

assessment, specifying the amount due and the date of the warrant issued for the collection of the same, and in the trial of such action the production of the proper warrant for the collection of such assessment together with the tax roll or list showing the amount thereof shall be prima facie evidence of the correctness and validity of such assessment and of the liability of the defendant therefor. Any judgment recovered in such action shall be collected in the manner now prescribed for the collection of judgments against such defendant.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 637, A.]

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## CHAPTER 426.

AN ACT relating to the state board of medical examiners, and to the registration and licensing of persons engaged in the practice of medicine, surgery, or osteopathy in the state of Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Board of medical examiners created; appointments to, how made.** SECTION 1. The governor shall appoint a board of medical examiners to be known as the Wisconsin State Board of Medical Examiners, consisting of eight (8) members. Such appointments shall be made from separate lists presented to him every second year, one list of ten (10) names presented by the Wisconsin State Medical Society, one list of ten (10) names presented by the Homeopathic Medical Society of the state of Wisconsin, one list of ten (10) names presented by the Wisconsin State Eclectic Medical Society, and one list of five (5) names presented by the Wisconsin State Osteopathic Association. In case any of said societies or associations fail to present such list of names, the governor may fill vacancies in the board by appointment from the last list filed by such asso-

ciation or society previous to the occurrence of such vacancy. The appointment of each member of said board shall be for the term of four (4) years and until his successor is appointed and qualified; the proportion of the different schools of medicine, as herein provided, shall be preserved. No instructor, stockholder, member of, or person financially interested in any school, college or university having a medical department, or of any school of osteopathy, shall be appointed a member of said board. Three members of said board shall be allopathic, two shall be homeopathic, two eclectic and one osteopathic, and all shall be licentiates of said board, and no member shall serve for more than two consecutive terms, provided nothing contained in this act shall be constructed as terminating or in any manner interfering with the term of any member of the present state board of medical examiners, but each of said members shall serve out his present term as a member of said board.

**Meetings; powers; record; register.** SECTION 2. Said board shall annually, at its July meeting, elect from its members a president, secretary and treasurer, and shall have a common seal. The president and secretary may administer oaths for the accomplishment of the objects of the board. Said board shall hold regular meetings on the second Tuesday in each January at Milwaukee and the second Tuesday of each July at Madison, and such other meetings at such other times and places as it may from time to time determine. The board shall keep a record of all its proceedings and also a register of all applicants for license, together with a record showing their ages, time spent in the study of medicine and the name and location of all institutions granting to such applicants, degrees or certificates of lectures in medicine, surgery or osteopathy. Said register shall also show whether such applicant was rejected or licensed, and said books and register shall be prima facie evidence of all the matters required to be kept therein.

**Application for license; diploma; college requirements; license; certificate; fee.** SECTION 3. All persons commencing the practice of medicine, surgery or osteopathy in any of their branches in this state, shall apply to said board at the time and place designated by said board, or at any regular meeting thereof for license so to practice, and shall present to said board a diploma from a reputable college of medicine and surgery or osteopathy. A college to be deemed reputable by this board shall require at least four courses of not less than seven months each before

graduation, no two of such courses to be taken within any one twelve months, and that shall require for admission thereto a preliminary education equivalent to that necessary for entrance to the junior class of an accredited high school in this state, including a one year's course in Latin, and that shall after the year 1906 require for admission to such school a preliminary education equivalent to graduation from an accredited high school of this state, and shall submit to an examination in the various branches in medicine and surgery usually taught in reputable medical colleges, or if the applicant be an osteopath he or she shall present a diploma from a regularly conducted college of osteopathy maintaining a standard in all respects equal to that hereby imposed on medical colleges as to preliminary education, said college after 1904 to give three courses of eight months each, no two courses to be given in any one twelve months, and after the year 1909 such college shall give four courses of seven months each, as hereinbefore provided for medical colleges, and shall pass the regular examination of such board in anatomy, histology, physiology, obstetrics, gynaecology, pathology, urinalysis, chemistry, toxicology, dietetics, physical and general diagnosis, hygiene, and theory and practice of osteopathy. The examination in Materia Medica, Therapeutics and Practice shall be conducted by members of the board representing the school of practice, which the applicant claims or intends to follow. After examination, as hereinbefore provided, the board shall, if it find the applicant qualified, grant a license to said applicant to practice medicine and surgery in all their branches in this state, or a license to practice osteopathy therein, which license can only be granted by the consent of not less than six members of said board, and which, after the payment of fees as hereinafter provided, shall be signed by the president and secretary thereof, and attested by the seal of the board. Osteopaths, when so licensed, shall have the same rights and privileges and be subject to the same laws and regulations as practitioners of medicine and surgery, but shall not have the right to give or prescribe drugs or to perform surgical operations. The fee for examination shall be fixed by the board, but shall not exceed \$15.00 in each case, with \$5.00 additional for the license issued. Such fee or fees shall be paid by the applicant to the treasurer of the board and may be applied toward defraying any proper and reasonable expenses of the board; provided, however, that any student who is exempted as a matriculant of any medical college of this state under chapter 306 of the laws of 1901, whose name is now on

file with the Wisconsin State Board of Medical Examiners, shall on the presentation of a diploma from any Wisconsin college, and on the payment of the fees specified in this act, and having satisfied said board that he or she is a person of good moral character, be licensed to practice without further examination by such board, provided that said college maintains its standard herein required. Every person practicing medicine or surgery in the state of Wisconsin, who, at the time of the passage and publication of this act, has not received a license from said board, and who shall after such passage and publication present a diploma from a reputable medical college and give satisfactory evidence of having been a reputable practitioner of medicine and surgery in the state of Wisconsin continuously since the first day of July, 1897, shall be granted a license without examination upon the payment of a fee not exceeding \$5.00, as determined by said board. Any person applying for such license shall if he or she be possessed of a certificate of registration issued under and according to the provisions of chapter 87 of the laws of 1899, present such certificate to said board with the diploma and application of such license, and surrender said certificate on the issuance of said license, the registration fee paid for same shall be deducted from the last named fee. Any practitioner of medicine or osteopathy holding a certificate from any other state board imposing requirements equal to those established by the board provided for herein, may on presentation of the same with a diploma from a reputable medical or osteopathic college, be admitted to practice within this state without an examination, at the discretion of the board, on the payment of the fee fixed by the board, not exceeding the sum of \$25.00.

**Duty of secretary; fees, expenses; salary; bond; report; non-resident physicians.** SECTION 4. All money received by the board shall be kept by the secretary thereof who shall also act as treasurer, out of the funds coming into their possession from the fees mentioned in the preceding section; the board may pay all legitimate and necessary expenses incurred by them, their agents or employes in the discharge of the duties of the board, and the members may receive for their services a sum to be determined by the board, not exceeding five dollars for each day actually spent in attending to the business of the board; the secretary shall receive a salary to be fixed by said board, not to exceed one thousand dollars per annum. Such salary, compensation and expenses shall be paid from the fees received

by the board, and no part thereof shall be paid out of the state treasury. The secretary shall furnish to the board such bond as they may from time to time direct. It shall be the duty of said board to make a report of their proceedings to the governor at the end of each biennial period, together with an account of all moneys received and disbursed by them, and all moneys in excess of actual expenses shall be paid into the state treasury, secretary of said board securing a receipt therefor, said moneys there to remain as an emergency fund which may be withdrawn in whole or in part by said board in case of necessity with the consent of the governor. Said biennial period shall begin Dec. 31, 1904. The provisions of this act shall not apply to commissioned surgeons of the United States army, public health and marine hospital service, or to physicians or surgeons of other states or countries in actual consultation with resident physicians of this state.

And provided further, that any practitioner of medicine or surgery, holding a license from the state board of medical examiners of any adjoining state, dated since January 1st, 1901, shall on presentation of the same within one year from the taking effect of this act, accompanied by a certificate from the secretary of the state board of medical examiners of the state issuing the license that such applicant is a reputable practitioner of medicine and surgery, be licensed to practice medicine and surgery in this state, without an examination, at the discretion of the board on payment of the fee.

**License or certificate; record and fee; penalty; power of board to adopt rules, etc.\*** SECTION 5. Every person hereafter practicing medicine, surgery or osteopathy in this state shall be required to have the license herein provided for, or heretofore issued by the Wisconsin State Board of Medical Examiners, or a certificate of registration issued pursuant to the provisions of chapter 87 of the laws of 1899, and any person having or hereafter receiving a license according to the provisions of this act, or having such certificate of registration, shall record the same with the county clerk of any county in which said person shall practice and pay to said clerk or clerks a fee of fifty (50) cents each for recording the same, and said clerk shall enter a memorandum thereof, giving the date of said license or certificate, the name of the person to whom it was issued, school of practice chosen, and the date of such recording in a book to be provided and kept for that purpose. Any such person who shall fail to record his or her license or registration certificate, as

herein provided, shall not exercise any of the rights or privileges conferred by such license or certificates. And any person beginning such practice without having obtained such license, or having obtained such license contrary to law, or any person who, not having such license or certificate of registration herein referred to, shall advertise or hold himself or herself out to the public as a physician, surgeon, osteopathist or specialist in any of the branches of medicine, surgery or osteopathy, or who shall use the title of "Doctor," or shall append to his or her name the letters "M. D." or "M. B." meaning doctor or bachelor of medicine, or "D. O.," meaning doctor or diplomat of osteopathy, or any other letters of designation meaning any of the titles enumerated in this section, shall be punished by a fine of not less than \$50.00 nor more than \$100.00 for each offense, or by imprisonment in the county jail for a term not exceeding three months, or by both such fine and imprisonment. Any person practicing medicine, surgery or osteopathy, or without authority assuming the title of "doctor of medicine," "doctor or diplomat of osteopathy," "bachelor of medicine," or "physician," or "surgeon," or "osteopathist," or "osteopath," shall not be exempted from, but shall be liable to all the penalties and liabilities for malpractice, which physicians, surgeons or osteopathists are liable to, and ignorance on the part of any such person shall not lessen such liability for failing to perform, or for negligently or unskillfully performing or attempting to perform any duty assumed, and which is ordinarily performed by physicians, surgeons or osteopathists. If any person licensed or registered by said board shall be convicted of any crime committed in the course of his professional conduct, the court in which such conviction is had, may in addition to any other punishment imposed pursuant to law, revoke such license or certificate. Said board shall have the power to adopt such rules for its government and may require the filling out of such blanks by applicants, as it may deem necessary in order to ascertain the true character and qualifications of an applicant for license, and the board may in its discretion refuse to grant license to any person who does not furnish satisfactory proof of good moral and professional character.

**Practicing medicine defined.** SECTION 6. Every person shall be regarded as practicing medicine or osteopathy within the meaning of this act, who shall append to his or her name the letters "M. D.," or "M. B.," or "D. O.," Doctor, Dr., or any other letters or designation with intent to represent that he

or she is a physician, surgeon or osteopathist, or who shall for a fee prescribe drugs or other medical or surgical treatment or osteopathic manipulation for the cure or relief of any wound, fracture, bodily injury, infirmity, or disease, provided, however, that nothing in this act contained shall be construed to apply to any dentist or resident refracting optician engaged in the practice of his or her profession.

**Duty of board.** SECTION 7. It shall be the duty of the Board of Medical Examiners to investigate all complaints in regard to the violation, or disregard of, or noncompliance with the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers, and it shall be the duty of the district attorney of the proper county to prosecute all violations of this act.

**Who may testify.** SECTION 8. No person practicing medicine, surgery or osteopathy shall have the right to collect, by law, any fees or compensation for the performance of any medical or surgical services, or fees for any service as an osteopathist, or to testify in a professional capacity as a physician, or surgeon, or insanity expert in any case, unless he or she holds a license from the Wisconsin Board of Medical Examiners, or the certificate of registration hereinbefore referred to, with a diploma from a reputable medical college or society or a certificate of membership in a medical society, and has been duly recorded as a practitioner in the state of Wisconsin; provided, that nothing in this act contained shall be construed as restricting any court in a criminal action from receiving the testimony of any person as a witness.

**Conflicting laws repealed.** SECTION 9. All acts or parts of acts in any wise conflicting with the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.