

CHAPTER 8

AN ACT

(H. B. 37)

To regulate the practice of medicine and surgery in the Territory of Alaska, to create a Board of Medical Examiners, to provide for the punishment of violators of the provisions of this Act by fine or imprisonment, and to repeal all laws in conflict with this Act.

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

Who may practice medicine and surgery.

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

Territorial Medical Examining Board Established.

Section 2. The Governor of Alaska shall appoint a Board of Examiners, to be known as the Territorial Medical Examining Board, consisting of eight (8) members, two from each of the four judicial divisions of Alaska, who shall be learned and skilled in the theory and practice of medicine and surgery and shall be legal practitioners of medicine and surgery in Alaska. Said members shall be appointed for a term of four years and shall hold their office until their successors are appointed and qualified. In the event that a member is unavoidably prevented from attending a regular meeting of the Board of Examiners, the Governor is authorized to appoint a properly qualified physician as substitute examiner to serve pro tem and with the same duties and responsibilities as the regular member, so unavoidably absent.

Term of office and substitute Examiners.

Oath of office prescribed.

Section 3. The members of said Board shall, before entering upon their duties as such members, take and subscribe an oath to support the Constitution and the Laws of the United States and the Territory of Alaska, and to well and faithfully and without partiality per-

form the duties of such office according to the best of their knowledge and ability; which oaths shall be filed and preserved for record in the office of the Secretary of said Board. Said Medical Board shall elect a President and a Secretary-Treasurer, from their membership, and shall have a common seal. The President and Secretary-Treasurer shall have the power to administer oaths. The said Medical Examining Board shall hold their meetings for examination commencing on the first Tuesday of March and the first Tuesday of September of each year; said meetings shall be held at Juneau, Alaska, or at such other place as the Board shall designate. Two members of said Board shall constitute a quorum for the transaction of all business, that may properly come before said Board, except the issuance and revocation of licenses.

Organization of Board.

Time for holding examinations.
Quorum.

Section 4. The Board shall preserve a record of all its proceedings, which record shall show the name, age, place of residence and duration thereof of each applicant for license, the time spent in medical study, and where, and the year and school from which degrees were granted; said record shall also show whether applicant was granted a license or rejected, and shall be prima facie evidence of all matters contained therein and may be introduced in evidence, in any court having the trial of any of the violations of the law herein created, by the production of a copy of the same under the seal of said Board. The said Medical Board shall report annually to the Governor, furnishing an itemized account of all monies received and disbursed, with a complete record of the proceedings of said Board for the year preceding; and the Treasurer shall furnish a bond to be fixed and approved by the Governor and filed in his office. The Governor may for cause remove any member of the Board at any time. If impracticable, it shall not be obligatory for members residing in another judicial division to attend the meetings of the Board.

Records and what same shall show.

Annual Report.
Removal of members.
Attendance upon meetings.

Section 5. Hereafter every person, not now legally practicing medicine or surgery in Alaska, who desires

Written application must be made for authority to practice.

Contents.
Qualifications.
Examinations.

to practice medicine and surgery or either of them in any of their branches, in the Territory of Alaska, shall first make a written application to the Board of Medical Examiners for a license so to do, which application shall state the name, age and place of residence of the applicant, and the duration thereof, and the time spent in medical study, and where, and the year and school in which degrees were granted, which application shall be sworn to as to its verity before some one authorized to administer oaths. That each applicant for such license shall be not less than Twenty-one (21) years of age, shall furnish a certificate of good moral character, and submit a certificate of graduation from a legally chartered medical school whose requirements for graduation shall have been at the time of granting said certificate not less than the requirements of the association of the American Medical Colleges of the day in which said applicant graduated; and in addition a certificate from a recognized hospital certifying that the recipient has faithfully performed the duties of resident physician or intern for the period of one year, unless he has been a licensed physician engaged in active practice of the profession for a term of four years. 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, materia-medica, therapeutics, pathology, hygiene, surgery, obstetrics, 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. In grading the answers of said examination the applicant shall be given a credit of one per cent in each subject for each year of actual practice after the first two years. Said examination with the answers thereto shall be in writing and in the English language and the same shall be preserved and filed of record in the office of the Secretary of the Board. After examinations, 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 and with the consent of not less than five members of said Board, and each license shall be signed by the Secretary and President of said Board, and attested by the Seal thereof. If said examination shall be unsatisfactory to the Board or if the applicant shall fail to pay the fee herein prescribed or shall otherwise fail to comply with any of the other requirements of this Act, the Board shall refuse to grant the license.

When license granted or refused.

In all cases where an applicant for a license under this Act shall produce and exhibit to the Board of Examiners, a license from a Board of Medical Examiners appointed under the laws of any State of the United States, said Board recognizing licenses from this Territory and issuing reciprocal licenses therewith, and a certificate to the fact that the said person presenting said license is duly and well qualified to practice medicine and surgery in the States issuing said license, and that said license was issued after a thorough examination to ascertain this fact, he or she may, at the discretion of the Board of Medical Examiners, upon payment of the fee herein prescribed and otherwise complying with all the requirements of this Act receive a license to practice medicine and surgery as if the examination of said applicant was held in Alaska.

When to be admitted on certificates from other states.

Section 6. The fee for such examination shall be Twenty-Five Dollars (\$25.00) and shall be paid by the applicant to the Secretary-Treasurer of said Board at the time of making application for examination. The said fee is returnable only in case the applicant is unavoidably prevented from taking the said examination.

Fee for examination.

Section 7. Any license now in existence or that may hereafter be issued may be revoked by the Board for unprofessional and dishonorable conduct, as hereinafter defined.

Revocation of license for unprofessional conduct.

Section 8. The words "unprofessional or dishonor-

Unprofessional conduct defined.

able conduct" as used in the last preceding section are hereby declared to mean:

(1) Procuring or aiding or abetting in procuring a criminal abortion:

(2) Habitual intemperance or addiction to the use of morphine, cocaine, or other drugs having a similar effect;

(3) Conviction of any offense involving moral turpitude;

(4) Evidence of deceit or fraud in advertising or performing any surgical operation;

(5) Wilfully betraying a professional secret:

(6) Untruthful or fraudulent statements in the application for examination, or the practice of deceit or cheating in any manner during the examination for license, or the procuring of a license by deceit or fraud.

(7) Committing any of the acts respecting, giving or prescribing narcotics which are prohibited by the Federal Statute, generally known as the "Harrison Anti Narcotic Act".

Board to record grounds for refusing license

Section 9. In any case of the refusal or revocation of a license by the Board under the provisions of this Act, the 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 only on complaint.

license can be revoked by said Board for unprofessional or dishonorable conduct under the provisions of this act, a complaint of some person under oath must be filed in the office of the Secretary of said Board charging said acts and facts complained of against the licentiate accused, in ordinary and concise language, and thereupon said Board at its discretion shall cause to be served upon said accused licentiate a written notice and copy of such complaint, which said notice shall contain a statement of the time and place of hearing of the matters and things set forth and charged in said complaint, and said

Proceedings for hearing same.

notice shall be served at least sixty days prior to the time of such hearing. Such accused licentiate may appear at such hearing and defend himself against the accusation of such complaint personally or by counsel and may have the sworn testimony of witnesses taken, and present other evidence in his behalf at such hearing, and said Board shall also have the right to select counsel to prosecute said charges before said Board should it deem it necessary to do so. Any witness who is being examined by said Board or whose deposition is being taken to be offered as evidence before said Board upon the trial of the revocation of any license, who shall swear falsely to any material fact, shall be deemed guilty of perjury, and may be prosecuted accordingly.

Section 10. It is further provided that the above sections in regard to the revocation of licenses to practice medicine and surgery shall apply equally to all persons who are now practicing medicine or surgery, or both, under existing laws.

Rules governing revocation of licenses to apply to those now practicing.

Section 11. The persons receiving said license shall, before he or she commences the practice of medicine and surgery, or any of their branches, have the same or a certified copy thereof filed with the Clerk of the Court in and for the judicial division wherein he or she contemplates the practice of medicine and surgery, and said Clerk of the Court shall file and preserve said certificate in his office and enter a memorandum thereof, giving the date of said license, the ground upon which the same was issued, with the name and address of the party holding the same, in a book to be provided for that purpose; which certificate and record shall be subject to public inspection. Said Clerk shall furnish to the Secretary of said Board a notice of all such licenses thus recorded. In case a person so licensed shall move into another judicial division of the Territory of Alaska he or she shall have said license, or a certified copy thereof again recorded as above provided in said new division. Proof of failure to have said license, or a certified copy thereof, recorded as

License or certified copy to be filed with Clerk of Court.

Clerk of Court to make record thereof. And furnish Secretary of Board notice of licenses recorded.

License to be filed in each Division where licensee practices.

Penalty for failure to file.

herein provided shall be prima facie evidence of a violation of this Act, and shall subject the party to punishment as herein provided.

Subsequent examination of applicants in the event of failure to pass.

Section 12. In case of failure at any final examination, the applicant shall have, after the expiration of six months and within two years, the privilege of a second examination by the Board without the payment of additional fee. In case of failure in a second final examination, the applicant must enter de novo and only after a year of post-graduate study approved by the Board, and must qualify under the conditions obtaining at the time of the second application.

Practicing without license a misdemeanor. Penalty therefor.

Section 13. Any person practicing medicine or surgery or any of their branches within the Territory of Alaska without first having obtained and had filed a license as provided for in this Act, or contrary to the provision 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 imprisoned in jail not less than ten days nor more than ninety days, or by both such fine and imprisonment. In all prosecutions under 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.

"Practicing" medicine defined.

Section 14. Any person shall be deemed as practicing within the meaning of this Act, who shall have and maintain an office or place of business for the purpose of treating the sick or injured for pay, or who shall publicly display his or her name and words "Physician" or "Surgeon", "M. D.", "Dr.", or "Doctor", in public view, or shall assume or advertise any title which shall show or tend to show that the person assuming or advertising the same is willing or qualified to treat the sick or injured, or who for a fee shall prescribe, direct, or recommend for the use of any person, any drug or medicine for

the treatment, cure or relief of any disease, infirmity, bodily injury, or defect, or for a fee perform any surgical operation for the cure, relief or reduction of any disease, bodily injury, deformity, or defect. In case of the revocation of any license by said Board, the fact of revocation shall be certified by the Secretary of the Board to the Clerk of the Court where said license, or a certified copy thereof, is on file, and the Clerk shall thereupon endorse upon the face of said license, or a certified copy thereof, the fact of its revocation and the date and by whom revoked, and shall also make a memorandum of the same in the book provided for said record.

Revocation of license and record of same.

Section 15. That the said Medical Board shall have authority to prescribe and establish all needful rules and regulations to carry into effect the provisions of this Act, which rules and regulations shall be written or printed and preserved in the records of the office of the Secretary-Treasurer. And the members of said Board shall each receive for each day actually engaged in the duties of his office as compensation the sum of Five Dollars, together with all legitimate expenses incurred in attending the meeting of the Board. All money collected by the Board shall be kept by the Treasurer thereof and used to defray the necessary expenses of the Board; and any deficit arising shall be paid by the Treasurer of the Territory upon a warrant drawn by the Secretary of Alaska, which warrant shall be issued upon the order of the Secretary-Treasurer of the said Board. But such warrant shall be paid only from a fund specifically appropriated for the purpose, on the presentation of an itemized statement from said Medical Board of its receipts and expenditures.

Medical Board to prescribe Rules and Regulations hereunder.

Compensation of members of Board.

Duties of Treasurer.

Section 16. That to prevent delay and inconvenience a member of the Board of Medical Examiners may at his discretion grant a temporary permit to an applicant without examination after all the other requirements in Section 5 have been complied with, and the fee for examination has been paid, and such member granting such per-

Temporary permits.

mit shall within ten days, from the date of granting said permit report thereon to the Secretary of the Board, and send the fee therefor to the Treasurer thereof. Such temporary permit shall not continue in force longer than the regular meeting of the Board, and shall not be valid in any judicial division other than the one in which it was issued.

Exceptions to act.

Section 17. This Act shall not apply to officers in the regular medical service of the United States Army or Navy or the United States Public Health Service while in the discharge of their official duties, or to any one who may be a duly registered practitioner of medicine in any other state, who may be called upon by a registered physician of this Territory to consult with him in a case under treatment, or to the practice of the religious tenets of any church.

District Attorneys to prosecute violations. Repeal.

Section 18. It shall be the duty of the respective District Attorneys to prosecute all violations of this Act in the same manner as other violations of law.

Section 19. All laws and parts of laws in conflict with any of the provisions of this Act are hereby repealed.

Approved April 28, 1917.

CHAPTER 9.

AN ACT

(S. B. 16)

Relating to the purchase, sale, transfer and incumbrance of stocks of goods, wares, merchandise and fixtures and equipment in bulk, and providing penalties for the violation thereof.

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

Duty of purchaser of stock of goods, wares or merchandise in bulk.

Section 1. It shall be the duty of every person who shall bargain for or purchase any stock of goods, wares or merchandise, in bulk, or all, or substantially all, of the fixtures and equipment used in and about the business then carried on by the vendor, for cash or credit, before paying the vendor, or his agent, or representative,