

## A BILL FOR AN ACT

To repeal sections twenty-five hundred eighty-three-a (2583-a), twenty-five hundred eighty-three-b (2583-b), twenty-five hundred eighty-three-c (2583-c), twenty-five hundred eighty-three-d (2583-d), twenty-five hundred eighty-three-e (2583-e) and twenty-five hundred eighty-three-f (2583-f), supplement to the code, 1913, and enact a substitute therefor regulating the practice of osteopathy or any other system or method of treating human ailments and fixing a penalty for violation thereof:

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

1 Section 1. That sections twenty-five hundred eighty-three-a  
2 (2583-a), twenty-five hundred eighty-three-b (2583-b), twenty-five  
3 hundred eighty-three-c (2583-c), twenty-five hundred eighty-three-  
4 d (2583-d), twenty-five hundred eighty-three-e (2583-e), and  
5 twenty-five hundred eighty-three-f (2583-f), supplement to the  
6 code, 1913, be and the same are hereby repealed and the following  
7 enacted in lieu thereof:

8 No person shall practice osteopathy or any system or method  
9 of treating human ailments without a license to do so.

1 Sec. 2. No person shall, except as otherwise provided  
2 in this act, hereafter be licensed to practice osteopathy or  
3 any other system or method of treating human ailments unless he  
4 shall pass a satisfactory examination conducted by the state  
5 board of medical examiners pursuant to the terms of this act.

1 Sec. 3. Each applicant for examination shall:

2 1. Make application for examination on blank forms prepared

3 and furnished by the state board of medical examiners.

4 2. Submit evidence, verified by oath, and satisfactory to  
5 the said board that

6 (a) He is twenty-one years of age or over:

7 (b) He is of good moral character;

8 (c) He has the professional and preliminary education  
9 required by this act.

10 3. Designate in his application whether he desires to  
11 practice any particular therapy—the designation to be in  
12 accordance with the tenets of the professional school, college  
13 or institution of which the applicant is a graduate.

14 4. Pay in advance to said board an examination fee of ten  
15 dollars.

1 Sec. 4. Minimum standards of preliminary education deemed  
2 requisite to admission in a professional school, college, or  
3 institution teaching osteopathy or any other system or method of  
4 treating human ailments, deemed to be reputable and in good  
5 standing by the state board of medical examiners are hereby  
6 fixed as follows:

7 1. That the applicant for admission to such professional  
8 school, college or institution has satisfactorily completed  
9 an approved course of study in a high school or other  
10 equivalent school having a course of study requiring an attend-  
11 ance through four school years and which is accredited by the  
12 state board of medical examiners, or

13 2. That the applicant present a certificate of having passed

14 a satisfactory written examination before the superintendent of  
15 public instruction of this state, or like state officer of  
16 another state or country, in the studies embraced in the curriculum  
17 of a high school accredited by said board.

18 The standards of preliminary education above defined shall  
19 be deemed mandatory requirements.

1 Sec. 5. Standards of professional education are hereby  
2 fixed as follows:

3 (a) The application for examination shall present evidence  
4 to the state board of medical examiners that he is a graduate  
5 of a professional school, college or institution, teaching  
6 osteopathy or the system or method of treating human ailments,  
7 for which the applicant desires to be licensed in accordance  
8 with the provisions of section 2 of this act, which profes-  
9 sional school, college or institution requires as a pre-re-  
10 quisite to graduation a four year course of instruction,  
11 the time elapsing between the beginning of the first year  
12 and ending of the last or fourth year to be not less than  
13 forty months, and which is deemed to be reputable and in  
14 good standing.

15 The standards of professional education above defined  
16 shall be deemed to be mandatory.

1 Sec. 6. All examinations provided for in this act shall  
2 be conducted under rules and regulations provided by the state  
3 board of medical examiners. Examinations shall be conducted  
4 in the same manner and at the same place and on the same day that

5 applicants to practice medicine and surgery are examined as  
6 prescribed by section twenty-five hundred and seventy-six (2576),  
7 supplement to the code, 1913. The same general average shall be  
8 required as in the case of applicants to practice medicine and  
9 surgery. Examinations shall be of the same character as those  
10 required of those who desire to practice medicine and surgery  
11 in all their branches excepting therefrom materia medica,  
12 therapeutics and theory and practice. In the subjects of thera-  
13 peutics and theory and practice the applicant shall be examined  
14 in accordance with the therapeutics and theory and practice taught  
15 by the professional school, college or institution of which the  
16 applicant is a graduate. In the subject of materia medica the  
17 applicant shall be examined in those topics dealing with  
18 narcotics, antidotes, antiseptics and anesthetics.

19 The governor shall appoint as one member of the state board  
20 of medical examiners, a person duly licensed in this state to  
21 practice osteopathy or any other system or method of treating  
22 human ailments when and as the respective professional schools,  
23 colleges or institutions teaching osteopathy or any other system  
24 or method of treating human ailments become accredited hereunder  
25 by complying with the educational requirements of this act.

1 Sec. 7. Examinations may be made wholly or in part in  
2 writing and shall be of a character sufficiently strict to test  
3 the qualifications of a candidate as a practitioner.

1 Sec. 8. Each applicant who successfully passes an examina-  
2 tion shall be entitled to a license to practice as a physician in

3 accordance with the tenets of the school of practice designated  
4 by the applicant under the provisions of section 2 of this act.

1     Sec. 9. Any person licensed to practice osteopathy under  
2 the provisions of this act or to practice in any other school of  
3 treating human ailments under the provisions hereof, may be ad-  
4 mitted to take an examination to practice osteopathy and surgery  
5 or any other system of treating human ailments and surgery upon  
6 proof of a course of training of not less than twelve months as  
7 an interne in a hospital approved by the state board of medical  
8 examiners and upon taking an examination in major surgery. The  
9 examination in surgery shall be of a more comprehensive and  
10 intensive character than that taken by the practitioner for the  
11 purpose of obtaining a license to practice as physician only. If  
12 the applicant successfully passes such an examination and presents  
13 satisfactory evidence of interne training, he shall be issued a  
14 license to practice osteopathy and surgery or any other system  
15 or method of treating human ailments and surgery as the case may  
16 be in accordance with the tenets of the school of practice desig-  
17 nated by the applicant under the provisions of section 2 of this  
18 act.

1     Sec. 10. The department of the state board of medical  
2 examiners may in its discretion issue a license without examina-  
3 tion to a practitioner who has been licensed in any country,  
4 state, territory or province upon the following conditions:

- 5     1. That the applicant is of good moral character.
- 6     2. That the requirements of registration in the country,

7 state, territory or province in which he was licensed  
8 are deemed by the state board of medical examiners to  
9 have been practically equivalent to the requirements  
10 of the registration in force in this state at the date of his  
11 license.

12 The state board of medical examiners may in its discretion  
13 issue a license without an examination to a physician who  
14 is a graduate of a professional school, college or insti-  
15 tution in good standing and who has passed an examination  
16 for admission to the medical corps of the United States  
17 army, United States navy or United States public health  
18 service.

19 Application from non-resident practitioners shall be filed  
20 with the state board of medical examiners on blank forms  
21 prepared and furnished by said board.

1 Sec. 11. Each person entitled to a license under this  
2 act shall pay to said board the following fees:

3 1. For a license to practice osteopathy or any other  
4 system of treating human ailments, five dollars.

5 2. For a license to a practitioner admitted from a  
6 foreign state or country under the reciprocity provisions  
7 of this act, the same fees charged by the state endorsing  
8 the applicant for an Iowa Physician applying for registra-  
9 tion in such state, but in no case less than twenty-five  
10 dollars

1 Sec. 12. Every person practicing osteopathy, or any other

2 system or method of treating human ailments, who goes from place  
3 to place, or from house to house, or by circulars, letters or  
4 advertisements solicits persons to meet him for professional treat-  
5 ment at places other than his office at the place of his residence  
6 shall be considered an itinerant practitioner; and such itinerant  
7 practitioner shall, in addition to the certificate elsewhere pro-  
8 vided for in this act, procure from the state board of medical  
9 examiners as an itinerant, an itinerant license after he shall pay  
10 to the treasurer of the state, for use of the state of Iowa, the  
11 sum of two hundred and fifty dollars (\$250.00) per annum. Upon  
12 payment of this sum, the secretary shall issue to the applicant  
13 therefor a license to practice within the state as an itinerant  
14 practitioner of osteopathy or any other system or method of  
15 treating human ailments for one (1) year from the date thereof.  
16 The board may, for satisfactory reasons, refuse to issue such  
17 license, or may cancel such license upon satisfactory evidence of  
18 incompetency or gross immorality.

1 Sec. 13. Every person holding a license or certificate  
2 issued under the provisions of this act or any prior act of this  
3 state regulating the practice of medicine, shall have it recorded  
4 in the office of the county recorder of the county in which he  
5 resides or practices and the date of recording shall be endorsed  
6 thereon. Until such license or certificate is recorded the holder  
7 thereof shall not exercise any of the rights or privileges con-  
8 ferred therein. Any person practicing in another county shall  
9 record the license or certificate in like manner in the county

10 in which he practices. The county recorder shall keep in a book  
11 provided for the purpose a complete list of the licenses or cer-  
12 tificates recorded by him, with the date of the issue of the li-  
13 cense or certificate. The register of the county recorder shall  
14 be open to public inspection during business hours.

1 Sec. 14. The state board of medical examiners may revoke  
2 the license of any person holding a license issued in pursuance  
3 of and under the law of this state to practice osteopathy or  
4 any other system or method of treating human ailments in any of  
5 the following cases:

6 1. A person who has been convicted of the practice of criminal  
7 abortion;

8 2. A person who has by false or fraudulent representation  
9 obtained or sought to obtain practice in his profession;

10 3. A person who is an habitual drunkard, or habitually  
11 addicted to the use of morphine, opium, cocaine or other  
12 drugs having a similar effect;

13 4. A person who has by false or fraudulent representation  
14 of his profession obtained or sought to obtain money or  
15 any other thing of value;

16 5. A person who has advertised under a name other than  
17 his own;

18 6. A person who shall advertise or profess publicly to  
19 treat human ailments under a system or school of treatment  
20 or practice other than that for which he holds a license;

21 7. A person who has been committed, by the judgment of

22 a court of competent jurisdiction, to a hospital for the  
23 insane;

24 8. A person who is guilty of any wilful violation of the  
25 rules and regulations of the state board of medical examiners  
26 governing examinations, or who is guilty of any fraud or  
27 deceit by which he was admitted to practice;

28 9. A person who has been guilty of any other unprofessional  
29 or dishonorable conduct.

30 For any of the above reasons the said board may refuse  
31 to issue a license.

32 No license or certificate shall be revoked or refused  
33 until the holder therefor shall have been given a hearing  
34 upon reasonable notice of the time and place thereof to-  
35 gether with a statement in writing of the charges preferred  
36 against him. The holder of a license so charged, shall be  
37 entitled to be represented by counsel at said hearing and  
38 the state board of medical examiners shall cause a record  
39 to be made of all proceedings held. In the event that the  
40 said board shall recommend after full and complete hearing  
41 that a license shall be revoked, the holder thereof so

42 aggrieved may perfect an appeal to the district court of  
43 the county wherein the hearing was held. Either party to  
44 the appeal from the state board of medical examiners to  
45 said district court shall be entitled to appeal from the  
46 decision of the district court to the supreme court. It  
47 shall be the duty of the state board of medical examiners

48 to certify to the district court at the expense of the  
49 appellant a complete transcript of all proceedings offered  
50 in the matter of the revocation of license.

1 Sec. 15. The state board of medical examiners shall have  
2 power and it shall be its duty:

3 1. To make rules in conformity with this act for the purpose  
4 of establishing a uniform and reasonable standard of educa-  
5 tional requirements to be observed by professional schools,  
6 colleges or institutions teaching osteopathy or any other  
7 system or method of treating human ailments, and to deter-  
8 mine the reputability and good standing of such professional  
9 schools, colleges or institutions by reference to their  
10 compliance with the provisions of this act.

11 2. To require satisfactory proof that professional  
12 schools, colleges or institutions teaching osteopathy or  
13 any other system or method of treating human ailments, which  
14 are deemed to be reputable and in good standing, enforce the  
15 standards of preliminary education as set out in this act.

16 3. To determine the standing of literary or scientific  
17 colleges, high schools, seminaries, normal schools, pre-  
18 paratory schools, graded schools and the like, whenever  
19 required by this act.

1 Sec. 16. Any person shall be regarded as treating  
2 human ailments within the meaning of this act who shall  
3 treat or profess to treat, operate on or prescribe for any  
4 physical ailment or any physical injury to or deformity of

5. another. This section shall not be construed or affect the  
6 following cases:

7 1. The administration of domestic or family remedies  
8 in case of emergency;

9 2. The practice of dentistry and dental surgery by any  
10 legally licensed dentist exclusively engaged  
11 in practicing dentistry or dental surgery;

12 3. The practice of pharmacy by any legally registered phar-  
13 macist, registered assistant pharmacist or registered local  
14 pharmacist exclusively engaged in practicing pharmacy;

15 4. The practice of medicine and surgery by any surgeon  
16 of the United States army, navy or public health service in  
17 the discharge of his official duties;

18 5. The treatment of the sick or suffering by mental or  
19 spiritual means without the use of drugs or material remedy.

1 Sec. 17. Any person who, not being then licensed to  
2 practice osteopathy or to treat human ailments or to practice  
3 any other system or method of treating human ailments, shall  
4 practice osteopathy or shall practice any other system  
5 of treating human ailments; or who, being licensed to practice  
6 osteopathy or to practice any other system or method of treating  
7 human ailments in a designated school or system or practice, or  
8 in connection with his name advertise or treat or profess to treat  
9 human ailments under a system or school of treatment or practice  
10 other than that for which he holds a license; or who shall buy,  
11 sell or fraudulently obtain any diploma; license or registration;

12 or who shall fraudulently aid or abet such fraudulent buying,  
13 selling or obtaining such license, shall be guilty of a mis-  
14 demeanor, and, upon conviction, shall be punished by a fine of  
15 not less than twenty-five dollars nor more than two hundred  
16 dollars or confined in the county jail not more than one year,  
17 or punished by both such fine and imprisonment in the discretion  
18 of the court.

1 Sec. 18. Any person filing or attempting to file as his  
2 own the diploma or certificate of another, or a forged affidavit  
3 of identification shall be guilty of the crime of forgery and  
4 punished accordingly.

1 Sec. 19. Any person who shall wilfully and knowingly make  
2 any false oath or affidavit as required by the provisions of  
3 this act, shall be guilty of perjury and punished accordingly.

1 Sec. 20. All certificates or licenses heretofore issued  
2 by the state board of medical examiners, authorizing or permit-  
3 ting the holder thereof to practice medicine, surgery or oste-  
4 opathy, or to treat human ailments and in full force and effect  
5 on July 4, 1919, shall continue valid and in full force and  
6 effect subject to the terms of this act.

1 Sec. 21. Any person heretofore licensed by the state  
2 board of medical examiners to practice osteopathy or any other  
3 system or method of treating human ailments and who is a graduate  
4 of a professional school, college or institution which is deemed  
5 by the said board to have been reputable and in good standing at  
6 the time applicant graduated therefrom, may within one year from

7 the time this act takes effect, and upon the payment of a transfer  
8 fee of five dollars and upon the surrender of his original  
9 license or certificate, apply for and obtain a new license or  
10 certificate authorizing him to practice osteopathy or to practice  
11 any other system or method of treating human ailments in accord-  
12 ance with the tenets of the professional school, college or  
13 institution of which he is a graduate.

14 The application for the license or certificate provided  
15 for in this section shall be verified by the oath of the applicant  
16 and shall be made on forms provided by the state board of medical  
17 examiners.

1 Sec. 22. The following words are hereby defined:

2 (a) The word "years" as used in this act in connection with  
3 education requirements shall be held to mean a school year of  
4 not less than nine months each.

1 Sec. 23. All acts or parts thereof conflicting herewith  
2 are hereby repealed.