

services in the capacity of a dental hygienist. 28 Atty. Gen. 130.

Unlicensed persons may take dental X-ray pictures provided they make no attempt to diagnose or treat dental disorders by the use of X-ray or otherwise. 41 Atty. Gen. 234.

On the status of dental hygienists under 152.07 (1) to (7) and of public health dental hygienists under 152.07 (8), Stats. 1955, see 44 Atty. Gen. 296.

See note to 447.05, citing 53 Atty. Gen. 158.

447.09 History: 1885 c. 129 s. 6; 1887 c. 102; Ann. Stats. 1889 s. 1410i; Stats. 1898 s. 1410i; 1903 c. 411 s. 5; Supl. 1906 s. 1410i; 1909 c. 258; 1913 c. 545; 1913 c. 772 s. 40; 1915 c. 436 ss. 6, 7; 1923 c. 448 s. 92a; Stats. 1923 s. 152.08; 1933 c. 189 s. 3; 1961 c. 400; Stats. 1961 s. 152.09; 1969 c. 85; 1969 c. 336 s. 119; 1969 c. 392 s. 69r; Stats. 1969 s. 447.09.

447.10 History: 1955 c. 198; Stats. 1955 s. 152.085; 1961 c. 400; Stats. 1961 s. 152.10; 1969 c. 336 ss. 120, 175 (4); Stats. 1969 s. 447.10.

447.11 History: 1961 c. 400; Stats. 1961 s. 152.51; 1969 c. 336 s. 120; Stats. 1969 s. 447.11.

447.12 History: 1961 c. 400; Stats. 1961 s. 152.52; 1963 c. 342; 1969 c. 336 s. 121; Stats. 1969 s. 447.12.

447.13 History: 1961 c. 400, 622, 624; Stats. 1961 s. 152.53; 1969 c. 336 s. 122; 1969 c. 392 s. 84g; Stats. 1969 s. 447.13.

CHAPTER 448.

Medical Examining Board.

448.01 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.01.

448.02 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.02.

Editor's Note: The following cases, decided before the enactment of ch. 459, Laws 1953, had to do with competency, as witnesses in legal proceedings, of doctors licensed in other states but not in Wisconsin: *Hocking v. Windsor S. Co.* 131 W 532, 111 NW 685; *Will of Williams*, 256 W 338, 41 NW (2d) 191; *Morrill v. Komasiński*, 256 W 417, 41 NW (2d) 620; and *Landrath v. Allstate Ins. Co.* 259 W 248, 48 NW (2d) 485. See also *State v. Law*, 150 W 313, 136 NW 803, 137 NW 457.

On exercises of police power see notes to sec. 1, art. I; and on legislative power generally see notes to sec. 1, art. IV.

The jury is not bound by the declaration on a card signed by a sick child's mother, supported by the testimony of one accused under sec. 1435h, Stats. 1917, that the treatment of the child by the accused was gratuitous and that a charge was made for the medicine furnished, but could find that the card and the sale of the medicine were a subterfuge to avoid the prohibition of practicing medicine without a license. *Till v. State*, 172 W 266, 177 NW 589.

The burden is upon one charged with practicing medicine without a license to show that he has license, if he relies thereon as a defense. *Piper v. State*, 202 W 58, 231 NW 162.

The evidence in this case sustained a conviction on the charge of unlawfully and willfully assuming the title of "doctor." *Nickell v. State*, 205 W 614, 238 NW 508.

It is a violation of 147.14 (3) for a person not licensed to practice medicine or optometry to cause the letters "M.D." to be appended to his name on the door of his office and to supervise the business of examining and treating eyes. The state may prove the commission of the offense on any date substantially corresponding with the date charged. *Hawkins v. State*, 205 W 620, 238 NW 511.

147.15, Stats. 1929, making previous internship a condition of being licensed to practice medicine, is a legal sanction of the performance of such duties as are usually and ordinarily performed by internes; and the performance of such duties does not constitute unlawful "practice of medicine," or representation that the interne is authorized to "practice" medicine. *Nickley v. Eisenberg*, 206 W 265, 239 NW 426.

The holder of the degree of "doctor of chiropractic" conferred by a school in another state is not entitled thereby to describe himself as such in his practice. On entering the state to practice, he becomes subject to its laws, including 147.14 (3). *State v. Michaels*, 226 W 574, 277 NW 157.

In a prosecution for using and assuming the title of "doctor" the defendant's application for extra gasoline-ration coupons, on which the defendant's profession was stated as physician, made 2 months before the facts occurred on which the prosecution was based, was admissible as showing a general and continuing intent to do the very thing the defendant was accused of doing. *State v. Neukom*, 245 W 372, 14 NW (2d) 34.

When a physician exercises that degree of care, diligence, judgment, and skill which physicians in good standing of the same school of medicine usually exercise in the same or similar localities under like or similar circumstances, having due regard to the advanced state of medical or surgical science at the time, he has discharged his legal duty to his patient. *Ahola v. Sincock*, 6 W (2d) 332, 94 NW (2d) 566.

If the trial court determines that a consultation was made by a claimant with a physician for the bona fide purpose of treatment, the fact that the claimant also desires to utilize the physician as a witness on the trial in relation to his injury will not preclude the physician from testifying as to the patient's report of his subjective symptoms or from predicating medical conclusions upon such report. *Ritter v. Coca-Cola Co.* 24 W (2d) 157, 128 NW (2d) 439.

The law has long permitted calling as an expert witness any person whose training, experience, and method within his particular discipline are acknowledged to be sound and trustworthy. *Casimere v. Herman*, 28 W (2d) 437, 137 NW (2d) 73.

The mere giving of the drugs used in surgical anaesthesia under the direction and in the presence of a duly licensed physician is not practicing medicine or surgery. 6 Atty. Gen. 800.

A physician located in an adjoining state

whose territory for practice requires him to practice medicine in Wisconsin must secure a Wisconsin license. 14 Atty. Gen. 271.

A person employed in a state institution as assistant or locum tenens should be licensed to practice medicine if the nature of the work is such that he holds himself out as authorized to practice medicine, surgery or osteopathy or any other system of treating bodily or mental ailments. 14 Atty. Gen. 289.

A woman who holds herself out as able to advise people afflicted with rheumatism and other ailments as to herbs that would assist them, and sells such herbs, violates 147.14, Stats. 1925. 14 Atty. Gen. 298.

A chiropractor is not permitted to append to his name the term "Doctor of Chiropractic." 14 Atty. Gen. 341.

A person giving X-ray treatments is required to be licensed by the state board of medical examiners, and must secure a certificate of registration in the basic sciences. 15 Atty. Gen. 155.

A person who performs an operation called electrocoagulation of tonsils whereby diseased tonsils are shrunk and destroyed by use of electric current transmitted by electric needle performs a surgical operation, and such person must be licensed as a surgeon. 17 Atty. Gen. 318.

A physician diagnosing cases for compensation but not prescribing or administering remedies is practicing medicine and may not lawfully do so without a license. 19 Atty. Gen. 97.

"Physiotherapy" is treating the sick and the practice of medicine. 20 Atty. Gen. 107.

A civil action may be brought to prohibit unlawful practice of medicine and unlawful use of the title of "doctor." 24 Atty. Gen. 143.

Practicing medicine without a license is not a felony. 24 Atty. Gen. 451.

A person licensed to practice osteopathy and surgery under 147.14 (1), Stats. 1937, is considered to be a physician and surgeon. 27 Atty. Gen. 379.

Vaccination against smallpox is "practice of medicine" as that term is used in 147.13 to 147.18, Stats. 1939, and may not be done by one licensed only to practice osteopathy and surgery. 29 Atty. Gen. 148.

A person licensed to practice osteopathy and surgery may administer anaesthetic in connection with an operation, but may not administer injections for the cure of arthritis. 29 Atty. Gen. 420.

Osteopaths may not use drugs for any purpose except as incidental to the practice of surgery. 30 Atty. Gen. 246.

An optometrist holding and using the degree of doctor of optometry does not violate 147.14 (3), Stats. 1947, provided he clearly designates himself as an optometrist and does not represent that he is a doctor in any branch of treating the sick. 37 Atty. Gen. 178.

147.14 (1) and 147.02, Stats. 1949, 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. 39 Atty. Gen. 10.

Except as provided by 147.206, Stats. 1953, the practice of midwifery constitutes the practice of medicine and may not be engaged in by an unlicensed person. 44 Atty. Gen. 94.

Physicians and surgeons assigned to veterans' facilities in Wisconsin must comply with licensure requirements if they desire to participate in programs of public or privately owned hospitals in this state. 55 Atty. Gen. 204.

Basis of use and criteria as to qualifications of physicians and surgeons to testify as experts. Griffin, 36 MLR 392.

Qualifications and testimony of medical experts and others not licensed as physicians. Arnold, 39 MLR 289.

Admissibility of a doctor's testimony as to his patient's subjective symptoms. 48 MLR 419.

Medical evidence in Wisconsin, 1956-1966. Arnold, 49 MLR 657.

448.03 History: 1969 c. 336 s. 166; 1969 c. 342 ss. 3, 11 (1) (b); Stats. 1969 s. 448.03.

The refusal of the state board of medical examiners to permit an applicant for a license to practice medicine to be present at a hearing while representatives of the medical school from which he was graduated presented their evidence as to the reputability of such school, was not a denial of due process, where the applicant and the medical school were notified of the hearing and the evidence presented by them was received at the hearing, the applicant not being entitled as of right to be present before the board when witnesses were being heard. State ex rel. Blank v. Gramling, 219 W 196, 262 NW 614.

The powers of the state board of medical examiners and especially its discretionary power are examined at length in State ex rel. Dubin v. State Board of Med. Examiners, 222 W 227, 268 NW 116.

Successful passing of an examination in the basic sciences under 147.06 does not entitle a person to take an examination to practice medicine and surgery under 147.15, Stats. 1935, where the state board of medical examiners has decided not to approve the professional college of which such person is a graduate prior to the time of application to take an examination to practice medicine and surgery. 26 Atty. Gen. 110.

The burden is upon the applicant for a license to practice medicine to establish that he is a graduate of a reputable professional college, whether such college is domestic or foreign. 26 Atty. Gen. 420.

Work done by interns during a 12 months' internship required of an applicant for a license to practice medicine does not constitute practice of medicine, but after completing such internship a license is required for work done by interns or resident physicians. 26 Atty. Gen. 504.

The reputability of a medical school does not depend upon whether its examinations are conducted by its own faculty or by some outside agency, and authority to grant diplomas or degrees is not dependent upon such factor. 27 Atty. Gen. 648.

The amendment of 147.15 (1) by ch. 342, Laws 1953, is not retroactive in effect. 42 Atty. Gen. 315.

The state board of medical examiners has considerable discretion as to how it may satisfy itself that an applicant for a license to practice medicine and surgery has completed a preliminary education equivalent to graduation from an accredited high school. 43 Atty. Gen. 316.

448.04 History: 1969 c. 336 s. 166; 1969 c. 342 ss. 4, 11 (1) (c); Stats. 1969 s. 448.04.

448.05 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.05.

448.06 History: 1969 c. 336 s. 166; 1969 c. 342 ss. 5, 11 (1) (d); Stats. 1969 s. 448.06.

The board of medical examiners is compelled to issue a license to practice surgery and osteopathy if the conditions of the statute are complied with. 10 Atty. Gen. 933.

The state board of medical examiners has not power to enact a rule requiring every applicant to practice medicine and surgery, osteopathy or osteopathy and surgery to be a citizen of the United States. 13 Atty. Gen. 403.

147.17 (1), Stats. 1939, which provides that the board of medical examiners may issue licenses by reciprocity does not authorize the issuance of licenses by mail vote of individual board members. The board can act only in regular or special meeting as provided in 147.13 (2). 28 Atty. Gen. 659.

No license application fee may be charged of an applicant for a medical license by reciprocity under 147.17 (1), Stats. 1945, the fee provided for being payable only if a license is issued. The entire fee paid by an applicant for such a license should be refunded to him if his application is denied. 34 Atty. Gen. 383.

In using the term "osteopathic" in 147.17 (3), Stats. 1949, the legislature obviously meant "professional" thereby including the medical school of the university of Wisconsin and other medical schools having substantially equivalent standards of education and training. 39 Atty. Gen. 179.

Where an applicant for a license to practice medicine and surgery by reciprocity otherwise meets all requirements imposed by 147.15 and 147.17, Stats. 1953, he is entitled to a license without regard for the number of years of premedical college courses he has completed, provided he has completed courses in physics, chemistry, and biology equivalent to the courses taught as premedical subjects at the university of Wisconsin. 43 Atty. Gen. 155.

Civil liability for treatment rendered at scene of emergency. 48 MLR 80, 1964 WLR 494.

448.065 History: 1969 c. 342 ss. 6, 11 (2); Stats. 1969 s. 448.065.

448.07 History: 1969 c. 336 s. 166; 1969 c. 342 ss. 7, 11 (1) (e); Stats. 1969 s. 448.07.

The state board of medical examiners may not include physical therapists and chiropractors in its annual publication of registrants required by 147.175 (3), Stats. 1953. 43 Atty. Gen. 116.

448.08 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.08.

448.09 History: 1969 c. 336 s. 166; 1969 c. 342 ss. 8, 11 (1) (f); Stats. 1969 s. 448.09.

In an action for injuries sustained as a result of a massage, expert testimony was unnecessary to show that the masseur who administered the massage to the plaintiff neglected to follow the accepted custom and practice of masseurs in the vicinity, where such masseur conceded the impropriety and the dangerous quality of a massage applied in the manner testified to by the plaintiff. *Tetting v. Hotel Pfister, Inc.* 221 W 141, 266 NW 249.

147.185 (1), Stats. 1961, does not require that one who is licensed by the state board of medical examiners to practice physiotherapy must also perform under the direct supervision of a medical doctor; nor does it require one who performs under the direct supervision of a medical doctor to have, in addition, a physiotherapy license from the board. *Huss v. Vande Hey*, 29 W (2d) 34, 138 NW (2d) 192.

147.185, Stats. 1935, is applicable to the practice of massage for therapeutic purposes but does not extend to athletic rubs given by clubs in connection with athletics or physical exercise. 26 Atty. Gen. 61.

An applicant for examination for a masseur's license is not required to have a certificate of registration in the basic sciences. 26 Atty. Gen. 591.

A licensed physician may operate an establishment for the practice of massage and hydrotherapy without obtaining a massage license under 147.185, Stats. 1939. 28 Atty. Gen. 685.

A foreign license to practice medicine and surgery confers no privilege to practice any branch of healing art in this state. 28 Atty. Gen. 685.

A graduate registered nurse desiring to open a massage parlor exclusively for women for reducing purposes only is not exempt from the requirements of 147.185, Stats. 1939. 29 Atty. Gen. 297.

A licensed beauty parlor operator using electrical device which is designed for the purpose of stimulating muscles and thereby reducing excess flesh is not required to have massage license under 147.185, Stats. 1939, since 159.01 (1) is controlling. 29 Atty. Gen. 440.

147.185 (6), Stats. 1951, is a "grandfather's clause" which preserves to persons registered under 147.185, in 1953, all of their rights and privileges they now have. It neither confers nor takes away rights, if any, which unregistered masseurs and hydrotherapists may have relating to the practice of massage and hydrotherapy. 42 Atty. Gen. 86.

The educational requirements under 147.185 (2) or (5), Stats. 1953, for applicants for licenses to practice physical therapy is applicable as of the date of graduation of the applicant, who must be a graduate of a school of physical therapy with standards substantially equivalent to those of the university of Wisconsin at the time he graduated. 43 Atty. Gen. 7.

Persons practicing physical therapy in veterans' administration hospitals, who confine their practice to patients whom the veterans' administration has the duty to treat, are not required to be licensed under this section. 43 Atty. Gen. 152.

Under 147.185 (4), Stats. 1953, the annual renewal fee for a physical therapy certificate

is \$3 if paid on or before February 1 of each year and \$7 thereafter. There is no authority for issuing registration certificates for license years that have already elapsed. If a lapse of 5 or more years occurs, the applicant must submit to oral examination by the examining committee and may be required to take a refresher course. 43 Atty. Gen. 244.

An unlicensed person may operate an establishment for giving steam baths and rub-downs and may also use heat lamps, providing that none of such procedures are employed for therapeutic purposes. One who treats disease by physical therapy methods must be licensed under 147.185, Stats. 1953, and must practice under a prescription with direct supervision by a person licensed to practice medicine and surgery. The use of diathermy is prima facie evidence of practicing physical therapy. 44 Atty. Gen. 29.

One who, pursuant to the prescription of a physician, treats patients by corrective therapy consisting of therapeutic exercises, is required to be licensed as a physical therapist. 44 Atty. Gen. 99.

The annual certificate of registration of physical therapists under 147.185, Stats. 1967, is in effect the annual licensing of that occupation. 57 Atty. Gen. 196.

448.10 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.10.

A podiatrist is not a licensed physician and surgeon. State Medical Society v. Manson, 24 W (2d) 402, 129 NW (2d) 231.

A corporation cannot practice chiropody. 24 Atty. Gen. 136.

A chiropodist who goes from place to place at regular or irregular intervals less frequently than once a week must obtain an itinerant practitioner's license under 147.18, Stats. 1941. 31 Atty. Gen. 389.

448.11 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.11.

448.12 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.12.

448.13 History: 1969 c. 336 s. 166; 1969 c. 342 ss. 10, 11 (1) (h); Stats. 1969 s. 448.13.

448.14 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.14.

A chiropodist who advertises his office as a "foot clinic" is guilty of unprofessional conduct. Whether or not the use of the words "free examination" by a chiropodist violates 154.05, Stats. 1949, depends upon whether his procedure in the handling of patients is such as to make these words misleading or deceptive. Chiropody examiners do not have authority to revoke certificates to practice chiropody. This must be done by the state board of medical examiners or by the circuit court in certain cases as provided in 147.20. 38 Atty. Gen. 325.

448.15 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.15.

448.16 History: 1969 c. 336 s. 166; 1969 c. 342 ss. 9, 11 (1) (g); Stats. 1969 s. 448.16.

The gratuitous prescribing and administering of family remedies, permitted by sec. 1435j,

Stats. 1917, does not include the prescribing of family remedies as a business. And evidence of prior treatments of a child was admissible to show intent and particularly to show that the treatment complained of was not rendered in an emergency. Till v. State, 172 W 266, 177 NW 589.

Christian Scientists must observe the quarantine laws. 5 Atty. Gen. 642.

A physician licensed in another state is not required to be licensed in this state for the purpose of practicing in actual consultation with a resident licensed practitioner. 16 Atty. Gen. 702.

Persons who are not authorized medical practitioners but who practice healing through use of the scriptures and laying-on of hands and even making suggestions that a patient drink grape juice or olive oil or refrain from eating certain foods, where no charge is made or compensation claimed and performance is not done in expectation of compensation, do not violate ch. 147. 17 Atty. Gen. 502.

See note to 48.67, citing 44 Atty. Gen. 19.

448.17 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.17.

The fact that the attorney retained by the state board of medical examiners had assisted the district attorney in a prosecution of the action in the district court before sec. 1436 (9), Stats. 1915, was enacted was not a valid objection to his appointment to assist in the retrial upon appeal to the municipal court. Piper v. State, 163 W 604, 158 NW 319.

A member of the state board of medical examiners acting in good faith and upon request of the board may sign a criminal complaint without incurring liability for an action for malicious prosecution, especially in case he is advised to do so by counsel for the board. 13 Atty. Gen. 514.

The state board of medical examiners may employ a special investigator to secure evidence on various men illegally practicing medicine and osteopathy. The board has no power to clothe a special investigator with police powers. 15 Atty. Gen. 440.

448.18 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.18.

An action brought under ch. 422, Laws 1905, is not an action for the enforcement of a penalty or forfeiture and is therefore not barred by a 2-year statute of limitation, nor does it appear that any statute of limitation is applicable to the action. State v. Schaeffer, 129 W 459, 109 NW 522.

The circuit court in passing upon an application to revoke a license issued under sec. 1436a, R. S. 1898, does not act de novo but if it appears that the state board of medical examiners had acted within its jurisdiction and that the applicant was not guilty of fraud or perjury the license cannot be revoked. State v. Schmidt, 138 W 53, 119 NW 647.

A proceeding under secs. 1436e and 1436f, Stats. 1915, to revoke a physician's license upon the charge that he had performed an abortion, is not barred by a previous acquittal of the same charge in a criminal action. The acquittal is proof of nothing except the fact of acquittal. The fact that under sec. 1435i, Stats. 1915, revocation of his license would

have followed his conviction does not change from civil to criminal the nature of the proceeding under secs. 1436e and 1436f. *State v. Lewis*, 164 W 363, 159 NW 746.

Upon conviction of a physician or surgeon under 351.22, Stats. 1917, of having used instruments with intent to procure a miscarriage, it is proper in the criminal action to adjudge a revocation of his license to practice. Sec. 1435i, Stats. 1917, commands an immediate revocation in a criminal action which, in case of an acquittal, may be secured in a civil action. It makes conviction conclusive proof of unfitness. *Rodermund v. State*, 167 W 577, 168 NW 390.

A physician's prescription or sale of narcotics to an addict to satisfy his addiction, contrary to law, involves "moral turpitude" within 147.20 (1). *State v. Willstead*, 248 W 240, 21 NW (2d) 271.

It is proper to revoke rather than suspend a license after convictions for filing false and fraudulent federal income tax returns and for attempting to influence a federal court officer. *State v. Margoles*, 21 W (2d) 224, 124 NW (2d) 37.

The license of a doctor who attempts to perform an abortion may be revoked. 12 Atty. Gen. 144.

Conviction of a physician for the crime of conspiracy to violate the national prohibition law by issuing false prescriptions for whisky is ground for revocation of the physician's license, as the crime involves moral turpitude. 15 Atty. Gen. 491.

The license of a physician who has been convicted of a crime cannot be revoked by the state board of medical examiners unless the crime was committed in the course of professional conduct. A license or certificate may be revoked by a circuit court in an action brought by a district attorney on conviction of a crime involving moral turpitude. 18 Atty. Gen. 289.

The certificate of registration of a midwife may be revoked for procuring a criminal abortion, in a civil action by a district attorney, even though she was acquitted in a criminal prosecution. 21 Atty. Gen. 227.

A physician's license may be revoked upon a civil action against a physician brought by a district attorney for indulging in the drug habit. 21 Atty. Gen. 476.

Where a license to practice medicine is revoked by the board because of conviction for crime, a pardon by the governor does not automatically restore the right to practice. 22 Atty. Gen. 942.

Revocation of a medical license under 147.20 (3), Stats. 1937, for commission of crime in the course of professional conduct requires affirmative action by the state board of medical examiners and the right to practice continues until such action is taken. 26 Atty. Gen. 378.

Under 147.20 (3), Stats. 1937, power to revoke a physician's license because of crime committed by him in the course of his professional conduct is vested in the board of medical examiners and may not be redelegated by the board to its president. 27 Atty. Gen. 335.

Time during which the state board of medi-

cal examiners may revoke the license of a person convicted of crime committed in the course of his professional conduct is not limited by 147.20 (3), Stats. 1939, or otherwise. 30 Atty. Gen. 43.

448.19 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.19.

As to civil actions brought under 147.205 (1), Stats. 1963, and responsibility for prosecuting such actions see 52 Atty. Gen. 394.

448.20 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.20.

A midwife licensed under 150.04, Stats. 1951, may not give prenatal care. 26 Atty. Gen. 236. See note to 448.02, citing 44 Atty. Gen. 94.

448.21 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.21.

See note to sec. 6, art. I, on cruel punishments, citing *State v. Michaels*, 226 W 574, 277 NW 157.

448.22 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.22.

Sec. 1435i, Stats. 1917, is applicable to chiropractors. *Kuechler v. Volgmann*, 180 W 238, 192 NW 1015.

448.23 History: 1969 c. 336 s. 166; Stats. 1969 s. 448.23.

Fee splitting by physicians is not permitted even where more than one physician takes part in an operation but each physician must render his bill direct to the patient. 24 Atty. Gen. 580.

CHAPTER 449.

Optometry Examining Board.

449.01 History: 1915 c. 488; Stats. 1915 s. 1435f-35; 1917 c. 14 s. 80; 1917 c. 357 s. 2; 1919 c. 362 s. 32; 1923 c. 448 s. 93a; Stats. 1923 s. 153.01; 1925 c. 291 s. 2; 1927 c. 61; 1943 c. 273; 1951 c. 608; 1963 c. 507; 1969 c. 336 ss. 124, 168; Stats. 1969 s. 449.01.

A complaint charging that the defendant corporation was engaged in the perpetration of a public nuisance, by repeatedly, continuously and habitually violating ch. 153, in that it engaged unlicensed persons to practice optometry for its benefit, unlawfully advertised that its servants possessed qualifications superior to those of licensed optometrists in the community, that its advertising was misleading and deceiving, and that it engaged in conduct likely to deceive or defraud, and praying that it and its agents and servants be enjoined from continuing such acts, stated a cause of action. *State ex rel. Abbott v. House of Vision, etc.*, 259 W 87, 47 NW (2d) 321.

Fitting of contact lenses involves the practice of optometry under 153.01, Stats. 1947, and under 153.02 may be done only by a licensed optometrist or licensed physician or surgeon. 36 Atty. Gen. 314.

The practice of optometry includes the rendering of such services as the measurement of interpupillary distances, the adjustment of lenses in frames so as to hold the focal centers in perfect alignment and at the proper distance from the eyes, the determination of bridge sizes, size and shape of lenses, type and