

CHAPTER 83.

(H. B. No. 59.)

AN ACT to regulate the practice of medicine and surgery in the Territory of Alaska, to create a Board of Medical Examiners, and to regulate the fees thereof, to prevent the practice of medicine and surgery by unauthorized persons, and to provide for the trial and punishment of violators of the provisions of this Act by fine or imprisonment, or both, and to repeal all laws or parts of laws in conflict or inconsistent with this Act.

Be it enacted by the Legislature of the Territory of Alaska :

Section 1. That from and after the promulgation of this act, no person excepting those already engaged under existing laws in the practice of medicine and surgery shall practice medicine in any of its departments within the boundary of the Territory of Alaska unless such person shall possess all the qualifications required by this act.

Sec. 2. Governor to Appoint Board of Examiners. Term. The Governor of this Territory shall appoint a board of examiners, to be known as the Territorial Medical Examining Board, consisting of eight members, two from each of the four judicial divisions, who shall be learned and skilled in the practice and theory of medicine and surgery, and who shall hold their office for two years, and until their successors are appointed and qualified. It is further provided that no member thereof shall be appointed to serve for more than two terms in succession.

Sec. 3. Oath, Powers and Duties of Board—Seal—Records. The members of said examining board shall, before entering upon their duties as such members, take and subscribe an oath to support the constitution and laws of the Territory of Alaska, and of the United States, and to well and faithfully and without partiality perform

the duties of such office according to the best of their knowledge and ability; which oaths shall be filed and preserved of record in the office of the secretary of said board. Said medical examining board shall elect a president, secretary and treasurer, and shall have a common seal. The president and secretary shall have the power to administer oaths. Said examining board shall hold their meetings for examination commencing on the first Tuesday of January and July of each year; said meetings shall be held at Juneau, Alaska, or such other place as the board may designate. Two members of said board shall constitute a quorum for the transaction of all business that may properly come before the board and 30 days' public notice shall be given of the time and place of all its meetings.

Sec. 4. Preservation of Records. The board shall preserve a record of its proceedings in a book kept for that purpose, which shall show the name, age, place and duration of residence therein of each applicant for a license, the time spent in medical study in respective medical schools, and the year and school from which degrees were granted; said record shall also show whether applicants were granted a certificate or rejected, and shall be prima facie evidence of all matters contained therein. The said Medical Examining Board shall report annually to the Governor, furnishing an itemized account of all moneys received and disbursed with a complete record of the proceedings of said board for the year and the Treasurer shall furnish a bond to be fixed and approved by the Governor. The Governor may for cause remove any member of said Medical Examining Board.

If impracticable it shall not be obligatory for members who reside in another judicial division to attend meetings of said board.

Sec. 5. Hereafter every person desiring to commence the practice of medicine and surgery, or either of them, in any of its or their branches, in this Territory, shall

make a written application to said board for a license so to do. And each applicant for such license shall be not less than twenty-one years of age, shall furnish a certificate of good moral character, and shall be a graduate of some duly authorized medical college now having at least a four years' graded course. Such applicant at the time and place designated by said board, or at the regular meeting of said board, shall submit to an examination in the following branches: Anatomy, physiology, chemistry, histology, materia medica, therapeutics, preventative medicine, practice of medicine, surgery, obstetrics, diseases of the eye and ear, medical jurisprudence, and such other branches as the board shall deem advisable. Said board shall cause said examinations to be practical, and sufficient to test the candidate's fitness to practice medicine and surgery; which examination, with the answers thereto, shall be in writing, and the same shall be filed and preserved of record in the office of the secretary of said board. After examination, if the same be satisfactory, said board shall grant a license to such applicant to practice medicine and surgery in the Territory of Alaska, which said license can only be granted by the consent of not less than five members of said board, except as hereinafter provided, and which said license shall be signed by the president and secretary of said board, and attested by the seal thereof. The fee for such examination shall be twenty-five dollars (\$25.00), and shall be paid by the applicant to the treasurer of said board toward defraying the expenses thereof; and such board may refuse or revoke a license for unprofessional or dishonorable conduct, subject, however, to the right of such applicant to appeal from the decision of said board refusing or revoking such license as hereinafter provided; Provided, however, that in all cases where an applicant for a license under this act shall produce and exhibit to the examining board, a certificate from a board of medical examiners appointed under the laws of any state of

the United States and recognizing licenses from this Territory, certifying to the fact that the person presenting such certificate is duly and well qualified to practice medicine and surgery, in the state issuing said certificate, and that the examining board issuing said certificate has subjected the applicant to a thorough examination to ascertain this fact, he or she may, at the discretion of the Territorial Examining Board, upon paying the fee herein prescribed and otherwise complying with all the requirements of this act, receive a license as if an examination of said applicant was had in this Territory.

Sec. 6. Acts Constituting Unprofessional Conduct. The words "unprofessional or dishonorable conduct" as used in the last preceding section, are hereby declared to mean:

- (1) The procuring or aiding or abetting in procuring, a criminal abortion;
- (2) The obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured.
- (3) The wilfully betraying of a professional secret.
- (4) The advertising of medical business in which untruthful and improbable statements are made;
- (5) All advertising of any medicines or of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed.
- (6) Conviction of any offense involving moral turpitude;
- (7) Habitual intemperance or habitual addiction to morphine, cocaine, or other drugs having a similar effect.

Sec. 7. Board to File Statement as to Licenses, etc.—Hearing. In any case of the refusal or revocation of a license by said board under the provisions of this chapter, said board shall file a brief and concise statement of the grounds and reasons for such refusal or revocation in the office of the secretary of said board, which said statement, together with the decision of the board

in writing, shall remain of record in said office. Before a license can be revoked by said board for unprofessional or dishonorable conduct under the provisions of this chapter, a complaint of some person under oath must be filed in the office of the secretary of said board, charging the acts of unprofessional or dishonorable conduct, and facts complained of against the licentiate accused, in ordinary and concise language and thereupon said board shall cause to be served upon said accused licentiate a written notice and copy of such complaint, which said notice shall contain statement of the time and place of hearing of the matters and things set forth and charged in such complaint, and said notice shall be so served at least thirty days prior to the time of such hearing. Such accused licentiate may appear at such hearing and defend against the accusation of such complaint personally and by counsel, and may have the sworn testimony of witnesses taken, and present other evidence in his behalf at such hearing, and said board may receive the arguments of counsel at such hearing.

Sec. 8. Appeal From Order of Board, Notice—Bond, etc. In any case of the refusal or revocation of a license by said board under the provisions of this chapter, the applicant whose application shall be so refused, and the licentiate whose license shall be so revoked, by said board, shall have the right to appeal from the decision so refusing or revoking such license within thirty days after the filing of such decision in the office of the secretary of said board, as hereinbefore in this chapter provided. Such appeal shall be to the district court in and for the judicial division in which was held the last general meeting of said board, prior to the refusal of such license, in the case of such refusal; and to the district court in and for the judicial division in which the hearing was had upon which such license was revoked, in case of such revocation. In any case a person desiring to take such appeal shall serve, or cause to be served, upon the secretary of

said board a written notice of such appeal which shall contain a statement of the grounds of such appeal and shall file in the office of such secretary an appeal bond, with good and sufficient surety to be approved by said secretary to the Territory of Alaska conditioned for the speedy prosecution of such appeal, and the payment of such costs as may be adjudged against him upon said appeal. Said secretary shall, within ten days after the service of said notice of appeal and the filing and approval of said appeal bond, transmit to the clerk of the district court to which said appeal is taken a certified copy, under the seal of said board, of the decision of said board, and grounds thereof in the case of the refusal of a license; and in addition thereto, a certified copy, under such seal, of the complaint in the case of the revocation of a license together with the bond and notice of appeal. The clerk of such court shall thereupon docket such appeal causes, and they shall stand for trial in all respects as ordinary civil actions, and like proceedings be had thereon. Upon such appeal said cause shall be tried de novo. Either party may appeal from the judgment of said court to a higher court within sixty days after the rendition and entry of such judgment in said district court. If such judgment shall be in favor of the party appealing from the decision of said board, and in case said examining board does not appeal from said judgment within said sixty days, then and in that case said board shall, at the end of said sixty days, and immediately upon the expiration thereof, issue to such successful party the usual license to practice medicine and surgery in this Territory, and in addition thereto, shall reinstate upon the records of said board the name of such successful applicant, in case of the revocation of his license by such board. In case of such appeal to a higher court by said board, no such license shall be issued nor reinstatement be required until the final determination of said cause and as hereinafter provided. In case the final decision of the higher court shall be against said medical

examining board, then and in that case said court shall make such order in the premises as may be necessary, and said board shall act accordingly. Provided, That in no case shall an appeal bond be required of said board, nor shall any costs be adjudged or taxed against the same.

Sec. 9. The person receiving said license shall before he or she commences the practice of medicine and surgery, or any of their branches, file the same, or a certified copy thereof, with the clerk of the court in and for the judicial division where he or she resides, and said clerk of the court shall file said certificate, or copy thereof, and enter a memorandum thereof giving the date of said license and name of person to whom the same was issued, and the date of such filing, in a book to be provided and kept for that purpose; and said clerk of the court shall each year furnish, to the secretary of said board a list of all certificates on file in his office, and upon notice to him of a change of location of the license granted to such person, said clerk of the court shall enter, in the appropriate place in the record so kept by him, a memorandum of said fact, so that the records kept by the clerk of the court shall correspond with the records of the board as kept by the secretary thereof. In case a person so licensed shall move into another judicial division in this Territory, he or she shall procure from the clerk of the court a certified copy of said license, and file the same with the clerk of the court in the judicial division to which he or she shall remove. Said clerk of the court shall file and enter the same with like effect as if the same were the original license. Proof of failure to file said license or copy thereof with the clerk of the court as herein provided, shall be prima facie evidence of a violation of this act, and shall be punishable as provided herein. The clerk of the court's records shall be the only evidence required as proof of failure to file, but may be rebutted by competent testimony.

Sec. 10. Any person practicing medicine or surgery or either of its or their branches within this Territory without first having obtained and filed the license provided for in this act, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars, or by imprisonment in jail not less than ten days nor more than ninety days or both such fine and imprisonment. In all prosecutions under the provisions of this act, evidence that the defendant has failed to file a license with the clerk of the court as herein required, shall be prima facie evidence that the defendant is not a legally licensed practitioner. And each day of such illegal practice shall be deemed a separate offense under this act. All fines collected under the provisions of this act shall be paid to the treasurer of said medical examining board for the use and to defray the actual expenses of said board. Any person shall be deemed as practicing within the meaning of this act who shall have and maintain an office or place of business with his or her name and the words physician and surgeon, "Doctor," "M. D." or "M. B.," in public view, or shall assume or advertise the title of doctor or any title which shall show or shall tend to show that the person assuming or advertising the same is a lawful practitioner of any of the branches of medicine or surgery in such a manner as to convey the impression that he or she is a practitioner of medicine or surgery under the laws of this Territory, or any person who shall practice medicine or surgery under a false or assumed name, or for a fee prescribe, direct, or recommend for the use of any person, any drug or medicine for the treatment, care or relief of any wound, fracture or bodily injury, infirmity, or disease. Provided, however, That this act shall not apply to dentists while confining themselves strictly to dentistry or to pharmacists or druggists applying themselves strictly to their profession. It shall be the duty of the respect-

ive district attorneys to prosecute all violations of this act. In cases of appeal to a higher court as hereinbefore provided, it shall be the duty of the prosecuting attorney of the district wherein such appeal shall be tried to represent said board upon said appeal.

Sec. 11. Board May Establish Rules and Regulations. Said board shall have authority to prescribe and establish all needful rules and regulations to carry into effect the provisions of this chapter and may receive for each day actually engaged in the duties of their office as compensation the sum of five dollars together with all legitimate expenses incurred in attending the meetings of said board. No part, however, of the compensation or other expenses of the said board shall be paid out of the Territorial Treasury.

Sec. 12. Be it further enacted, That this act does not apply to services rendered in case of an emergency, nor to any commissioned surgeon of the United States Army or Navy or Marine Hospital Service in the performance of his official duties, to physicians or surgeons from states of the United States in actual consultation with a registered physician of this Territory, nor to any physician actually practicing in this Territory before the passage of this act. Nor is any discrimination to be practiced against any particular school of medicine, surgery, or osteopathy.

Sec. 13. Be it further enacted. That to prevent delay and inconvenience the member of a board of medical examiners may grant a temporary permit after satisfactory examination to any applicant, and shall report thereon to the board at the next regular meeting; such temporary permit shall not continue in force longer than until the next regular meeting of the board, but such temporary permit shall in no case be granted within six months after the applicant has been refused a permit by the board. All applicants for a temporary permit to practice medicine and surgery in Alaska must be graduates from a recognized medical college now having a standard equal

practitioner of dentistry, shall receive a certificate to that effect without examination, and may continue to practice as such without incurring any of the liabilities or penalties provided in this act, and shall pay to the board of examiners for such registration and certificate the fee of five dollars (\$5.00.)

Application of
dentists not
practicing for
certificate to
practice

Sec. 5. Any person who desires to begin the practice of dentistry in the Territory of Alaska after the passage of this act shall appear before said board of examiners at any of its regular or special meetings for examination. To be eligible for such examination the applicant shall present a diploma from a reputable dental college. The examination shall be conducted in English and shall be thorough, practical, and sufficient to test the ability of the applicant to practice dentistry. It shall include: Operative and Prosthetic Dentistry, Osteology, Dental and General Anatomy, Histology, Bacteriology, Physiology, Pathology, Chemistry, Metallurgy, Materia Medica, Therapeutics, Orthodontia and Anesthetics. Demonstrations in Operative and Prosthetic Dentistry, Prognosis and Diagnosis will be required. All applicants must furnish their own material for demonstrations. If the examinations prove satisfactory to said board of Dental Examiners, they shall issue a certificate of registration to the person examined. All certificates issued by the board, shall be signed by its president, secretary and a majority of the board and shall have its official seal attached thereto.

It shall be unlawful for any person or persons, whether registered or not, to operate or run any dental office or parlors under any name or corporation name other than the name to whom the license is issued.

Registration
without exam-
ination

Sec. 6. Said board may accept and register upon payment of the registration fee, and without examination of the applicant, any certificate which shall have been issued to him, or her, by the Dental Examining Board of any State in the United States, provided, however, That

the legal requirements of such dental examination board shall have been at the time of issuing such certificate in no degree or particular less than those of the Territory of Alaska at the time when such certificate shall have been presented for registration to the board created by this act, and provided that such applicant shall have been lawfully engaged in the practice of dentistry in the state from which he, or she, shall present his or her certificate for a period of five years next preceding his, or her, application to the dental board of the Territory of Alaska, and provided further, that the provisions in this section contained shall be held to apply only to such and of said dental examining boards as accept and register the certificates granted by this board, without examination by them of the ones holding such certificates. Each applicant upon making application shall pay to the secretary of the board a fee of twenty-five dollars. (\$25.00).

Sec. 7. Every person who shall receive a certificate of registration from said board shall within sixty days after the issuance thereof cause his or her certificate to be filed with the clerk of the court of the judicial division of his or her residence, or with the clerk of the court of any other judicial division in which he or she may desire to engage in the practice of dentistry. The clerk of the court of the judicial division shall charge for registering such certificate the regular fee for such services, and after registering the certificate, shall return it to the person to whom the same was originally issued. Any person who shall fail to register his or her certificate shall be liable for practicing dentistry without license.

Sec. 8. It shall be the duty of the clerk of the court to keep a book to be entitled: "Dental Register", which book shall contain a complete alphabetical list of all certificates of registration filed in his office, and which book shall be provided with columns, giving the name and residence of the dentist, together with the date of

Certificate of Board to be filed with Clerk of Court

Clerk of Court to keep "Dental Register"

the certificate, and the date of its filing with the clerk, and the date of revocation.

"Practicing dentistry" defined

Sec. 9. All persons shall be held to be practicing dentistry, within the meaning of this act, who shall receive a fee or salary or other rewards, paid either to him, or her or to another person for operations or parts of operations, of any kind, in the treatment of diseases or lesions of the human teeth, or in the correction of the malposition thereof. But nothing in this article shall be construed to permit the performance of independent dental operations by unlicensed persons under the cover of a named registered practitioner or in his, or her, office.

Examination and license fees

Sec. 10. In order to provide means for carrying out and maintaining the provisions of this act, the Board of Dental Examiners shall charge each person applying to or appearing before said board for examination, a fee of twenty-five dollars (\$25.00). In case the applicant fails to secure a certificate from said board, he may appear again before said board for another examination after the expiration of six months without paying an additional examination fee. Every registered dentist shall each and every year pay to the Board of Dental Examiners a license fee of four dollars (\$4.00), such payment to be paid on or before the first day of July of each year. In case of default of such payment by any person, his or her certificate may be revoked by the Board of Dental Examiners upon ninety (90) days' notice from the secretary to the person holding such certificate, unless within said ninety days said payment shall be made, together with such penalties as the Board may impose, which in no case shall exceed twenty-five dollars.

Compensation of Board

Sec. 11. Out of the funds coming into the possession of said board, each of the members of said board may receive as compensation the sum of five dollars (\$5.00), for each day actually engaged in the duties of their office, together with all legitimate and necessary expenses incurred in attending the meetings of said board. No

part of the compensation or other expenses of the said board shall be paid out of the Territorial Treasury. The fees coming into the treasury of said board shall be paid out upon the warrant of the president and the secretary thereof in payment of the compensation and expenses of said board in carrying out the provisions of this act. Said board shall make an annual report of its proceedings to the Governor of this Territory for the year ending on the thirty-first day of December preceding the making of said report. Said report shall be filed with the Governor on or before the third day of January of each year.

Annual Report
to Governor

Sec. 12. Any person who shall violate any of the provisions of this act, or shall knowingly or falsely claim to have or hold a certificate of registration, license, diploma, or degree granted by any society or board of dental examiners or shall falsely, and with intent to deceive the public claim or pretend to be the graduate of any incorporated reputable dental college, or shall have registered under one name and practiced dentistry under another name with intent to deceive the public, shall be deemed guilty of a misdemeanor, and upon conviction may be fined one hundred dollars (\$100.00), and not less than fifty dollars (\$50.00), or imprisoned for not less than thirty (30) days nor more than sixty (60) days, or may be punished by both such fine and imprisonment. All fines thus received shall be paid into the territorial treasury.

Violation of act

Penalty

Sec. 13. The said board shall have power to make such by-laws, rules and regulations not inconsistent with the laws of the Territory, as may be necessary to carry into effect the provisions of this Act, and the treasurer of said Board of Dental Examiners shall furnish a bond to be approved by the Governor and the Governor may, for cause, remove any member of said examining board.

Board to make
Rules and
Regulations

Approved, April 30, 1913.