

## CHAPTER 122

## BOARD OF MEDICAL EXAMINERS

H. F. 378

AN ACT relating to the creation of a single examining and licensing board for physicians and surgeons, osteopaths, and osteopathic physicians and surgeons and matters relating thereto.

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

1 SECTION 1. Section one hundred forty-seven point one (147.1),  
2 Code 1962, is amended by striking from lines two (2) and three (3)  
3 of subsection two (2) the words "osteopath, osteopath and surgeon,"  
4 and inserting in lieu thereof the words "osteopath, osteopathic physi-  
5 cian and surgeon,".

6 Further amend said section by striking from lines two (2) and three  
7 (3) of subsection three (3) the words "osteopathy, osteopathy and  
8 surgery" and inserting in lieu thereof the words "osteopathy, osteo-  
9 pathic medicine and surgery".

1 SEC. 2. Section one hundred forty-seven point two (147.2), Code  
2 1962, is amended by striking from line three (3) the word "osteopathy"  
3 preceding the word "and" and inserting in lieu thereof the words  
4 "osteopathic medicine".

1 SEC. 3. Section one hundred forty-seven point thirteen (147.13),  
2 Code 1962, is amended by inserting in line four (4) after the word  
3 "surgery" appearing in lines three (3) and four (4) the words "and  
4 osteopathy, and osteopathic medicine and surgery".

5 Further amend said section by striking from lines five (5) and six  
6 (6) the following:

7 "for osteopathy and osteopathy and surgery, osteopathic examin-  
8 ers;".

1 SEC. 4. Section one hundred forty-seven point fourteen (147.14),  
2 Code 1962, is amended by striking from line three (3) the words  
3 ", medical examiners".

4 Further amend said section by adding at the end thereof the words  
5 "and the medical examiners which shall consist of eight members".

1 SEC. 5. Section one hundred forty-seven point fifteen (147.15),  
2 Code 1962, is hereby repealed and the following enacted in lieu thereof:  
3 "Every dental, podiatry, chiropractic, nurse, optometry, pharmacy,  
4 cosmetology, barbering, and funeral director and embalmer examiner  
5 shall be a person licensed to practice the profession for which the  
6 board, of which he is a member, conducts examinations for licenses to  
7 practice such profession. The medical examiners shall consist of eight  
8 persons, six of whom shall be licensed to practice medicine and surgery  
9 and two of whom shall be licensed to practice osteopathic medicine and  
10 surgery."

1 SEC. 6. Section one hundred forty-seven point seventeen (147.17),  
2 Code 1962, is hereby repealed and the following enacted in lieu thereof:

3 "In addition to the preceding requirements, each of the six medical  
4 members of the board of medical examiners shall be a graduate of some  
5 reputable school of medicine and each osteopathic physician and sur-  
6 geon member shall be a graduate of some reputable school of oste-  
7 opathy or osteopathic medicine and surgery."

1 SEC. 7. Section one hundred forty-seven point nineteen (147.19),  
2 Code 1962, is hereby repealed and the following enacted in lieu thereof:  
3 "The members of each examining board shall be appointed for a  
4 term of three years, except the dental and nurse examiners who shall  
5 be appointed for a term of five years and except the medical examiners,  
6 the medical members of which shall be appointed for a term of five  
7 years and the osteopathic physician and surgeon members of which  
8 shall be appointed for a term of three years. No nurse examiner shall  
9 be appointed to more than two consecutive terms. The term of each  
10 examiner shall commence on July 1 in the year of appointment and  
11 the terms of the members of each board shall be rotated in such a  
12 manner that one examiner shall retire each year except the board of  
13 medical examiners in which two examiners shall retire in years when  
14 the three-year term of an osteopathic physician and surgeon member  
15 expires. Nothing contained in this Act shall affect the terms of present  
16 members of any examining board except the osteopathic members.  
17 The additional medical member of the board provided by this Act  
18 shall serve for six years from July 1, 1963. After the expiration of the  
19 terms of the present medical members, terms of their successors shall  
20 be for six years. The terms of the first osteopathic physician and sur-  
21 geon members of the board appointed under this Act shall be, one for  
22 two years and one for three years beginning July 1, 1963. Their suc-  
23 cessors shall be appointed for terms of three years."

1 SEC. 8. Section one hundred forty-seven point twenty (147.20),  
2 Code 1962, is amended by adding at the end thereof the following:  
3 "The names of the osteopathic nominees for the appointment to the  
4 board of medical examiners shall be submitted to the governor, as  
5 herein provided in any year prior to expiration of the term of any such  
6 member, the first list shall be submitted for the term beginning July 1,  
7 1963."

1 SEC. 9. Section one hundred forty-seven point twenty-four  
2 (147.24), Code 1962, is amended by striking from line three (3) the  
3 word "ten" and inserting in lieu thereof the word "twenty-five".

1 SEC. 10. Section one hundred forty-seven point thirty-nine  
2 (147.39), Code 1962, is amended by striking from line ten (10) the  
3 word "railroad" and inserting in lieu thereof the word "travel".

1 SEC. 11. Section one hundred forty-seven point forty-nine (147.49),  
2 Code 1962, is amended by adding at the end thereof the following:  
3 "The department of health may, upon the recommendation of the  
4 medical examiners, accept in lieu of the examination prescribed in  
5 section one hundred forty-eight point three (148.3), of the Code, or  
6 division 'C' of section twenty-nine (29) of this Act, a license to prac-

7 tice medicine and surgery or osteopathic medicine and surgery, issued  
8 by the duly constituted authority of another state, territory or foreign  
9 country. Endorsement may be accepted by the department of health  
10 in lieu of further written examination without regard to the existence  
11 or nonexistence of a reciprocal agreement, but shall not be in lieu of  
12 the standards and qualifications prescribed by section one hundred  
13 forty-eight point three (148.3) of the Code or division 'C' of section  
14 twenty-nine (29) of this Act."

1 SEC. 12. Section one hundred forty-seven point seventy-four  
2 (147.74), Code 1962, is amended by inserting in line one (1) of the  
3 third paragraph after the word "osteopathic" the words "physician  
4 and".

5 Further amend said section by inserting in line five (5) of said para-  
6 graph after the word "Osteopathic" the words "Physician and".

1 SEC. 13. Section one hundred forty-seven point eighty (147.80),  
2 Code 1962, is hereby amended by striking all of subsections one (1)  
3 and two (2) and inserting in lieu thereof:

4 "1. For a license to practice dentistry or pharmacy, issued upon the  
5 basis of an examination given by the dental examiners or board of  
6 pharmacy examiners, twenty-five dollars or, issued under a reciprocal  
7 agreement, fifty dollars.

8 2. For a license to practice medicine and surgery or osteopathic  
9 medicine and surgery, issued upon the basis of an examination given  
10 by the medical examiners, fifty dollars. For a license to practice medi-  
11 cine and surgery, osteopathic medicine and surgery or osteopathy,  
12 issued by endorsement or under a reciprocal agreement, one hundred  
13 dollars."

14 Further amend said section, subsection three (3), lines one (1) and  
15 two (2), by striking the word "osteopathy".

16 Further amend said section one hundred forty-seven point eighty  
17 (147.80), subsection seven (7), by striking the word "or" in line five  
18 (5) and inserting in lieu thereof the following "osteopathic medicine  
19 and surgery, or osteopathy shall be five dollars, and except the renewal  
20 fee to practice".

21 Further amend said section by adding a new subsection as follows:  
22 "The department may issue a duplicate license, which shall be so desig-  
23 nated on its face, upon satisfactory proof the original license issued by  
24 the department has been destroyed or lost, upon payment of a fee of  
25 five dollars."

1 SEC. 14. Section one hundred forty-seven point one hundred two  
2 (147.102), Code 1962, is amended by striking from line four (4) the  
3 word "osteopathy" following the word "or" and inserting in lieu  
4 thereof the words "osteopathic medicine".

1 SEC. 15. Section one hundred forty-seven point one hundred three  
2 (147.103), Code 1962, is hereby repealed and the following enacted in  
3 lieu thereof:

4 "Subject to the approval of the executive council, the chiropractic  
5 examining board may employ such clerical assistance as may be nec-

6 essary to said board to perform the duties imposed upon it by law.  
7 Payment for such assistance shall be made out of the appropriation  
8 provided for said examining board in the biennial departmental ap-  
9 propriations. The executive council shall also furnish said board with  
10 the necessary quarters and all articles and supplies required for public  
11 use, and the provisions of section one hundred forty-seven point  
12 twenty-six (147.26) of the Code shall not apply to said board.

13 All fees paid to the department by practitioners of medicine and  
14 surgery, osteopathic medicine and surgery and osteopathy, shall be  
15 transmitted by the department to the treasurer of state who shall  
16 receipt therefor and who shall keep such fees in a separate fund to be  
17 known as the 'state board of medical examiners fund', to be used by  
18 the medical examiners to assist in administering and enforcing the  
19 laws relating to the practice of medicine and surgery, osteopathic  
20 medicine and surgery and osteopathy. Such fund shall be continued  
21 from year to year and the treasurer shall keep a separate account  
22 thereof showing receipts and disbursements and any remainder in said  
23 fund in excess of twenty-five thousand dollars at the end of each cal-  
24 endar year shall be paid into the general fund of the state. Said fund  
25 shall be subject at all times to the warrant of the state comptroller  
26 drawn upon written requisition of the chairman of the medical exam-  
27 iners and attested by the secretary, for the payment of all salaries,  
28 per diem expense, and other expenses necessary to administer and aid  
29 in the enforcement of the provisions of law relating to the practice of  
30 medicine and surgery, osteopathic medicine and surgery and oste-  
31 opathy, but in no event shall the total expenses therefor exceed the  
32 total fees collected and deposited to the credit of said fund.

33 The medical examiners may appoint an inspector, who shall not be  
34 a member of the examining board, to properly administer and aid in  
35 the enforcement of the provisions of the law relating to those licensed  
36 to practice medicine and surgery, osteopathic medicine and surgery  
37 and osteopathy, by said board. The amount of compensation for such  
38 inspector shall be approved by the executive council and paid from the  
39 'state board of medical examiners fund'."

1 SEC. 16. Upon the effective date of this Act, the terms of the  
2 members of the board of osteopathic examiners only shall expire, and  
3 the secretary of said board shall deliver to the secretary of the board  
4 of medical examiners all records of the osteopathic board. Until June  
5 30, 1963, the chairman of the board of osteopathic examiners shall be  
6 a member of the board of medical examiners.

1 SEC. 17. Section one hundred forty-eight point two (148.2), Code  
2 1962, subsection four (4), is amended by striking from lines one (1)  
3 and two (2) the words "osteopaths and surgeons" and inserting in lieu  
4 thereof the words "osteopathic physicians and surgeons".

1 SEC. 18. Section one hundred forty-eight point three (148.3), Code  
2 1962, is amended by striking the period (.) in line two (2) of subsec-  
3 tion one (1) and inserting in lieu thereof the following: ", or present  
4 other evidence of equivalent medical education approved by the medical  
5 examiners."

6 Further amend said section by striking subsection two (2) and in-  
7 serting in lieu thereof the following:

8 "Pass an examination prescribed by the medical examiners which  
9 shall include the subjects of anatomy, chemistry, physiology, materia  
10 medica and therapeutics, obstetrics, pathology, medicine, public health  
11 and hygiene and surgery. The board of medical examiners may require  
12 written, oral, and practical examinations of the applicant."

1 SEC. 19. Section one hundred forty-eight point six (148.6), Code  
2 1962, is amended by inserting in line eight (8) after the word "sur-  
3 gery" the words ", osteopathic medicine and surgery, or osteopathy".

1 SEC. 20. Section one hundred forty-eight point seven (148.7), Code  
2 1962, is amended by inserting in line three (3) after the word "sur-  
3 gery" the following: ", osteopathic medicine and surgery, or osteo-  
4 paty".

1 SEC. 21. Chapter one hundred forty-eight (148), Code 1962, is  
2 amended by adding the following new section:

3 "The medical examiners may, in their discretion, issue a temporary  
4 certificate authorizing the licensee to practice medicine and surgery or  
5 osteopathic medicine and surgery whenever, in the opinion of the  
6 medical examiners, a need exists therefor and the person possesses  
7 the qualifications prescribed by the medical examiners for such license,  
8 which shall be substantially equivalent to those required for licensure  
9 under chapter one hundred forty-eight (148) of the Code or section  
10 twenty-nine (29) of this Act, as the case may be. The medical exam-  
11 iners shall determine in each instance those eligible for this license,  
12 whether or not examinations shall be given, and the type of examina-  
13 tions. No requirements of the law pertaining to regular permanent  
14 licensure shall be mandatory for this temporary license except as  
15 specifically designated by the medical examiners. The granting of a  
16 temporary license does not in any way indicate that the person so  
17 licensed is necessarily eligible for regular licensure, nor are the medical  
18 examiners in any way obligated to so license such person.

19 The fee for such license shall be twenty-five dollars. The license  
20 shall be valid for a period not to exceed one year from the date of  
21 issuance thereof and shall not be renewable. The medical examiners  
22 may cancel a temporary certificate at any time, without a hearing, for  
23 reasons deemed sufficient to the medical examiners.

24 When the medical examiners cancel a temporary certificate they  
25 shall promptly notify the licensee by registered United States mail, at  
26 his last named address, as reflected by the files of the medical exam-  
27 iners, and the temporary certificate shall become terminated and of  
28 no further force and effect three days after the giving of said notice  
29 to the licensee."

1 SEC. 22. Section one hundred fifty point one (150.1), Code 1962, is  
2 amended by striking from the last two (2) lines the words "and is not  
3 subject to the provisions of said chapter" and by inserting in lieu  
4 thereof the following: "nor the practice of osteopathic medicine and  
5 surgery within the meaning of section twenty-nine (29) of this Act,

6 and is not subject to the provisions of chapter one hundred forty-eight  
7 (148) of the Code or section twenty-nine (29) of this Act, except sec-  
8 tions one hundred forty-eight point six (148.6) to one hundred forty-  
9 eight point nine (148.9), inclusive”.

1 SEC. 23. Section one hundred fifty point two (150.2), Code 1962, is  
2 amended by striking subsection two (2).

1 SEC. 24. Section one hundred fifty point three (150.3), Code 1962,  
2 subsection one (1), is amended by inserting in line two (2) after the  
3 word “surgery,” the words “osteopathic medicine and surgery,”.

4 Further amend said section, subsection two (2), by striking from  
5 lines four (4) and five (5) the words “or osteopathic physicians and  
6 surgeons”; also by striking from line eight (8) the words “or osteo-  
7 pathic physician and surgeon,”.

8 Further amend said section by striking all of subsection three (3).

1 SEC. 25. Sections one hundred fifty point four (150.4), one hundred  
2 fifty point five (150.5) and one hundred fifty point six (150.6), Code  
3 1962, are hereby repealed.

1 SEC. 26. Section one hundred fifty point seven (150.7), Code 1962,  
2 is amended by striking from said section all after the word “surgery.”  
3 in line four (4).

1 SEC. 27. Section one hundred fifty point eight (150.8), Code 1962,  
2 is hereby repealed and the following enacted in lieu thereof:

3 “A license to practice osteopathy shall not authorize the licensee to  
4 engage in major operative surgery, but shall authorize the licensee to  
5 prescribe or give drugs and medicines whether or not prescribed or  
6 given preliminary to, preparatory to or in connection with manual  
7 treatment.”

1 SEC. 28. Chapter one hundred fifty (150), Code 1962, is amended  
2 by adding the following new section:

3 “After the effective date of this Act, no license to practice osteo-  
4 opathy shall be issued, provided that the department of health shall  
5 issue renewal licenses to practice osteopathy as provided in chapter  
6 one hundred forty-seven (147) of the Code and the department, upon  
7 recommendation of the medical examiners, may grant a license to prac-  
8 tice osteopathy by reciprocity or endorsement if the applicant holds a  
9 valid license to practice osteopathy or osteopathic medicine and surgery  
10 issued by another state prior to the effective date of this Act.”

1 SEC. 29. Title Eight (VIII), Code 1962, is amended by adding the  
2 following as a new chapter:

3 A. For the purpose of this title, the following classes of persons  
4 shall be deemed to be engaged in the practice of osteopathic medicine  
5 and surgery:

6 1. Persons who publicly profess to be osteopathic physicians and  
7 surgeons, or who publicly profess to assume the duties incident to the  
8 practice of osteopathic medicine and surgery.

9 2. Persons who prescribe, or prescribe and furnish medicine for

10 human ailments or treat the same by surgery.

11 3. Persons who act as representatives of any person in doing any of  
12 the things mentioned in this section.

13 B. Division "A" hereof shall not be construed to include the follow-  
14 ing classes of persons:

15 1. Persons who advertise or sell patent or proprietary medicines.

16 2. Persons who advertise, sell, or prescribe natural mineral waters  
17 flowing from wells or springs.

18 3. Students of medicine or surgery or osteopathic medicine and sur-  
19 gery, who have completed at least two years study in a medical school  
20 or college of osteopathic medicine and surgery approved by the med-  
21 ical examiners, and who prescribe medicine under the supervision of a  
22 licensed physician and surgeon or osteopathic physician and surgeon,  
23 or who render gratuitous service to persons in case of emergency.

24 4. Licensed physicians and surgeons, podiatrists, osteopaths, chiro-  
25 practors, nurses, dentists, optometrists, and pharmacists who are ex-  
26 clusively engaged in the practice of their respective professions.

27 5. Physicians and surgeons of the United States army, navy or  
28 public health service when acting in the line of duty in this state, or  
29 physicians and surgeons, or osteopathic physicians and surgeons, li-  
30 censed in another state, when incidentally called into this state in con-  
31 sultation with a physician or surgeon, or osteopathic physician and  
32 surgeon, licensed in this state.

33 C. Each applicant for a license to practice osteopathic medicine and  
34 surgery shall:

35 1. Either comply with all of the following:

36 a. Present a diploma issued, after the effective date of this Act, by  
37 a college of osteopathic medicine and surgery approved by the medical  
38 examiners or present other evidence of equivalent medical education  
39 approved by the medical examiners.

40 b. Pass an examination prescribed by the medical examiners in sub-  
41 jects including anatomy, chemistry, physiology, materia medica and  
42 therapeutics, obstetrics, pathology, medicine, public health and hygiene  
43 and surgery. The board of medical examiners may require written,  
44 oral and practical examinations of the applicant.

45 c. Present to the state department of health satisfactory evidence  
46 that the applicant has completed one year of internship in a hospital  
47 approved by the medical examiners. No hospital shall be approved  
48 which does not provide the internship without expense to the intern.  
49 Until July 1, 1968, any osteopathic hospital which has been approved  
50 by the American Osteopathic Association for internship training shall,  
51 by virtue thereof, stand as provisionally approved by the medical  
52 examiners unless the medical examiners, by majority action, including  
53 the osteopathic physician and surgeon member, shall disapprove.

54 d. Be a citizen of the United States or have legally declared his in-  
55 tention of becoming a citizen.

56 2. Or comply with the following:

57 a. Present a valid license to practice osteopathy in this state to-  
58 gether with satisfactory evidence that he has completed either: (1) a  
59 two-year postgraduate course, of nine months each, in an accredited  
60 college of osteopathy, osteopathic medicine and surgery or medicine  
61 approved by the board of medical examiners of Iowa, involving a  
62 thorough and intensive study of the subject of surgery as prescribed

63 by such medical examiners, or (2) a one-year postgraduate course of  
 64 nine months in such accredited college, and in addition thereto, has  
 65 completed a one-year course of training as a surgical assistant in a  
 66 hospital having at least twenty-five beds for patients and equipped for  
 67 doing surgical work.

68 b. Pass an examination as prescribed by the medical examiners in  
 69 the subject of surgery, which shall be of such character as to thor-  
 70 oughly test the qualifications of the applicant as a practitioner of  
 71 major surgery.

72 D. Any college of osteopathic medicine and surgery which does not  
 73 permit the medical examiners to make such reasonable annual inspec-  
 74 tion as they desire shall not be approved by the medical examiners.  
 75 Until July 1, 1968, any college of osteopathic medicine and surgery  
 76 which is accredited by the American Osteopathic Association shall,  
 77 by virtue thereof, stand as provisionally approved by the medical  
 78 examiners unless the medical examiners, by majority action including  
 79 the osteopathic physician and surgeon member, shall disapprove.

80 E. The board of supervisors of any county may enter into contract  
 81 with one licensed hereunder for the care and treatment of its indigent  
 82 sick.

83 F. One licensed hereunder shall have the right to examine appli-  
 84 cants, recommend admissions and make reports in connection with the  
 85 admission of patients to all state-owned institutions.

86 G. The state department of health may, with the approval of the  
 87 medical examiners, accept in lieu of the examination prescribed in  
 88 section "C" a certificate of examination issued by the National Board  
 89 of Osteopathic Examiners of the United States of America, but every  
 90 applicant for a license upon the basis of such certificate shall be re-  
 91 quired to pay the fee prescribed for license issued under reciprocal  
 92 agreements.

93 H. On the effective date of this Act, all persons licensed under the  
 94 provisions of chapter one hundred fifty (150) of the Code to practice  
 95 osteopathy and surgery, shall be deemed to be licensed as osteopathic  
 96 physicians and surgeons under this Act.

1 SEC. 30. This Act being deemed of immediate importance shall be  
 2 in full force and effect from and after its passage and publication in  
 3 the Hampton Chronicle, a newspaper published at Hampton, Iowa, and  
 4 The Atlantic News Telegraph, a newspaper published at Atlantic, Iowa.

Approved April 29, 1963.

I hereby certify that the foregoing Act, House File 378, was published in the Hampton Chronicle, Hampton, Iowa, May 9, 1963, and in The Atlantic News Telegraph, Atlantic, Iowa, May 2, 1963.

MELVIN D. SYNHORST, *Secretary of State.*