

## 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 obsterics, in any of their  
2 departments, within this State, shall possess the qualifications required by this act. If a  
3 graduate in medicine such person shall present his or her diploma to the State Board of  
4 Examiners, for verification as to its genuineness. If the diploma is found genuine, and is  
5 issued by a medical school legally organized and in good standing, whose teachers are grad-  
6 uates of a legally organized school, of which the State Board of Examiners shall determine,  
7 and if the person presenting and claiming such diploma be the person to whom the same  
8 was originally granted, then the State Board of Examiners shall issue its certificate to that  
9 effect signed by not less than five physicians thereof, representing one or more physicians of  
10 the schools on the Board, and such certificate shall be conclusive as to right of the lawful  
11 holder to practice medicine, surgery, and obstetrics within this State. If not a graduate the  
12 person practicing medicine or surgery within this State, unless he or she shall have been in  
13 continuous practice in this State, for a period of not less than twelve years, of which he or  
14 she shall present to the State Board of Examiners satisfactory evidence of the same in the  
15 form of affidavits, shall appear before said State Board of Examiners and submit to such  
16 examination as said Board may require. All examinations shall be conducted in writing,  
17 and all examination papers, together with the reports and action of the examiners thereon,  
18 shall be preserved as the records of the said Board for a period of five years, during which  
19 time they shall remain open for inspection at the office of the said State Board of Examiners.  
20 Such examinations shall be in anatomy, physiology, general chemistry, pathology, therapeut-  
21 ics, principles and practice of medicine, surgery and obstetrics. Provided, that each appli-  
22 cant upon receiving from the secretary of the Board an order for an examination shall re-  
23 ceive also a confidential number, which he or she shall place upon his or her examination  
24 papers so that when said papers are passed upon by the Examiners, the latter shall not  
25 know by what applicant said papers have been prepared. That upon each day of examina-  
26 tion all candidates be given the same set or sets of questions. It is further provided that  
27 the examination papers shall be marked upon the scale of one hundred (100) and that in or-  
28 der to secure a license, it shall be necessary for the applicant to attain such average as shall

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

SEC. 2. The State Board of Examiners shall procure a seal within sixty days after the pas-  
2 sage 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  
13 in different portions of the State, and at any such time as they shall deem best, and due  
14 notice 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  
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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 possession of the holder or owner thereof, the person presenting such diploma, or  
12 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 re-  
5 corded in the county to which he removes. The county recorder shall indorse upon the  
6 certificate the date of record, and he shall be entitled to charge and receive a fee of fifty  
7 cents for his 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. Said records shall be open for  
7 inspection 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 the  
4 balance shall be turned over to the State Treasurer for the benefit of the school fund, ex-  
5 cept such an amount as will pay each member of the Board ten dollars (\$10) per day, dur-  
6 ing the time he is in actual attendance upon the sessions of the said Board for the purpose  
7 of performing the duties required of him under this act, and as will pay the secretary of  
8 the Board such a salary as they may allow, not to exceed ten dollars per day during the  
9 time he is actually engaged in performing the work of the Board under this act, and each  
10 member of the Board of Examiners shall also receive a sufficient amount to defray his  
11 actual and necessary expenses while in the discharge of the duties herein provided. Any  
12 one failing to pass the required examination shall be entitled to a second examination  
13 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, or for palpable evi-  
3 dence of incompetency, provided such refusal or revocation of a certificate can only be  
4 made with the affirmative vote of at least five physicians of the State Board of Examiners,  
5 in which number shall be included one or more members of the different schools of medi-  
6 cine represented in said Board; and provided further, that the standing of a legally char-  
7 tered medical college, from which a diploma may be presented, shall not be questioned  
8 except by a like 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 obstetri-  
3 cian, and assume the duties, or who shall make a practice of prescribing or of prescribing  
4 and furnishing medicine for the sick, or who shall publicly profess to cure or heal, by any  
5 means whatsoever, but nothing in this act shall be construed to prohibit students from pre-

6 scribing under the supervision of preceptors, or gratuitous service in case of emergency;  
7 nor shall this act apply to surgeons of the United States army and navy, and marine hos-  
8 pital service, nor to physicians who have been in continuous practice (in this State) for  
9 twelve consecutive years—six years of which time shall have been in one locality; provided,  
10 such physician shall furnish the State Board of Examiners satisfactory evidence of such  
11 continuous practice, and shall procure the proper certificate, as provided in this act, and  
12 for which certificate such physician shall pay to the Secretary of the State Board of Ex-  
13 aminers a fee of two dollars, and thereafter such physician shall be amenable to the provis-  
14 ions of this act, nor shall this act apply to registered pharmacists when filling physician's  
15 prescriptions.

SEC. 9. Every itinerant vendor 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 vendor transacts such business or profession;  
6 and any person who shall transact any business or profession without a license, shall, on  
7 conviction thereof, be deemed guilty of a misdemeanor, and shall pay a fine of not less than  
8 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 ex-  
4 ceeding one hundred dollars, or by imprisonment in the county jail not less than ten days,  
5 and 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 the county recorder the certificate of another person, as his or her own, or who shall file, or  
4 attempt 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 en-  
2 forced prior to the first 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.

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13 within six months without fee.

SEC. 7. The State Board of Examiners may refuse to grant certificates to any person  
2 guilty of a felony or a misdemeanor, and may revoke certificates for like causes, or for pal-  
3 pable evidence of incompetency, and such refusal or revocation shall prohibit such person  
4 from practicing medicine, surgery and obstetrics, *provided*, such refusal or revocation of a  
5 certificate can only be made with the affirmative vote of at least five physicians of the State  
6 Board of Examiners, in which number shall be included one or more members of the differ-  
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3 cian, and assume the duties, or who shall make a practice of prescribing, or of prescribing  
4 and furnishing medicine for the sick, or who shall publicly profess to cure or heal, by any  
5 means whatsoever, but nothing in this act shall be construed to prohibit students of medi-

6 cine, surgery or obstetrics from prescribing under the supervision of preceptors, or gratuit-  
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8 army and navy, and marine hospital service, nor to physicians who have been in continuous  
9 practice (in this State) for twelve consecutive years—six years of which time shall have  
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4 the county treasurer of the county wherein such vendor transacts such business or profes-  
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6 shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall pay a fine of not  
7 less 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, or after being prohibited from so doing as  
3 provided in section 7 of this act, shall be deemed guilty of a misdemeanor, and shall, on  
4 conviction thereof, be punished by a fine of not less than fifty nor more than one hundred  
5 dollars, or by imprisonment in the county jail not less than ten days, nor more than thirty  
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SEC. 11. Any person who shall file, or attempt to file, with the State Board of Examiners,  
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6 such person shall be deemed guilty of the crime of forgery.

SEC. 12. The penalties, as provided in this act, for violations thereof, shall not be en-  
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13 months without fee. Provided that any applicant for examination by notice in writing to  
14 the Secretary shall be entitled to an examination within three months from the time of  
15 said notice, and a failure to give such opportunity, shall entitle such applicant to practice  
16 without the certificate required by this act, until the next regular meeting of said Board.

SEC. 7. The State Board of Examiners may refuse to grant certificates to any person, who  
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10 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 whatsoever, but nothing in this act shall be construed to prohibit students of medicine, sur-  
6 gery or obstetrics from prescribing under the supervision of preceptors, or gratuitous ser-  
7 vice in case of emergency, nor shall this act extend to prohibit persons who may desire to  
8 engage in the occupation of mid-wifery, nor to prevent the advertising, selling or prescrib-  
9 ing natural mineral waters flowing from wells and springs within the State of Iowa, nor  
10 shall this act apply to surgeons of the United States army and navy, and marine hos-  
11 pital service, nor to physicians who have been in continuous practice in this State for seven  
12 consecutive years, three years of which time shall have been in one locality ; *provided*, such  
13 physician shall furnish the State Board of Examiners satisfactory evidence of such continu-  
14 ouspractice, and shall procure the proper certificate as provided in this act, and for which  
15 certificate such physician shall pay to the secretary of the State Board of Examiners a fee of  
16 two dollars, and thereafter such physician shall be amenable to the provisions of this act,  
17 nor shall this apply to registered pharmacists when filling prescriptions, nor shall it be con-  
18 strued to interfere with the sale of patent or proprietary medicines in the regular course of  
19 trade.

SEC. 9. Any person who shall practice medicine or surgery within this State, without  
2 having complied with the provisions of this act, and who is not embraced in any of the  
3 exceptions, or after being prohibited from so doing, as provided in section 7 of this act, shall  
4 be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine  
5 of not less than fifty nor more than one hundred dollars, or by imprisonment in the county  
6 jail not less than ten days, nor more than thirty days.

SEC. 10. Any person who shall file, or attempt to file, with the State Board of Examiners,  
1 as his or her own, the diploma of another person, or who shall file, or attempt to file with  
2 the county recorder the certificate of another person, as his or her own, or who shall file or  
3 attempt to file a diploma or certificate with the true name erased therefrom and the claim-  
4 ant's name inserted, or who shall file, or attempt to file any forged affidavit of identification,  
5 such person shall be deemed guilty of the crime of forgery.

SEC. 11. The penalties, as provided in this act, for violations thereof, shall not be  
2 enforced prior to the first day of January, A. D. 1887.

SEC. 12. All acts and parts of acts in conflict with this act, are hereby repealed.