

Copies of the list shall be furnished to all interested applicants. A copy of the list shall be conspicuously posted in the office of the commissioner and in the office of the auditor of the county in which the lands are situated at least 30 days prior to the date of sale, and extra copies of the list shall be furnished to the county auditor for distribution to applicants. The commissioner shall cause the list to be published for three consecutive weeks in a legal newspaper in the county where the land is situated. He may give such other published or posted notice as he deems proper to reach prospective bidders.

Approved March 1, 1963.

CHAPTER 45—S. F. No. 317

[Coded in Part]

An act relating to the practice of medicine and osteopathy; the licensing and regulation thereof by the state board of medical examiners; amending Minnesota Statutes 1961, Sections 147.01, 147.02, 147.03, 147.08, 147.10, 147.16, and 147.20; amending Minnesota Statutes 1961, Chapter 147, by adding new sections thereto; and repealing Minnesota Statutes 1961, Sections 148.11 to 148.16.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 147.01, is amended to read:

147.01. **Board of medical examiners.** There shall be created a state board of medical examiners, which shall consist of seven qualified resident physicians appointed by the governor in the manner hereinafter prescribed. *The Minnesota state board of medical examiners shall consist of eight members, residents of the state of Minnesota, appointed by the governor as hereinafter provided (a) seven of whom shall hold a degree of doctor of medicine and be licensed to practice medicine under Minnesota Statutes 1961, Chapter 147 and (b) one of whom shall hold a degree of doctor of osteopathy and either be licensed to practice osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16; prior to the effective date of this section, or be licensed to practice medicine under Minnesota Statutes 1961, Chapter 147. The term of office of each member shall be seven years and until his successor shall qualify. One member shall continue in office until May 1, 1941; one member, until May 1, 1942; one member, until May 1, 1943; one member, until May 1, 1944; one member, until May 1, 1945; one member, until May 1, 1946; and*

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~~one member, until May 1, 1947. The term of office of each of the seven members who shall be serving on the board for the effective date of this act shall continue for the term for which each was appointed and until his successor shall qualify, one such member's term continuing until May 1, 1963; one such member's term continuing until May 1, 1964; one such member's term continuing until May 1, 1965; one such member's term continuing until May 1, 1966; one such member's term continuing until May 1, 1967; one such member's term continuing until May 1, 1968; and one such member's term continuing until May 1, 1969. The term of the initial member of the board appointed pursuant to clause (b) of the first sentence of this section shall expire on May 1, 1970. The term of office of each member appointed to the board on the expiration of each of the foregoing terms shall commence as of May 1 and shall continue for a period of eight years and until his successor shall qualify. Upon the expiration of the term of any member, the governor shall appoint a successor to the member whose term expires; for a term of seven years and until his successor shall qualify. Each year the council of the Minnesota state medical association, at least 30 days prior to May first, shall recommend to the governor three physicians doctors of medicine qualified to serve on the state board of medical examiners board with respect to each membership which is then filled by a doctor of medicine and the term of which shall expire on May 1 of such year. Each year in which the term of a doctor of osteopathy expires, the Minnesota state osteopathic association shall recommend to the governor three doctors of osteopathy qualified to serve on the board. and From the list of persons so recommended the governor may appoint one member to the board for the above prescribed term of seven eight years. Within 60 days after the occurrence of any vacancy in the board, the council of the Minnesota state medical association, if the vacancy be with respect to a membership vacated by a doctor of medicine, or the Minnesota state osteopathic association, if the vacancy be with respect to a membership vacated by a doctor of osteopathy, shall recommend to the governor three physicians doctors of medicine qualified to serve on the board if the recommendation be by the Minnesota state medical association or three doctors of osteopathy qualified to serve on the board if the recommendation be by the Minnesota state osteopathic association. From the list of persons so recommended the governor, within 30 days after receiving such recommendation, may appoint one member to the board for the unexpired term occasioned by such vacancy and any appointment thereto to fill a vacancy shall be made within 90 days after the occurrence of such vacancy for the balance of the unexpired term. The board shall elect from among its number a president, a vice-president, and a secretary-treasurer, who shall each serve for one year, or until his successor is elected and qualifies. The board shall have authority~~

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to prescribe such rules and regulations relative to the examination of applicants for license to practice medicine, surgery, and obstetrics as may be found necessary. The members of the board shall have authority to administer oaths and the board, in session, to take testimony as to matters pertaining to the duties of the board. ~~Five~~ *Six* members of the board shall constitute a quorum for the transaction of business. The board shall have a common seal, which shall be kept by the secretary, whose duty it shall be to keep a record of all proceedings of the board, including a register of all applicants for license under ~~this chapter~~, *giving their names, addresses, ages, educational qualifications, and the result of their examination.* These books and registers shall be prima facie evidence of all the matters therein recorded. The board shall hold examinations at the seat of government on the third Tuesday in January, April, June, and October each year ~~and~~ *or* at such other times and places as it shall deem necessary.

Sec. 2. Minnesota Statutes 1961, Section 147.02, is amended to read:

147.02 Examination; licensing; revocation. A person *holding the degree of doctor of medicine or doctor of osteopathy* not already authorized to practice medicine in the state and desiring so to do shall apply to the secretary of the state board of medical examiners for examination and pay a fee of ~~\$35~~ *\$50* for the use of the board, which in no case shall be refunded. At a time appointed, or at the next regular examination, he shall prove (a) that he is of good moral character, (b) that he has completed four entire sessions of not less than 36 weeks each at a medical *or osteopathic* school recognized by the board, ~~and~~ (c) *that he has received from such school the degree of M.D., or M.B., or D.O., and (d) that he has satisfactorily completed one year of graduate hospital training in a hospital approved for internship training by the board or other graduate training approved by the board.* ~~He~~ *The applicant* shall be examined in surgery, medicine, obstetrics, eye, ear, nose, and throat, and such other branches as the board shall deem advisable. ~~and, effective July 1, 1960; that said applicant has satisfactorily completed one year of graduate hospital training in a hospital approved for internship training by the council on medical education and hospitals of the American medical association or said board.~~ After such examination, the board, if ~~five~~ *six* members thereof consent, shall grant him a license to practice medicine. The examination shall be both scientific and practical and thoroughly test the fitness of the candidate. The board may, in its discretion, issue a temporary permit to practice medicine to a doctor of medicine *or a doctor of osteopathy* qualified to take said examination, upon the payment of a fee of ~~\$25~~ *\$40*, which temporary permit shall be valid only until the next regular examination and meeting of said board. *All applicants shall be known to the board members or examiners only*

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by number, without names, or other method of identification on examination papers by which board members or examiners may be able to identify such applicants, until the final grades of all the examination papers have been determined, and the licenses granted or refused. The board may refuse to grant a license to, or may suspend or revoke the license of, *whether granted under Minnesota Statutes 1961, Chapter 147 or under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to the effective date of this section,* any person guilty of immoral, dishonorable, or unprofessional conduct, but subject to the right of the applicant or licentiate to appeal to the district court in the proper county in which the principal office of the board is located on the questions of law and fact.

The word's "immoral, dishonorable, or unprofessional conduct," as used in ~~this section~~ *Minnesota Statutes 1961, Chapter 147*, shall mean: (1) Procuring, aiding, or abetting a criminal abortion; (2) Advertising in any manner, either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular, or other written or printed paper or document, professional superiority to or greater skill than that possessed by ~~fellow physicians and surgeons~~ *another doctor of medicine or another doctor of osteopathy licensed to practice medicine under Minnesota Statutes 1961, Chapter 147*, or the positive cure of any disease, or the curing of venereal diseases, the restoration of "lost manhood," the treatment of private disease, peculiar to men or women, or advertising or holding himself out to the public in any manner as a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self-abuse, or excessive indulgences, or the advertising of any medicine or any means whereby the monthly periods of women can be regulated or the menses reestablished, or being employed by or in the service of any person, concern, actual or pretended, so advertising, or in any manner creating a fear of private diseases; (3) The obtaining of any fee, or offering to accept a fee, on the assurance or promise that a manifestly incurable disease can be or will be cured; (4) Wilfully betraying a professional secret; (5) Habitual indulgence in the use of drugs; (6) Conviction for wilfully violating any narcotic law; (7) Conviction of an offense involving moral turpitude; (8) Conviction of a felony; (9) Conduct unbecoming a person licensed to practice medicine or osteopathy, *as the case may be*, or detrimental to the best interests of the public; and (10) *The failure of a doctor of osteopathy to identify his school of healing in the professional use of his name by one of the following terms: Osteopathic physician and surgeon, doctor of osteopathy, or D. O.*

Sec. 3. Minnesota Statutes 1961, Section 147.03, is amended to read:

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147.03 Licenses; boards of other states, national board.

The state board of medical examiners, either with or without examination may grant a license to any physician licensed to practice by a similar board of another state or the national board of medical examiners *or the national board of examiners for osteopathic physicians and surgeons* who holds a certificate of registration showing that an examination has been made by the proper board, in which an average grade of not less than 75 percent was awarded to the holder thereof, the applicant and holder of such certificate having been at the time of the examination the legal possessor of a diploma from a medical *or osteopathic* college in good standing in this state, which diploma may be accepted in lieu of an examination as evidence of qualification. In case the scope of the examination was less than that prescribed by this state, the applicant may be required to submit to an examination in such subjects as have not been covered. The applicant shall pay a fee of \$100, which in no case shall be refunded.

A certificate of registration or license issued by the proper board of any state may be accepted as evidence of qualification for registration in this state; provided the holder thereof was, at the time of such registration, the legal possessor of a diploma issued by a medical *or osteopathic* college in good standing in this state and that the date thereof was prior to the legal requirements of the examination test in this state.

Sec. 4. Minnesota Statutes 1961, Chapter 147, is amended by adding a new section to read:

[147.031] Examinations and licenses of osteopaths. *Subdivision 1. Any doctor of osteopathy licensed by the state board of osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16, desiring to obtain a license to practice medicine shall apply to the secretary of the board and pay a fee of \$50 for the use of the board, which in no case shall be refunded. The applicant shall be examined in the subjects that the board then examines applicants under section 147.02 in which he was not examined by the state board of osteopathy prior to the issuance to him of a license under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to the effective date of this section. All applicants shall be known to the board members or examiners only by number, without names, or other methods of identification on examination papers by which board members or examiners may be able to identify such applicants, until the final grades of all the examination papers have been determined, and the licenses granted or refused. After such examination, the board, if six members thereof consent, shall grant such doctor of osteopathy a license to practice medicine. The board may refuse to grant such a license to any person guilty of immoral, dishonorable, or unprofes-*

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sional conduct, as defined in Minnesota Statutes 1961, Chapter 147, but subject to the right of the applicant to appeal to the district court in the county in which the principal office of the board is located on the questions of law and fact.

Subd. 2. Any such doctor of osteopathy may, until so granted a license to practice medicine, continue to practice osteopathy as taught in reputable colleges of osteopathy, including the use and administration, in connection with the practice of obstetrics, minor surgery, and toxicology only, of anesthetics, narcotics, antidotes, and antiseptics subject to the same state and federal restrictions and limitations as are by law applicable to physicians licensed to practice medicine and shall have the same rights and powers and be subject to the same duties as physicians licensed to practice medicine with reference to matters pertaining to the public health, including the reporting of births and deaths. The board shall by regulation determine what constitutes minor surgery, anesthetics, narcotics, antidotes, and anti-septics.

Subd. 3. No person who is not on the effective date of this section licensed by the state board of osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16, shall engage in the practice of osteopathy or by use of titles or initials indicating degrees, or in any other way, hold himself out as so engaged.

Subd. 4. Every person who shall violate any provisions of this section shall be guilty of a gross misdemeanor.

Subd. 5. The board shall investigate suspected violations of this section and institute proceedings thereunder.

Sec. 5. Minnesota Statutes 1961, Section 147.08, is amended to read:

147.08 Record of licenses; report to secretary. Before engaging in the practice of medicine or osteopathy, the holder of a every license issued under Minnesota Statutes 1961, Chapter 147, or Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to the effective date of this section, shall file the same for record with the clerk of the district court in the county where he resides. Upon removal to another county, he shall there file his license in like manner before engaging in practice therein. Such clerk shall keep, in the record book of such licenses, an index thereof, showing the type of license and the date and page of record, and in January each year shall furnish to the secretary of the board a list of licenses so filed. Upon notice to the clerk of the death or removal of a licensee, or of the revocation of a license, he shall note the same upon the record of such license.

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Sec. 6. Minnesota Statutes 1961, Section 147.10, is amended to read:

147.10 Practicing without license; penalty. Every person not heretofore authorized by law so to do who shall practice medicine in the state without having obtained the license herein provided for, and every person who shall so practice contrary to any provision of this chapter, shall be guilty of a gross misdemeanor. Any person shall be regarded as practicing within the meaning of this chapter who shall append the letters M.D., or M.B., or D.O. to his name, or for a fee prescribe, direct, or recommend for the use of any person, any drug, or medicine or other agency for the treatment or relief of any wound, fracture, or bodily injury, infirmity, or disease; provided, *a doctor of osteopathy duly licensed by the state board of osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to the effective date of this section, who has not been granted a license to practice medicine in accordance with section 4 shall not be considered as practicing medicine within the meaning of this section because he appends the letters D.O. to his name so long as he confines his activities within the scope of his license and, provided further,* this section shall not apply to any other persons legally authorized to practice healing or excepted from the practice of healing in this state so long as they confine their activities within the scope of their respective licenses, nor to persons who endeavor to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer.

Sec. 7. Minnesota Statutes 1961, Section 147.16, is amended to read:

147.16 Temporary certificate for graduate training. The state board of medical examiners may grant, in its discretion, without examination, a temporary certificate for graduate training in medicine, surgery and obstetrics, to those applicants as furnish satisfactory proof that the applicant:

- (1) Is 21 years of age or over;
- (2) Is of good moral character;
- (3) Has successfully completed a course in medicine, surgery and obstetrics at a medical or osteopathic school approved by the board or by an evaluating agency recognized by the board, and has received the degree of M.D., or M.B., or D.O. therefrom, or has successfully completed a course in medicine, surgery and obstetrics at a medical or osteopathic school located outside of the United States and Canada and that such medical or osteopathic school is approved by the licensing authorities of the country in which such

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medical *or osteopathic* school is located and has received the degree of M.D., *or* M.B., *or* D.O. therefrom;

(4) Is duly licensed to practice medicine in all of its branches in the state, territory or foreign country in which he resides, or, not being so licensed, has passed an examination or is eligible therefor and which examination is in the judgment of the board substantially equivalent to the examination given by it to applicants for a license to practice medicine in all of its branches in this state;

(5) Has been accepted as a resident physician by a hospital situated in this state, the residency training of which has been approved by an approval agency recognized by the board; provided, however, that the state board of medical examiners shall have the authority, upon its own investigation, to approve other residency training programs in medicine, surgery and obstetrics and qualified applicants therefor. Each applicant shall set forth the starting and termination dates of a period for which he has been accepted or appointed to such residency training program; *and*

(6) Possesses all other qualifications which are prescribed by the rules and regulations of the board for the granting of such temporary authorization.

Sec. 8. Minnesota Statutes 1961, Section 147.20, is amended to read:

147.20 Resident physicians. No person shall act as a resident physician without first obtaining such temporary certificate for graduate training and any violation of this section shall be a gross misdemeanor; provided, however, that the provisions of this section shall not apply to a doctor of medicine *or doctor of osteopathy* duly licensed and registered in this state to practice medicine in all of its branches, nor to a doctor of medicine duly enrolled and regularly attending the graduate school of the university of Minnesota including the Mayo foundation.

Sec. 9. Minnesota Statutes 1961, Chapter 147, is amended by adding a new section to read:

[147.21] Registration fees for osteopaths. *Every doctor of osteopathy licensed by the state board of osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to the effective date of this section, and not licensed to practice medicine under this chapter shall annually register with the board in the manner prescribed in section 146.13.*

Sec. 10. Minnesota Statutes 1961, Chapter 147, is amended by adding a new section to read:

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[147.22] **Transfer records, assets, and powers.** *The records, assets, and powers of the state board of osteopathy are transferred to the state board of medical examiners with the exception that the powers conferred upon the state board of osteopathy by section 146.03 are hereby transferred to the member of the state board of medical examiners who holds the degree of doctor of osteopathy.*

Sec. 11. [147.23] **Hospital medical staff, membership.** *Nothing contained in sections 1 to 11 shall be deemed to grant to any person the right to be admitted to the medical staff of any hospital.*

Sec. 12. *Minnesota Statutes 1961, Sections 148.11 to 148.16; are hereby repealed.*

Sec. 13. *This act shall become effective May 1, 1963.*

Approved March 4, 1963.

CHAPTER 46—H. F. No. 18

An act relating to the requirements for fraternal beneficiary associations becoming mutual life insurance companies; amending Minnesota Statutes 1961, Section 64.41.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 64.41 is amended to read:

64.41 Fraternal beneficiary associations transformation to mutual life insurance companies. Any domestic fraternal beneficiary association organized and operating under the laws of this state; ~~and with a membership of less than 5,000 and not less than 1,000 composed of both male and female; and~~ on a solvent basis according to a recognized table of mortality acceptable to the commissioner, may, upon a two-thirds vote of its supreme legislative and governing body, amend its articles of incorporation and laws in such manner as to transform itself into a mutual life insurance company with the name by which it is already known, or another name, as its supreme legislative and governing body shall determine; provided, that a 30-day written notice be given, by mail, to all policyholders stating the object of the meeting. The proposed plan for reorganization or reincorporation shall be submitted to, and be subject to the approval of the commissioner; and, upon so doing and procuring from the commissioner his approval and a certificate of authority, as prescribed by law, to transact business in this state as a mutual

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