

## CHAPTER 167

### PROFESSIONS AFFECTING PUBLIC HEALTH

H. F. 262

AN ACT to amend, revise, and codify sections thirteen hundred twenty-seven (1327) to thirteen hundred twenty-nine (1329), inclusive, thirteen hundred thirty-two (1332) to thirteen hundred thirty-four (1334), inclusive, thirteen hundred thirty-nine (1339) to thirteen hundred forty-four (1344), inclusive, fourteen hundred twelve (1412), fourteen hundred sixteen (1416) to fourteen hundred nineteen (1419), inclusive, fourteen hundred twenty-one (1421) to fourteen hundred twenty-three (1423), inclusive, fourteen hundred twenty-five (1425), and fourteen hundred twenty-six (1426) of the compiled code of Iowa, and chapters six (6), twelve (12), and thirteen (13) of title six (6) of the compiled code of Iowa and the supplement to said code, and chapters six-a (6-A), seven (7), and seven-a (7-A) of title six (6), and sections thirteen hundred thirty (1330), thirteen hundred thirty-one (1331), thirteen hundred forty-five (1345), fourteen hundred thirteen (1413) to fourteen hundred fifteen (1415), inclusive, and fourteen hundred twenty (1420) of the supplement to the compiled code of Iowa, relating to the practice of certain professions affecting the public health.

Be It Enacted by the General Assembly of the State of Iowa:

That sections thirteen hundred twenty-seven (1327) to thirteen hundred twenty-nine (1329), inclusive, thirteen hundred thirty-two (1332) to thirteen hundred thirty-four (1334), inclusive, thirteen hundred thirty-nine (1339) to thirteen hundred forty-four (1344), inclusive, fourteen hundred twelve (1412) fourteen hundred sixteen (1416) to fourteen hundred nineteen (1419), inclusive, fourteen hundred twenty-one (1421) to fourteen hundred twenty-three (1423), inclusive, fourteen hundred twenty-five (1425), and fourteen hundred twenty-six (1426) of the compiled Code of Iowa, and chapters six (6), twelve (12), and thirteen (13) of title six (6) of the compiled Code of Iowa and the supplement to said Code, and chapters six-A (6-A), seven (7), and seven-A (7-A) of title six (6), and sections thirteen hundred thirty (1330), thirteen hundred thirty-one (1331), thirteen hundred forty-five (1345), fourteen hundred thirteen (1413) to fourteen hundred fifteen (1415), inclusive, and fourteen hundred twenty (1420) of the supplement to the compiled Code of Iowa are amended, revised, and codified to read as follows:

#### TITLE

#### THE PRACTICE OF CERTAIN PROFESSIONS AFFECTING THE

#### PUBLIC HEALTH

#### CHAPTER I

#### GENERAL PROVISIONS

Section 1. Definitions. For the purpose of this and the following chapters of this title:

1. "Examining board" shall mean one of the boards appointed by the governor to give examinations to applicants for licenses.
2. "Licensed" when applied to a physician and surgeon, podiatrist,

"osteopath", "osteopath and surgeon", chiropractor, nurse, dentist, dental hygienist, optometrist, pharmacist, or embalmer shall mean a person licensed under this title.

3. "Profession" shall mean medicine and surgery, podiatry, "osteopathy", "osteopathy and surgery", chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, or embalming.

4. "Department" shall mean the state department of health.

## LICENSES

Sec. 2. License required to practice certain professions. No person shall engage in the practice of medicine and surgery, podiatry, "osteopathy", "osteopathy and surgery", chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, or embalming as defined in the following chapters of this title, unless he shall have obtained from the state department of health a license for that purpose.

Sec. 3. Age and character qualifications. No person shall be licensed to practice a profession under this title until he shall have furnished satisfactory evidence to the department that he has attained the age of twenty-one (21) years and is of good moral character, except that women may be licensed as dental hygienists upon attaining the age of eighteen (18) years.

Sec. 4. Grounds for refusing license. The department may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked by the district court.

Sec. 5. Form of license. Every license to practice a profession shall be in the form of a certificate under the seal of the department, signed by the commissioner of public health. Such license shall be issued in the name of the examining board which conducts examinations for that particular profession. The number of the book and page containing the entry of said license in the office of the department shall be noted on the face of the license.

Sec. 6. Certificate presumptive evidence of right to practice. Every license issued under this title shall be presumptive evidence of the right of the holder to practice in this state the profession therein specified.

Sec. 7. Display of license. Every person licensed under this title to practice a profession shall keep his license displayed in the place in which he practices.

Sec. 8. Record of licenses - open to public inspection. The name, age, nativity, location, number of years of practice of the person to whom the license is issued to practice a profession, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department to be known as the registry book, and the same shall be open to public inspection.

Sec. 9. Notice of change of residence. When any person licensed to practice a profession under this title changes his residence he shall notify the department and such change shall be noted in the registry book.

Sec. 10. Renewal of licenses. Every license to practice a profession shall expire on the thirtieth day of June following the date of issuance of such license, and shall be renewed annually upon application by the licensee, without

examination. Application for such renewal shall be made in writing to the department accompanied by the legal fee at least thirty (30) days prior to the expiration of such license. Every renewal shall be displayed in connection with the original license. Every year the department shall notify each licensee by mail of the expiration of his license.

Sec. 10-a. Reinstatement of licensee. Any licensee who allows his license to lapse by failing to renew the same, as provided in the preceding section, may be reinstated without examination upon recommendation of the examining board for his profession and upon payment of the renewal fees then due.

#### EXAMINING BOARDS

Sec. 11. Examining boards. For the purpose of giving examinations to applicants for licenses to practice professions for which a license is required by this title, the governor shall appoint a board of examiners for each of said professions.

Sec. 12. Designation of 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 "osteopathy" and "osteopathy and surgery", Osteopathic Examiners; for chiropractic, Chiropractic Examiners; for nursing, Nurse Examiners; for dentistry and dental hygiene, Dental Examiners; for optometry, Optometry Examiners; for pharmacy, Pharmacy Examiners; for embalming, Embalmer Examiners.

Sec. 13. Composition of examining boards. Each examining board shall consist of three members, except the dental board which shall consist of five members.

Sec. 14. Professional qualifications of examiners. Every medical, podiatry, chiropractic, nurse, optometry, pharmacy, and embalmer examiner shall be a person licensed to practice the profession for which the board, of which he is a member, conducts examinations for licenses to practice such profession. An osteopathic examiner shall be a licensed osteopath or an osteopath and surgeon, and a dental examiner shall be a licensed dentist.

Sec. 15. Active practice requirement for examiners. Each examiner shall be actively engaged in the practice of his profession and shall have been so engaged in this state for a period of five (5) years just preceding his appointment.

Sec. 16. Special qualifications for medical examiners. In addition to the preceding requirements, each medical examiner shall be a graduate of some reputable school of medicine and not more than two (2) of such examiners shall belong to the same school of medical practice.

Sec. 17. Disqualifications. No examiner shall be an officer or member of the instructional staff of any school in which any profession regulated by this title is taught, or be connected therewith in any manner, and no embalmer or optometry examiner shall be connected in any manner with any wholesale or jobbing house dealing in optical or embalming supplies.

Sec. 18. Term of examiners. The members of each examining board shall be appointed for a term of three (3) years, except the dental examiners who shall be appointed for a term of five (5) years. The term of each examiner shall commence on July first in the year of appointment and the terms of the

members of each board shall be rotated in such a manner that one (1) examiner shall retire each year.

**Sec. 19. Nomination of examiners by state associations.** The regular state association or society or its managing board for each profession may submit each year to the governor a list of six persons of recognized ability in such profession, who have the qualifications prescribed for examiners for that particular profession. If such list is submitted, the governor in making an appointment to the board of examiners for such profession may select one of the persons so named.

**Sec. 20. Vacancies.** Any vacancy in the membership of an examining board caused by death, resignation, removal, or otherwise shall be filled for the period of the unexpired term in the same manner as original appointments.

**Sec. 21. Officers.** Each examining board shall organize annually and shall select a chairman and a secretary from its own membership.

**Sec. 22. Transaction of business by mail.** Each examining board shall, as far as practicable, provide by rule for the conducting of its business by mail, but all examinations shall be conducted in person by the board or by some representative of the board as provided in section thirty-seven (37). Any official action or vote taken by mail shall be preserved by the secretary in the same manner as the minutes of regular meetings.

**Sec. 23. Compensation of examiners.** Each member of an examining board shall, in addition to necessary traveling and hotel expenses, receive ten dollars (\$10.00) per day for each day actually engaged in the discharge of his duties, including compensation for the time spent in traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination questions and the reading of papers, in addition to the time actually spent in conducting examinations.

**Sec. 24. Appropriation.** There is hereby annually appropriated out of any funds in the state treasury not otherwise appropriated a sum sufficient to pay the compensation and expenses of the members of each examining board.

**Sec. 25. Supplies.** The department shall furnish each examining board with all articles and supplies required for the public use and necessary to enable said board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained and the same shall be considered and accounted for as if obtained for the use of the department. When examinations are held at the state university, the necessary articles and supplies for conducting the same shall be furnished by the university authorities.

**Sec. 26. Quarters.** The executive council shall furnish each examining board with suitable quarters in which to conduct the examinations held by said board at the seat of government. When examinations are held at the state university, the superintendent of buildings and grounds shall furnish such quarters.

**Sec. 27. Representation at national meetings.** Each examining board may select one of its members to attend either:

1. The annual meeting of the regular national association or society of the profession for which such board conducts examinations for licenses; or
2. The annual meeting of the national organization of state examining

boards for such profession.

The member so selected shall receive his necessary traveling and hotel expenses in attending such meeting.

## EXAMINATIONS

Sec. 28. 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 (15) days before the examination, on a form provided by the department. Such application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take such examination. All applications shall be in accordance with the rules of the department and shall be signed and verified by the oath of the applicant.

Sec. 28-a. Notice of time and place of examinations. The department shall give public notice of the time and place of all examinations to be held under this title. Such notice shall be given in such manner as the department may deem expedient and in ample time to allow all candidates to comply with the provisions of this title.

Sec. 29. List of accredited high schools. The department shall prepare and keep up to date a list of accredited high schools and other secondary schools for the purpose of passing upon the qualifications of an applicant for an examination when such applicant is required by any provision of this title to be a graduate of such school. The secretary of the state board of education and the registrars of the state university, the state college of agriculture and mechanic arts, and the state teachers college shall supply the necessary data to the department for the preparation of said list.

Sec. 30. List of accredited colleges. The state department of health shall prepare and keep up to date a list of accredited colleges in which are taught the professions which are regulated by this title. The examining board for each profession shall make recommendations relative thereto and shall approve the list for the profession for which it gives license examinations. No such school shall be accredited by the department unless it has been so recommended and approved by the proper examining board together with the commissioner of health. Such recommendations and approval shall be made at some regular session of the board held for the purpose of giving an examination.

Sec. 31. Data relative to professional schools. As a basis for such action on the part of the examining board, the registrar of the state university and the dean of the professional school of said institution which teaches the profession for which said board gives license examinations, shall supply such data relative to any such professional school as said board may request.

Sec. 32. Time of conducting examination. Each examining board shall hold regular sessions for the purpose of giving examinations at such times as the department may fix, not to exceed four (4) in any one (1) year. The medical examiners, dental examiners, and pharmacy examiners shall hold a similar session at the state university at the close of each school year to give examinations to students of the medical, dental, and pharmacy colleges of said institution and to other applicants who are qualified to take the same. In case there are other schools located in the state at which any of the professions regulated by this title are taught, two of the examinations for the profession taught at any such school may be held each year at such institution, if the examining board for that profession so desires. All other sessions of the examining boards shall

be held at the seat of government unless otherwise ordered by the department.

Sec. 33. Transmittal of names of eligible candidates. Prior to each examination the department shall transmit to each examining board a list of candidates who are eligible to take the examination given by such board. In making up such list the department may call upon any examining board, or any member thereof, for information relative to the eligibility of any applicant.

Sec. 34. Rules relative to examinations. Each examining board shall establish rules for:

1. The conducting of examinations.
2. The grading of examinations and passing upon the technical qualifications of applicants, as shown by such examinations.

Sec. 35. Examinations in theory. All examinations in theory shall be in writing, and the identity of the person taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon. In examinations in practice the identity of the candidate shall also be concealed as far as possible.

Sec. 36. Quorum and representation at examinations. Two (2) members of each board, except the dental board, shall constitute a quorum for conducting examinations but in the case of the medical examiners a quorum shall consist of one member from each school of medical practice represented on said board. Three (3) members of the dental board shall constitute a quorum for conducting examinations.

Sec. 37. Clerk of examination. Upon the request of any examining board, the department shall detail some employee to act as clerk of any examination given by said examining board. Such clerk shall have charge of the candidates during the examination and perform such other duties as the examining board may direct. If the duties of such clerk are performed away from the seat of government, he shall receive his necessary railroad and hotel expenses, which shall be paid from the appropriations to the department, in the same manner in which other similar expenses are paid.

Sec. 38. Certification of successful applicants. Every examination shall be passed upon in accordance with the established rules of the examining board and shall be satisfactory to at least a majority of the members of said board. After each examination, the examining board shall certify the names of the successful applicants to the state department of health in the manner prescribed by it. The department shall then issue the proper license and make the required entry in the registry book.

Sec. 39. Special examinations. Any examining board may give a partial examination for a license to practice a profession to any applicant who has completed a portion of his professional course. For such purpose said board shall establish by rules:

1. The portion of such course which shall be completed prior to such examination.
2. The subjects to be covered by such examination and the subjects to be covered by the final examination to be taken by such applicant after the completion of his professional course and prior to the issuance of his license, but the subjects covered in the partial and final examinations shall be the same as those specified in this title for the regular examination.

Sec. 40. Rules relative to partial examinations. In case any examining board shall provide for partial examinations under the preceding section, the department shall adopt rules establishing:

1. The portion of the license fee fixed in this chapter which shall be paid for a partial examination.
2. The credentials which shall be presented to the department by an applicant showing his qualifications to take such examination.
3. The method of certifying the list of the eligible applicants for such examination to the proper examining board.
4. The method of certifying back to the department the list of applicants who successfully pass such examination.
5. The method of keeping the records of such applicants for use at the time of completing the examination for a license.
6. The credentials which shall be presented to the department by such an applicant upon the completion of his professional course.
7. The method of certifying such applicant to the proper examining board for the remainder of his examination.
8. Such other matters of procedure as are necessary to carry into effect the preceding section.

Sec. 41. Preservation of records. All matters connected with each examination for a license shall be filed with the state department of health and preserved for five (5) years as a part of the records of the department, during which time said records shall be open to public inspection.

#### RECIPROCAL LICENSES

Sec. 42. Reciprocal agreements. For the purpose of recognizing licenses which have been issued in other states to practice any profession for which a license is required by this title, the department shall enter into a reciprocal agreement with every state which is certified to it by the proper examining board under the provisions of the following section and with which this state does not have an existing agreement at the time of such certification.

Sec. 43. Certification of states entitled to reciprocal relations. The department shall at least once each year lay before the proper examining board the requirements of the several states for a license to practice the profession for which such examining board conducts examinations for licenses in this state. Said examining board shall immediately examine such requirements and after making such other inquiries as it deems necessary, shall certify to the department the states having substantially equivalent requirements to those existing in this state for that particular profession and with which said examining board desires this state to enter into reciprocal relations.

Sec. 44. Rules governing reciprocal agreements. In negotiating any reciprocal agreement, the department shall be governed by the following regulations:

1. Protection to licensees of this state. When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person licensed in this state to practice any profession regulated by this title which affects the right of said person to be licensed or to practice his profession in said state, then the same requirement or disability shall be placed upon any person licensed in said state when applying for a license to practice in this state.

2. Special conditions. When any examining board has established by rule any special condition upon which reciprocal agreements shall be entered into, as provided in the following section, such condition shall be incorporated into the reciprocal agreements negotiated with reference to licenses to

practice the professions for which such examining board conducts examinations.

Sec. 45. Special conditions in re reciprocal agreements. An examining board shall have power to provide by rule that no reciprocal relation shall be entered into by the department with any state with reference to licenses to practice the profession for which such examining board conducts examinations, unless every person licensed in another state when applying for a license to practice in this state shall comply with one or both of the following conditions:

1. Furnish satisfactory proof to the department that he has been actively engaged in the practice of his profession for a certain period of years to be fixed by such examining board.

2. Pass a practical examination in the practice of his particular profession as prescribed by such examining board.

Sec. 46. Termination of reciprocal agreements. When the requirements for a license in any state with which this state has a reciprocal agreement are changed by any law or rule of the authorities therein so that such requirements are no longer substantially as high as those existing in this state, then such agreement shall be deemed terminated and licenses issued in such state shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated. The fact of such change shall be determined by the proper examining board and certified to the department for its guidance in enforcing the provisions of this section.

Sec. 47. License granted upon basis of license of another state. The department shall, upon presentation of a license to practice a profession issued by the duly constituted authority of another state, with which this state has established reciprocal relations, and subject to the rules of the examining board for such profession, license said applicant to practice in this state, unless under the rules of said examining board a practical examination is required in such cases.

Sec. 48. Application for practical examinations. If the rules of any examining board require an applicant for a license under a reciprocal agreement to pass a practical examination in the practice of his profession, then such applicant shall make application therefor to the department upon a form provided by it.

Sec. 49. Applicability of other provisions. All the provisions of this chapter relative to applications, transmittal of the names of eligible candidates, certification of successful applicants, and issuance of licenses thereto, in the case of regular examinations, shall apply as far as applicable to applicants for practical examinations.

Sec. 50. Reciprocity for graduates of state schools. When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person holding a diploma or certificate from any college in this state in which one of the professions regulated by this title is taught, which affects the right of said person to be licensed in said state, the same requirement or disability shall be placed upon any person holding a diploma from a similar college situated therein, when applying for a license to practice in this state.

Sec. 51. Power to adopt rule. The department and each examining board shall have power to establish the necessary rules, not inconsistent with law, for carrying out the reciprocal relations with other states which are authorized by this chapter.



Sec. 52. Change of residence to another state. Any licensee who is desirous of changing his residence to that of another state or territory shall upon application to the department, and payment of the legal fee, receive a certified statement that he is a duly licensed practitioner in this state.

#### REVOCATION OF LICENSES

Sec. 53. Grounds for revocation of license. A license to practice a profession shall be revoked or suspended when the licensee is guilty of any of the following acts or offenses:

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

Sec. 54. Unprofessional conduct in practice of certain professions. For the purposes of the preceding section "unprofessional conduct" shall consist of any of the following acts:

1. Solicitation of professional patronage by agents or persons popularly known as "cappers" or "steerers", or profiting by the acts of those representing themselves to be agents of the licensee.
2. Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured.
3. Acceptance of a fee for service as a witness, without the knowledge of the court, in addition to the fee allowed by the court.
4. Division of fees or agreeing to split or divide the fees received for professional services with any person for bringing or referring a patient or assisting in the care or treatment of a patient without the consent of said patient or his legal representative.
5. Advertisement of any medicine or means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed.
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.

Sec. 55. Grounds for revoking license of dental hygienist and dentist. The practice of dentistry by a dental hygienist shall also be grounds for the revocation of her license, and the permitting of such practice by the dentist under whose supervision said dental hygienist is operating shall be grounds for revoking the license of said dentist.

Sec. 56. Jurisdiction of revocation proceedings. The district court of the county in which a licensee resides shall have jurisdiction of the proceeding to revoke or suspend his license.

Sec. 57. Petition for revocation of license. The petition for the revoca-

tion or suspension of a license may be filed:

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

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

Sec. 58. Department of health to direct filing of petition. The state department of health shall direct the attorney general to file such petition against any licensee upon its own motion or it may give such direction upon the sworn information of some person who resides in the county wherein the licensee practices.

Sec. 59. Duty of attorney general and county attorney. The attorney general shall comply with such direction of the department and prosecute such action on behalf of the state, but the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in his county.

Sec. 60. Rules governing petition. The following rules shall govern the petition in such cases:

1. The state shall be named as plaintiff and the licensee as defendant.
2. The charges against the licensee 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 plead thereto if he desires.

Sec. 61. Time and place of trial. Upon the presentation of the petition, or a copy thereof, to the court or judge, he shall make an order fixing the time and place for the hearing, which shall be not less than ten (10) nor more than twenty (20) days thereafter.

Sec. 62. Notice to licenses. Notice of the filing of such petition and of the time and place of hearing shall be served upon the licenses at least ten (10) days before said hearing in the manner required for the service of notice of the commencement of an ordinary action.

Sec. 63. Nature of action - when triable. The proceeding shall be summary in its nature, triable as an equitable action, and may be heard either in vacation or term time.

Sec. 64. Judgment of revocation or suspension. Judgment of revocation or suspension of the license shall be entered of record and the licensee shall not engage in the practice of his profession after his license is revoked or during the time for which it is suspended. The clerk of the court shall, upon the entry of such judgment, forthwith furnish the state department of health with a certified copy thereof.

Sec. 65. Failure of licensee to appear. In case the licensee fails to appear, either in person or by counsel at the time and place designated in said notice, the court, after receiving satisfactory evidence of the truth of the charges, shall order the license revoked or suspended.

Sec. 66. Costs. If the judgment is adverse to the licensee the costs shall be taxed to him as in ordinary civil actions, but if the state is the unsuccessful party the costs shall be paid out of any money in the state treasury

not otherwise appropriated.

Sec. 67. Unpaid costs. All costs accrued at the instance of the state, when the successful party, which the attorney general certifies cannot be collected from the defendant, shall be paid out of any money in the state treasury not otherwise appropriated.

Sec. 68. Hearing on appeal. Both parties shall have the right of appeal, and in such event, the supreme court shall fix the time of hearing, and for filing abstracts and arguments. Said cause shall be advanced and take precedence over all other causes upon the court calendar, and shall be heard at the next term after the appeal is taken, provided the abstracts and arguments are filed in said court in time for said action to be heard.

Sec. 69. Effect of appeal. The taking of an appeal by the defendant and the filing of a supersedeas bond shall not operate to stay the proceedings of the district court or judge, or restore the right of said defendant to practice his profession pending such appeal.

#### USE OF TITLES AND DEGREES

Sec. 70. Professional titles and abbreviations. Any person licensed to practice a profession under this title may append to his name any recognized title or abbreviation, which he is entitled to use, to designate his particular profession, but no other person shall assume or use such title or abbreviation, and no licensee shall advertise himself in such a manner as to lead the public to believe that he is engaged in the practice of any other profession than the one which he is licensed to practice.

Sec. 71. Titles used by holder of degree. Nothing in the preceding section shall be construed:

1. As authorizing any person licensed to practice a profession under this title to use or assume any degree or abbreviation of the same unless such degree has been conferred upon said person by an institution of learning accredited by the appropriate board herein created, together with the commissioner of health, or by some recognized state or national accrediting agency.

2. As prohibiting any holder of a degree conferred by an institution of learning accredited by the appropriate board herein created, together with the commissioner of health, or by some recognized state or national accrediting agency from using the title which such degree authorizes him to use, but he shall not use such degree or abbreviation in any manner which might mislead the public as to his qualifications to treat human ailments.

#### ITINERANTS

Sec. 72. Itinerant physician and osteopath defined. "Itinerant physician", "itinerant osteopath", "itinerant chiropractor", or "itinerant optometrist" as used in the following sections of this title shall mean any person engaged in the practice of medicine and surgery, "osteopathy", "osteopathy and surgery", chiropractic, or optometry, as defined in the chapter relative to the practice of said professions who, by himself, agent, or employee goes from place to place, or from house to house, or by circulars, letters, or advertisements solicits persons to meet him for professional treatment at places other than his office maintained at the place of his residence.

Sec. 73. License required of itinerants. Every itinerant physician, itinerant osteopath, itinerant chiropractor, or itinerant optometrist shall, in addition to his regular license to practice his profession, procure from the state department of health a license to practice as an itinerant.

Sec. 74. Issuance of license. Upon receipt of an application from a licensed physician and surgeon, licensed "osteopath", licensed "osteopath and surgeon", licensed chiropractor, or licensed optometrist, for an itinerant's license, accompanied by the legal fee, the department shall issue to the applicant, when the provisions of this title have been complied with, a license to practice as an itinerant physician and surgeon, itinerant "osteopath", itinerant "osteopath and surgeon", itinerant chiropractor, or itinerant optometrist, as the case may be, for a period of one (1) year.

Sec. 75. Exception - rule of construction. The three (3) preceding sections shall not be construed to prevent any physician and surgeon, "osteopath", "osteopath and surgeon", chiropractor, or optometrist, otherwise legally qualified, from attending patients in any part of the state to which he may be called in the regular course of business, or in consultation with other practitioners.

Sec. 78. Refusal and revocation of itinerant's license. The department may, for satisfactory reasons, refuse to issue an itinerant's license or may revoke such license upon satisfactory evidence of incompetency or gross immorality.

#### Fees

Sec. 79. License, examination, and renewal fees. 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 (\$25.00).

2. For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, fifty dollars (\$50.00).

4. For a license to practice podiatry, osteopathy, chiropractic, and optometry, issued upon the basis of an examination given by an examining board, twenty dollars (\$20.00).

5. For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, forty dollars (\$40.00).

7. For a license to practice nursing, dental hygiene, pharmacy, and embalming, issued upon the basis of an examination given by an examining board, ten dollars (\$10.00).

8. For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, twenty dollars (\$20.00).

9. For the renewal of a license to practice any of the professions enumerated in the preceding paragraphs, one dollar (\$1.00).

10. For a license to practice as an itinerant physician and surgeon, itinerant "osteopath", itinerant "osteopath and surgeon", itinerant chiropractor, or itinerant optometrist, two hundred fifty dollars (\$250.00).

11. For a certified statement that a licensee is licensed in this state, five dollars (\$5.00).

12. For an examination to determine whether an applicant has the educational attainments of a high school graduate, five dollars (\$5.00).

Sec. 81. Second examination. Any applicant for a license who fails in his examinations shall be entitled to a second examination without further fee at any time within a period of fourteen (14) months after the first examination.

Sec. 82. Fees paid into state treasury. All fees collected under this chapter shall be paid into the state treasury.

#### VIOLATIONS-CRIMES-PUNISHMENT

Sec. 83. Injunction against illegal practice. Any person engaging in any business or in the practice of any profession for which a license is required by this title without such license may be restrained by permanent injunction.

Sec. 84. Forgeries in procuring licenses. Any person who shall file or attempt to file with the state department of health any false or forged diploma, or certificate or affidavit of identification or qualification, shall be guilty of forgery and punished accordingly.

Sec. 85. Fraud in procuring license - penalty. Any person who shall present to the department a diploma or certificate of which he is not the rightful owner, for the purpose of procuring a license, or who shall falsely personate anyone to whom a license has been issued by said department shall be punished as provided in the following section.

Sec. 86. Penalties. Any person violating any provision of this or the following chapters of this title shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

#### ENFORCEMENT PROVISIONS.

Sec. 87. Enforcement. The state department of health shall enforce the provisions of this and the following chapters of this title and for that purpose shall make necessary investigations relative thereto. Every licensee and member of an examining board shall furnish the department such evidence as he may have relative to any alleged violation which is being investigated.

Sec. 88. Report of violators by licensee. Each licensee and member of an examining board shall report, also, to the department the name of every person, without a license, that he has reason to believe is engaged in:

1. Practicing any profession for which a license is required.
2. Operating as an itinerant practitioner of such profession.

Sec. 89. Rules and forms. The state department of health shall establish the necessary rules and forms for carrying out the duties imposed upon it by the provisions of this and the following chapters of this title.

Sec. 90. Publication of laws and rules in re each profession. The department shall have printed in pamphlet form for each profession the following matter which is pertinent to the particular profession for which such pamphlet is published:

1. The law regulating the practice of the profession.
2. The rules of the department relative to licenses.
3. The rules of the examining board relative to examinations.

Such pamphlet shall be supplied to any person applying for the same.

Sec. 91. Duty of attorney general and county attorney. Upon request of the state department of health the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this or the following chapters of this title and the county attorney, at the request of the attorney general, shall

appear and prosecute such action when brought in his county.

Sec. 92. Prima facie evidence of engaging in practice. The opening of an office or place of business for the practice of any profession for which a license is required by this title, the announcing to the public in any way the intention to practice any such profession, the use of any professional degree or designation, or of any sign, card, circular, device, or advertisement, as a practitioner of any such profession, or as a person skilled in the same, shall be prima facie evidence of engaging in the practice of such profession.

Sec. 92-a1. Licensing of pharmacists. The provisions of this chapter relative to the making of application for a license, the issuance of a license, the negotiation of reciprocal agreements for recognition of foreign licenses, the collection of license and renewal fees, and the preservation of records shall not apply to the licensing of persons to practice pharmacy, but such licensing shall be governed by the following regulations:

1. Every application for a license to practice pharmacy shall be made direct to the secretary of the Pharmacy Examiners.
2. Such license and all renewals thereof shall be issued by said examiners.
3. Every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by said examiners.
4. All license and renewal fees exacted from persons licensed to practice pharmacy shall be paid to and collected by the secretary of the Pharmacy Examiners.
5. All records in connection with the licensing of pharmacists shall be kept by said secretary.

Sec. 92-a2. Enforcement of title as to pharmacy. The provisions of this title in so far as they effect the practice of pharmacy shall be enforced by the Pharmacy Examiners and the provisions of section eighty-seven (87) and eighty-eight (88) shall not apply to said profession.

Sec. 92-a3. Regulations governing Pharmacy Examiners. In discharging the duties and exercising the powers provided for in the two preceding sections the Pharmacy Examiners and their secretary shall be governed by all the provisions of this chapter which govern the department of health when discharging a similar duty or exercising a similar power with reference to any of the professions regulated by this title.

Sec. 92-a4. Secretary of Pharmacy Examiners. The Pharmacy Examiners shall have the right to employ a full time secretary, who shall not be a member of the examining board, at such compensation as may be fixed from time to time in the biennial salary act and the provisions of section twenty-one (21) providing for a secretary for each examining board shall not apply to the Pharmacy Examiners.

Sec. 92-a5. Duties of secretary of Pharmacy Examiners. The secretary of the Pharmacy Examiners shall, upon the direction of said examiners, make inspections of alleged violations of the provisions of this title relative to the practice of pharmacy and of chapters nine (9) and ten (10) of House File two hundred sixty-one-A (261-A), special session, fortieth general assembly. Said secretary shall be allowed his necessary traveling and hotel expenses in making such inspections, which shall be paid out of the appropriation provided for in section twenty-four (24).

Sec. 92-a6. Licensing of chiropractors, osteopaths, and osteopathic surgeons. Notwithstanding the provisions of this title, every application for

a license to practice chiropractic, osteopathy, or osteopathy and surgery, shall be made direct to the secretary of the examining board of such profession, and every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by the examining board for such profession, and all examination, license, and renewal fees received from such persons licensed to practice any of such professions shall be paid to and collected by the secretary of the examining board of such profession, which secretary shall turn the same over to the department of health on the first day of January, nineteen hundred twenty-five (1925) and quarterly thereafter.

Sec. 92-a7. Clerical help and supplies. Subject to the approval of the executive council, the examining boards for chiropractic, osteopathy, and osteopathy and surgery, may employ such clerical assistance as may be necessary to enable said board to perform the duties imposed upon them by law. Payment for such assistance shall be made out of the appropriation provided for in section twenty-four (24). The executive council shall also furnish said boards with the necessary quarters and all articles and supplies required for the public use, and the provisions of section twenty-five (25) shall not apply to said boards.

Sec. 92-a8. Records. The secretary of each of said boards shall keep a correct record of the proceedings of said board, and upon the granting of any license to practice any of said professions the board shall, at the time of granting said license, certify to the department of health the application upon which such license was issued, together with the questions submitted in the examination of such applicant and the answers thereto, and such secretary shall deposit with the department of health all records not needed for the current use of his examining board.

Sec. 92-a9. Additional renewal fee for pharmacy association. The secretary of the pharmacy examiners shall annually add one dollar (\$1.00) to the renewal fee provided in this chapter for a person licensed to practice pharmacy. Such additional amount shall be considered as a part of the regular renewal fee and payment of the same shall be a prerequisite to the renewal of his license. The funds derived from the additional renewal fee collected under this section shall be paid to the state pharmacy association upon the order of its treasurer and secretary. Said funds shall be used by such association in the advancement of the art and science of pharmacy.

## CHAPTER 2 PRACTICE OF MEDICINE AND SURGERY

Sec. 93. Persons engaged in practice of medicine and surgery. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of medicine and surgery:

1. Persons who publicly profess to be physicians or surgeons or who publicly profess to assume the duties incident to the practice of medicine or surgery.
2. Persons who prescribe and furnish medicine for human ailments, or treat the same by surgery.

Sec. 94. Persons not engaged in practice of medicine. The preceding section shall not be construed to include the following classes of persons:

1. Persons who advertise or sell patent or proprietary medicines.
2. Persons who advertise, sell, or prescribe natural mineral waters flowing from wells or springs.
3. Students of medicine or surgery who have completed at least two (2) years' study in a medical school, approved by the medical examiners, and who

prescribe medicine under the supervision of a licensed physician and surgeon, or who render gratuitous service to persons in case of emergency.

4. Licensed podiatrists, "osteopaths", "osteopaths and surgeons", chiropractors, nurses, dentists, optometrists, and pharmacists who are exclusively engaged in the practice of their respective professions.

5. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to physicians and surgeons licensed in another state, when incidentally called into this state in consultation with a physician and surgeon licensed in this state.

Sec. 95. Requirements for license. Each applicant for a license to practice medicine shall:

1. Present a diploma issued by a medical college approved by the Medical Examiners.

2. Pass an examination prescribed by the Medical Examiners in the subjects of anatomy, chemistry, physiology, materia medica and therapeutics, obstetrics, pathology, theory and practice, and surgery; but in the subjects of materia medica and therapeutics, and theory and practice, each applicant shall be examined in accordance with the teachings of the school of medicine which he desires to practice.

Sec. 96. Recognition of certificates of national board. The state department of health may, with the approval of the Medical Examiners, accept in lieu of the examination prescribed in the preceding section a certificate of examination issued by the national board of medical examiners of the United States of America, but every applicant for a license upon the basis of such certificate shall be required to pay the fee prescribed for licenses issued under reciprocal agreements.

### CHAPTER 3

#### PRACTICE OF PODIATRY

Sec. 97. Persons engaged in practice of podiatry. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of podiatry:

1. Persons who publicly profess to be podiatrists or who publicly profess to assume the duties incident to the practice of podiatry.

2. Persons who diagnose and give medical or surgical treatment to ailments of the human foot.

Sec. 98. Persons not engaged in practice of podiatry. The preceding section shall not be construed to include:

1. Licensed "physicians and surgeons" nor licensed "osteopaths and surgeons".

2. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state.

Sec. 99. Requirements for license. Every applicant for a license to practice podiatry shall:

1. Present a diploma issued by a school of podiatry approved by the Podiatry Examiners.

2. Pass an examination prescribed by the Podiatry Examiners in the subjects of anatomy, chemistry, dermatology, diagnosis, materia medica, pathology, physiology, and therapeutic, clinical, and orthopedic podiatry, but said subjects shall be limited in scope to the treatment of the foot.

Sec. 100. Requirements for approved school. No school of podiatry shall



be approved by the Podiatry Examiners as a school of recognized standing unless said school:

1. Requires for graduation or for the receipt of any podiatric degree the completion of a course of study covering a period of at least two (2) years.
2. Gives an adequate course of study in the subjects enumerated in paragraph two (2) of the preceding section.
3. Publishes in a regularly issued catalogue the requirements for graduation and degrees as herein specified.

Sec. 101. Amputations and use of general anesthetic prohibited. A license to practice podiatry shall not authorize the licensee to amputate the human foot or toe, or use any anesthetic other than local.

Sec. 102. Use of title or abbreviation. Every licensee shall be designated as a registered podiatrist and he shall not use any title or abbreviation without the designation "licensed podiatrist", "practice limited to the foot", nor mislead the public in any way as to his limited qualifications to treat human ailments.

#### CHAPTER 4

#### PRACTICE OF OSTEOPATHY AND SURGERY

Sec. 103. Persons engaged in practice of osteopathy or surgery. For the purpose of this title:

1. The following classes of persons shall be deemed to be engaged in the practice of osteopathy:

- a. Persons publicly professing to be osteopaths or publicly professing to assume the duties incident to the practice of osteopathy.
- b. Persons who treat human ailments by that system of the healing art which places the chief emphasis on the structural integrity of the body mechanism as being the most important factor for maintaining the organism in health.

2. The following classes of persons shall be deemed to be engaged in the practice of osteopathy and surgery:

- a. Persons publicly professing to be osteopaths and surgeons or publicly professing to assume the duties incident to the practice of osteopathy and surgery.
- b. Persons who treat human ailments by osteopathy and surgery.

Sec. 104. Persons not engaged in practice of osteopathy or surgery. The preceding section shall not be construed to include the following classes of persons:

1. Licensed physicians and surgeons, podiatrists, nurses, and dentists who are exclusively engaged in the practice of their respective professions.

2. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to "osteopaths" or "osteopaths and surgeons", licensed in another state, when incidentally called into this state in consultation with an "osteopath" or "osteopath and surgeon", licensed in this state.

Sec. 105. Requirements for license to practice osteopathy. Every applicant for a license to practice osteopathy shall:

1. Present a diploma issued by a college of osteopathy approved by the Osteopathic Examiners.
2. Pass an examination in the science of osteopathy and the practice of the same as prescribed by the Osteopathic Examiners, including minor surgery.

Sec. 106. Requirements for license to practice osteopathy and surgery. In addition to the requirements of the preceding section, every applicant for a license to practice osteopathy and surgery shall:

1. Present satisfactory evidence that he has completed either:

a. A two (2) year post-graduate course of nine (9) months each, in an accredited college of osteopathy, involving a thorough and intensive study in the subject of surgery as prescribed by the Osteopathic Examiners, or

b. A one (1) year post-graduate course of nine (9) months, as prescribed in the preceding paragraph, and in addition thereto, has completed a one (1) year course of training as a surgical assistant in a hospital having at least twenty-five (25) beds for patients and equipped for doing major surgical work.

2. Pass an examination as prescribed by the Osteopathic Examiners in the subject of surgery, which shall be of such character as to thoroughly test the qualifications of the applicant as a practitioner of surgery.

Sec. 107. Preliminary education - examination. The Osteopathic Examiners may, notwithstanding the presentation of a diploma from an osteopathic college in good standing, subject the applicant to 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 high school.

Sec. 108. Requirements for approved college. No college of osteopathy shall be approved by the Osteopathic Examiners as a college of recognized standing unless said college:

1. Requires for admission to its course of study a preliminary education equal to the requirements for graduation from an accredited high school or other secondary school.

2. Requires for graduation or for the receipt of any osteopathic degree the completion of a course of study covering a period of not less than four (4) school years of nine (9) months each year in actual continuous attendance, of which not more than one school year is completed in any period of twelve (12) months and during which time the following subjects are taught for at least the number of hours specified:

Subject	hours
Anatomy (descriptive, regional, applied surgical, and dissection)	600
Embryology	70
Chemistry (advanced to include organic and physiological chemistry and toxicology)	300
Histology	180
Physiology	300
Pathology	240
Bacteriology	150
Hygiene	60
X-Radiance and electrical diagnosis	36
Hydrotherapy	16
Dietetics	32
Osteopathy:	
(a) Principles of osteopathy	
(b) Osteopathic technique	
(c) Practice of osteopathy, to include diseases of the nervous system, alimentary tract, heart and vascular system, genito urinary diseases, ductless glands, metabolism, respiratory tract, bone and joint diseases, corrective gymnastics, acute and infectious diseases, pediatrics, dermatology, syphilis, psychiatry, diagnosis (physical, laboratory, and differential).	

clinical practice and case recording	1,466
Minor surgery with emphasis on fractures, dislocations, principles of surgery, surgical diagnosis, orthopedics, orificial and chemical	400
Eye, ear, nose, and throat	180
Gynecology	160
Obstetrics	200
Professional ethics and efficiency	16
Jurisprudence	16
Total	4,422

The number of hours herein prescribed for the study of any subject may be reduced not more than thirty per cent, but the total number of hours prescribed shall not be reduced.

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

Sec. 109. Use of drugs and operative surgery prohibited. A license to practice "osteopathy" or "osteopathy and surgery" shall not authorize the licensee to prescribe or give internal curative medicines and a license to practice "osteopathy" shall not authorize the licensee to engage in major operative surgery.

#### CHAPTER 5 PRACTICE OF CHIROPRACTIC

Sec. 110. Chiropractic defined. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of chiropractic:

1. Persons publicly professing to be chiropractors or publicly professing to assume the duties incident to the practice of chiropractic.
2. Persons who treat human ailments by the adjustment by hand of the articulations of the spine or by other incidental adjustments.

Sec. 111. Persons not engaged in practice of chiropractic. The preceding section shall not be construed to include the following classes of persons:

1. Licensed physicians and surgeons, licensed "osteopaths", and licensed "osteopaths and surgeons" who are exclusively engaged in the practice of their respective professions.
2. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to chiropractors licensed in another state, when incidentally called into this state in consultation with a chiropractor licensed in this state.
3. Students of chiropractic who have entered upon a regular course of study in a chiropractic college approved by the Chiropractic Examiners, who practice chiropractic under the direction of a licensed chiropractor and in accordance with the rules of said examiners.

Sec. 112. Requirements for license. Every applicant for a license to practice chiropractic shall:

1. Present satisfactory evidence that he possesses a preliminary education equal to the requirements for graduation from an accredited high school or other secondary school.
2. Present a diploma issued by a college of chiropractic approved by the Chiropractic Examiners.
3. Pass an examination prescribed by the Chiropractic Examiners in the subjects of anatomy, physiology, symptomatology and diagnosis, hygiene and sanitation, chemistry, histology, pathology, and principles and practice of chiropractic, including a clinical demonstration of vertebral palpation, nerve

tracing and adjusting.

Sec. 113. Requirements for approved college. No college of chiropractic shall be approved by the Chiropractic Examiners as a college of recognized standing unless said college:

1. Requires for graduation or for the receipt of any chiropractic degree the completion of a course of study covering a period of not less than three (3) school years of six (6) months each year in actual continuous attendance.

2. Gives an adequate course of study in the subjects enumerated in paragraph three (3) of the preceding section, and including practical clinical instruction.

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

Sec. 114. Use of operative surgery, drugs, and osteopathy prohibited. A license to practice chiropractic shall not authorize the licensee to practice operative surgery, osteopathy, nor administer or prescribe any drug or medicine included in materia medica.

Sec. 115. Signs - display of word "chiropractor". Every licensee shall place upon all signs used by him, and display prominently in his office the word "chiropractor".

## CHAPTER 6

### PRACTICE OF NURSING

Sec. 116. Nursing defined. For the purpose of this title any person shall be deemed to be engaged in the practice of nursing who practices nursing as a graduate or registered nurse or publicly professes to be a graduate or registered nurse and to assume the duties incident to such profession.

Sec. 117. Certain nurses exempted. The preceding section shall not apply to any person nursing the sick with or without pay who does not in any way assume to be a registered or graduate nurse, but such person shall not use the abbreviations "R.N." or "G.N."

Sec. 118. Requirements for license. Every applicant for a license to practice nursing shall:

1. Present a diploma issued by a nurses' training school approved by the Nurse Examiners.

3. Pass an examination prescribed by the Nurse Examiners in the subjects of elementary hygiene, anatomy, physiology, materia medica, dietetics, practical nursing, medical and surgical nursing, obstetrics, nursing of children, the rules of the state department of health relating to communicable diseases and quarantine, and other proper subjects.

Sec. 119. Requirements for schools of good standing. No training school shall be approved by the Nurse Examiners as a school of recognized standing unless said school is attached to a general hospital and:

1. Requires for graduation or any degree the completion of a course of study covering a period of at least three (3) years of actual attendance.

2. Gives an adequate course of study in the subjects enumerated in paragraph three (3) of the preceding section.

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

## CHAPTER 7

### PRACTICE OF DENTISTRY

Sec. 120. Practice of dentistry defined. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of dentistry:

1. Persons publicly professing to be dentists, dental surgeons, or skilled in the science of dentistry, or publicly professing to assume the duties incident to the practice of dentistry.

2. Persons who treat, or attempt to correct by any medicine, appliance, or method any disorder, lesion, injury, deformity, or defect of the oral cavity, teeth, gums, or maxillary bones of the human being, or give prophylactic treatment to any of said organs.

Sec. 121. Persons not engaged in practice of dentistry. The preceding section shall not be construed to include the following classes:

1. Students of dentistry who practice dentistry upon patients at clinics in connection with their regular course of instruction at the state dental college.

2. Licensed "physicians and surgeons" or licensed "osteopaths and surgeons" who extract teeth or treat diseases of the oral cavity, gums, teeth, or maxillary bones as an incident to the general practice of their professions.

3. Persons who are members of an incorporated society and practice dentistry solely for and among the members of such incorporated society without charge.

4. Persons licensed to practice dental hygiene who are exclusively engaged in the practice of said profession.

Sec. 122. Requirements for license. Every applicant for a license to practice dentistry shall:

1. Present a diploma issued by a dental college approved by the Dental Examiners.

2. Pass an examination prescribed by the Dental Examiners in the science of dentistry and the practice of dental surgery.

Sec. 123. Names of employed dentists to be posted. Every person who owns, operates, or controls a dental office in which anyone other than himself is practicing dentistry shall display the name of such person in a conspicuous manner at the public entrance to said office.

Sec. 124. Employment of unlicensed dentist - laboratory work. No person owning or conducting any place where dental work of any kind is done or contracted for, shall employ or permit any unlicensed dentist to practice dentistry in said place, but persons who are not licensed dentists may perform laboratory work.

Sec. 125. Dentists to practice under their own names. No person shall operate any place in which dentistry is practiced under any other name than his own, or display, in connection with his practice, on any advertising matter any other than his own name; but two (2) or more licensed dentists who are associated in the practice may use all of their names, and a widow, heir, or any legal representative of a deceased dentist, may operate such office for a reasonable time for the purpose of disposing of the same.

Sec. 126. Practice of dental hygienists defined. Any woman may be licensed as a dental hygienist and such license shall authorize her to remove lime deposits accretions, and stains upon the exposed surfaces of the teeth and directly beneath the free margins of the gums, but such practice must be carried on in a dental office, a public or private school, or in a public institution, and under the supervision of a licensed dentist. Dental hygienists shall not otherwise engage in the practice of dentistry.

Sec. 127. Requirements for dental hygienists. Every applicant for a license to practice dental hygiene shall:

1. Present satisfactory evidence of a preliminary education equivalent to two (2) years in an accredited high school or other secondary school.
2. Present a diploma from a training school for dental hygiene approved by the Dental Examiners.
3. Pass an examination prescribed by the Dental Examiners in the subjects taught in the curriculum of an accredited training school for dental hygiene.

Sec. 128. Requirements for approved hygiene school. No training school for dental hygiene shall be approved by the Dental Examiners as a school of recognized standing unless said school:

1. Requires for graduation or any degree the completion of a course of study covering a period of not less than one (1) year of at least nine (9) months in actual continuous attendance.
2. Gives a suitable course covering the subject of dental hygiene.
3. Publishes in a regularly issued catalogue the requirements for graduation and degrees as specified herein.

## CHAPTER 8

### PRACTICE OF OPTOMETRY

Sec. 129. Optometry defined. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of optometry:

- (1) Persons who employ any means other than drugs for the measurement of the powers of vision of the human eyes, and adapt lenses for aiding the same.
- (2) Persons who allow the public to use any mechanical device for such purpose.
- (3) Persons who publicly profess to be optometrists and to assume the duties incident to said profession.

Sec. 130. Persons not engaged in the practice of optometry. This chapter shall not be construed to include the following classes:

1. Merchants or dealers who sell glasses as merchandise in an established place of business and who do not profess to be optometrists or practice optometry as herein defined.
2. Licensed practitioners of medicine.

Sec. 131. Requirements for license. Every applicant for a license to practice optometry shall:

1. Present satisfactory evidence of a preliminary education equivalent to at least four (4) years' study in an accredited high school or other secondary school.
2. Present a diploma from an accredited school of optometry.

3. Pass an examination prescribed by the Optometry Examiners in the subjects of physiology of the eye, optical physics, anatomy of the eye, ophthalmology, and practical optometry.

Sec. 132. Requirements for approved school. No school of optometry shall be approved by the Optometry Examiners as a school of recognized standing unless said school.

1. Requires for graduation or any degree the completion of a course of study covering a period of at least two (2) school years of nine (9) months each year of actual continuous attendance.

2. Gives an adequate course of study in which at least one hundred fifty (150) hours of the instruction are devoted to each of the subjects enumerated in paragraph three (3) of the preceding section.

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

## CHAPTER 9

### PRACTICE OF PHARMACY

Sec. 133. Person engaged in practice of pharmacy. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of pharmacy:

1. Persons who engage in the business of selling, or offering or exposing for sale, drugs and medicines at retail.

2. Persons who compound or dispense drugs and medicines to fill the prescriptions of licensed physicians and surgeons, dentists, or veterinarians.

Sec. 134. Persons not engaged in practice of pharmacy. The preceding section shall not be construed to include the following classes:

1. Persons who assist in the selling or dispensing of drugs and medicines under the supervision of a licensed pharmacist.

2. Persons who sell, offer or expose for sale, completely denatured alcohol or concentrated lye, insecticides or fungicides in original packages.

3. Persons licensed to practice medicine, dentistry, or veterinary medicine who dispense drugs and medicines as an incident to the practice of their professions.

4. Persons who sell, offer or expose for sale proprietary medicines or domestic remedies which are not in themselves poisonous or in violation of the law relative to intoxicating liquors.

Sec. 135. Definitions. For the purposes of this chapter:

1. "Drugs and medicines" shall include all substances and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or animals.

2. "Pharmacy" shall mean a drug store in which the prescriptions of licensed physicians and surgeons, dentists, or veterinarians are compounded.

Sec. 136. Requirements for license. Every applicant for a license to practice pharmacy shall:

1. Present satisfactory evidence of possessing the qualifications enumerated in one (1) of the following paragraphs:

a. The completion of two (2) years' work in an accredited college of pharmacy and at least two (2) years of practical experience as a clerk under the supervision of a licensed pharmacist in a pharmacy.

b. The completion of three (3) years' work in an accredited college of pharmacy and at least one (1) year of practical experience as specified in the preceding paragraph.

2. Pass an examination prescribed by the Pharmacy Examiners in the science and practice of pharmacy.

Sec. 137. Permitting person not registered to dispense drugs. No licensed pharmacist shall allow anyone who is not a licensed pharmacist to sell, or offer or expose for sale, or dispense drugs and medicines, or fill the prescriptions of licensed physicians, dentists, and veterinarians, unless the same be done under the supervision of a licensed pharmacist.

Sec. 128. Requirements for approved colleges. After July first, nineteen hundred twenty-five (1925), no college of pharmacy shall be approved by the Pharmacy Examiners as a college of recognized standing unless the entrance and graduation requirements are equivalent to those prescribed from time to time by the American conference of pharmaceutical faculties.

## CHAPTER 10

### PRACTICE OF EMBALMING

Sec. 139. Embalming defined. For the purpose of this title any person shall be deemed to be engaged in the practice of embalming who makes a practice of preparing the dead bodies of human beings for burial or other final disposition or who publicly professes to be an embalmer and to assume the duties incident to said profession.

Sec. 140. Requirements for license. Every applicant for a license to practice embalming shall:

1. Present satisfactory evidence of two (2) years of practical experience under a licensed embalmer in this state, or one (1) year of such practical experience, and the completion of the regular course of instruction in an accredited school of embalming.

2. Present satisfactory evidence of having actually embalmed ten (10) bodies, under the supervision of a licensed embalmer.

3. Pass an examination prescribed by the Embalmer Examiners in the subjects of anatomy, sanitary science, the care, disinfection, preservation, transportation, and burial or other final disposition of dead bodies, and the rules of the state department of health relating to communicable diseases and quarantine.

4. At the request of the Embalmer Examiners, demonstrate his proficiency as an embalmer by operations on a cadaver.

## CHAPTER 11

### TEMPORARY AND SPECIAL PROVISIONS

Sec. 141. Present members of board of health to be medical examiners. The physician members of the state board of health as constituted on July first, nineteen hundred twenty-four (1924), whose terms expire on June thirtieth, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively, shall, at the time this title takes effect, become members of the board of medical examiners provided for in chapter one (1) of this title and shall serve in such capacity until the expiration of



their present terms of office upon the above specified dates.

Sec. 142. New examiners for podiatrists, nurses, optometrists, and embalmers. The governor shall appoint, immediately upon the taking effect of this title, and subject to the provisions of chapter one (1) of this title, in so far as applicable, three (3) members of each of the following boards.

1. Podiatry Examiners.
2. Nurse Examiners.
3. Optometry Examiners.
4. Embalmer Examiners.

Sec. 143. Term of office. The term of one (1) of the members of each of the above boards shall expire on June thirtieth, nineteen hundred twenty-five (1925), one (1) on June thirtieth, nineteen hundred twenty-six (1926), and one (1) on June thirtieth, nineteen hundred twenty-seven (1927), as designated by the governor.

Sec. 144. Continuation of present dental examiners. The members of the state board of dental examiners as constituted on August first, nineteen hundred twenty-four (1924) whose terms expire on July thirty-first, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), nineteen hundred twenty-seven (1927), nineteen hundred twenty-eight (1928), and nineteen hundred twenty-nine (1929), respectively, shall, immediately upon the taking effect of this title, become members of the board of dental examiners, provided for in chapter one (1) of this title, and shall serve in such capacity until July first, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), nineteen hundred twenty-seven (1927), nineteen hundred twenty-eight (1928), and nineteen hundred twenty-nine (1929), respectively.

Sec. 146. Continuation of terms of present osteopathic examiners. The members of the state board of osteopathy as constituted on April fifteenth, nineteen hundred twenty-four (1924), whose terms expire on April fourteenth, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively, shall, immediately upon the taking effect of this title, become members of the board of Osteopathic Examiners, provided for in chapter one (1) of this title, and shall serve in such capacity until July first, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively.

Sec. 147. Continuation of terms of present chiropractic examiners. The members of the state board of chiropractic as constituted on March twenty-eight, nineteen hundred twenty-four (1924), whose terms expire on March twenty-seventh, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively, shall, immediately upon the taking effect of this title, become members of the board of Chiropractic Examiners, provided for in chapter one (1) of this title, and shall serve in such capacity until July first, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively.

Sec. 148. Continuation of terms of members of pharmacy commission. The members of the state pharmacy commission as constituted on April twenty-fourth, nineteen hundred twenty-four (1924), whose terms expire on April twenty-third, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively, shall immediately upon the taking effect of this title, become members of the board of Pharmacy Examiners, pro-

vided for in chapter one (1) of this title, and shall serve in such capacity until July first, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively.

Sec. 148-a1. Secretary of pharmacy commission. The secretary of the state pharmacy commission in office at the time this title takes effect shall become the secretary of the board of Pharmacy Examiners, provided for in chapter one (1) of this title, and shall serve in such capacity until July first, nineteen hundred twenty-five (1925) when he shall be superseded by such person as may be appointed by the Pharmacy Examiners under the provisions of section ninety-two-a five (92-a5).

Sec. 149. Appointment of successors. Upon the expiration of the respective terms of the members of the various examining boards provided by this chapter their successors shall be appointed as provided in chapter one (1) of this title, in so far as possible.

Sec. 150. Surrender of public records. Immediately upon the taking effect of this title, the state department of health shall take possession of all public records, documents, correspondence, papers, property, and equipment heretofore belonging to the state board of medical examiners, the podiatry examiners, board of osteopathy, board of chiropractic examiners, nurses' examining committee, board of dental examiners, board of optometry examiners, and the embalmers' examining committee.

The persons in possession of such records and property shall deliver the same to the state department of health upon demand of the commissioner of public health.

Sec. 151. Certification of records. From and after the taking effect of this title, the commissioner of public health shall have authority to make certified copies of any of the public records, documents, and papers delivered under the preceding section.

Sec. 152. Existing licenses. Every license to practice "medicine and surgery", podiatry, "osteopathy", "osteopathy and surgery", chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, or embalming in force at the time of the taking effect of this title shall authorize the holder thereof to practice his profession until the thirtieth day of June following the taking effect of this title when the same shall be renewed as provided in this title.

Sec. 153. Continuation of existing reciprocal agreements. Every reciprocal agreement existing at the time this title takes effect for the purpose of recognizing licenses which have been issued in other states to practice any of the professions for which a license is required by this title shall continue in force until such time as new agreements are negotiated under the provisions of chapter one (1) of this title.

Sec. 154. Continuation of present rules and regulations. All the rules and regulations of the "state board of health", "state board of medical examiners", the "podiatry examiners" of said board, the state "board of osteopathy", the state "board of chiropractic examiners", the nurses' "examining committee" of the state board of health, the state "board of dental examiners", the state "board of optometry examiners", the state "commission of pharmacy", and the embalmers' "examining committee" of the state board of health, relative to the practice of any profession regulated by this title, which have been promulgated

under any law of this state and are in force at the time this title takes effect, shall continue in force until superseded by the rules and regulations of the proper authority, adopted under the provisions of this title.

Sec. 155. This title takes effect. Immediately upon the taking effect of this title, the "state board of health", "state board of medical examiners", the "podiatry examiners" of said board, the state "board of osteopathy", the state "board of chiropractic examiners", the nurses' "examining committee" of the state board of health, the state "board of dental examiners", the state "board of optometry examiners", the state "commission of pharmacy", and the embalmers' "examining committee" of the state board of health, as constituted at such time shall cease to exist and shall be superseded by the examining boards provided in this title.

Sec. 156. Omission from permanent Code. The provisions of this chapter are temporary or special in character and the code editor shall omit the same from the permanent Code when prepared for final publication.

Approved April 26, 1924.

## CHAPTER 168

### STATE PRINTING

S. F. 263

AN ACT to amend, revise, and codify sections one hundred one-a1 (100-a1), two hundred forty-one-a four (241-a4), two hundred forty-one-a sixty-four-b (241-a64b), two hundred forty-one-a sixty-four-c (241-a64c), two hundred forty-one-a sixty-five (241-a65), and two hundred forty-one-a seventy-four (241-a74) of the supplement to the compiled code of Iowa, relating to the state printing board and to the public reports of various public offices.

Be It Enacted by the General Assembly of the state of Iowa:

That section two hundred forty-one-a four (241-a4) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Appointment and tenure. The governor shall, on or before July first, each year, appoint one member of said board which appointee, after qualifying, shall serve for two years from said date. Appointees to fill vacancies shall serve from the date of appointment and qualification and for the unexpired term.

Sec. 2. Present members of board. Nothing in the preceding section shall affect the term of office of the present appointive members of the board.

That section two hundred forty-one-a sixty-four-b (241-a64b) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Biennial reports - time covered and date of filing. Reports of the following officials and departments shall cover the biennial period ending June thirtieth in each even-numbered year, and shall be filed as soon as practicable after the end of the reporting period: