

CHAPTER 147.

TREATING THE SICK.

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147.01 Definitions. (1) The "basic science law" is sections 147.01 to 147.12, inclusive, and as used therein:

(a) To "treat the sick" is to examine into the fact, condition, or cause of human health or disease, or to treat, operate, prescribe, or advise for the same, or to undertake, offer, advertise, announce, or hold out in any manner to do any of said acts, for compensation, direct or indirect, or in the expectation thereof.

(b) "Disease" includes any pain, injury, deformity, or physical or mental illness or departure from complete health and proper condition of the human body or any of its parts.

(c) The "basic sciences" are anatomy, physiology, pathology and diagnosis.

(d) The "board" is the state board of examiners in the basic sciences.

(2) Sections 147.01 to 147.12, inclusive, shall not apply to or affect persons making application for examination to hold a certificate, under chapter 152, as a dental hygienist nor shall the above sections apply to optometrists; provided further, that the exemption contained in this subsection shall likewise apply to all those who prior to July 1, 1952, file an application for a license to practice dentistry under the provisions of chapter 152.

History: 1951 c. 369.

147.02 Practice. No person shall treat, or attempt to treat, the sick unless he shall have a certificate of registration in the basic sciences, and shall have recorded the same with the county clerk in the manner provided in section 147.14, and shall have complied with all other requirements of law. This section shall not affect the exemptions provided by subsections (1) and (2) of section 147.19, nor shall it be construed to require a certificate of registration in the basic sciences for the practice of nursing by persons registered under chapter 149.

Physicians, not licensed to practice medicine in this state, were not for that reason incompetent to testify in proceedings for the probate of a will as to observations and opinions as to mental capacity of the tes-

tator which were within the scope of a layman's testimony. Will of Williams, 256 W 338, 41 NW (2d) 191.

See note to 147.14, citing 39 Atty. Gen 10.

147.03 Board. The governor, with the advice and consent of the senate, shall appoint the state board of examiners in the basic sciences. The board shall consist of three lay educators, none of whom shall be on the faculty of any department teaching methods of treating the sick. The term of office shall be six years. A vacancy shall be filled for the unexpired term. The first appointments shall be for terms expiring April 1, 1927, 1929 and 1931, respectively. The board shall within thirty days of appointment organize by the election of a president, secretary and treasurer. The compensation of the members of the board shall be ten dollars for each day actually spent and actual and necessary expenses.

147.04 Other boards. No examining board for any branch of treating the sick shall admit to its examinations or license or register any applicant unless such applicant first present a certificate of registration in the basic sciences. Any such board may by rule accept such certificate in lieu of examination in those subjects.

147.05 Application. Application for a certificate of registration in the basic sciences shall be made to the board of examiners in the basic sciences, accompanied by sufficient and satisfactory evidence of good moral character and preliminary education equiva-

lent to graduation from an accredited high school of this state, and a fee of ten dollars. If the applicant was on February 1, 1925, attending a professional school, high school education shall not be required.

147.06 Examination. Examination shall be in the basic sciences only, shall be conducted not less than four times a year at such times and places as the board shall fix, and shall be both written and by demonstration or other practical test. No applicant shall be required to disclose the professional school he may have attended or what system of treating the sick he intends to pursue.

147.07 Certificate. If the candidate attains a grade of 75 per cent in each subject, he shall receive a certificate in the basic sciences, signed by the president and secretary. If he fails in one subject only, he may be re-examined in that subject at any examination within one year without further examination fee. If he fails in 2 or more subjects he must apply anew and stand examination in all subjects. If the applicant states that his practice is to be confined to one organ or set of organs, his examination and certificate shall be limited accordingly.

147.08 Reciprocity. The board may issue certificate to an applicant who presents sufficient and satisfactory evidence of having passed examinations in the basic sciences before a legal examining board or officer of another state, or of a foreign country, if the standards are as high as those of this state, and upon payment of a fee of fifteen dollars.

147.09 Previous practice. Any person who, on February 1, 1925, was regularly licensed or registered in the state of Wisconsin to treat the sick need not be registered under the basic science law. Any person who, on February 1, 1925, was not registered or licensed in the state of Wisconsin to treat the sick, but nevertheless on that date was lawfully engaged in this state in treating the sick, shall be registered upon presenting to the board, within sixty days after this section goes into effect, an application therefor, with sufficient and satisfactory evidence that he was, on such date, lawfully engaged in this state in treating the sick, and is of good moral character, and upon the payment of a registration fee of five dollars. The certificate shall recite registration solely as a person who, on February 1, 1925, was lawfully engaged in this state in treating the sick. Such certificate shall be in force only when filed with the county clerk in the manner provided in section 147.14.

147.10 Revocation. Certificate of registration in the basic sciences shall be subject to revocation for the causes and in the manner provided in section 147.20.

147.11 Review. The action of the board in granting or denying a certificate shall be subject to review by appeal in the manner provided in chapter 227, and any state examining board for any branch of treating the sick may take such appeal as a party aggrieved.

147.12 Administration. The board shall keep a complete record in which shall be entered all applications, examinations, registrations, fees, decisions, orders and proceedings. It shall from time to time from lists furnished by the state civil service commission, appoint such competent and recognized experts as shall be necessary to assist in the examinations, and necessary clerks. They shall receive such compensation as the board shall fix. On or before August first of each year, the board shall file with the governor a report of all receipts, disbursements and transactions for the preceding fiscal year. The disbursements of the board shall not exceed the fees received.

147.13 Examiners. (1) The governor shall appoint the "Wisconsin State Board of Medical Examiners," consisting of 8 members. The appointment of each member shall be for 4 years. 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 eligible. Three members shall be allopathic, 2 homeopathic, 2 eclectic and one osteopathic, and all shall be licentiates of the board. Each member of the board, except the secretary, shall be paid such compensation as the board determines, but not more than \$10 per day, when actually and necessarily engaged in his duties.

(2) The board shall meet annually on the second Tuesday of January at Madison, and at such other times and places as it wills. It shall elect annually at its January meeting a president and a secretary-treasurer. The president or secretary may administer oaths. The secretary-treasurer shall furnish such bond as the board shall require, and shall receive all moneys and pay the same into the state treasury.

(4) The board shall employ necessary assistants and fix their compensation.

(5) The board shall have a common seal, and keep a record of its proceedings and a register of applications, and licenses and certificates of registration issued. It shall make

annual report of its proceedings to the governor on June thirtieth, including detailed statement of money received and expense of operation.

(6) The board shall investigate complaints of violation of this chapter, notify prosecuting officers, and institute proceedings.

History: 1951 c. 319 s. 245.

147.14 Practice. (1) No person shall practice or attempt or hold himself out as authorized to practice medicine, surgery, or osteopathy, or any other system of treating bodily or mental ailments or injuries of human beings, without a license or certificate of registration from the state board of medical examiners, except as otherwise specifically provided by statute, nor unless he shall record the same with the county clerk of the county in which he resides and pay a fee of fifty cents for such recording. Nonresidents shall file such license or certificate in each county in which they shall practice. The clerk shall enter in a book kept for that purpose the date of the license or certificate, the name of the licensee, school or practice shown, and the date of the recording.

(2) No person violating subsection (1) of this section shall have the right to collect by law any compensation for 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; except that a court in a criminal action may receive the testimony of any person as an expert and that practitioners in medicine, surgery or osteopathy licensed in other states may testify as experts in this state when such testimony is necessary to establish the rights of citizens or residents of this state in a judicial proceeding and expert testimony of licensed practitioners of this state sufficient for the purpose is not available.

(3) No person not possessing a license to practice medicine and surgery, osteopathy, or osteopathy and surgery, under section 147.17, shall use or assume the title "doctor" or append to his name the words or letters "doctor," "Dr." "specialist," "M. D.," "D. O." or any other title, letters or designation which represents or may tend to represent him as a doctor in any branch of treating the sick.

(4) No person shall practice medicine, surgery, or osteopathy, or any other system of treating bodily or mental ailments or injuries of human beings, under any other Christian or given name or any other surname than that under which he was originally licensed or registered to practice in this or any other state, in any instance in which the Wisconsin state board of medical examiners shall, after a hearing, find that practicing under such changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This subsection does not apply to a change of name resulting from marriage or divorce.

A Michigan osteopath and surgeon, not licensed to practice in Wisconsin, may qualify as an expert in an action by a Wisconsin resident against Wisconsin doctors for malpractice in the diagnosis and treatment of a fracture of the humerus, where the plaintiff had consulted such osteopath for the purpose of determining what course of treatment to follow and hence was not required to consult other osteopaths in Wisconsin to obtain testimony, and it appeared that the plaintiff was unable to obtain

licensed practitioners of medicine and surgery in Wisconsin to testify. *Morrill v. Komasiniski*, 256 W 417, 41 NW (2d) 620.
147.14 (1) and 147.02 do not prohibit a medical technician from making laboratory tests of a physician's patients at his direction where the technician neither diagnoses, treats, advises nor consults with the patient as to his ailments but merely transmits laboratory data to the physician for his use.
29 Atty. Gen. 10.

147.15 Application. Application may be made at the time and place designated by the board or at a regular meeting. Applicants for license to practice medicine and surgery shall present satisfactory evidence of good moral and professional character, and of having completed a preliminary education equivalent to graduation from an accredited high school of this state, and also a diploma from a reputable professional college. Applicants for license to practice medicine and surgery, in addition to having a diploma from a reputable medical or osteopathic college with standards of education and training substantially equivalent to the university of Wisconsin medical school, approved and recognized by the board, shall present also satisfactory evidence of having completed a college course in physics, chemistry and biology, substantially equivalent to the premedical course at the university of Wisconsin, and if the professional college from which a diploma is presented does not require for graduation a hospital internship of at least 12 months in addition to a 4 years' course, a certificate of completion of such internship in a reputable medical or osteopathic hospital. Each applicant shall file a verified statement that he is familiar with the state health laws and the rules and regulations of the state board of health relating to communicable diseases. The application shall be accompanied by a fee, to be fixed by the board at not more than \$40 and \$5 additional for license if issued. An immigrant applicant shall present satisfactory evidence of having first citizenship papers, and if his professional education was completed in a foreign college, the application shall

be accompanied by a fee of \$75, and the further fee of \$5 upon the issuance of license shall not be required; however, any applicant who by reason of his nationality is ineligible to citizenship and who is a graduate of a reputable professional college in this country prior to the taking effect of this section and is possessed of all other necessary qualifications to secure a license shall be issued a license provided at least one of his parents shall have been a native of the state of Wisconsin. Applicants shall pay also the cost of translation into English by the board of documents and papers in a foreign language.

History: 1951 c. 370.

147.16 Examination. Having complied with section 147.15, the applicant shall be examined in anatomy, physiology, general diagnosis, pathology, histology, chemistry, hygiene, sanitation, materia medica and pharmacology. All applicants shall be given the same examination in the foregoing subjects. Medical and osteopathic applicants shall be further examined in the branches usually taught in reputable professional colleges.

147.17 License. (1) If 6 members find the applicant for license qualified it shall issue a license to practice medicine or surgery, or osteopathy and surgery, signed by the president and secretary and attested by the seal. A copy of the applicant's statement of familiarity with health laws and rules shall then be forwarded to the state board of health. The board may license without examination a person holding a license to practice medicine and surgery, or osteopathy and surgery, in another state, if in such state the requirements imposed are equivalent to those of this state, upon presentation of the license and a diploma from a reputable professional college approved and recognized by the board, or an honorably discharged surgeon of the army or navy, or of the federal public health service, upon filing of a sworn and authenticated copy of his discharge. Fee for license without examination shall be fixed by the board at not less than the reciprocity fee in the state whose license the applicant presents, and in no case less than \$75. A person licensed before 1916 to practice osteopathy, shall be licensed to practice surgery upon presenting satisfactory evidence of having completed a course in surgery at a reputable osteopathic college, requiring not less than 20 months' actual attendance, and the regular examination of the board in surgery, and being found qualified by 6 members. The board may deny the application of one not 21 years of age. No certificate of registration shall be considered equivalent to a license.

Note: (1) is printed as last amended (ch. 370, Laws 1951). Earlier amendments (chs. 120 and 368, Laws 1951) are not shown here.

(2) Any person holding a certificate of registration in accordance with the provisions of chapter 87 of the laws of 1899, who shall have been engaged in the practice of medicine, surgery or osteopathy since July 1, 1899, shall be granted a license without examination upon presenting said certificate to the board with the application for such license and a fee of \$5 and surrender said certificate on the issuance of said license.

(3) A person licensed to practice osteopathy and surgery may apply to the board to be examined in materia medica and pharmacology as may be required by the board. Such applicants shall be given the same examination in materia medica and pharmacology as is given to applicants from medical colleges at any regular meeting of the board. Such application shall set forth the date such person was licensed to practice, the number of years and place or places in which he has practiced together with a statement from a reputable osteopathic college that applicant has successfully completed a refresher course approved by the board in materia medica and pharmacology consisting of not less than 64 hours of lectures and 60 hours of laboratory work while in actual attendance at such college; if the applicant shall be unsuccessful he may apply for re-examination at any subsequent meeting of the board. The application shall be accompanied by a fee of \$20. Upon successfully passing such examination and payment of a fee of \$5 and upon surrender of the old license the board shall issue a new license to practice medicine and surgery.

(4) Whenever the statutes authorize or require a practitioner of medicine to do or perform an act or to issue any statement, affidavit or certificate such statute shall be construed to include those practitioners of osteopathy and surgery who hold such new license to practice medicine and surgery.

(5) Sections 147.15 and 147.16 (as amended in 1949) and sections 147.17 (3) and (4) shall not be construed to abrogate the existing rights, privileges and immunities of any person licensed to practice osteopathy or osteopathy and surgery who do not hold a license to practice medicine and surgery.

(6) A license to practice medicine and surgery granted to an osteopathic applicant shall not authorize the holder to use the title of "doctor of medicine" nor the letters "M.D."

History: 1951 c. 120, 368, 370.

In using the term "osteopathic" in (3) medical schools having substantially equivalent standards of education and training. 39 Afty. Gen. 179.

the legislature obviously meant "professional," thereby including the medical school of the university of Wisconsin and other

147.175 Annual registration of physicians. (1) Every person licensed to and engaged in or entering upon the practice of medicine and surgery, osteopathy, or osteopathy and surgery, in this state, shall, in the month of January of each year, register with the secretary of the Wisconsin state board of medical examiners, upon a form to be furnished by the board. The registration form, to be signed by each registrant, shall contain his name, his residence address, the name of the place and the address at which he is engaged in practice, and any other relevant information for the purpose of identifying the registrant which the board may prescribe. Persons licensed or relicensed in this state to practice medicine and surgery, osteopathy, or osteopathy and surgery, subsequent to January 31 of a given year shall register as required by the terms of this section within 30 days after being so licensed. Any registrant who, subsequent to registering, shall change the address or place of his residence or professional office, or who shall open an additional office, shall, within 30 days thereafter, notify the board in writing of such change and furnish his new residence or professional address. The secretary of the board, on or before December 1 of each year, shall mail or cause to be mailed to every person registered hereunder the registration form above required. Each person registered hereunder shall display his proper registration certificate conspicuously in his office at all times.

(2) Each registrant shall pay for such registration a fee to be fixed by the Wisconsin state board of medical examiners for each given year, which fee shall not exceed \$3 in any year; provided that those who register after January 31 of a given year, shall likewise pay whatever fee has been fixed for that year.

(3) On or before March 10 in each year the secretary of the Wisconsin state board of medical examiners shall certify to the state board of health, which shall cause to be published and mailed to each person registered hereunder, a printed list of those so registered, which list shall be divided according to the branch of healing in which the registrant is licensed. The secretary of the board shall also cause to be mailed a copy of such published list to the secretary of state, the district attorney of each county, each local board of health, the sheriff of each county, the chief of police of each community, and to any other public official who may request or have need thereof.

(4) Every registration made as provided in this section shall be presumptive evidence in all courts and other places that the person named therein is legally registered for the year covered by such registration.

(5) No registration shall be permitted by the secretary of the Wisconsin state board of medical examiners in the case of any person who has been found guilty of any of the unprofessional acts described in section 147.20, and upon conviction for any of said offenses, the registration of any such person shall be deemed automatically annulled upon receipt by the secretary of the board of a certified copy of the information, verdict and judgment, as provided in section 147.20 (3), subject to such registrant's right of appeal. A registrant whose license has been revoked and subsequently restored under the provisions of section 147.20 (4) shall be registered by the board upon tendering a certified copy of the order of the trial court restoring his license, together with an application for registration and the registration fee.

(6) The provisions of this section shall not be applicable to any physician while serving in the armed forces of the United States or of an allied government.

(7) If any subsection, paragraph or provision of this section, or its application to any person or circumstance shall be held unconstitutional, such decision shall not affect the constitutionality of any other subsection, paragraph or provision of this section or its application to other persons or circumstances.

147.18 Itinerants. Itinerant practitioners of medicine, surgery or osteopathy or of any form or system of treating the afflicted shall obtain an annual license in addition to the regular license or certificate of registration, and shall pay therefor two hundred fifty dollars per annum. Persons practicing medicine, surgery or osteopathy or professing or attempting to treat or heal ailments or injuries of the human body who go from place to place at regular or irregular intervals less frequently than once a week, are itinerant practitioners.

147.185 Massage license. The board of medical examiners may issue certificates of registration to practice massage or hydrotherapy. The applicant therefor shall present satisfactory evidence of good moral and professional character, and of having completed a preliminary education equivalent to graduation from an accredited high school of this state, and of the completion in a scientific or professional school of an adequate course in physiology, descriptive anatomy, pathology and hygiene, and shall file a verified statement

that he is familiar with the state health laws and the rules and regulations of the state board of health relating to communicable diseases. The application shall be accompanied by a fee to be fixed by the board at not more than twenty dollars and five dollars additional for certificate if issued. The applicant shall be examined by the board in physiology, descriptive anatomy, pathology and hygiene, and shall be further examined in massage or hydrotherapy under the supervision of the board, by a registered practitioner in massage or hydrotherapy selected by the board and receiving the same compensation as board members. If a majority of the board find the applicant qualified, it shall issue a certificate of registration to practice massage or hydrotherapy, signed by the president and secretary and attested by the seal, which certificate shall authorize practice in massage or hydrotherapy or educational gymnastics, but not the treatment of a specific disease, except upon the advice of a licensed medical physician. A copy of the applicant's statements of familiarity with health laws and rules shall be forwarded to the state board of health. The provisions of section 147.15, relating to immigrant applicants and translations, shall apply to application under this section.

Person licensed to practice massage or out as a physiotherapist and practice as hydrotherapy or both may not hold himself such. 39 Atty. Gen. 64.

147.19 Exceptions. (1) Sections 147.14 to 147.18, shall not apply to commissioned surgeons of the army, navy, federal health service, or to medical or osteopathic physicians of other states or countries in actual consultation with resident licensed practitioners of this state, nor to the gratuitous prescribing and administering of family remedies or treatment rendered in an emergency.

(2) None of the provisions of this chapter or the laws of the 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.

Where a person injured in a collision was a patient of a physician licensed in Wisconsin, and such physician referred the patient to a physician licensed in Minnesota, but not in Wisconsin, for psychiatric treatments, and the Minnesota physician reported to and consulted with the Wisconsin physician in the course of treating the patient, the Minnesota physician was a competent witness under 147.14 and 147.19 (1) to testify in the patient's action for injuries, as a physician of another state in actual consultation with a resident licensed practitioner of this state. Landrath v. Allstate Ins. Co. 259 W 248, 48 NW (2d) 485.

147.195 State medical grievance committee. The state health officer, the secretary of the state board of medical examiners, and the attorney-general or deputy attorney-general are hereby constituted ex officio a state medical grievance committee, to investigate, hear, and act upon practices by persons licensed to practice medicine and surgery under section 147.17, that are inimical to the public health. The state health officer shall be chairman of the committee. Meetings of the committee shall be held at the call of the chairman. Any member thereof shall have power to subpoena and swear witnesses, and take evidence. The committee shall have power to warn and to reprimand, when they find such practice, and to institute criminal action or action to revoke license when they find also probable cause therefor under criminal or revocation statute, and the attorney-general may aid the district attorney in the prosecution thereof. The records of said committee shall be kept by and be in the custody of the chairman thereof. No member of said committee shall receive any extra compensation therefor, nor other than his actual expenditures in attending upon his duties thereon.

147.20 Revocation. (1) The words "immoral or unprofessional conduct" as used in this section mean: (a) Procuring, aiding or abetting a criminal abortion; (b) advertising in any manner either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular, or other written or printed paper or document the curing of venereal diseases, the restoration of "lost manhood," the treatment and curing of private diseases peculiar to men or women, or the advertising or holding himself out to the public in any manner as a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self-abuse or excessive indulgences, or in any diseases of a like nature or produced by a like cause, or the advertising of any medicine or any means whatever whereby the monthly periods of women can be regulated or the menses re-established, if suppressed, or being employed by or in the service of any person, or concern, actual or pretended so advertising; (c) the obtaining of any fee, or offering to accept a fee on the assurance or promise that a manifestly incurable disease can be or will be permanently cured; (d) wilfully betraying a professional secret; (e) indulging in the drug habit; (f) conviction of an offense involving moral turpitude.

(2) Upon verified complaint in writing to the district attorney charging the holder of a license or certificate of registration from the state board of medical examiners or the state board of examiners in chiropractic with having been guilty of immoral or un-

professional conduct or with having procured his certificate or license by fraud or perjury, or through error, the district attorney shall bring civil action in the circuit court against the holder and in the name of the state as plaintiff to revoke the license or certificate. The court may appoint counsel to assist the district attorney and either party may demand a jury. No one shall be privileged from testifying fully or producing evidence, but he shall not be prosecuted or subject to penalty on account of anything about which he so does, except for perjury in so doing. If the court or the jury finds for the plaintiff, judgment shall be rendered revoking or suspending the license or certificate, and the clerk of the court shall file a certified copy of the judgment with the board of medical examiners or the state board of examiners in chiropractic, as the case may be. The costs shall be paid by the county, but if the court shall determine that the complaint made to the district attorney was wilful and malicious and without probable cause, it shall enter judgment against the person making the complaint for the costs of the action, and payment of the same may be enforced by execution against the body as in tort actions.

(3) When any person licensed or registered by the board of medical examiners is convicted of a crime committed in the course of his professional conduct, the clerk of the court shall file with the board of medical examiners a certified copy of the information and of the verdict and judgment, and upon such filing the board shall revoke or suspend the license or certificate. The board of medical examiners shall also revoke or suspend any such license or certificate upon satisfactory proof being made of the conviction of such license or certificate holder in a federal court of a crime committed in the course of his professional conduct. The action of the board in revoking or suspending such license or certificate may be reviewed in the manner provided in chapter 227.

(4) When a license or certificate is revoked no license or certificate shall be granted thereafter to such person. Any license or certificate heretofore or hereafter revoked may be restored by subsequent order of the trial court, but only after a first revocation, upon notice to the district attorney who prosecuted, or, in the event of his disability, his successor in office, upon written recommendation by the president of the state board of medical examiners, and upon findings by the court that the applicant for restoration of license or certificate is presently of good moral and professional character and that justice demands the restoration.

(5) When a license or certificate is suspended, it shall be suspended for a definite term, but not to exceed 2 years. The authority suspending a license may restore it at any time when satisfied that justice demands the restoration.

147.205 Injunction to enforce chapter 147. (1) If it appears upon complaint to the board of medical examiners by any person or it is known to the board that any person is violating any of the provisions of chapter 147, except sections 147.24 and 147.25, the said board or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of the state of Wisconsin against any such person to enjoin such person from such violation or violations of this chapter.

(2) If it appears upon complaint to the board of examiners in chiropractic by any person or it is known to the board that any person is violating any of the provisions of sections 147.23, 147.24 and 147.25, the said board or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name of and on behalf of the state of Wisconsin against any such person to enjoin such person from such violation or violations.

History: 1951 c. 371.

147.21 Penalty. Anyone violating any provision of this chapter shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned not less than sixty days nor more than one year, or both.

147.22 Malpractice. Anyone practicing medicine, surgery, osteopathy, 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 be liable to the penalties and liabilities for malpractice; and ignorance on his part 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 authorized practitioners.

147.23 Chiropractic regulated. (1) No person shall practice chiropractic, or in any manner attempt or hold himself out to do so, unless he have a certificate of registration in the basic sciences and a license to practice chiropractic from the state board of examiners in chiropractic, and shall have recorded such certificate and license with the county clerk of any county in which he shall so practice or attempt or hold out to practice, and pay a fee of fifty cents for each recording.

(2) The governor, with the advice and consent of the senate, shall appoint the state board of examiners in chiropractic to consist of three chiropractors, each of whom shall have been a continuous resident of and practitioner of chiropractic in the state for the preceding three years, who is not an officer or employer, nor financially interested in any school or college of chiropractic, and who shall not be graduate of any school teaching a method of treating the sick other than chiropractic. The term of office shall be six years, and a vacancy shall be filled for the unexpired term. The first appointments shall be made within thirty days after the taking effect of this section, and shall be for terms expiring April 1, 1927, April 1, 1929, and April 1, 1931, respectively. The board shall within thirty days after appointment organize by the election of a chairman and secretary. The compensation of the members of the board shall be ten dollars for each day actually spent and actual and necessary expenses incurred in the performance of their official duties.

(3) Application for a license to practice chiropractic shall be made to the board of examiners in chiropractic, accompanied by sufficient and satisfactory evidence of good moral character, preliminary education equivalent to graduation from an accredited high school of this state, graduation from a reputable school of chiropractic, approved and recognized by the board of examiners in chiropractic, having a residence course of not less than 36 months, consisting of not less than 3,600 60-minute class periods, certificate of registration in the basic sciences, and a fee of \$25. An applicant for a license who was regularly enrolled in and attending a reputable and approved school of chiropractic prior to June 1, 1947, or who graduated therefrom prior to that date, shall, if otherwise qualified, be examined on the basis of the requirements of this section as they existed prior to July 27, 1947.

(4) Examination shall be in the subjects usually taught in such reputable schools of chiropractic, and shall be conducted at least twice a year at such times and places as the board shall determine.

(5) The board shall grant without examination a license to practice chiropractic in this state to any person who was on February 1, 1925, a reputable practitioner of chiropractic in this state, and who shall present to the board of examiners in chiropractic, prior to September 1, 1925, sufficient and satisfactory evidence of the same.

(7) All licenses issued by the board shall expire on the thirty-first day of December following the issue thereof, except that any holder of a license may have the same renewed from year to year by the payment of an annual fee of \$8.

(8) The board shall keep a complete record of all applications, examinations, licenses, fees and proceedings. On or before August first of each year, the board shall file with the governor a report of all receipts, disbursements and transactions of the preceding fiscal year.

(9) No person shall practice chiropractic in this state under any other Christian or given name or any other surname than that under which he was originally licensed or registered to practice chiropractic in this or any other state in any instance in which board of examiners in chiropractic shall, after a hearing, find that practicing under such changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This subsection does not apply to a change of name resulting from marriage or divorce.

One licensed to practice chiropractic is other methods such as naturopathy. 39 Atty. Gen. 308.
not thereby authorized to treat the sick by

147.24 License revocation or suspension. The board of examiners in chiropractic, by order, may deny, suspend or revoke any license or certificate of registration if the licensee or registrant:

- (1) Obtained the license or certificate through error or fraud;
- (2) Is habitually drunk or addicted to the use of habit-forming drugs;
- (3) Is hereafter convicted in a court of competent jurisdiction, either within or without this state, or in federal court, of any violation of any law governing the practice of chiropractic or of any felony, a certified copy of the record of conviction to be conclusive evidence of such conviction;
- (4) Has obtained or sought to obtain anything of value by fraudulent representation in the practice of chiropractic;
- (5) Is guilty of immoral or unprofessional conduct;
- (6) Has continued practice, knowingly having an infectious or contagious disease; or
- (7) If the applicant or registrant maintains a professional connection or association with any other person continuing to violate the provisions of this chapter after 10 days' notice in writing by the board.

147.25 Unprofessional conduct. Unprofessional conduct shall include, without limitation because of enumeration:

- (1) Any conduct of a character likely to deceive or defraud the public;

- (2) Loaning of a chiropractic license or certificate to anyone;
- (3) Employment of "cappers" or "steerers" to obtain chiropractic business, or any public solicitation of chiropractic patronage;
- (4) Splitting or dividing any fee for chiropractic service with any person except an associate licensed chiropractor;
- (5) Use of unprofessional advertising which shall include without limitation because of enumeration:
 - (a) Any advertising statement of a character tending to deceive or mislead the public;
 - (b) Advertising professional superiority or performance of professional services in a superior manner;
 - (c) Advertising fixed prices for variable services;
 - (d) Using advertising solicitors or press agents;
 - (e) Use of office signs which contain wording other than the names of duly licensed chiropractors practicing therein, office hours and purely educational matter not in conflict with law;
 - (f) Use of printed advertisements which contain wording of other than names of duly licensed chiropractors, office hours, location, telephone numbers and educational matter not in conflict with law.

A chiropractor who advertises as a na- revoked for unprofessional conduct under turoopath may have his license suspended or 147.24, 147.25 and 147.26. 39 Atty. Gen. 308.

147.26 Procedure for hearings. (1) The board may make investigations and conduct hearings in regard to the conduct of any licensed chiropractor who, it has reason to believe, is acting or has acted in violation of section 147.24 or 147.25. The chairman or secretary of the board may administer oaths and issue subpoenas for attendance of witnesses and take testimony under oath. The person complained against shall have notice in writing of the charges, specifying a date not less than 10 days after service thereof for a hearing and shall have opportunity to confront witnesses and produce testimony. A stenographic record of the proceedings shall be taken and a transcript made for the board's files. The person complained against may within 60 days after notice in writing to the board's action mailed to his last-known address, by registered mail, proceed to review any action of the board as provided in chapter 227.

(2) Upon application and satisfactory proof that the cause of such revocation or suspension no longer exists, the board, in its discretion, may reinstate any license or registration by it suspended or revoked.