

No. 675, S.]

[Published August 25, 1915.]

**CHAPTER 595.**

AN ACT to amend subsections 1, 2 and 3 of section 1435a, and sections 1435f, 1435h and 1435i and to create section 1435i—1 of the statutes, to repeal section 1435c of the statutes and to create seven new sections to be numbered 1435c and 1435c—1 to 1435c—6, inclusive, of the statutes, relating to registered nurses, and reenacting sections 1435f—12 to 1435f—24, inclusive, of the statutes, relating to the practice of midwifery repealed by Chapter 438, Laws of 1915, and to renumber said sections 1435f—12 to 1435f—24, inclusive, to be sections 1436f—12 to 1436f—24, inclusive, respectively, of the statutes.

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

SECTION 1. Subsections 1, 2 and 3 of section 1435a, and sections 1435f, 1435h and 1435i of the statutes are amended to read: (Section 1435a) 1. All persons, other than those now possessing a license or a certificate of registration to practice medicine, surgery, or osteopathy, \* \* \* desiring, undertaking or attempting in this state to practice medicine, surgery, or osteopathy, \* \* \* 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 or 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' premedical 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.

\* \* \* 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 first 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 surgery 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 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.

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 \* \* \* 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 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 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, \* \* \* 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 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 any other form or system or 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.

1435i—1. 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 2. Section 1435c of the statutes is repealed.

SECTION 3. There are added to the statutes seven new sections to be numbered and to read: Section 1435c. Any resident of this state, being over twenty-one years of age, of good moral character, who shall make application to the Wisconsin state board of medical examiners for registration as a registered nurse, upon compliance with the provisions of sections 1435c to 1435c—6, inclusive, of the statutes, shall be entitled to registration as follows:

First. Without examination, provided the application be made prior to September 1, 1915, and provided the applicant

shall have graduated before said date from a reputable training school, connected with a general or special hospital, who at the time of graduation shall have received a course of at least two years' training in such training school.

Second. If application be made prior to September 1, 1915, and the applicant at the time of such application shall have been engaged in the actual practice of nursing for three years, and shall pass an examination to determine the fitness and ability of the applicant to give efficient care to the sick.

Third. If application be made on or after September 1, 1915, and the applicant at the time of application shall have graduated from a reputable training school, and shall pass an examination to determine the fitness and ability of the applicant to give efficient care to the sick. Such training school within the meaning of this subdivision must be connected with a general hospital, and must require an adequate and systematic course of instruction for three or more years. The first two years of such course shall be spent in such training school or hospital, and not to exceed three months of the senior year shall be devoted to outside nursing. Such instruction shall be both theoretical and practical in the following branches:

Nursing, ethics, anatomy, physiology, hygiene, dietetics, materia medica, elementary urinalysis, medical, surgical and gynaecological nursing, obstetrical nursing, including the care of infants, and a thorough course of theoretical instruction and, when possible, practical experience in contagious nursing and the nursing of sick children.

Fourth. If application be made on or after September 1, 1915, and the applicant at the time of application shall have graduated from a reputable training school, connected with a special hospital, requiring a systematic course of theoretical and practical training of at least two years, and who at the time of application shall have obtained in a reputable general hospital one year's additional training in the subjects above enumerated in the third subdivision of this section, not adequately taught in said training school, and shall pass an examination to determine the fitness and ability of the applicant to give efficient care to the sick.

Fifth. Without examination, provided the applicant shall have been registered as a registered nurse, under the laws of another state having requirements determined by the Wisconsin state board of medical examiners of this state, to be equivalent to the requirements of this state.

Section 1435c—1. The Wisconsin state board of medical examiners shall, on or before September 1, 1915, appoint five grad-

uate nurses, to be known as the "Committee of Examiners of Registered Nurses." At the time of their appointment they must be actual residents of the state. They shall be selected from nurses engaged in active work, who shall have been graduated for at least a period of three years from a reputable training school, and who, during their course of training, shall have served for two years in a general hospital, and who (except those appointed as first members of the committee), shall have been registered under the provisions of sections 1435c to 1435c—6, inclusive, of the statutes. Two members of the committee shall be selected from nurses who have had at least two years' experience in educational work among nurses. The members of the committee shall be appointed to hold office as follows: One for one year; two for two years; and two for three years from September 1, 1915. Upon the expiration of the term of office of a member, the Wisconsin state board of medical examiners shall appoint a successor whose term of office shall be three years, and shall fill each vacancy for the unexpired term. The board shall have power to remove any member of the committee. Each member of the committee shall hold office until a successor is duly appointed and qualified.

Section 1435c—2. 1. The members of the committee of examiners shall, as soon as organized, and annually thereafter, elect from their number a chairman, who shall preside over the meetings of the committee, and a secretary, who shall keep a record of its proceedings. The committee shall immediately, upon the election of such officers, file with the secretary of the Wisconsin state board of medical examiners, a certificate thereof, giving the name and address of such officers. Three members of the committee shall constitute a quorum. Special meetings of the committee shall be called by the secretary, upon written request of any two members or upon the request of the secretary of the Wisconsin state board of medical examiners.

2. The committee shall, from time to time, adopt rules not inconsistent with this act to govern its proceedings, also for the examination of applicants for registration, may amend or repeal such rules, may recommend courses of instruction for the guidance of training schools, subject to the approval of the Wisconsin state board of medical examiners. Immediately upon the adoption of any rule or recommendation the committee shall file with the secretary of the Wisconsin state board of medical examiners a certificate thereof, setting out therein a copy of such rule or recommendation, or in case of the amendment or repeal of a rule, setting out fully such fact. The secretary of the Wis-

consin state board of medical examiners shall immediately publish such certificate in at least one journal devoted to the interests of professional nursing.

Section 1435c—3. It shall be the duty of the committee of examiners to meet for the purpose of holding examinations of applicants for registration, not less frequently than twice every year. Notice of the time and place of such meetings shall be given to the public press, and to at least one journal devoted to the interests of professional nursing, and by mail to every applicant, and to every known training school in Wisconsin, at least thirty days prior to the meeting. The committee shall frame its own questions and conduct its own examinations. The written questions and answers shall be filed with the secretary of the Wisconsin state board of medical examiners. The applicants shall be known to the members of the examining committee by numbers, so that no member of the board shall be able to identify the papers of any applicants until they have been graded and the case passed upon, and all questions and answers with a grade attached shall be delivered to the secretary of the Wisconsin state board of medical examiners, and by him preserved for at least one year. Before any applicant shall be permitted to take such examination she shall pay to the secretary of the Wisconsin state board of medical examiners an examination fee of ten dollars. No person shall be granted a license, except as herein provided, to practice nursing until she has passed a satisfactory examination before the examining committee, appointed for the purpose by the Wisconsin state board of medical examiners, nor until she has filed with said board a certificate signed by at least three members of the examining committee, stating that they have found her qualified to practice. Before the applicant is granted a license, she shall also file with the secretary of the Wisconsin state board of medical examiners, on blanks furnished by said board, a statement, giving her name, place of birth and present residence. All written questions for the examination of nurses shall be approved by the executive committee of the Wisconsin state board of medical examiners, and the license to practice nursing shall be issued by the secretary of the Wisconsin state board of medical examiners and countersigned by the president and secretary of the examining committee. Any person to whom a certificate of registration shall be issued shall, within thirty days thereafter, cause the same to be recorded with the county clerk of the county in which such person resided at the time of the application. The Wisconsin state board of medical examiners may revoke the license

of any nurse who has been convicted of unprofessional or dishonorable conduct. Said Wisconsin state board of medical examiners shall have power to revoke any certificate of registration granted by them if said certificate was obtained through error or fraud, or if the recipient thereof is shown to be grossly incompetent in the practice of nursing; and, provided further, that before any certificate shall be revoked, the holder thereof shall have notice in writing, enumerating the charges against her, and at a specified date named therein, not less than five days after the service of such notice, be given a hearing by said board and have an opportunity to produce testimony in her own behalf and to confront the witnesses testifying in said matter. Any person whose certificate has been revoked for gross incompetency, may, after the expiration of one year, apply to have the same regranted, and the same shall be regranted her, if in the discretion of said board they deem it proper.

Section 1435c—4. It shall be unlawful hereafter for any person to practice, or attempt to practice, in the state as a registered nurse without a certificate from the Wisconsin state board of medical examiners. Any person who has received such certificate shall be styled and known as a "registered nurse," and shall be entitled to append the letters "R. N." to the name of such person. No other person shall assume or use such title, or the abbreviation "R. N.," or any other words, letters or figures to indicate that such person is a registered nurse.

Section 1435c—5. Sections 1435c to 1435c—6, inclusive, shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family, nor to any person nursing the sick for hire, who does not in any way assume or pretend to be a registered nurse, and sections 1435c to 1435c—6, inclusive, shall not be construed to interfere in any way with members of religious communities or orders which have charge of hospitals or take care of the sick in their own homes; provided, such members do not in any way assume to be registered nurses.

Section 1435c—6. The Wisconsin state board of medical examiners shall enforce the provisions of sections 1435c to 1435c—6, inclusive, and cause the prosecution of all persons violating any of the provisions thereof, and may incur necessary expenses in that behalf. The secretary of the Wisconsin state board of medical examiners shall keep a register of the names and address of all nurses duly registered under sections 1435c to 1435c—6, inclusive, which shall be open at all reasonable times to public inspection. He shall also keep a record of all ap-



plications for registration and a detailed account of all moneys received which shall be paid into the state treasury. The secretary of the board shall make a semiannual report of its proceedings under sections 1435c to 1435c—6, inclusive, to the governor, and such report shall contain a true and itemized account of all moneys received under sections 1435c to 1435c—6, inclusive. Any person violating any of the provisions of sections 1435c to 1435c—6, inclusive, shall be guilty of a misdemeanor, and shall, upon conviction, be fined for each offense in the sum of not less than ten dollars nor more than fifty dollars.

SECTION 4. Sections 1435f—12 to 1435f—24, inclusive, of the statutes, repealed by chapter 438, Laws of 1915, are hereby reenacted as of the date of their repeal, and with the same effect as though the same had not been repealed, and all rights, privileges, and immunities conferred by any license or certificate of registration issued pursuant to said sections prior to said repeal are hereby restored and confirmed to the same extent as though the said sections had not been repealed.

SECTION 5. Sections 1435f—12 to 1435f—24, inclusive, of the statutes, are renumbered to be sections 1436f—12 to 1436f—24, inclusive, respectively, of the statutes.

SECTION 6. All rights, privileges and immunities conferred by any license or certificate of registration issued pursuant to and prior to the repeal of sections 1409a—5 to 1409a—11, inclusive, of the statutes, as repealed by chapter 438, laws of 1915, are hereby restored and confirmed to the same extent and effect as though said sections had not been repealed.

SECTION 7. This act shall take effect upon passage and publication.

Approved August 19, 1915.

No. 766, A.]

[Published August 25, 1915.

## CHAPTER 596.

AN ACT relating to the lowering of the level of the Lake Menomin in Dunn county, and providing penalties.

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

SECTION 1. No person shall by himself, his servant or agent, or as the agent or servant of any other person lower or cause to be lowered the level of the waters of Lake Menomin in Dunn county to a point below the ordinary low water level of such lake, except when necessary to protect life or property, unless such person shall first secure permission so to do, as provided in