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The Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

BOARD OF REGISTRATION
IN MEDICINE

FOR THE

YEAR ENDING NOVEMBER 30, 1931

DIVISION OF REGISTRATION

DEPARTMENT OF CIVIL SERVICE AND REGISTRATION

Mass. Division of registration



AUG 8 1932

Commonwealth of Massachusetts
 MASS. OFFICIAL
 REGISTRATION IN MEDICINE

Board of Registration in Medicine,
 State House, November 30, 1931.

To WILLIAM F. CRAIG, *Director of Registration.*

SIR: The Board of Registration in Medicine respectfully submits the following as its annual report for the year ending November 30, 1931:

FINANCIAL STATEMENT FOR THE FISCAL YEAR.

Expenditures.

Salaries of members of Board	\$4,300.00
Salaries of members of Chiropody Department	600.00
General expenses of Board and Department	1,417.21
Traveling expenses of Board and Department	644.12
	\$6,961.33

Receipts.

DEPARTMENT OF MEDICINE.

331 examination fees @ \$25.00	\$8,275.00
292 interne fees @ \$5.00	1,460.00
358 student fees @ \$1.00	358.00
97 re-examination fees @ \$3.00	291.00
Fees for certified statements	109.00
	\$10,493.00

DEPARTMENT OF CHIROPODY.

27 examination fees @ \$15.00	\$ 405.00
489 renewal fees @ \$2.00	978.00
2 re-examination fees @ \$2.00	4.00
	\$ 1,387.00
TOTAL	\$11,880.04

Since the establishment of the Board in 1894, the fees received from applicants for registration, renewals and certified statements, and interest on deposits, and paid into the Treasury of the Commonwealth, amount to \$273,236.56. The expenditures of the Board amount to \$241,959.74. In dollars and cents, therefore, the Commonwealth has received \$31,276.82 in excess of the total amount expended.

The number of persons applying for registration during this year is three hundred and thirty-one. Of these, forty have been registered by virtue of their National Board registration, leaving two hundred and ninety-one who applied for examination for the first time this year, all but five of whom have been examined. Ninety-seven, who had failed in previous examinations, were re-examined, making a total of three hundred and eighty-three examinations. Two hundred and ninety-two interne registrations and three hundred and fifty-eight student registrations have been granted.

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TABLE I.

Applicants	Examined	Registered	Rejected	Percentage rejected
March	75	26	49	65
July	179	123	56	31
November	129	64	65	50
	383	213	170	44

The following tabulation is based upon the results in the first examination of applicants during the year covered by this report:

TABLE II.

Medical Institution Granting the Degree	Number examined	Number registered	Rejected applicants: Number of	Yr. of graduation
Tufts College Medical School	75	73	2	1930
Harvard Medical School	43	42	1	1920
Middlesex College of Medicine and Surgery	41	16	1	1923
			2	1925
			2	1926
			1	1927
			1	1928
			12	1929
			4	1930
			2	1931
Boston University School of Medicine	26	24	2	1931
College of Physicians and Surgeons, Boston	10	3	1	1926
			1	1927
			1	1930
			4	1931
Massachusetts College of Osteopathy	15	3	1	1926
			3	1929
			8	1930
Kirkville College of Osteopathy and Surgery	19	5	1	1927
			1	1928
			3	1929
			1	1930
			8	1931
Philadelphia College of Osteopathy	18	8	1	1926
			1	1929
			2	1930
			6	1931
Kansas City University of Physicians and Surgeons	16	1	1	1927
			2	1928
			6	1929
			4	1930
			2	1931
University of Georgetown	9	9		
Foreign	8	5	2	1924
			1	1930
University of Pennsylvania	5	5		
University of Vermont	5	5		
Jefferson Medical College	5	5		
Johns Hopkins	4	4		
Laval	4	2	1	1925
			1	1930
Hahnemann Medical College, Philadelphia	3	2	1	1926
McGill University	3	2	1	1927
St. Louis College of Physicians and Surgeons	3	0	1	1920
			2	1923
University of Illinois	3	3		
Vanderbilt University	2	2		
University of Virginia	2	2		
Yale Medical School	2	2		
Albany Medical College	2	2		
University of Nebraska	2	2		
Medical College of South Carolina	2	1	1	1925
Long Island College of Medicine	2	2		
University of Tennessee	1	1		
Missouri College of Medicine and Science	1	0	1	1927
Washington University	1	1		
Northwestern University	1	1		
Meharry Medical College	1	1		
Western Reserve University	1	1		
Kansas City College of Medicine and Surgery	1	0	1	1922
College of Medical Evangelists	1	1		
Rush Medical School	1	1		
State University of Iowa	1	1		
St. Louis University	1	0	1	1928
Des Moines Still College of Osteopathy	1	0	1	1930
Indiana University	1	1		
Syracuse University	1	1		
University of Michigan	1	1		

Tabulations showing the number of first examinations and average ratings of applicants from medical schools represented by not less than three applicants follow:

TABLE III.

Medical Institution Granting the Degree	Number examined	Average rating
Tufts College Medical School	75	79.7
Harvard Medical School	43	82
Middlesex College of Medicine and Surgery	41	67.6
Boston University School of Medicine	26	79.1
Kirksville College of Osteopathy	19	67.8
Philadelphia College of Osteopathy	18	72.6
Kansas City University of Physicians and Surgeons	16	58.6
Massachusetts College of Osteopathy	15	62
College of Physicians and Surgeons, Boston	10	70
University of Georgetown	9	79.3
Foreign	8	74.6
University of Pennsylvania	5	81.5
University of Vermont	5	79.9
Jefferson Medical College	5	82.8
Johns Hopkins	4	81.4
Laval	4	73.4
Hahnemann Medical College, Philadelphia	3	73
McGill University	3	77.7
St. Louis College of Physicians and Surgeons	3	37.9
University of Illinois	3	82.2

The following tabulation shows the record of rejected applicants, and the institutions from which they were graduated:

TABLE IV.

Medical Institution Granting the Degree	Number rejected	Times rejected	Registered on—
Tufts College Medical School	2	1	
Middlesex College of Medicine and Surgery	11	3	
	6	2	
	8	1	
Boston University School of Medicine	2	1	
Boston College of Physicians and Surgeons	1	3	
	3	2	
Massachusetts College of Osteopathy	3	1	Second examination
	4	3	
	4	2	
	2	1	Second examination
	2	1	
Kirksville College of Osteopathy and Surgery	4	2	
	10	1	
Philadelphia College of Osteopathy	4	2	
	2	1	Second examination
	4	1	
Kansas City University of Physicians and Surgeons	4	3	
	4	2	
	7	1	
Foreign	1	2	
	1	1	Second examination
	1	1	
Harvard Medical School	1	1	
Hahnemann Medical College, Philadelphia	1	1	Second examination
McGill University	1	1	
St. Louis College of Physicians and Surgeons	1	2	
	2	1	
Medical College of South Carolina	1	1	
Laval	2	1	
Missouri College of Medicine and Science	1	1	Second examination
Kansas City College of Medicine and Surgery	1	1	
St. Louis University	1	1	
Des Moines Still College of Osteopathy	1	1	

Applications for registration must be made upon blanks furnished by the Board, and must be accompanied by two photographs of the applicant; said photographs must be size $3\frac{1}{4}$ by $4\frac{1}{4}$ inches. One of the photographs must be certified by the dean or registrar of the medical school from which the applicant is graduated, or by a person authorized to administer oaths, and who is known to this Board. All applications, together with the required fee of \$25.00, and the required vouchers, must be filed not less than seven days before the date of examination.

On receipt of an application properly executed, a ticket of admission is issued to the applicant, showing his application number and the date and place of the examination. One of the photographs submitted with the application is also returned with the card, and the number of the application is designated on the photograph, and both card and photograph must be presented by the applicant at the time of the examination. No one is admitted except by card bearing date and place of the examination. Cards are issued to rejected applicants entitled to a re-examination upon payment of a fee of \$3.00, when applied for not later than Tuesday of the week next preceding the date of an examination. Three examinations yearly are provided by law, beginning respectively, on the second Tuesday in March, July and November.

The examinations are conducted in the English language only as required by law, and are intended to cover substantially the instruction given in the high-grade medical schools in this country. The subjects on which the examinations are principally conducted are anatomy and histology, pathology, bacteriology, surgery, obstetrics and gynecology, diagnosis and therapeutics, pediatrics and toxicology, psychiatry, biology, chemistry and physics.

Reviewing the summary of "Percentage Rejected" on Page 3 of this report, one notes that the figure for the year was forty-four. This demands study for one may say that, in a general way, a reasonably good preparation for the practice of medicine followed by a reasonably high test of fitness to practice medicine would show not more than five per cent of the candidates unsuitable at the first examination. This figure is based on a review of the results of examinations given in many states. Therefore, examination in Massachusetts may be too severe or the candidates may be really unfitted in a large percentage of the cases, but in any case, the figures require further analysis.

The following grouping of schools for the purposes of this report may be made:

1. The so-called "Class A" schools.
2. The "foreign" schools.
3. The "eclectic" schools.
4. The "osteopathic" schools.
5. The "unclassified" schools.

The following tabulation gives the results of the examinations in accordance with these groupings.

TABLE V.

	Number examined	Number rejected	Percentage rejected
Class A schools	210	10	4
Foreign schools	8	3	37½
Eclectic schools	41	25	61
Osteopathic schools	53	37	69
Unclassified schools	31	27	81

The details of the basis of the classification need not be gone into now except to say that the "Class A" schools are those generally regarded as meeting with a reasonable degree of approximation, certain requirements of preliminary education, medical education, and equipment. These standards are generally accepted as necessary for modern medical education.

The "foreign" schools present such variety that they are hard to classify more specifically but most of them are University Schools of Medicine with a long tradition of scholarship. Unfamiliarity with the English language is a handicap to a number of students from this group.

The "eclectic" schools have been reduced now to two, from only one of which candidates have presented themselves in the past year.

The "osteopathic" schools need no further description now except to say that no school, not an osteopathic school, has so far as we know incorporated osteopathy in its curriculum.

The "unclassified" schools are those that, so far as can be determined, do not approximate even reasonably closely to modern standards.

It may be said that in 1931, there were registered in Massachusetts at least twenty candidates who would not even have been admitted to examination for registration as practitioners of medicine in any other of these United States. The conditions of qualification for examination in this Commonwealth are easily fulfilled, and some of the candidates take the examinations year after year. The figures in the second column of Table IV refer only to the number of times the candidate was rejected in the year 1931 and not to the total number of times he has been rejected in past years. Occasionally a candidate appears who has taken the examinations a dozen times. Thus Massachusetts is a haven of refuge for persons who cannot be registered in any other state as practitioners of medicine. This is clearly an advantage to these candidates, but it may not be an advantage to the public, on whom these practitioners will practice. It is the opinion of the Board that the present law does not protect the public adequately against unqualified practitioners. The law says "examinations * * * * * shall be sufficiently thorough to test the applicant's fitness to practice medicine". It is implied that fitness to practice medicine can be sufficiently tested by examinations but this view is opposed by the requirement of the law that other qualifications must be fulfilled and by the results of general experience. The fundamental question, is the applicant the right kind of person to be entrusted with the responsibilities of the physician, can be answered only very incompletely by any examinational test.

The requirements of the present law may be noted. They pertain to the candidate and to the school. The candidate for the examination must have an education equivalent to that required for graduation from a high school; must be twenty-one years of age; of good moral character; and have a diploma indicating that he has received the degree of doctor of medicine or its equivalent from a certain kind of school. The requirements for the school are (a) that it must be legally chartered and empowered to grant the degree in medicine and (b) that it must give four full annual courses of not less than thirty-six weeks in each year. It is to be noted that this law does not state that the candidate shall have attended the medical school. It does not state that the candidate shall have completed the four full annual courses of thirty-six weeks each. If the school gives the courses, no matter whether the student does or does not take them and the degree is conferred upon the student, the law is satisfied.

The degree in medicine has by law a commercial value. No one may practice without some sort of doctorate or its equivalent. It would not be out of place for the state to make sure that such doctorate has a certain degree of educational purity. Bureaus of standards require a certain degree of excellence in the commercial products they supervise. Should not the Department of Education or some other qualified body be empowered to set up certain minimum standards of educational qualification for educational institutions which confer the degree and require them, in a sense, to guarantee their product as being of a certain degree of excellence? Since such examinations as are practicable cannot be regarded as adequate tests for qualification to practice medicine, no matter how satisfactory they may be made to test the acquisition of information by the candidate, other supplementary procedures should be adopted for ascertaining as accurately as may be, this qualification, which is the object of the registration law. The procedure adopted by other states, working very effectively in general, may well be considered by Massachusetts in its search for a better way for dealing with this situation.

The matter of testimony of physicians in court proceedings has become a notorious scandal to the profession. There are, it is true, high-minded, honest, upright physicians who have testified to the best of their knowledge and belief, but it is when a physician has left his own practice and procedure of seeking simply the facts and has become the advocate that he has fallen from

his high estate and brought discredit upon himself and his profession. When the physician is faced by a skillful and adroit advocate in the legal profession, his troubles are increased and the difficulties of the physician in court are by no means slight in this litigious generation. The aspect of the physician's activity in court that is of special interest to the board is that involved in his partisanship. Here the physician is treading on dangerous ground and he may easily slip beyond the boundary of strict professional conduct. The policy of the Board is to scrutinize with great care the court testimony of physicians whenever it is brought to their attention. In several cases, the license has been suspended for sworn testimony which the Board has regarded as unprofessional conduct.

Another aspect of medical practice in which the physician is shown in an unfavorable light is the participation of examining physicians in the promotion of illegitimate claims for personal injury. While the number of such claims may be large, it seems likely from the preliminary investigation that the number of physicians involved will not prove to be very great. Suspension or revocation of license following court conviction is to be expected but in the preliminary investigation, alleged instances of gross professional misconduct, which are not violations of the criminal law, have come to light. It is expected that a number of these cases will come before the Board within the next year.

In the past year, word has been received that one medical school has closed its doors and another has begun operation. A letter written to the Missouri College of Medicine and Science was returned with the annotation "Gone out of Business." Although inquiry has been made concerning the conditions under which this institution closed its doors, the Board as yet has received no information.

The International University, chartered in Rhode Island, opened its College of Medicine and Surgery in Boston in 1931. Almost from the first, it was under scrutiny by the State Police Department for alleged violation of the law. It was brought into court and fined, and the Board understands that it has withdrawn to Rhode Island. Nevertheless, if this institution fulfills the requirements of the Massachusetts law, the Board must accept its graduates for examination. On what grounds it can be regarded as a modern, adequate medical school, its prospectus gives no indication. No evidence has been submitted to the Board that it is seriously engaged in the education of physicians.

The Board has been in actual session twenty-three days; has conducted twenty-seven hearings; revoked four certificates of registration, suspended four and restored five. Two physicians have been placed on probation. One case has been placed on file, eight dismissed, and four cases not completed. The time given by the individual members of the Board in rating examination books is not included in the twenty-three days devoted to Board meetings.

In the autumn of 1930, Dr. Horace D. Arnold resigned on account of poor health and Dr. Stephen Rushmore was appointed in his place. In August 1931, Dr. Daniel J. Hurley was appointed in the place of Dr. Frank M. Vaughan, who had completed eight years of service on the Board.

By vote of the Board, the Chairman and Secretary have been empowered to hold conferences in certain instances with physicians relative to whom complaints have been made in order to ascertain if Board hearings are necessary. Conferences with twenty-six physicians have been held. In this manner, the time of the members has been saved and financial economy for the State has been effected.

At the time that the report of the Board for 1930 was made there was before the Supreme Judicial Court, a case involving the revocation of the license of a physician, in which appeal had been made by the Board from the decree of a single Justice.

On September 15, 1931, there was filed the opinion of the Supreme Judicial Court, which supported the decree of the single Justice that the license of the physician should be restored to him, stating that the original hearing before

the Board had not been "full, fair and impartial," and that the Board had abused its discretion in unduly restricting cross-examination of witnesses. The license which had been revoked by the Board and restored by the single Justice was therefore, not disturbed. However, the opinion written by the Chief Justice sustains the Board on several other points in procedure which were at issue, and is of especial significance in that it clarifies the situation by defining the nature of the review by the Supreme Court of action by the Board. The statute reads, "The supreme judicial court . . . may enter a decree revising or reversing the decision of the board, if it appears that the decision was clearly wrong."

The opinion states, after noting citation and precedents: "The procedure then is that there is not to be a new trial on the merits of the issues, with hearing and decision as in the ordinary suit instituted by petition in equity, tried before a judge who reaches his own conclusion on an independent examination of the case at large unaffected by anything which has gone before. The decision of the board is to be examined on such a petition with every reasonable presumption in its favor and it is not to be revised or reversed without plain proof of such error or mistake as to vitiate fairness in the hearing or justice in the decision or to show that the conclusion reached by the board is palpably not in accordance with truth, is the result of error or mistake, or is unsupported in law."

REGISTRATION OF CHIROPODISTS.

The Board has examined thirty-one applicants for registration this year, thirty of whom were registered on first examination. Each examination has occupied one full day. The written exercises are conducted in the State House, and the practical demonstrations under the supervision of Messrs. Kenison and Pettingill at the School of Chiropody. Each applicant is required to provide his own equipment for the practical work and to furnish a patient upon whom to demonstrate his fitness for practice.

During the year, Drs. Knowlton, Rushmore, Sylvester, and Vaughan have represented the Board of Registration in Medicine, and the Messrs. Kenison and Pettingill the chiropodists in this work.

There were four hundred and eighty-nine chiropodists who took out annual renewal registration certificates for the year 1931.

Respectfully submitted,

CHARLES P. SYLVESTER, M. D.,
Chairman.
 STEPHEN RUSHMORE, M. D., *Secretary.*
 HENRY L. HOUGHTON, M. D.

ROBERT F. HOVEY, M. D.
 DANIEL J. HURLEY, M. D.
 EDWARD A. KNOWLTON, M. D.
 ROYAL P. WATKINS, M. D.