

HOUSE No. 2417

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 1, 1914.

The committee on Public Health, to whom were referred the petition (accompanied by bill, House, No. 1667) of Wm. Julius Andrews for a definition of the practice of medicine and the annual report of the Board of Registration in Medicine (Pub. Doc. No. 56), report the accompanying bill.

For the committee,

ENOS H. BIGELOW.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

Relative to the Board of Registration in Medicine and to
the Registration of Physicians.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. There shall be a board of registration in
2 medicine consisting of seven persons, residents of this
3 commonwealth, who shall be graduates of a legally char-
4 tered medical college or university, having the power to
5 confer degrees in medicine, and who shall have been for
6 ten years actively employed in the practice of their pro-
7 fession. No member of said board shall belong to the
8 faculty of any medical college or university, and no more
9 than three members thereof shall at one time be mem-
10 bers of any one chartered state medical society. One
11 member thereof shall annually in June be appointed by
12 the governor, with the advice and consent of the council,
13 for a term of seven years from the first day of July fol-
14 lowing.

1 SECTION 2. Said board shall hold regular meetings
2 on the second Tuesday of March, July and November in

3 each year, and additional meetings at such times and
4 places as it may determine. At the regular meeting in
5 July it shall organize by the choice of a chairman and
6 a secretary who shall hold their offices for the term of
7 one year. The secretary shall give a bond to the treas-
8 urer and receiver general in the penal sum of five thou-
9 sand dollars, with sufficient sureties to be approved by
10 the governor and council, for the faithful performance
11 of his official duties.

1 SECTION 3. Applications for registration shall be
2 made upon blanks to be furnished by the board, and
3 shall be signed and sworn to by the applicants. Appli-
4 cants for registration under this act, who shall furnish
5 the board with satisfactory proof that they are twenty-
6 one years of age or over and of good moral character,
7 and that they have received the degree of doctor of medi-
8 cine or its equivalent, from an incorporated medical
9 school, shall, upon the payment of a fee of twenty dol-
10 lars, be examined, and if found qualified by four or
11 more members, shall be registered as qualified physi-
12 cians, and shall be entitled to certificates in testimony
13 thereof signed by the chairman and secretary. An
14 applicant who fails to pass an examination satisfactory
15 to the board, and is therefore refused registration, shall
16 be entitled within one year after such refusal to a re-
17 examination at a meeting of the board called for the
18 examination of applicants, upon the payment of an addi-
19 tional fee of ten dollars; but two such re-examinations
20 shall exhaust his privilege under his original applica-
21 tion. Said board, after hearing, may by unanimous
22 vote revoke any certificate issued by it and cancel the
23 registration of any physician who has been convicted of
24 a felony or of any crime in the practice of his profes-

25 sion. The board may subsequently, but not earlier than
26 one year thereafter, by an unanimous vote, reissue any
27 certificate formerly issued by it or issue a new cer-
28 tificate, and register anew any physician whose certifi-
29 cate has been revoked and whose registration has been
30 cancelled by the board. All fees received by the board
31 shall, once in each month, be paid by its secretary into
32 the treasury of the commonwealth. Every person to
33 whom a certificate of registration has been issued under
34 this act, shall, within one month from the date of re-
35 ceipt of said certificate, submit to the city or town clerk
36 of the city or town in which the owner of the aforesaid
37 certificate has his legal residence, or in case he has no
38 legal residence, the city or town in which the owner of
39 said certificate has his usual place of business, the afore-
40 said certificate, and shall make oath that he is the person
41 designated in the said certificate. Upon the payment of
42 a fee of twenty-five cents, by the said person, it shall
43 be the duty of the clerk of the city or town to whom such
44 certificate is presented, to register the name of the per-
45 son designated in such certificate, together with the date
46 and number inscribed thereon. A record of this regis-
47 tration shall be open to the inspection of any person.
48 Failure of the owner of a certificate issued by the board
49 of registration in medicine, to present such certificate
50 for registration to a city or town clerk, as provided in
51 this section, shall for each offence, be punished by a fine
52 of not less than ten dollars. Every person to whom a
53 certificate of registration has been issued previous to the
54 passage of this act, shall, within one month of said pas-
55 sage, conform to the requirements in a like manner
56 provided for registration as hereinbefore specified.

1 SECTION 4. The secretary of the board shall receive

2 a salary of twenty-five hundred dollars a year; the chair-
3 man shall receive a salary of five hundred dollars a year,
4 and the other members of the said board shall receive a
5 salary of three hundred dollars a year. Each member
6 of the board shall receive in addition to his salary his
7 necessary travelling expenses incurred in attending the
8 meetings of the board.

1 SECTION 5. The board shall keep a record of the
2 names of all persons registered hereunder, and of all
3 money received and disbursed by it, and a duplicate
4 thereof shall be open to inspection in the office of the sec-
5 retary of the commonwealth. Said board shall annually,
6 on or before the first day of January, make a report to
7 the governor of the condition of medicine and surgery
8 in this commonwealth, and of all its official acts during
9 the preceding year and of its receipts and disbursements.

1 SECTION 6. The board shall investigate all complaints
2 of the violation of the provisions of section eight, and
3 report the same to the proper prosecuting officers.

1 SECTION 7. Examinations shall be wholly or in part
2 in writing in the English language, and shall be of a
3 scientific and practical character. They shall include the
4 subjects of anatomy, surgery, physiology, pathology,
5 obstetrics, gynecology, practice of medicine, and hygiene,
6 and shall be sufficiently thorough to test the applicant's
7 fitness to practice medicine.

1 SECTION 8. Whoever not being lawfully authorized
2 to practice medicine within this commonwealth and reg-
3 istered as aforesaid, holds himself out as a practitioner
4 of medicine, or practices or attempts to practice medi-
5 cine or any of its branches, or whoever practices medicine

6 or surgery under a false or assumed name, or under a
7 name other than that by which he is registered, or who
8 ever personates another practitioner of a like or different
9 name, shall, for each offence, be punished by a fine of
10 not less than one hundred nor more than five hundred
11 dollars, or by imprisonment for three months, or by both
12 such fine and imprisonment. In a case in which a pro-
13 vision of this or the preceding section has been violated,
14 the person who committed the violation shall not recover
15 compensation for services rendered.

1 SECTION 9. This act shall not be held to discriminate
2 against any particular school of medicine or system of
3 cure; nor to prohibit medical service in a case of emer-
4 gency; nor to prohibit domestic administration of family
5 remedies; nor to prohibit a physician residing in a
6 border town in another state and legally qualified to
7 practice therein, from conducting practice in the adjoin-
8 ing border town or towns in this commonwealth, if such
9 physician does not open an office or designate a place in
10 such town or towns in this commonwealth where he may
11 meet patients or receive calls; nor to prohibit a physician
12 authorized to practice medicine in another state from
13 answering calls as the family physician to attend a per-
14 son temporarily abiding in this commonwealth. Nothing
15 in this act shall be held to apply to registered phar-
16 macists or registered dentists or registered optometrists,
17 or to chiropodists, or to restrict the practice of clairvoy-
18 ance, hypnotism or mind cure, or to apply to any person
19 who ministers to or treats the sick or suffering by mental
20 or spiritual means without the use of any drug or ma-
21 terial remedy.

1 SECTION 10. The word medicine, as used in this act, shall

2 be regarded as referring only to that branch of science
3 which relates to the prevention, cure or alleviation of the
4 diseases of the human body, and any person shall be
5 regarded as practicing medicine within the meaning of
6 section eight of this chapter who shall publicly assume or
7 advertise any title or designation which shall show or
8 tend to show that the person publicly assuming or adver-
9 tising the same, is a practitioner of medicine in one or
10 more of its branches; or who shall investigate or diagnos-
11 ticate physical ailments, defects or conditions of any per-
12 son, with a view to treat or modify the same, or does treat
13 or modify the same, by use of instruments or external
14 appliances or manipulations, or by the application or ad-
15 ministration of any remedial agent or substance for either
16 internal or external effect, except in so far as the pro-
17 visions of this section do not conflict with the provisions
18 of exemption in section nine.

1 SECTION 11. So much of chapter seventy-six of the
2 Revised Laws and so much of any other act as is incon-
3 sistent herewith is hereby repealed.

