

OSTEOPATHY

CHAPTER 172.

[S. B. No. 131—Crane]

REGULATING PRACTICE OF OSTEOPATHY.

AN ACT Creating a State Board of Osteopathic Examiners to Regulate the Practice of Osteopathy in the State of North Dakota; to Provide for Licensing Doctors of Osteopathy and to Prescribe Penalties for the Violation of This Act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. STATE BOARD OF OSTEOPATHIC EXAMINERS, HOW APPOINTED. QUALIFICATIONS. VACANCIES, HOW FILLED.] Within thirty days after the passage of this act the governor shall appoint a state board of osteopathic examiners, consisting of three practicing doctors of osteopathy, graduates of reputable schools of osteopathy and resident practitioners of the state. The members of said board shall hold their offices for a term of three years and until their successors are appointed and qualified, except the first appointees, who shall serve for one, two and three years, respectively, in the order of their appointment. All vacancies in the board shall be filled by the governor by appointment, the appointees to such vacancies to possess the qualifications above required for members of said board.

§ 2. OFFICERS. MEETINGS FOR EXAMINATIONS. EXPENSES OF BOARD. QUORUM. RECORD OF LICENSES.] Such board shall elect a president, a secretary and a treasurer and shall have a seal. The president and secretary shall have the power to administer oaths. The board shall hold regular meetings for examinations at such places as it may designate on the first Tuesdays of January and July of each year, and such special meetings as it may from time to time appoint. The board shall by appropriate rules and regulations make provision for the payment of the expenses of its members, including per diem and mileage, but all such expenses shall be paid out of application fees. Two members of the board shall constitute a quorum and no license to practice osteopathy shall be granted except upon an affirmative vote of at least two of such members. The board shall keep a record of all its proceedings and also a register of applicants for license, showing the name of each, his age, time spent in the study of osteopathy, the names and location of the institutions from which such applicant holds the degree of doctor

of, or diplomate in, osteopathy, together with the date of his diploma. Such register shall also show whether the applicant was licensed or rejected. Such record and register shall be prima facie evidence of the matters therein recorded.

§ 3. EXAMINATIONS, HOW CONDUCTED. LICENSES, HOW GRANTED AND REVOKED.] All persons before commencing the practice of osteopathy in this state shall apply to the state board of osteopathic examiners for a license so to do, and such applicant shall submit to an examination in the following subjects: Anatomy, histology, physiology, physiological chemistry, toxicology, diagnosis, pathology, obstetrics, gynecology, surgery, principles and practice of osteopathy, medical jurisprudence and such other subjects as the board may require, and shall present a diploma from a reputable school of osteopathy, wherein the course of instruction was not less than twenty months prior to the year 1907, and not less than three years of nine months each since said year. And the board shall cause such examination to be practical and scientific and sufficient to test the applicant's fitness to treat the diseases of the human body according to the theory of osteopathy, which shall not include the prescribing of internal medicine. If the applicant passes the prescribed examination by answering correctly not less than seventy-five per cent of the questions propounded to him in each subject, the board shall grant him a license to practice osteopathy in this state, which license shall be signed by the president and secretary of the board and attested by the seal thereof. The fee for such examination shall be twenty dollars, payable in advance, which shall be applied to the payment of the expenses of the board and of such examination. The board may, in its discretion, permit an unsuccessful applicant to take a second examination within one year after rejection, without the payment of an additional fee. The board may also, in its discretion, grant a license for the fee above specified, without examination, to applicants examined and licensed by the legally constituted boards of other states and territories of the United States, or the District of Columbia, maintaining standards of equal grade with those required in this act. The board may refuse or revoke a license for dishonorable, unprofessional or immoral conduct, chronic or persistent inebriety, or mental aberration, excessive use of narcotics, or the practice of criminal abortion or for violating the provisions of this section. The accused shall be furnished with a copy of the complaint and be given a hearing before the board in person, or by attorney.

§ 4. LICENSE TO BE RECORDED.] The person receiving a license shall file the same for record in the office of the register of deeds of the county wherein he resides and the register of deeds shall record the same in like manner as other instruments required to be recorded.

§ 5. PRESENT PRACTITIONERS.] The board shall acknowledge all osteopathic diplomas of physicians who were residents in the state

of North Dakota at the time of the passage of this act and issue a license to the applicant upon the payment of five dollars without requiring of applicant to pass the state board examination; provided, the board is satisfied as to the good character of the applicant.

§ 6. PERMITS.] An applicant for a license may upon payment to the secretary of the fee of twenty dollars be granted a permit by the board to practice osteopathy until the next regular examination, but only one such permit shall be granted to the same applicant.

§ 7. WHO EXEMPT FROM THE PROVISIONS OF THIS ACT.] This act shall not apply to doctors of osteopathy in actual consultation from other states or territories, or the District of Columbia.

§ 8. PENALTY FOR PRACTICING WITHOUT A LICENSE.] Any person practicing osteopathy without a license or permit, or who, without complying with the provisions of this act shall advertise or attempt to practice as an osteopath or who shall use any of the terms or letters "osteopath," "osteopathist," "osteopathy" or "D. O." or any other title or titles under such circumstances or in such a manner as to induce the belief that he is engaged in the practice of osteopathy, or otherwise violates the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than fifty dollars and not more than five hundred dollars for each offense. Nothing in this section shall be construed so as to prohibit gratuitous assistance to a sick or injured person in case of emergency.

§ 9. REPEAL.] Chapter 105 of the laws of 1897, the same being section 323 of the revised codes of North Dakota for 1905, is hereby repealed.

§ 10. EMERGENCY.] Whereas, there is no general law in force regulating the practice of osteopathy and the examinations of applicants for license to practice osteopathy in this state, therefore, an emergency exists and this act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1909.