

6 under this chapter shall be subject to the provisions of chapter 116,
7 code of Iowa, 1931.

1 SEC. 8. A license to practice osteopathy or osteopathy and surgery
2 shall not authorize the licensee to prescribe or give internal curative
3 medicines and a license to practice osteopathy shall not authorize the
4 licensee to engage in major operative surgery. The words "internal
5 curative medicine," as used herein, shall be so construed as not to in-
6 clude antidotes, biologics, drugs necessary to the practice of minor sur-
7 gery and obstetrics, or to the simpler remedies commonly given for
8 temporary relief.

1 SEC. 9. The board of supervisors of any county may enter into con-
2 tract with one licensed hereunder for the care and treatment of its
3 indigent sick.

1 SEC. 10. One licensed hereunder shall have the right to examine
2 applicants, recommend admissions and make reports in connection with
3 the admission of patients to all state-owned institutions.

House File 174. Approved April 8, 1935.

CHAPTER 24

DENTISTS AND DENTAL HYGIENISTS

H. F. 203

AN ACT to amend section two thousand four hundred forty-seven (2447), code of Iowa, 1931, so it shall not apply to dentists and dental hygienists; and to amend section two thousand four hundred ninety-two (2492), code of Iowa, 1931, so it shall not permit acts of unprofessional conduct by dentists and dental hygienists; and to amend section two thousand four hundred ninety-three (2493), code of Iowa, 1931, so as to include other acts of unprofessional conduct on the part of dentists and dental hygienists as hereinafter provided; and to amend chapter one hundred twenty-one (121), title VIII, code of Iowa, 1931, by adding thereto provisions for the expiration and renewal of licenses to practice dentistry or dental hygiene, regulations covering the department of health and the commissioner of public health relative thereto, appeal from orders of the commissioner of public health rejecting applications for renewal of such licenses, reinstatement of such former licensees whose licenses have lapsed or not been renewed, the revocation of such licenses, the defining of acts by dentists and dental hygienists which shall be "unprofessional conduct," the repeal of any acts in conflict herewith, the result of any portion of this act being unconstitutional or invalid and that this act being of immediate importance shall be effective upon publication as provided by law.

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

1 SECTION 1. That section two thousand four hundred forty-seven
2 (2447) of the 1931 code of Iowa, is hereby amended by adding thereto
3 the following:

4 "This section and section two thousand four hundred forty-eight
5 (2448) shall not apply to dentists and dental hygienists."

1 SEC. 2. That section two thousand four hundred ninety-two (2492),
2 subdivision 7, of the 1931 code of Iowa, is hereby amended by adding
3 thereto the following:

4 "This shall not be construed as permitting dentists or dental hygien-
5 ists to advertise their services or products, contrary to the other pro-
6 visions of this title relative thereto."

1 SEC. 3. That section two thousand four hundred ninety-three
2 (2493) of the 1931 code of Iowa, be amended by adding thereto, at the
3 end thereof, the following:

4 "and as to dentists and dental hygienists 'unprofessional conduct'
5 shall also consist of any of the acts denominated as such in the other
6 provisions of this title relating to dentists and dental hygienists."

1 SEC. 4. That chapter 121, title VIII, of the 1931 code of Iowa, is
2 hereby amended by adding thereto the following sections:

3 "1. Definition. For the purpose of this chapter, 'commissioner'
4 shall mean the commissioner of public health or his deputy.

5 "2. Renewal of licenses. Every license to practice dentistry or den-
6 tal hygiene shall expire on the thirtieth day of June following the date
7 of issuance of such license. Application for renewal of such license
8 shall be made in writing to the department at least sixty days
9 prior to the expiration of such license, accompanied by the legal fee
10 and the affidavit of the applicant, upon a form to be prescribed by said
11 department, in which affidavit the applicant shall state in substance
12 that he has not during the term of the license which he then holds or
13 the last renewal thereof violated any of the provisions of this title
14 or committed any of the acts of unprofessional conduct, naming them,
15 as defined in this title.

16 "3. Time of renewal. Such renewal of license shall not be issued by
17 the department prior to the fifteenth day of May of each year.

18 "4. Renewal and notice of expiration. Every year the department
19 shall notify each licensee by mail of the expiration of his license, and
20 subject to the provisions of this chapter the same shall be renewed
21 upon application being made, without examination.

22 "5. Determining right to renewal. If, prior to the renewal of any
23 such license, the commissioner is informed upon oath or affirmation
24 lawfully administered, that any such applicant has during the term of
25 his last license or the last renewal thereof violated any of the provi-
26 sions of this title or committed any of the acts of unprofessional con-
27 duct as defined in this title, or if it is certified in writing to said depart-
28 ment by the state board of dental examiners, or any member thereof,
29 that said board of examiners, or any member thereof, is credibly in-
30 formed that such violation of law or act of unprofessional conduct has
31 been so committed by such applicant, then the department shall notify
32 such applicant by registered letter, with postage prepaid, mailed to
33 his address as shown by the records of said department that such
34 information or certificate has come to the attention of the department,
35 and that on a day named the applicant may appear before the com-
36 missioner at the office of the department and show cause why said
37 license should be renewed. In such event the renewal of license shall
38 not be made prior to the date so fixed and the making of such a show-
39 ing by the applicant.

40 "6. Record of hearing. The time and place of such hearing before
41 the commissioner shall be entered as part of the records of the depart-
42 ment and shall be open to public inspection.

43 "7. Oaths of witnesses. The commissioner is hereby empowered
44 to and shall administer oaths to all persons offering testimony at such
45 hearing.

46 "8. Persons entitled to testify. Upon such hearing being had any
47 person having knowledge of the facts pertaining to the propriety of
48 the renewal of such license may testify thereto.

49 "9. Grounds for rejecting application. If at said hearing, and if
50 appeal is taken, then upon appeal as hereinafter provided, it shall be
51 established that the applicant has theretofore failed to comply with
52 all of the provisions of this title or has during the term of his license
53 or the last renewal thereof committed any of the acts of unprofessional
54 conduct as defined in this title, then the commissioner shall reject
55 such application and said license shall not be renewed except as here-
56 inafter provided.

57 "10. Record of notice of order. The minutes of all evidence heard
58 by said commissioner or exhibits introduced, at said hearing for or
59 against the granting of said application for a license, together with the
60 order of the commission granting or rejecting such application for re-
61 newal of license, which shall be in writing, shall be and become a part
62 of the records of said department and shall be open to public inspec-
63 tion. Written notice of said order shall be mailed to the applicant
64 by the department.

65 "11. Appeal. If the commissioner should reject any such applica-
66 tion, and refuse to renew any such license, the applicant may, within
67 thirty days after the order of the commissioner, and not afterward,
68 appeal therefrom by a writ of certiorari to the district court where
69 upon such appeal the hearing shall be de novo and all legal evidence
70 pertaining to the matter of whether or not such license should be re-
71 newed may be submitted, including new evidence not submitted to
72 the commissioner.

73 "12. Effect of appeal. The order of the commissioner rejecting such
74 application, and refusing to renew such license, shall remain in force
75 and effect until such appeal is successfully prosecuted by the appli-
76 cant and finally determined upon the merits and no new or temporary
77 license shall be issued to the applicant pending such appeal.

78 "13. Reinstatement of former licensee. Any former licensee whose
79 application for renewal of license has been rejected by the commis-
80 sioner and who has not successfully prosecuted an appeal therefrom
81 as herein provided shall not thereafter receive such a license or re-
82 newal thereof except upon the recommendation of the examining
83 board of his profession, with the approval of the commissioner, and
84 the payment of the renewal fees then due. Such examining board
85 may require examination of the former licensee, in which case he
86 shall pay the examination fees provided by law.

87 "14. Reinstatement of lapsed license. Any former licensee who has
88 allowed his license to lapse by failing to file application for the renewal
89 of the same as above provided may be reinstated with or without ex-
90 amination as the examining board of his profession may decide, but
91 then only upon the recommendation of said examining board, with the
92 approval of the commissioner, and upon payment of the renewal fees
93 then due, and then only upon filing application and affidavit with the
94 department in the manner and form above provided.

95 If examination shall be required by said examining board such
96 former licensee shall pay the fees provided by law.

97 "15. Revocation of license. As to dentists and dental hygienists a
98 license to practice either of such professions shall be revoked or sus-

99 pended in the manner and upon the grounds elsewhere provided in this
100 title, and also when the affidavit accompanying the application of such
101 licensee for renewal of license filed with the department is not in all
102 respects true.

103 "16. Unprofessional conduct. As to dentists and dental hygienists
104 'unprofessional conduct' shall consist of any of the acts denominated
105 as such elsewhere in this title, and also any other of the following
106 acts:

107 a. All advertising of any kind or character other than the carrying
108 or publishing of a professional card or the display of a window or
109 street sign at the licensee's place of business; which professional card
110 or window or street sign shall display only the name, address, profes-
111 sion, office hours and telephone connections of the licensee.

112 b. Exploiting or advertising through the press, on the radio, or by
113 the use of handbills, circulars or periodicals, other than professional
114 cards stating only the name, address, profession, office hours and tele-
115 phone connections of the licensee.

116 c. Employing or making use of advertising solicitors or publicity
117 agents or soliciting employment personally or by representative.

118 "17. Application. The provisions hereof shall not in any wise apply
119 to acts done or violations of law committed prior to the enactment
120 hereof."

1 SEC. 5. Constitutionality. If any portion hereof should be ad-
2 judged to be unconstitutional or for any other reason invalid, the
3 other provisions hereof shall be and remain in full force and effect.

1 SEC. 6. All acts, or parts of acts, in conflict herewith are hereby
2 repealed.

1 SEC. 7. Publication. This act being of immediate importance shall
2 be in full force and effect from and after its publication in the Sioux
3 City Tribune, a newspaper published in the city of Sioux City, Iowa,
4 and the Fort Dodge Messenger, a newspaper published in the city of
5 Fort Dodge, Iowa.

House File 203. Approved May 6, 1935.

I hereby certify that the foregoing act was published in the Sioux City Tribune and
the Fort Dodge Messenger, May 11, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 25

OPTOMETRY. APPROVED SCHOOLS

S. F. 182

AN ACT to amend section twenty-five hundred seventy-seven (2577), code, 1931, relating
to approved schools of optometry.

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

1 SECTION 1. That section twenty-five hundred seventy-seven (2577),
2 code, 1931, be amended by striking the word "two" in line 6 and insert-
3 ing in lieu thereof the word "three."

Senate File 182. Approved May 4, 1935.