars, which fee, together with the fees received for
3 certificates, shall defray the entire expense of the aforesaid Board of Examiners and be turned
4 over to the State Treasury for the benefit of the school fund, except such an amount as will
5 pay each member of the Board ten dollars (10) per day, during the time he is in actual at-
6 tendance upon the sessions of the said Board for the purpose of performing the duties
7 required of him under this act, and as will pay the Secretary of the Board such a salary as
8 they may allow, not to exceed ten dollars per day during the time he is actually engaged in
9 performing the work of the Board under this act, and each member of the Board of Exam-
10 iners shall also receive a sufficient amount to defray his actual and necessary expenses
11 while in the discharge of the duties herein provided. (Any one failing to pass the required
12 examination, shall be entitled to a second examination within six months without fee.)

SEC. 7. The State Board of Examiners may refuse to grant certificates to any person
2 guilty of a misdemeanor, and may revoke certificates for like causes for palpable evidence of
3 incompetency, *provided*, such refusal or revocation of a certificate can only be made with
4 the affirmative vote of at least five physicians of the State Board of Examiners, in which
5 number shall be included one or more members of the different schools of medicine repre-
6 sented in said Board; and *provided further*, that the standing of a legally chartered medical
7 college from which a diploma may be presented, shall not be questioned except by a like
8 vote.

SEC. 8. Any person shall be deemed as practicing medicine, surgery or obstetrics within
2 the meaning of this act, who shall publicly profess to be a physician, surgeon or obstetrician
3 and assume the duties or who shall make a practice of prescribing or of prescribing and
4 furnishing medicine for the sick or who shall publicly profess to cure or heal, by any means
5 whatever, but nothing in this act shall be construed to prohibit students from prescribing
6 under the supervision of preceptors; or gratuitous services in cases of emergency; nor shall

7 this act apply to surgeons of the United States army and navy and marine hospital service;
8 nor to physicians who have been in continuous practice (in this State) for twelve consecu-
9 tive years—six years of which time shall have been in one locality; *provided*, such physician
10 shall furnish the State Board of Examiners satisfactory evidence of such continuous prac-
11 tice, and shall procure the proper certificate as provided in this act, and for which certifi-
12 cate such physician shall pay to the Secretary of the State Board of Examiners a fee of two
13 dollars and thereafter such physician shall be amenable to the provisions of this act. Nor
14 shall this act apply to registered pharmacists when filling physicians' prescriptions.

SEC. 9. Every 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 pub-
3 licly profess to cure or treat disease, injury or deformity, within this State, shall pay a
4 license of fifty dollars each month or fraction thereof, said license fee to be paid to the
5 county treasurer of the county wherein such vender transacts such business or profession;
6 and any person who shall transact any such business or profession without a license, shall,
7 on conviction thereof, be deemed guilty of a misdemeanor, and shall pay a fine of not less
8 than fifty dollars nor more than one hundred dollars and stand committed until paid.

SEC. 10. Any person who shall practice medicine or surgery within this State, without
2 having complied with the provisions of this act, shall be deemed guilty of a misdemeanor,
3 and shall, on conviction thereof, be punished by a fine of not less than fifty, and not exceed-
4 ing one hundred dollars, or by imprisonment in the county jail not less than ten days and
5 not exceeding thirty days.

SEC. 11. Any person who shall file, or attempt to file, with the State Board of Examiners
2 as his or her own, the diploma of another person, or who shall file or attempt to file with
3 county recorder the certificate of another person, as his or her own; or who shall file or at-
4 tempt to file a diploma or certificate with the true name erased therefrom and the claim-
5 ant's name inserted; or who shall file or attempt to file any forged affidavit of identification,
6 such person shall be deemed guilty of a felony, and upon conviction thereof shall be sub-
7 ject to the penalty provided by the statutes of this State for the crime of forgery.

SEC. 12. The penalties as provided in this act, for violations thereof, shall not be enforced
2 prior to the first day day of January, A. D. 1887.

SEC. 13. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 14. This act being deemed of immediate importance shall be in full force and effect
2 from and after its publication in two of the daily newspapers published at Des Moines,
3 Iowa.