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Medical Practice Laws
of Michigan

Act No. 237, Public Acts of 1899, Amended by
Act No. 191, of 1903, Act No. 56, of 1905,
Act No. 161, of 1905, Act No. 207, of
1905, Act. No. 164, of 1907, Act.
No. 45, of 1913.

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MEDICAL PRACTICE LAWS OF MICHIGAN

AN ACT

To Provide for the Examination, Regulation,
Licensing and Registration of Physicians
and Surgeons, and for the Punishment
of Offenders Against this Act, and
to Repeal Acts and Parts of
Acts in Conflict Therewith.

The people of the State of Michigan enact:

Section 1. That the governor shall appoint, by and with the advice and consent of the senate, ten resident electors of the State, who shall constitute a Board of Registration in Medicine. Not more than five of the persons so appointed shall be from the school of medicine known as regular; not more than two persons so appointed shall be from the school of medicine known as homeopathic; not more than two of the persons so appointed shall be from the school of medicine known as eclectic; and not more than one of the persons so appointed shall be from the school of medicine known as physio-medical, and the governor may select such appointees from the latest lists filed in the office of the secretary of state at Lansing by each of the four legally incorporated State medical societies of the schools of medicine as herein mentioned aforesaid, such lists to be certified to under oath of the president and secretary of each society respectively, and such lists to contain at least treble the number of names as each society has representatives on the board. But in the event that one or more of the societies above named, through their presidents or secretaries, shall from any cause neglect, omit or refuse to file as aforesaid, such lists or list, then and in that case the governor shall appoint or fill the vacancies in said board without reference to such list or lists which the aforesaid society or societies have for any cause neglected, omitted or refused to file with the secretary of state, as herein mentioned aforesaid; but the number of representatives from each of the schools of

medicine shall be the same as provided for in this act. All persons so appointed shall be legally registered physicians of this State, shall be graduates in good standing of reputable colleges, and shall have been actively engaged in the practice of medicine in this State for at least six years immediately preceding the time of such appointment. The ten persons so appointed shall be appointed in two classes, each class to consist of five persons. The first class shall consist of those physicians appointed by the governor under act number two hundred and thirty-seven, laws of eighteen hundred ninety-nine, October first, A. D. nineteen hundred one, who shall serve during the time for which they were so appointed, namely: To October first, nineteen hundred five; and the second class shall be appointed to hold office for four years beginning with the first day of October of the present year, and both classes shall hold office until their successors are appointed; and thereafter the governor shall appoint, before the first day of October of each biennial period, five persons qualified as aforesaid, in each class, to hold office for four years from the first day of October next ensuing. No member of said board shall belong to the faculty of any medical college or university. The governor shall also fill vacancies occasioned by death or otherwise, and may remove any member for the continued neglect of duties required by this act. Vacancies in said board shall be filled in accordance with the provisions of this act for the establishment of the original board, and a person appointed to fill a vacancy shall hold office during the unexpired term of the member whose place he fills. The business of said board shall be transacted by and receive the concurrent vote of from at least seven members.

Sec. 2. The members of said board shall meet on the second Tuesday of October, eighteen hundred ninety-nine, at the State Capitol at Lansing, and shall then elect a president from their own number, and a secretary who need not be of their number, but each of whom shall hold their respective offices for two years,

and shall have the power to administer oaths. Not less than seven members shall constitute a quorum of said board for transaction of business. The secretary shall give to the treasurer of the State a bond in the penal sum of five thousand dollars, with sufficient sureties, to be approved by the Governor, for the faithful discharge of his duties. The said board shall hold two regular meetings in each year, beginning with the year eighteen hundred ninety-nine; one on the second Tuesday of October, eighteen hundred ninety-nine, and one on the second Tuesday of June, nineteen hundred, and so on, and such additional meetings at such times and places as it may determine.

Sec. 3. On and after the date of the taking effect of this act, all men and women who are not already legally registered under act number two hundred thirty-seven of the Public Acts of eighteen hundred ninety-nine, and acts amendatory thereto, and who wish to begin the practice of medicine, surgery and midwifery in any of its branches in this state, shall make application to the board of registration in medicine, to be registered and for a certificate of registration. This registration and certificate shall be granted to such applicants as shall furnish satisfactory proofs of being at least twenty-one years of age, and of good moral and professional character, but only upon compliance with the following conditions contained in one or either of subdivisions one and two of this section:

First. The applicant shall be registered and given a certificate of registration if he or she shall satisfactorily pass an examination under the immediate authority and direction of the board upon the following subjects: Anatomy, histology and embryology, physiology, chemistry and toxicology, bacteriology, pathology, diagnosis, hygiene and public health, medical jurisprudence, diseases of the eye, ear, nose and throat, obstetrics, gynecology and surgery, and such additional subjects made necessary by advances in medical education as the board

may designate, said examination to be conducted as follows:

(a) The examination may be taken as a whole in all of the subjects as aforesaid, and shall be designated as the primary-final examination or said examination may be divided into a primary examination upon the subjects of anatomy, histology and embryology, physiology, chemistry and toxicology, and bacteriology, and a final examination upon the remaining subjects as aforesaid, not included in the primary examination.

(b) The applicant shall file with the secretary of the board, at least one week prior to an examination, an approved application, through a blank furnished by the board, covering the detail of his or her personal history, and preliminary and medical education, and such other evidence of qualification as the board may require;

(c) The board may make such rules and regulations governing the conduct of the examinations as it shall deem necessary, and wilful violation of such rules and regulations shall subject the applicant to the loss of the examination and fee;

(d) The examination shall be made as practical as possible in order to test the applicant's qualifications as a practitioner of medicine, the method of which shall be in accordance with the board's best judgment, and may be a written, clinical, laboratory or oral examination, or a combination of one or more of the above methods:

(e) An average percentage of at least seventy-five per cent of correct answers on all the subjects listed under this section, and of not less than fifty per cent on each subject, shall be required of every applicant: Provided, That in the case of a qualified applicant who has been in reputable and legal practice at least five years, at the discretion of the board, this requirement of minimum percentage may be modified by the board to meet the necessities of the individual case. An accepted applicant

for the primary-final examination, or for the final examination, as noted in subdivision one (a) of this section, shall have a diploma from a legally incorporated, regularly established and recognized college of medicine within the states, territories, districts and provinces of the United States, or within any foreign country, having as a minimum requirement a four years' course of eight months in each calendar year: Provided, That such applicant shall have, prior to the beginning of his or her course in medicine, or registration or matriculation in a recognized medical college, as a minimum requirement, a diploma from a recognized and reputable high school, academy, college or university, having a classical course, or an equivalent credential, or shall pass an examination equivalent at least to the minimum standard of preliminary education adopted and published by the board before a board of preliminary examiners appointed by and in accordance with the regulations of aforesaid board, and at such time and place as the board may designate. The applicant shall pay to such board of preliminary examiners a fee of five dollars prior to the examination: Provided, A student entering a college in Michigan, having a preliminary examination of a standard approved by the board of registration in medicine, shall not be required to take this examination: Provided, That this requirement of preliminary education shall not apply to those students who on the fourteenth day of October, nineteen hundred three, were regularly registered as students of legally organized and recognized medical colleges, but that the standard of preliminary education shall equal at least the minimum standard in force in this state at the date of aforesaid registration of students: And provided also, That a higher requirement of medical education shall not apply to those graduates of legally organized and recognized medical colleges who had graduated from such colleges prior to the date of the passage of act number one hundred ninety-one of the Public Acts of nineteen hundred three, but that the standard of medical education

shall equal at least the minimum standard in force in this state at the date of graduation. Students of medicine in regular attendance at a recognized medical college and endorsed by said board as having fulfilled the legal requirements of the state for entrance to, or matriculation in, recognized medical colleges, and who have completed, in accordance with the board's adopted minimum standard of medical education, in such recognized medical college, through attendance and examination, and not prior to the termination of the second year in such institution, among others the subjects of anatomy, histology, and embryology, physiology, chemistry and toxicology, and bacteriology, shall have the right to a primary examination, as recorded under subdivision, one (a) of this section, upon prescribed subjects, said examination to be held at such times and places as may be determined by the board, and to receive from the board a certificate showing the credits received in the several subjects upon which an examination shall have been had as aforesaid, and such credits obtained shall, at the election of the student, be included in and form a part of the examination heretofore called the final examination under subdivision one (a) of this section: Provided, That subsequent to graduation from a recognized medical college, in said final examination for a certificate of registration the applicant shall, if presenting said credits to the board at the time of his or her application for examination, be examined only in those remaining subjects prescribed under subdivision first of this section and which have not been listed as subjects of aforesaid primary examination. The applicant shall pay to the board a fee of twenty-five dollars prior to the examination, divided as follows: Ten dollars for the primary examination, and fifteen dollars for the final examination. If such examinations are taken together, or as a whole, the fee shall be twenty-five dollars for such primary-final examination. No additional fee for registration shall be charged to those who successfully pass the examinations. The board shall, in the recognition of medical

colleges, in its discretion, list such colleges in three or more classes or groups: Group one including those colleges which fulfill the advanced requirements of this act and which maintain the board's standards of preliminary and medical education; group two including those colleges which have fulfilled the standard of medical education demanded by this state at the date of the diploma; and group three including those colleges whose courses are recognized only for advanced standing in recognized colleges listed under group one: Provided, That a diploma issued by a medical college listed by the board in one or more of the groups or classes as aforesaid, shall be recognized as a qualification under this act, in the event only of its representing the actual standards of preliminary and medical education within the provisions of this act. The board of registration in medicine shall, from time to time adopt minimum standards of preliminary and medical education, and no high school, academy, college, university or medical college, or other institution or board, shall be approved and designated or its diploma or certificate be recognized by said board under subdivision one of section three of this act, unless in the judgment of the board, it conforms with such standard:

Second. The applicant may, at the discretion of the board, be registered and given a certificate of registration if he or she shall present satisfactory proof of the possession of a certificate of registration or license which has been issued to said applicant within the states, territories, districts or provinces of the United States, or within any foreign country, where the requirements for the registration of said applicant at the date of his or her license shall be deemed by said board of registration in medicine to be equivalent to those of this act. The fee for registration from applicants of this class shall be fifty dollars, and for the endorsement of a certificate to another state five dollars.

Third. The board is authorized to issue a license or certificate of registration to any person who desires to practice a system of treatment of human ailments or diseases, and who does not in such treatment use drugs or medicines, internally or externally, or who does not practice surgery or midwifery, under the provisions of this act: Provided, That the applicant for such license or certificate of registration shall have an accredited diploma from a high school, academy, college or university, or an equivalent credential, or shall pass an examination before the board of preliminary examiners, such examination to be equivalent to a recognized high school diploma, as provided in subdivision one of this section, and shall pass an examination before the board upon the following subjects: Anatomy, histology, and embryology, physiology, chemistry, bacteriology, pathology, diagnosis, hygiene and public health. This examination shall be concurrent with and equivalent to the examination provided for practitioners of medicine under section three, subdivision one, of this act, and shall be in harmony with the provisions of this section and subdivision covering such examination in the subjects as above specified: Provided, however, That such examination shall be a continuous one and not subject to a division into a primary and a final examination. The fee for such examination shall be fifteen dollars. A practitioner under this subdivision shall not be permitted to use in any form the title of "doctor" or "professor" or any of their abbreviations, or any other sign or appellation to his or her name which would in any way designate him or her as a physician or surgeon qualified under the provisions of section three, subdivisions one and two of this act, or in violation of the provisions of this act. All persons granted a certificate of registration or license under the provisions of this subdivision three, shall also conform to the provisions of act number two hundred thirty-seven of the Public Acts of eighteen hundred ninety-nine, and acts amendatory thereto, except as provided in this subdivision: Provided, That all practitioners

described in section three, part three, who have been granted a diploma by a college incorporated for the purpose of teaching their method of treatment and who file with the state board of registration in medicine, prior to October one, nineteen hundred thirteen, an affidavit stating that they have practiced in the state of Michigan for a period of two years prior to September one, nineteen hundred thirteen, shall be registered and authorized to practice without examination under the provisions of section three, part three, of this act. A fee of five dollars must accompany each application for registration under this provision:

Fourth. If any person shall unlawfully obtain and procure himself or herself to be registered under this section, whether by false and untrue statements contained in his application to the board of registration of medicine, or by presenting to said board a false or untrue diploma, certificate or license, or one fraudulently obtained, he shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than three hundred dollars nor more than five hundred dollars, or by imprisonment at hard labor for not less than one year nor more than three years, or both, at the discretion of the court, and shall forfeit all rights and privileges obtained or conferred upon him by virtue of such registration:

Fifth. Any person who shall swear falsely in any affidavit or oral testimony made or given by virtue of the provisions of this act, or the regulations of the board of registration of medicine, shall be deemed guilty of perjury, and, upon conviction thereof, shall be subject to all the pains and penalties of perjury:

Sixth. The board of registration of medicine may refuse to issue or continue a certificate of registration or license provided for in this section, to any person guilty of grossly unprofessional and dishonest conduct. The words "unprofessional and dishonest conduct," as used in this act, are hereby declared to mean:

(a) The procuring, aiding or abetting in procuring a criminal abortion;

(b) The obtaining of any fee on the assurance that an incurable disease can be permanently cured;

(c) The willfully betraying of a professional secret;

(d) All advertising of medical business in which grossly improbable statements are made, or where specific mention is made in such advertisements of venereal diseases or diseases of the genito-urinary organs;

(e) Having professional connection with, or lending one's name to an illegal practitioner of medicine; or having professional connection with any person or any firm or corporation who advertises contrary to the provisions of this section, or with any person who has been convicted in a court of competent jurisdiction under the provisions of this section;

(f) All advertising, of any nature or kind, of any medicine, or of any means for the regulation or re-establishment of the menses.

(g) All advertising of any matter of an obscene or offensive nature derogatory to good morals or contrary to act number sixty-two of the Public Acts of nineteen hundred eleven;

(h) Employing or being employed by any capper, solicitor or drummer for the purpose of securing patients; or subsidizing any hotel or boarding-house with a like purpose, or paying, or offering to any person, money or any other thing of value with a like purpose, or advertising to do so in any form whatsoever; or the division of fees in a consultation or a reference of a patient to a specialist, when no actual professional service is rendered by the physician referring the case, without the knowledge of the patient or the person concerned in the payment thereof;

(i) Being guilty of offenses involving moral turpitude, habitual intemperance, or being habitually addicted to the use of morphine, opium, cocaine, or other drugs having a similar effect; or of prescribing or giving away any

substance or compound containing alcohol or drug for other than legal and legitimate therapeutic purposes;

Seventh. It shall be a misdemeanor for any person to be guilty of "unprofessional and dishonest conduct" as defined in this act. Any person who has been issued a certificate of registration or license under this act, and who shall be charged with the commission of such misdemeanor, shall be tried in a court of competent criminal jurisdiction, and upon conviction thereof shall be fined for each offense not to exceed two hundred and fifty dollars, or shall be imprisoned in the county jail not to exceed three months, or may be both fined and imprisoned, in the discretion of the court. The creation of such misdemeanor by this act shall not be construed to supersede any existing remedy or punishment, whether civil or criminal, for any act embraced within the provisions of this act, but shall be construed to be in addition thereto.

The board of registration in medicine may, upon the filing with it of a duly certified copy of a final conviction obtained in accordance with the provisions of this act, revoke or suspend for a limited period, not less than six months, the certificate or license of the person so convicted. The said board of registration in medicine may also revoke any certificate of registration or license of any person guilty of a criminal offense created by or embraced within the provisions of this act or within the provisions of any state, provincial, territorial or federal act in the United States or in foreign countries, when such criminal offense or such fraud or perjury shall have been legally established in a court of competent jurisdiction. Said board may also revoke any certificate of registration or license heretofore or hereafter granted upon mistake of material fact or by reason of fraudulent misrepresentation of fact by such applicant. Any person charged with a violation of the provisions of this subdivision seven of section three shall have a fair hearing

before the board, upon sufficient notice of such hearing: Provided, That this section shall not apply to such forms of contract practice as are from time to time endorsed by this board.

Sec. 5. All moneys received by said board shall be paid to the State Treasurer monthly, and shall be credited to the general fund of the State, and a receipt for the same shall be filed by the secretary of the said board in the office of the Auditor General. The incidental and traveling expenses of said board, and such salary to the secretary as said board may fix, shall be paid from such fund only. The members of said board, except the secretary, shall receive no compensation for their services, except necessary traveling and hotel expenses in attending meetings of said board; and in no case shall any more be paid than was actually expended. Such incidental and traveling expenses shall be approved by said board and sent to the Auditor General of the State, who shall draw his warrant upon the State Treasurer for the amounts due, as in case of other bills and accounts under the provisions of law: Provided, That the amount so paid shall not exceed the amount received by the treasurer of the State from said Board in fees, as herein specified, and as much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of said board as aforesaid.

Sec. 6. Said board shall collect from the various county clerks of the state, each month, a report of all registrations made. Said board shall also keep a record of all moneys received and disbursed by it each month, and said record shall always be open to inspection at the office of the Secretary of State. Said board shall annually report to the Governor, on or before the first day of January of each year, the condition of medicine and surgery in this State, which report shall contain a full and complete record of all its official acts during the year, and shall also contain a statement of its receipts and disbursements.

Sec. 4. The person receiving a certificate of registration shall file the same, or a certified copy thereof, with the county clerk in the county where he resides, and said clerk shall file said certificate or the certified copy thereof and enter a proper memorandum thereof in a book to be provided and kept for that purpose, and may collect therefor a fee of fifty cents for each certificate or copy thus filed. And said county clerk shall, on the first day of each month, furnish to the secretary of said board a list of all certificates filed in his office during the preceding month on a blank provided for that purpose, and upon notice to him of the change of location or death of a person granted a certificate, or upon the revocation of the certificate granted such person, said county clerk shall enter at the appropriate places in the record so kept by him a memorandum of said facts; so that the record so kept by said county clerk shall correspond with the records of said board, so kept by the secretary thereof. In case a person having thus filed a certificate shall move into another county of the State, he shall procure from said county clerk a certified copy of said certificate, and file the same with the said county clerk of the county to which he shall so remove. Said county clerk shall file and enter the same with like effect, as if the same was the original certificate.

Sec. 7. Any person who shall practice medicine or surgery in this State, or who shall advertise in any form or hold himself or herself out to the public as being able to treat, -cure or alleviate human ailments or diseases, and who is not the lawful possessor of a certificate of registration or license issued under and pursuant to act number two hundred thirty-seven of the Public Acts of eighteen hundred ninety-nine, or acts amendatory thereto, or without first complying with the provisions of this act, except as heretofore provided in section three of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment, in the discretion of the court, for each offense. It shall be the duty of the prosecuting attorneys of the counties of this state to prosecute violations of the provisions of this act.

Sec. 8. This act shall not apply to the commissioned surgeons of the United States army, navy or marine hospital service, in actual performance of their official duties, nor to regularly licensed physicians and surgeons from out of this state, in actual consultation with physicians and surgeons of this state, nor to dentists in the legitimate practice of their profession, nor to temporary assistance in cases of emergency, nor to the domestic administration of family remedies, nor to osteopaths practicing under the provisions of act number one hundred sixty-two of the Public Acts of nineteen hundred three, nor to optometrists registered under act number seventy-one of the Public Acts of nineteen hundred nine, nor to chiropodists who confine their practice to chiropody and who do not use title of "doctor" or "professor" or any of their abbreviations, or any other prefix or affix in a medical sense to their names, nor to persons who confine their ministrations to the sick or afflicted by prayer and without the use of material remedies.

Sec. 9. Any person who shall append the letters "M. D." or "M. B." or other letters in a medical sense, or shall prefix the title "doctor" or its abbreviation, or any sign or appellation in a medical sense, to his or her name, it shall be prima facie evidence of practicing medicine within the meaning of this act. In this act, unless otherwise provided, the term "practice of medicine" shall mean the actual diagnosing, curing or relieving in any degree, or professing or attempting to diagnose, treat, cure or relieve any human disease, ailment, defect or complaint, whether of physical or mental origin, by attendance or by advice, or by prescribing or furnishing any drug, medicine, appliance, manipulation or method, or by any therapeutic agent whatsoever.

Sec. 10. It shall be the duty of the assessing officer at the time of making the annual assessment to make out a list of physicians residing within his township, village, district, ward or city, with the name, age and sex of each, and the length of time each has been engaged in practice. Such list shall be returned by the assessing officer to the county clerk, and by the county clerk recorded in a book in which are kept the records of the board, and annually on or before the first day of January such clerks shall furnish certified lists of the same to the Secretary of this Board.

Sec. 11. An act entitled "An act to promote public health," approved June six, eighteen hundred eighty-three, and the act amendatory thereto, approved June twenty-seven, eighteen hundred eighty-seven, except as to all penalties which shall have accrued thereunder, are hereby repealed.

Approved May 4th, 1913