

6. In any action brought by any person or his legal representatives against a railroad company or corporation operating a railroad in this state, to recover for personal injuries or death, if it appear that the injury or death in question was caused by the negligent omission of a railroad company or any such corporation to comply with the requirements of section 1809, the fact that the person injured or killed was guilty of slight want of ordinary care contributing to the injury or death shall not bar a recovery. The burden of proof that the person so injured or killed was guilty of more than a slight want of ordinary care contributing to the injury or death shall be upon the railroad company or corporation operating such railroad.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 23, 1915.

No. 248, S.]

[Published July 26, 1915.

## CHAPTER 438.

AN ACT to repeal sections 1435a to 1435f, inclusive, and sections 1435f—12 to 1435f—24, inclusive, and sections 1435g and 1436, and sections 1409a—5 to 1409a—11, inclusive, of the statutes; and to create thirteen new sections to be numbered sections 1435a, 1435b, 1435c, 1435d, 1435e, 1435f, 1435g, 1435h, 1435i, 1435j, 1436, 1436a, and 1436b of the statutes, relating to the regulation of the practice of medicine, surgery, osteopathy or any other form of treating the afflicted, and providing a penalty.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Sections 1435a to 1435f, inclusive, and sections 1435f—12 to 1435f—24, and sections 1435g, and section 1436, and sections 1409a—5 to 1409a—11, inclusive, of the statutes, are repealed.

SECTION 2. There are added to the statutes thirteen new sections to read: Section 1435a. 1. All persons, other than those now possessing a license or a certificate of registration to practice medicine, surgery, osteopathy, midwifery or nursing, desiring, undertaking or attempting in this state to practice medicine, surgery, osteopathy, midwifery or nursing, or any other form or system of treating bodily or mental diseases, ailments, infirmities or injuries of human beings, after the passage and publication of this act, shall apply to said board at the time and place designated by the board, or at any regular meeting thereof, for a license or certificate of registration authorizing such

practice and shall present to such board at the time of so applying satisfactory evidence of having completed a preliminary education equivalent to graduation from an accredited high school of this state; and all persons so applying for a license to practice medicine and surgery after the first day of January, 1919, shall, in addition to such preliminary education equivalent to graduation from an accredited high school of this state, present satisfactory and competent evidence of having completed a two years' college course in physics, chemistry, biology and either German or French, the equivalent of a two years' pre-medical course at the University of Wisconsin.

2. All applicants having presented satisfactory evidence of such preliminary education shall be examined by said board in the subjects of anatomy, physiology, general diagnosis, pathology, histology, chemistry, hygiene and sanitation. All persons so applying, no matter what school or system of treating the afflicted the applicant may claim or intend to follow, shall submit to the same examination in the subjects just enumerated, excepting applicants applying for a certificate of registration for the practice of midwifery and to practice as registered nurses. Applicants desiring to obtain a license to practice medicine, surgery or osteopathy shall, in addition to the satisfactory evidence of having acquired the preliminary education herein designated, present a diploma from a reputable college or school of medicine and surgery or of osteopathy and surgery: in case such college or school requires for graduation a completion of a fifth year of a hospital internship of not less than one year, the board may accept in lieu of said diploma a properly authenticated certificate equivalent to it in all respects and specifically in point of time attended, courses pursued and evidence of good moral and professional character; and shall submit to an examination in the various branches of medicine and surgery usually taught in such reputable schools and colleges; if the applicant be an osteopath he shall submit to an examination in the various branches of osteopathy and surgery usually taught in reputable colleges of osteopathy. A college or school of medicine and surgery or of osteopathy and surgery maintaining the standard of preliminary education hereinbefore designated and requiring at least four courses of eight months each before graduation shall be deemed reputable. Any person duly licensed to practice osteopathy in this state at any time prior to the 1st day of January, 1916, shall be licensed to practice surgery upon passing the regular examination of the board in surgery, and presenting evidence of having completed an adequate course in surgery at a reputable school or college of osteopathy and sur-

gery requiring not less than twenty months actual attendance thereat.

3. After such examination, the board shall, if it finds the applicant qualified, grant a license to the applicant to practice medicine and surgery or osteopathy and surgery in this state, or a certificate of registration to practice midwifery or as a registered nurse or any other system or form of treating the afflicted, as the case may be, which license or certificate of registration can only be granted by the consent of not less than six members of said board and which license or certificate of registration, after the payment of the fees as herein provided, shall be signed by the president and secretary of the board and attested by its seal. The fee for examination shall be fixed by the board, but shall not exceed twenty dollars in such case, with five dollars additional for the license or certificate of registration, if issued. Such fee or fees shall be paid by the applicant to the treasurer of the board at the time of making application for examination.

4. It shall be unlawful for any person not possessing at the time of the passage and publication of this act a license or certificate of registration to practice medicine, surgery or osteopathy, to give or prescribe drugs or perform a surgical operation or to practice obstetrics or osteopathy in this state unless such person has secured from the board a license specifically authorizing him so to do.

Section 1435b. 1. All persons applying for a certificate of registration to practice midwifery in this state shall present to the board a diploma from a reputable college or school of midwifery, and submit satisfactory evidence of good moral and professional character. A college or school of midwifery to be deemed reputable by the board shall be a training school for midwifery connected with a reputable hospital or sanitarium giving a course of at least twelve months in the science and practice of midwifery and giving its students practical experience in at least twenty cases of confinement.

2. All such applicants shall submit to a written examination in the following branches: anatomy of the female pelvis; anatomy and physiology of the organs contained in the female pelvis; symptoms, diagnosis, physiology and complication of pregnancy, diagnosis, course and management of labor and care of mother and child for the first ten days succeeding childbirth. After such examination the board shall, if it find the applicant qualified, grant a certificate of registration to practice midwifery, which certificate shall be granted only by the consent of at least six members of the board.

Section 1435c. 1. All persons applying for a certificate of registration to practice as registered nurses in this state shall present to the board a diploma or other certificate of graduation from a reputable training school and submit satisfactory evidence of good moral and professional character, which training school to be considered reputable shall give both theoretical and practical instructions in the following branches: nursing, ethics, anatomy, physiology, hygiene, dietetics, materia medica, elementary urinalysis, medical, surgical, gynecological and obstetrical nursing, including the care of infants and a thorough course of theoretical instruction and practical nursing and the nursing of sick children.

2. All such applicants shall submit to a written examination in the subjects in which they have received instructions in a reputable training school for nurses, such examinations to be adequate to test the knowledge and experience of the applicant. After such examination, the board shall, if it find the applicant qualified, grant a certificate of registration to practice as registered nurse and such applicant after having received such certificate shall be known as a "registered nurse" and shall be entitled to append the letters "R. N." to his or her name. No other person shall assume or use such title or the abbreviation "R. N." or any other words, letters, or combination of letters, to indicate that such person is a registered nurse.

Section 1435d. 1. Subsections 1 and 2 of section 1435a shall not apply to persons who, at the time of the passage and publication of this act, were engaged in the practice of massage and hydrotherapy. Every person who at the time of the passage and publication of this act was practicing or claiming to practice massage and hydrotherapy within this state shall within six months after such passage and publication make a written application to the Wisconsin State Board of Medical Examiners for registration, such application to be made upon blanks prepared and furnished by said board. Every person so applying shall furnish evidence of good moral and professional character, such reputable practice and good moral and professional character to be attested by the oath of three licensed medical or osteopathic physicians, who will so attest such practice and good moral and professional character of the applicant from personal knowledge. If the evidence of reputable practice and of good moral and professional character of such applicant is satisfactory to the board a certificate of registration shall be issued to the applicant; provided at least six members of the board consent to the issuance of such certificate; such applicant shall ac-

company his application with a fee for registration which shall not exceed the sum of fifteen dollars, said fee to be paid to the treasurer of the board.

2. All persons hereafter beginning the practice of massage and of hydrotherapy in any of their branches in this state shall apply to the Wisconsin State Board of Medical Examiners for a certificate of registration so to practice and shall present to said board satisfactory evidence of having completed a preliminary education equivalent to graduation from an accredited high school of this state and of having completed in a scientific or professional school or college an adequate course in physiology, anatomy and hygiene and submit satisfactory evidence of good moral and professional character. All such applicants shall submit to a written examination in physiology, anatomy and hygiene, such examination to be the same as that given by said board to applicants for license to practice medicine, surgery, and osteopathy; and shall likewise submit to a written examination in the practice and theory of massage and hydrotherapy, such examination in said practice and theory to be conducted under the supervision of the board by a registered practitioner in massage and hydrotherapy, selected by said board, the person so selected to conduct said examination to receive for said services the same compensation received by the members of the board.

3. After such examination the board shall, if it find the applicant qualified, grant a certificate of registration to said applicant, which certificate shall be granted only by the consent of at least six members of the board. The fee for the examination shall be twenty dollars in each case with five dollars additional for the certificate, if issued, such fee to accompany the application and to be paid to the treasurer of the board.

4. All persons receiving a certificate of registration, as in this subsection provided, shall be permitted to practice massage, hydrotherapy and educational gymnastics within this state, but shall not be permitted to treat for a specific disease, except upon the advice of a licensed medical or osteopathic physician.

Section 1435e. Reputable practitioners of chiropractic may practice their profession in this state, provided that they do not represent themselves to be or hold themselves out as registered or licensed; and provided further, that there is conspicuously displayed in the offices or places where they practice their profession a sign or signs containing the following words in large and legible type: "Not registered or licensed in Wisconsin."

Section 1435f. Every person desiring, undertaking or attempting to practice medicine, surgery or osteopathy in this

state shall procure and have from the Wisconsin State Board of Medical Examiners a license or certificate of registration authorizing him so to practice and every person desiring, undertaking or attempting to practice midwifery or nursing or to practice any other form or system of treating bodily or mental diseases, ailments, infirmities or injuries of human beings, shall procure and have a certificate of registration from the said board and every person having or hereafter receiving a license or having or hereafter receiving a 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 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 or practice shown and the date of such recording in a book to be provided and kept for that purpose. Any person who shall fail to record this license or registration certificate as herein provided shall not exercise any of the rights or privileges conferred by such license or certificate.

Section 1435g. All itinerant practitioners of medicine, surgery or osteopathy or of any form or system of treating the afflicted shall obtain an annual license from the Wisconsin State Board of Medical Examiners in addition to the license or certificate of registration heretofore obtained or hereafter to be obtained and shall pay to said board as a fee for said license the sum of two hundred fifty dollars per annum. All persons practicing medicine, surgery or osteopathy or professing or attempting to treat or heal diseases, ailments or injuries of the human body, by any means whatever, who go from place to place at irregular or at regular intervals less frequently than once a week, shall be considered itinerant practitioners.

Section 1435h. It shall be unlawful for any person not possessing a license to practice medicine, surgery or osteopathy to use or to assume the title "doctor" or to append to his name the words or letters "doctor," "Dr.," "specialist," "M. D.," "D. O.," or any other title, letters, combination of letters or designation which in any way represents or may tend to represent him as engaged in the practice of medicine, surgery or osteopathy in any of its branches. Any person beginning the practice of, or attempting, undertaking or holding himself out as being authorized to practice medicine, surgery or osteopathy without having a license so to practice, or midwifery, or as registered nurse, or any other form or system of treating the afflicted without having a certificate of registration authorizing

such practice, and any person violating any of the provisions of this section and of sections 1435a to 1435g, inclusive, of the statutes, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not less than sixty days nor more than one year, or by both such fine and imprisonment.

Section 1435i. Any person practicing medicine, surgery, osteopathy, midwifery, or as registered nurse, or any other form or system of treating the afflicted without having a license or a certificate of registration authorizing him so to do, shall not be exempted from, but shall be liable to all the penalties and liabilities for malpractice; 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 licensed medical or osteopathic physicians, or registered midwives, nurses, or practitioners of any other form or system of treating the afflicted. 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 shall in addition to any other punishment imposed pursuant to law revoke such license or certificate. No person practicing medicine, surgery or osteopathy without having a license so to practice, or practicing midwifery, nursing or any other form or system of treating the afflicted without having a certificate of registration authorizing such practice, shall have the right to collect by law any fees or compensation for the performance of any professional services, or to testify in a professional capacity as a medical or osteopathic physician or practitioner of any other form or system of treating the afflicted, or as an insanity expert in any case; provided, that nothing herein contained shall be construed as forbidding any court in a criminal action, in its discretion, receiving the testimony of any person as an expert witness: provided, further that the practitioners in medicine, surgery, or osteopathy licensed in other states may testify as experts in this state when such testimony shall be necessary to establish the rights of citizens or residents of this state in a judicial proceeding when expert testimony of licensed practitioners of this state sufficient for the purpose is not available.

Section 1435j. The provisions of sections 1435a to 1435i, inclusive, shall not apply to commissioned surgeons of the army and navy, or of the public health service of the United States, or

to medical or osteopathic physicians of other states or countries in actual consultation with resident licensed practitioners of this state or to the gratuitous prescribing and administering of family remedies or treatment rendered in an emergency. No certificate of registration granted by the Wisconsin State Board of Medical Examiners shall be considered the equivalent of or a substitute for a license granted by said board.

Section 1436. The Wisconsin State Board of Medical Examiners shall have the power and it shall be its duty:

1. To elect annually, at its June meeting, from its members a president and a secretary and treasurer. The president and secretary may administer oaths. Said board shall hold regular meetings on the second Tuesday in each January at Madison and on the last Tuesday of each June at Milwaukee, and such other meetings at such other times and places as it may from time to time determine.

2. To have a common seal and to keep a record of all its proceedings and a register for all applications for licenses and for certificates of registration and to keep such other books and registers as shall sufficiently show and make a record of the proceedings of the board at its regular and other meetings.

3. To require the secretary to furnish to the board such bond as it may from time to time direct, said secretary to be the custodian of all fees and funds coming into the hands of the board and turn into the state treasury all such fees and funds to constitute an appropriation for said board to carry into effect the powers, duties and functions provided by this act for the said board.

4. To employ a licensed attorney as counsel for the board whose duty it shall be to attend the meetings of the board, to advise the members on questions of law and to assist said board in performing its duties and powers and to employ such other agents and assistants as may be necessary efficiently to carry out and administer the provisions of sections 1435a to 1435j, inclusive.

5. To make such rules and regulations and to 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 or for a certificate of registration and to refuse, in its discretion, to grant a license or a certificate of registration to any person who does not furnish satisfactory proof of good moral and professional character and who is not at least twenty-one years of age.



6. To license without an examination any person holding a license from any board or officer of any other state authorizing such person to practice medicine, surgery or osteopathy in such state, if such board or officer under the laws of such state imposes requirements equivalent to those established by the laws of this state and such person presents such license, together with a diploma from a reputable medical or osteopathic college, provided such person pays a fee to be fixed by the board at not to exceed fifty dollars. Any honorably discharged surgeon of the army or navy or of the public health service of the United States may be granted a license without examination by the board, by filing a sworn and properly authenticated copy of his discharge and paying a fee of fifty dollars.

7. To fix the compensation to be paid the members of said board, such compensation not to exceed the sum of ten dollars for each day actually spent in attending to the business of the board and the actual and necessary expenses of such members. All compensation and legitimate and necessary expenses incurred by the members, employes and the attorney of the board shall be paid from the fees and moneys received by said board and paid into the state treasury as an appropriation for said board.

8. To fix the salary of the secretary at a sum not to exceed one thousand dollars per year and make a report of its proceedings to the governor on June thirtieth of each year, such report to include a detailed statement of the moneys received and paid into the state treasury by the board.

9. To investigate all complaints in regard to the violation, noncompliance with or disregard of the provisions of sections 1435a to 1435j, inclusive, and to bring all such cases to the notice of the proper prosecuting officers, and to institute prosecutions for such violations, noncompliance, and disregard; and it shall be the duty of the district attorney of the proper county to prosecute all violations of said sections 1435a to 1435j, inclusive. In such prosecutions and with the consent of the court and the district attorney, the attorney retained by the board may assist the district attorney.

10. To adopt such other rules and regulations as may be necessary efficiently to perform the duties and powers of the board imposed by the provisions of sections 1435a to 1435j, inclusive.

Section 1436a. None of the provisions of this act or the laws of this state regulating the practice of medicine or healing shall be construed to interfere with the practice of christian science or with any person who administers to or treats the sick or suffering by mental or spiritual means, nor shall any person

who selects such treatment for the cure of disease be compelled to submit to any form of medical treatment.

Section 1436b. Wherever either the words physician, surgeon, or osteopath are used in the statutes of the state of Wisconsin, they shall be construed to mean and include any and all persons holding a license or certificate of registration to practice either medicine, surgery, or osteopathy, and to no others.

SECTION 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 23, 1915.

No. 364, S.]

[Published July 26, 1915.

### CHAPTER 439.

AN ACT to create section 959—300 of the statutes, relating to interruptions in the service of public utilities.

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

SECTION 1. There is added to the statutes a new section to read: Section 959—300. No contractor having a contract for any work upon, over, along or under any public street or highway shall interfere with, destroy or disturb the structures of any public service corporation encountered in the performance of such work so as to interrupt, impair or affect the public service for which such structures may be used, without first procuring written authority from the commissioner of public works, or other properly constituted authority. It shall, however, be the duty of every public service corporation, whenever a temporary protection of, or temporary change in, its structures, located upon, over, along or under the surface of any public street or highway is deemed by the commissioner of public works, or other such duly constituted authority, to be reasonably necessary to enable the accomplishment of such work, to so temporarily protect or change its said structures; provided, that such contractor shall give at least two days' notice of such required temporary protection or temporary change to such corporation, and shall pay or assure to such corporation the reasonable cost thereof, except when such corporation is properly liable therefor under the law, but in all cases where such work is done by or for the state or by or for any county, city, village, or town, the cost of such temporary protection or temporary change shall be borne by such public service corporation.