

### CHAPTER 148

#### OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH

##### OSTEOPATHS

###### 148.12 PRACTICE; LICENSES; PENALTIES.

An osteopath does not require a license under the optometry law in order to practice optometry. OAG Feb. 11, 1943 (326-D).

A preliminary examination made by an osteopath is not sufficient on which to base a recommendation by a county board for the purpose of implementing the entrance of an indigent person into the University General Hospitals for treatment. OAG June 6, 1945 (1001-e).

##### NURSES

###### 148.171 DEFINITIONS.

NOTE: L. 1945, c. 242, entirely supersedes Minnesota Statutes 1941, ss. 148.17 to 148.28, and 148.61, subdivision 1.

Registered nurses, each with three years training in a recognized hospital and who were in charge of first aid stations at an ordnance plant, were employed in a "professional capacity" and were exempt from the overtime provisions of the federal fair labor standards act as to every month their weekly salary yielded a monthly total of \$200 in the aggregate. *Hofer v Fed. Cartridge*, 71 F. Supp. 243.

###### 148.191 ANNUAL MEETING; RULES; EXECUTIVE SECRETARY.

The board may appoint and employ a qualified person to act as executive secretary and define her duties. Such duties may include that of executive head of the department; but the board cannot delegate to their agent duties such as those prescribed by section 16.10, and similar, which must be performed by the head of the department or an officer of the board. The chairman of the board has certain duties which by statute he alone may perform. OAG Aug. 8, 1947 (905-H).

###### 148.201 MILEAGE AND PER DIEM.

The compensation of members of the state board of examiners is limited to statutory classification. OAG July 19, 1943 (358-G).

A board member may be compensated for time spent in making surveys and inspection of schools for nurses. OAG July 7, 1945 (905-H).

###### 148.211 APPLICATION; EXAMINATION; LICENSE; FEE.

In the instant case, although the applicant is a 1925 graduate of an Illinois school, the board may require her to take a reasonable postgraduate course so that her qualifications become equal to the requirements of section 148.211. OAG Nov. 21, 1946 (905-D).

Board may accept a certificate of school that the course has been completed as evidence equivalent to a diploma. OAG April 12, 1947 (905-H).

###### 148.221 PERSONS NOW HOLDING CERTIFICATE.

Whenever a registered nurse fails to renew her registration under section 148.231 as therein provided, the board should carry such nurse on the non-practicing

# MINNESOTA STATUTES 1947 ANNOTATIONS

379

## OCCUPATION IN PROTECTION OF PUBLIC HEALTH 148.53

list until the proper application has been made by her and a certificate issued. OAG July 23, 1946 (905-E).

### 148.231 EXAMINATIONS; NOTICES; FEE; QUALIFICATIONS.

Amended by L. 1947 c. 286 s. 1.

A person must comply with all statutory qualifications preliminary to the privilege of taking an examination from the state board of examiners of nurses. OAG Oct. 3, 1945 (905-H).

Registered nurse employed by United Nations relief and rehabilitation administration must register annually. OAG March 22, 1946 (905-E).

Only penalty for failure to apply for renewal is that the registered nurse so failing will be placed on the non-practicing list until she renews her application. A person on the non-practicing list cannot hold herself out as a registered nurse. OAG July 23, 1946 (905-E).

### 148.241 MONEYS DEPOSITED WITH STATE TREASURER.

Disbursements by the board must be reasonable and confined to expenses necessarily incurred in carrying out their duties as prescribed by law. OAG July 7, 1945 (905-H).

### 148.29 LICENSED PRACTICAL NURSES; DEFINITIONS.

HISTORY. 1947 c. 407 s. 1.

### 148.291 EXAMINATIONS.

HISTORY. 1947 c. 407 s. 2.

### 148.292 DETERMINATION OF ACCREDITED COURSE.

HISTORY. 1947 c. 407 s. 3.

### 148.293 MISDEMEANORS; LIMITATION.

HISTORY. 1947 c. 407 s. 4.

### 148.294 ANNUAL REGISTRATION.

HISTORY. 1947 c. 407 s. 5.

## OPTOMETRISTS

NOTE: "First Facts" states that L. 1901, c. 269, is the first codification of the laws relating to optometry in any state or country.

### 148.52 STATE BOARD OF OPTOMETRY.

HISTORY. 1901 c. 269 ss. 3, 4, 11; R.L. 1905 s. 2320; 1909 c. 415; G.S. 1913 s. 5022; 1915 c. 127 s. 1; G. S. 1923 s. 5785; 1925 c. 239 s. 1; M.S. 1927 s. 5785; 1929 c. 420 s. 1; M. Supp. s. 5785.

NOTE: The origin of the provisions relating to optometry is L. 1901, c. 269, codified by R. L. 1905 into sections 2320 to 2326, and entirely superseded by L. 1915, c. 127, and liberally amended by L. 1929, c. 420.

### 148.53 POWERS OF BOARD.

HISTORY. 1901 c. 269 ss. 1, 2; R.L. 1905 s. 2321; G.S. 1913 s. 5023; 1915 c. 127 s. 2; 1925 c. 239 s. 2; M.S. 1927 s. 5786; 1929 c. 420 s. 2; M. Supp. s. 5786.

Facts alleged in the complaint were supported by proper evidence and were sufficient grounds upon which the board might take jurisdiction and revoke relator's license. State ex rel v Jensen, 205 M 410, 286 NW 305.

**148.54 BOARD; OFFICERS; SEAL; MEETINGS.**

HISTORY. 1901 c. 269 ss. 5, 13; R.L. 1905 s. 2322; G.S. 1913 s. 5024; 1915 c. 127 s. 3; G.S. 1923 s. 5787; 1925 c. 239 s. 3; M.S. 1927 s. 5787.

**148.55 COMPENSATION OF BOARD MEMBERS; ATTORNEY; ASSISTANTS; RECORDS.**

HISTORY. 1915 c. 127 s. 4; G.S. 1923 s. 5788; 1925 c. 239 s. 4; M.S. 1927 s. 5788.

**148.56 OPTOMETRISTS.**

HISTORY. 1901 c. 269 ss. 5, 13; R.L. 1905 s. 2322; G.S. 1913 s. 5024; 1915 c. 127 s. 5; G.S. 1923 s. 5789; 1925 c. 239 s. 5; M.S. 1927 s. 5789; 1929 c. 420 s. 3; M. Supp. s. 5789.

Without deciding whether or not an optometrist is a member of a learned profession, his work is within the domain of the police power of the state and subject to legislative regulations in the interest of public health. *Williams v Mack*, 202 M. 402, 278 NW 585.

One not licensed as an optometrist may engage in selling glasses at retail and may own and possess equipment for eye-testing, provided a duly licensed optometrist is placed in charge and personally attends to testing and sales. *State ex rel v Goodman*, 206 M 203, 288 NW 157.

**148.57 WHO MAY PRACTICE OPTOMETRY.**

HISTORY. 1901 c. 269 ss. 8, 9, 10; R.L. 1905 s. 2323; G.S. 1913 s. 5025; 1915 c. 127 s. 6; G.S. 1923 s. 5790; 1925 c. 239 s. 6; M.S. 1927 s. 5790; 1929 c. 420 s. 4; M. Supp. s. 5790.

**148.58 CERTIFICATES FILED; FEE.**

HISTORY. 1901 c. 269 s. 12; R.L. 1905 s. 2324; G.S. 1913 s. 5026; 1915 c. 127 s. 7; G.S. 1923 s. 5791; 1925 c. 239 s. 7; M.S. 1927 s. 5791.

**148.59 ANNUAL FEES.**

HISTORY. 1901 c. 269 s. 12; R.L. 1905 s. 2324; G.S. 1913 s. 5026; 1915 c. 127 s. 8; G.S. 1923 s. 5792; 1925 c. 239 s. 8; M.S. 1927 s. 5792.

**148.60 DISPOSAL OF FEES.**

HISTORY. 1901 c. 269 ss. 5, 11; R.L. 1905 s. 2325; G.S. 1913 s. 5027; 1915 c. 127 s. 9; G.S. 1923 s. 5793; 1925 c. 239 s. 9; M.S. 1927 s. 5793.

**148.61 VIOLATIONS; PENALTIES.**

HISTORY. 1901 c. 269 ss. 14, 16; R.L. 1905 s. 2326; G.S. 1913 s. 5028; 1915 c. 127 s. 10; G.S. 1923 s. 5794; 1925 c. 239 s. 10; M.S. 1927 s. 5794.

**148.62 APPLICATION.**

HISTORY. 1925 c. 239 s. 13; M.S. 1927 s. 5796-1.