

visions of this chapter and any member shall have the power to administer oaths in the taking of such testimony. Three 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 the register of all applicants for examination therein, preserving the names, addresses, ages, educational qualifications, and the result of their examination, which shall at all times be available for inspection by any parties in interest. The board shall meet at the University of Minnesota and there conduct examinations in the basic sciences four times each year, respectively, on the first Tuesday in January, April, June, and October and may hold other meetings at such times and places as the board shall determine. The board may appoint and fix the salaries of an assistant secretary and other employees and shall have power to employ such expert assistants as it may deem necessary to carry out the purposes of this chapter. Such employees shall hold their positions at the pleasure of the board. The compensation of each member of the board shall be \$25 \$35 for each day actually spent in the performance of his duties, together with actual necessary expenses, payable out of the funds of the board.

Approved May 15, 1967.

CHAPTER 416—S. F. No. 566

An act relating to the state board of medical examiners; amending certain provisions concerning the operations of the board and the licensing of persons to practice medicine; amending Minnesota Statutes 1965, Sections 147.01, 147.02, and 147.05.

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

Section 1. Minnesota Statutes 1965, Section 147.01, is amended to read:

147.01 **Medical examiners; administration and licensing.** 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, Sec-

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tions 148.11 to 148.16; prior to May 1, 1963, or be licensed to practice medicine under Minnesota Statutes 1961, Chapter 147. The term of office of each of the seven members who shall be serving on the board on May 1, 1963, 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. Each year the council of the Minnesota state medical association, at least 30 days prior to May first, shall recommend to the governor three doctors of medicine qualified to serve on the 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. From the list of persons so recommended the governor may appoint one member to the board for the above prescribed term of 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 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 to prescribe such rules and regulations

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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. 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 least once each year. The board shall hold examinations at the seat of government on the third Tuesday in January, April, June, and October each year or at such other times and places as it shall deem necessary.*

Sec. 2. Minnesota Statutes 1965, Section 147.02, is amended to read:

147.02 **Examination; licensing; revocation.** *Subdivision 1. Examination.* 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 ~~\$50~~ \$75 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, and (b) that he has either completed four entire sessions of not less than 36 weeks each at a medical or osteopathic school recognized by the board, or is currently enrolled in the fourth such session ~~(c) that he has received from such school the degree of M.D., 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. The applicant shall be examined (a) in the clinical sciences, including but not limited to surgery, medicine, obstetrics and gynecology, eye, ear, nose, and throat, and (b) in such other branches as the board shall deem advisable. After such examination, the board, if 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 \$40, which temporary permit shall be valid only until the next regular examination and meeting of said board.

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In regard to the examination in clinical sciences, the board may (a) prepare, administer, and grade the examination itself or, in its discretion, may (b) recognize and approve a similar examination prepared, administered, and graded by the national board of medical examiners or, may (c) administer a recognized and approved examination prepared and graded by the national board of medical examiners. Certification of passage by the national board or the medical school from which the applicant graduated may be accepted as evidence that the applicant has passed the national board examination. If the state board determines that the applicant has not satisfactorily passed the national board's examination within one year before, or five years after being granted the degree of M.D., M.B., or D.O., the board may, in its discretion, examine the applicant, using its own examination or that of the national board. All applicants shall be known to the board members or examiners only 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.

Subd. 2. Licensing. After such examination of the applicant, and upon proof (a) that he has received the degree of M.D., M.B., or D.O., from a medical or osteopathic school recognized by the board, and (b) that he has satisfactorily completed either one year of graduate training in an institution approved for internship training by the board or other graduate training approved by the board, the board, if six members thereof consent, shall grant him a license to practice medicine.

Subd. 3. Refusal to grant license; suspension or revocation of license. 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 May 1, 1963, 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 county in which the principal office of the board is located on the questions of law and fact.

The words "immoral, dishonorable, or unprofessional conduct," as used in 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 another doctor of

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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 *bring 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 or excessive* indulgence in the use of drugs; , *including but not limited to narcotics as defined in either 26 U.S.C.A., section 4731, or Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamine, hallucinogenic drugs, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers;* (6) *Excessive indulgence in the use of alcoholic liquors;* (7) Conviction for wilfully violating any narcotic law; ~~(7)~~ (8) Conviction of an offense involving moral turpitude; ~~(8)~~ (9) Conviction of a felony; ~~(9)~~ (10) Conduct unbecoming a person licensed to practice medicine or osteopathy, as the case may be, or detrimental to the best interest of the public; and ~~(10)~~ (11) 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.; and (12) *The employment of fraud or deception in applying for a license to practice medicine or in passing the licensure examination.*

A license to practice medicine is suspended if (1) A guardian of the person of a licensee is appointed by order of a probate court pursuant to Minnesota Statutes, Sections 525.54 to 525.612, for reasons other than the minority of the licensee; or (2) The licensee is committed by order of a probate court pursuant to Minnesota Statutes, Sections 525.75 to 525.79, or 526.09 to 526.11. The license remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is terminated by the board after a hearing. A license to practice medicine is also suspended when a licensee is convicted of the crime of abortion and remains suspended until, upon petition by the licensee, the suspension is terminated by the board after a hearing.

Sec. 3. Minnesota Statutes 1965, Section 147.05, is amended to read:

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147.05 **Supplies; secretary, executive secretary, bond, compensation; board member's compensation.** The state board of medical examiners shall provide blanks, books, certificates, and such stationery and assistance as is necessary for the transaction of the business pertaining to the duties of such board and all money received by the secretary shall be paid into the state treasury as provided for by law, to be kept in a separate fund which shall be under the control, and for the use, of the board. *The board may employ, discharge, and fix the compensation of an executive secretary, in the unclassified service, to perform duties prescribed by the board.* The secretary and executive secretary of the board shall each give a bond in the sum of \$10,000 to the state of Minnesota for the faithful performance of his duties. Each member of the board shall receive as compensation for his services the sum of \$50 per day, to be fixed by the board for each day he is in actual attendance at examinations, and, regular and special meetings of the board, and the secretary and other members of the board shall receive all expenses actually and necessarily incurred by them in attending such meetings and examinations. The secretary shall receive a salary of not to exceed ~~\$4,800~~ *\$9,600* per annum, the amount thereof and the manner of payment to be fixed by the board. The salary and expenses of the members of the board shall be paid as determined by the board by the state treasurer on warrants signed by the president or secretary, or other authorized person, drawn by the state auditor on the state treasurer on the funds of said board.

Sec. 4. **Effective date.** *Sections 1 and 2 are effective December 1, 1967. Section 3 is effective on enactment.*

Approved May 15, 1967.

CHAPTER 417—S. F. No. 1263

[Coded]

An act relating to the promotion, advertising, research and development of Irish potatoes; providing for area potato councils and prescribing their powers, duties and authority; prescribing a tax on potato production subject to the act; providing for its collection; providing penalties for the violation of this act; repealing Minnesota Statutes 1965, Sections 30.31 to 30.46.

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

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