

Texas-Act (an) to  
regulate the practice of  
Medicine.

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JULY 17, 1886.

**An Act to Regulate the Practice of Medicine.**

In calling attention to the laws regulating the practice of medicine in this State, it would afford me much pleasure to point out its lameness and defects, but I feel that the populace are not yet sufficiently educated from a medical standpoint to appreciate the good to be derived from raising the standard of what should constitute a doctor and from rooting out quackery from our entire state, so I desist and save time by foregoing the promptings of my inclinations and simply giving you the law as it is and when you have learned to appreciate, this will be time enough to talk of more stringent laws, better doctors, Sanitation, Hygiene, etc., etc. Yours truly,

T. H. NOTT, M. D.,

Pres. Tex. State Medical Association.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That no person shall be permitted to practice medicine, in any of its branches or departments, in this State, without first having a certificate of qualification from some authorized Board of Medical Examiners, as hereinafter provided.

SEC. 2. That every person who may hereafter engage in the practice of medicine, in any of its branches or departments, in this State, shall, before entering upon such practice, furnish to the Clerk of the District Court of the county in which such practitioner may reside or sojourn, his certificate of qualification; and said Clerk shall enter the name of said person in a well bound book kept in his office for that purpose, together with the time when, the place where, and the person or persons by whom such certificate of qualification was given, after which he shall return the certificate to the

owner thereof; for which service said Clerk shall be entitled to receive from each, any and every such applicant the sum of one dollar.

SEC. 3. That the Presiding Judges of the District Courts of the several Judicial Districts shall, at the first regular term of their courts after this act shall become a law, or as soon thereafter as practicable, severally appoint a Board of Medical Examiners, for their respective districts, to be composed of not less than three practicing physicians of known ability, and having certificates of qualification for the practice of medicine under the "Act to regulate the practice of medicine," passed May 16, 1873, and said Board of Examiners to continue in office two years from and after their appointment; and they shall, immediately after accepting such appointment, select one of their number President and one as Secretary, and adopt all necessary rules for the guidance and control of their meetings. It shall be the duty of said Board of Medical Examiners to examine all applicants for certificates of qualification to practice medicine, in any of its branches or departments, in this State, whether such applicants are furnished with medical diplomas or not, upon the following named subjects, to-wit: Anatomy, physiology, pathological anatomy and pathology, surgery, obstetrics, and chemistry; said examination to be thorough. When the said Board of Medical Examiners shall have been satisfied as to the qualifications of said applicant, they shall grant to him a certificate to that effect, which certificate shall be recorded with the Clerk of the District Court of the county in which said applicant may reside or sojourn, as provided in section two of this act, which certificate shall entitle him to practice anywhere in this State. Such Board of Examiners shall be entitled to receive the sum of fifteen dollars for each and every such applicant, to be paid by the applicant or party so examined; any two of them shall have authority to grant certificates, and whenever a vacancy occurs in any of said Boards, the same shall be filled by appointment by the Judge of the district in which such vacancy occurs.

SEC. 4. That said Board shall meet semi-annually at some central



point in their respective districts, to conduct examinations and grant certificates, as hereinbefore provided, and they shall give at least one month's public notice of said meeting, by publication in some paper published in the judicial district, specifying the time and place thereof; *provided*, that any member of any of said Boards shall have authority to grant a temporary license or certificate to an applicant, upon examination, until the next regular meeting of the Board, at which time the temporary license shall cease, but the said applicant must apply for a thorough examination. Each and every one of such Boards shall procure a seal as soon as practicable after their organization, which seal shall be impressed upon every certificate granted.

SEC. 5. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof, before any court having competent jurisdiction, shall be fined in any sum not less than fifty dollars, and not more than five hundred (\$500) dollars, for every such offense, one-half of such fine shall be paid to the prosecutor, and the other half into the County Treasury; and it shall be the duty of the Judge of each judicial district, at each term of the District Court in the respective counties composing his district, to charge the grand jury with the preserving this act inviolate, and to admonish them of their duty to find presentments against any and all persons guilty of its infraction; *provided*, that nothing in this act shall be so construed as to exclude or disqualify any person who may have been already qualified for the practice of medicine under the act of May 16, 1873; *provided*, that nothing in this act shall be so construed as to apply to those who have been regularly engaged in the general practice of medicine in this State, in any of its branches or departments, for a period of five consecutive years in this State prior to the first day of January, 1875; nor to those who have obtained certificates of qualification under said act; nor to females who follow the practice of midwifery, strictly as such.

SEC. 6. An act entitled "An Act to regulate the practice of medicine," passed sixteen h of May, 1873, and

all other laws or parts of laws in conflict herewith, are hereby repealed.

SEC. 7. It being important that the benefits of this act be realized at once, creates such imperative public necessity and an emergency as requires that it be of force and effect upon its passage, and it is so declared.

Approved August 21, 1876.

Takes effect ninety days from adjournment.

### Notice, Citizens.

The law under which the Medical Examining Board is called to organize was passed for your protection, and not ours. Good physicians need no laws to protect them. Their merit is sufficient. Quacks, charlatans, and irregular practitioners may deprive us of some money, while they deprive you and your loved ones of your lives. We can stand the loss if you can. In many of the States the citizens have protected themselves by passing good laws and having them rigidly enforced. Our law is very deficient and too leniently applied. This has caused hundreds of quacks (murderers) to flock to our State to ply their murderous vocation. They have been driven out of most of the States as incompetent to take charge of human life. But they find a hearty welcome in Texas, and may put out their signs and go to work anywhere. Are our lives and our loved ones less dear to us of Texas that they should be thus sacrificed by the thousands every year to support incompetent physicians who have been driven out from other States, or in many instances from one portion of our own State where the law is enforced, to some other portion where it is a nullity. Why don't we enforce the law you ask? For many reasons.

First. We, as a class, have less at stake than any other class—only money. This we can afford to lose if you can afford to sacrifice your wives and children in order that we may lose it. Besides, if we or any of our families are sick, we are competent



to judge who are good physicians and who are not. You can only find out by sacrificing the lives of your families or by having these men examined by a competent board as required by law.

Second. If we dare to force them to an examination by prosecution, they cry persecution, envy, jealousy, and so arouse the sympathies of the people that it is almost impossible to find a jury who will meet out the punishment so richly merited.

Third. I am sorry to admit that we have some Examining Boards in our State who are afraid to reject an applicant because the people might cry persecution, and thereby injure the practice (pecuniarily) of some member of said board.

Fourth. It is not our business to carry out the law. We are not a board of prosecuting attorneys, but of Medical Examiners. It is our duty to examine all who apply for it and thereby inform the people whether such applicant is competent to take charge of their lives. It is the duty of every good citizen to see that rigid laws are passed regulating the practice of medicine in this State and that they are strictly enforced. You have more at stake in enforcing such a law than all the other laws combined. The six-shooter with all its ravages pales into insignificance when compared with the homes made desolate, hearts bereaved, wives made widows, mothers childless, happy children made destitute orphans, noble husbands made despondent, drunkards or reckless desperadoes—all by quacks and quackery. Think of it, citizens; take it home and sleep on it. And then if you don't have your representatives to every legislative body put a plank in their platform pledging themselves to use their utmost endeavors to have laws passed to protect you and your families from

such outrages. I say if you don't have this done then take the consequences, and may a just God not visit your sins upon you in your children's blood at the day of final accounts. Our profession need no protection and ask none. We are at your service and will heartily cooperate with you in framing, passing and executing such laws as will keep from our midst quackery, yellow fever, charlatanery or cholera, humbugery or pestilence, pretenders or any other plague.

I trust that each county paper in the State will copy this and let the people read and digest it and then act as they like.

T. H. NOTT, M. D.  
Pres. Tex. State Medical Association,  
GOLIAD, TEX., June 23, 1886.

*Presented by  
T. H. Nott.*



*[Handwritten signature]*

