

CHAPTER 146

BASIC SCIENCE ACT

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146.01 BASIC SCIENCES; PRACTICING HEALING AND PRACTICE OF HEALING. Wherever the term "basic sciences" is used in this chapter, and not otherwise specifically defined, the same shall be understood and construed to mean and include all matters pertaining to anatomy, physiology, pathology, bacteriology, hygiene, and chemistry, so far as the same relate to the human system or mind as generally treated in each or all of these subjects. Wherever the term "practicing healing" or "practice of healing" is used in this chapter, unless otherwise specifically defined, the same shall be understood and construed to mean and include any person not hereinafter excepted from the provisions of this chapter, who shall in any manner for any fee, gift, compensation, or reward, or in expectation thereof, engage in, or hold himself out to the public as being engaged in, the practice of medicine or surgery, the practice of osteopathy, the practice of chiropractic, the practice of any legalized method of healing, or the diagnosis, analysis, treatment, correction, or cure of any disease, injury, defect, deformity, infirmity, ailment, or affliction of human beings, or any condition or conditions incident to pregnancy or childbirth, or examination into the fact, condition, or cause of human health or disease, or who shall, for any fee, gift, compensation, or reward, or in expectation thereof, suggest, recommend, or prescribe any medicine or any form of treatment, correction, or cure thereof; also any person, or persons, not hereinafter excepted from the provisions of this chapter, individually or collectively, who maintains an office for the reception, examination, diagnosis, or treatment of any person for any disease, injury, defect, deformity, or infirmity of body or mind, or who attaches the title of doctor, physician, surgeon, specialist, M.D., M.B., D.O., D.C., or any other word, abbreviation, or title to his name indicating, or designed to indicate, that he is engaged in the practice of healing.

[1927 c. 149 s. 1] (5705-1)

146.02 STATE BOARD OF EXAMINERS IN BASIC SCIENCES. There is hereby created and established a board to consist of five members, citizens of the state, to be known and designated as the state board of examiners in the basic sciences.

[1927 c. 149 s. 2] (5705-2)

146.03 MEMBERS. The state board of examiners in the basic sciences shall consist of two full-time paid professors, or associate or assistant professors, who are not actively engaged in the practice of healing, who shall be appointed, as hereinafter provided, from the University of Minnesota or any university or college in Minnesota accredited by the University of Minnesota, one doctor of medicine and surgery, one doctor of osteopathy, and one doctor of chiropractic, each of whom shall have practiced his respective profession in this state for a period of at least five years prior to his appointment. The state board of examiners of each of these professions shall recommend to the governor one or more persons for his consideration in making appointments to the state board of examiners in the basic sciences.

[1927 c. 149 s. 3] (5705-3)

146.04 APPOINTMENT; TERMS; VACANCIES; OATH. The governor, by and with the advice and consent of the senate, shall appoint a state board of examiners in the basic sciences. The terms of office shall be six years. Vacancies in this board shall be filled by appointment by the governor within 30 days after the vacancy occurs for the balance of the unexpired term and each member shall serve until his successor qualifies. Each member of the board, before entering upon the discharge of his duties, shall take, subscribe, and file with the secretary of state the oath of office prescribed by the constitution.

[1927 c. 149 s. 4] (5705-4)

146.05 ORGANIZATION OF BOARD. The state board of examiners in the basic sciences shall elect from its members a president, vice-president, and secretary-treasurer, who shall each serve for one year, or until his successor is elected and has qualified; and have authority to prescribe such reasonable rules and regulations relative to the examination of applicants in the basic sciences as may be found necessary for the performance of its duties. As to any matters coming under its jurisdiction, the board in session may take such testimony as it may deem necessary in the exercise of its powers and the performance of its duties under the provisions 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 \$15 for each day actually spent in the performance of his duties, together with actual necessary expenses, payable out of the funds of the board.

[1927 c. 149 s. 5] (5705-5)

146.06 EXAMINATIONS. Any person not hereinafter excepted from the provisions of this chapter desiring to practice healing in this state shall apply to the secretary of the state board of examiners in the basic sciences, on blank forms prepared and furnished by it, to be examined in the basic sciences at the next examination therein following the making of such application and for a certificate of registration in the basic sciences, accompanying such application with a fee of \$15 and sufficient and satisfactory proof that the applicant is 21 years of age or over, is of good moral character and has an education equivalent to graduation from an accredited high school of this state; provided, that no applicant shall be required or requested to disclose in such application the professional college or university he may have attended nor the branch or system of healing which he intends to pursue. Examinations shall be in the basic sciences only and may be both written and by demonstration or other practical test, as the board may determine.

[1927 c. 149 s. 6] (5705-6)

146.07 CERTIFICATES OF REGISTRATION. If in such examination the applicant attains a grade of 75 per cent in each subject, he shall receive a certificate of registration in the basic sciences, signed by the president and secretary and sealed with the seal of the board. If he fails in one or two subjects only, he may be reexamined in the subjects in which he failed at any examination within one year without further application or examination fee and, upon attaining a grade of 75 per cent therein, he shall receive his certificate of registration in the basic sciences. If he fails in three or more of the subjects, he may make a new application for examination in all subjects and again pay the secretary-treasurer of the board the examination fee of \$15.

[1927 c. 149 s. 7] (5705-7)

146.08 REGISTRATION WITHOUT EXAMINATION. Any person not herein-after excepted from the provisions of this chapter who was lawfully authorized to practice healing in this state on May 1, 1927, and who was on that date regularly licensed or registered in the manner then by law provided, shall, upon application, as herein provided, receive from the state board of examiners in the basic sciences a certificate of registration in the basic sciences without examination therein; provided, that on or before October 1, 1927, every such person shall apply to the secretary of the board for such certificate of registration, accompanying such application with sufficient and satisfactory evidence that he was, on the date of the passage of this chapter, lawfully authorized to practice healing or regularly licensed or registered according to law in the particular branch or system of healing by him pursued, and specifying in the application the branch or system of healing pursued by the applicant, the school from which he was graduated, if any, and the date of graduation from the school, together with a fee of \$3.00. Such certificate of registration shall recite that registration is made solely as a person lawfully authorized to practice healing or licensed or registered according to law on May 1, 1927, and that same was issued without examination in the basic sciences. Any person entitled to a certificate of registration in the basic sciences without examination therein pursuant to the provisions of this section, who fails to apply for same in the manner herein provided, shall not receive such certificate of registration except upon an application for examination and actual examination in the basic sciences, as hereinbefore provided. The state board of examiners in the basic sciences may, after the first day of October, 1927, in its discretion, upon payment to it of a fee of \$25, issue a certificate of registration in the basic sciences without examination to any person who would have been entitled thereto pursuant to the provisions of this section upon applying therefor on or before the first day of October, 1927, and who makes application therefor in the manner herein provided and shows good cause why the application was not made on or before the first day of October, 1927.

[1927 c. 149 s. 8] (5705-8)

146.09 CERTIFICATES WITHOUT EXAMINATION TO PRACTITIONERS FROM OTHER STATES. The state board of examiners in the basic sciences may issue a certificate of registration in the basic sciences without examination therein to an applicant who presents sufficient and satisfactory evidence of having passed examinations in the basic sciences before the national board of medical examiners or a legal examining board or officer of another state or of a foreign country, if the standards of such other state or foreign country are determined by the board to be as high as those of this state, and if such other state or foreign country shall be then according a like privilege to persons licensed to practice healing under the authority of the laws of this state, and who presents sufficient and satisfactory proof that he is 21 years of age or over and of good moral character, accompanying the application with a fee of \$25 to the secretary-treasurer of the board.

[1927 c. 149 s. 9] (5705-9)

146.10 RECORDING CERTIFICATES OF REGISTRATION. Every person holding a certificate of registration under this chapter shall have it recorded within 30 days after the issuance thereof in the office of the clerk of the district court of the county in which he resides, and when he changes his place of residence to another county he shall again record such certificate in the office of the clerk of the district court of such county, and the clerk shall in each case write or stamp thereon the date of such recording. The clerk of the district court shall keep, in a book provided for such purpose by the county and open to the public inspection, a complete list of such certificates of registration in the basic sciences recorded by him and his predecessors in office, including the date of the issue of each certificate of registration, the name of the person therein, and the date of the recording thereof. For each such recording the clerk of the district court shall receive from the person named in the certificate of registration a fee of \$1.00. After such recording the certificate of registration shall be conspicuously displayed by the holder thereof in the office or place where he pursues the practice of healing.

[1927 c. 149 s. 10] (5705-10)

146.11 FEES; DISPOSITION OF, REPORTS. All fees received by the state board of examiners in the basic sciences under this chapter shall be paid to the secretary-treasurer thereof, who shall forthwith deposit the same with the state treasurer to be kept in a separate fund, which shall be under the control, and for

the use, of the board. All expenditures of the board and all expenses necessarily paid or incurred thereby in the exercise of its powers or the performance of its duties under this chapter shall be paid out of this fund. Payments out of this fund shall be made only upon written orders issued and signed by the president and secretary-treasurer of the board. Such secretary-treasurer shall give a bond to the State of Minnesota in such sum as the board shall determine, with sureties approved by the board, conditioned upon the faithful performance by him of the duties of his office and his accounting for all moneys of the board in his custody or under his control as such secretary-treasurer. No expense shall be incurred by the board in excess of the revenue derived from such fees. The secretary-treasurer of the board shall, on or before August first of each year, file with the governor a report of all receipts and disbursements and proceedings of the board for the preceding fiscal year.

[1927 c. 149 s. 11] (5705-11)

146.12 REGISTRATION IN BASIC SCIENCES REQUIRED FOR LICENSES.

No examining board for any branch or system of healing, now existing or hereafter established, shall admit to its examinations or license or register any applicant for examination by such board unless such applicant first presents to it a certificate of registration in the basic sciences. Any such board shall not require of the applicant another examination in any of the basic sciences.

[1927 c. 149 s. 12] (5705-12)

146.13 ANNUAL REGISTRATION; FEES. Every person not hereinafter excepted from the provisions of this chapter authorized to practice healing in this state shall, in the month of January each year, register with the secretary of the particular board of examiners which examined and registered or licensed him to practice that branch or system of healing which he pursues; and shall, at that time, for the purpose of making such registration, send to such secretary in writing signed by him his name, the name of the place, and the address, at which he is engaged in the practice of healing and pay to the secretary each year a fee of \$2.00. Any person who shall change the address or place at which he practices healing during the year shall forthwith notify such secretary in writing of such change, giving such new address or place. The secretary of each board of examiners shall keep a proper register of all such persons and to each person so registering the proper board shall issue a certificate for the current year, signed by the president and the secretary and sealed with the seal of such board, setting forth his name, the name of the place and the address at which he is engaged in the practice of healing, and the branch or system of healing by him pursued. Any person not hereinafter excepted from the provisions of this chapter lawfully entitled to engage in the practice of healing in this state after the month of January in any year, and who shall not be registered as provided in this section, shall, within 30 days after first so engaging in the practice of healing, register with the proper examining board in the manner provided in this chapter, pay to the secretary of such board the fee above required, and receive from such board a certificate as above prescribed for the balance of such year. Every person receiving a certificate, as herein provided, shall display the same in a conspicuous place in the office or other corresponding place where he pursues the practice of healing.

All fees received by the secretary of any examining board for registration required by this section shall be available to, and may be used by, such board to defray the expenses of keeping proper registers, furnishing the certificates herein provided for, employing inspectors for procuring evidence of any violation of the laws administered thereby and aiding in the enforcement of such laws, and for such other expenses as may be necessarily paid or incurred in the exercise of its powers or performance of its duties, as provided by law.

[1927 c. 149 s. 13] (5705-13)

146.14 LISTS OF PERSONS REGISTERED. On or before the first day of March in each year, the secretaries of the several examining boards shall certify to the secretary of the state board of health, under the hand of the president and secretary and the seal of the particular examining board, a list of all persons registered with the board for the current year. The secretary of each of the several examining boards of this state shall, within 60 days after any examination conducted by his examining board, certify in writing to the secretary of the state board of health, in the manner prescribed, a list of all persons admitted or licensed by his

board to practice healing in this state and whose names have not been previously so certified to the secretary of the state board of health in the then current year. Within 30 days after receiving from the secretaries of the several examining boards any of the lists of persons lawfully engaged in the practice of healing in this state, as by this section provided, the state board of health shall cause such lists to be printed and a copy thereof to be sent to each city, village, or district health officer and each sheriff and county attorney in the state.

[1927 c. 149 s. 14] (5705-14)

146.15 DISCRIMINATION AGAINST SYSTEMS OF HEALING. The several boards or other officers whose duty it shall be to administer or carry into effect the provisions of this chapter shall, while exercising such authority, in no manner discriminate against any system or branch of healing, or against any high school, college, or university accredited by the University of Minnesota wherein any applicant may have received the preliminary education by this chapter required.

[1927 c. 149 s. 15] (5705-15)

146.16 EXCEPTIONS. Nothing in this chapter shall be construed to prohibit any person from giving treatment by massage, as defined by section 148.33; provided, that such persons are duly licensed, or prohibit any person from using any antiseptic, germicide, or disinfectant prescribed by the state or local boards of health of the state for the prevention of the spread of communicable diseases, nor from using antidotes or rendering gratuitous service in case of emergency, nor shall this chapter apply to nurses, midwives, dentists, optometrists, chiroprodists, barbers, cosmeticians, Christian Scientists, nor to any person giving treatment or administering any cure or attempted cure, exclusively by mental or spiritual means, nor to manufacturers or distributors of orthopedic appliances, the manufacture or sale of drugs, medicines, or poisons by a registered pharmacist or a registered assistant pharmacist, so long as those who are hereby excepted from the provisions of this chapter confine their activities within the scope of their respective licenses which they, or either of them, may now or may hereafter procure, or, if not licensed, so long as they confine their activities within the ordinary scope of these occupations, respectively; nor shall this chapter apply to physicians and surgeons of the United States army or navy, or United States public health service, or other officials or employees of the United States, while acting in the performance of their duties, nor to legally qualified physicians of other states called in consultation, nor shall this chapter apply to scientific, sanitary, or teaching personnel employed by the state university, the state department of education, or by any public or private school, college, or other bona fide educational institution, or the state department of health, whose duties are entirely of a public health or educational character, while engaged in such duties.

[1927 c. 149 s. 16] (5705-16)

146.17 PRACTICING WITHOUT CERTIFICATE. Any person not hereinbefore excepted from the provisions of this chapter who shall practice, or attempt to practice, healing in the state without a valid existing certificate of registration in the basic sciences issued to him pursuant to the provisions of this chapter shall be guilty of a gross misdemeanor.

[1927 c. 149 s. 17] (5705-17)

146.18 PRACTICING WITHOUT RECORDING, REGISTERING, OR DISPLAYING CERTIFICATE. Any person not hereinbefore excepted from the provisions of this chapter who shall practice healing or attempt to practice healing in this state without having recorded his certificate of registration in the basic sciences, in the manner herein provided, or without having registered with the examining board in the system or branch of healing by him pursued, as herein provided, or without displaying his certificate of registration in the basic sciences and his certificate of annual registration with the proper board of examiners, as herein provided, shall be guilty of a misdemeanor.

[1927 c. 149 s. 18] (5705-18)

146.19 OTHER OFFENSES; PENALTY. Any person implicated in employing fraud or deception in applying for or securing a certificate of registration in the basic sciences, or in passing any examination therefor, or in registering annually under this chapter, shall be guilty of a gross misdemeanor. It shall be the duty of the clerk of the court wherein any conviction is had under this section to file a certified copy thereof with the proper board, and thereupon the secretary of such

board shall cancel such certificate upon the records of his office and forthwith notify the respective clerks of the courts wherein such certificate is recorded, of such cancelation; and such clerks shall immediately note such cancelation on their respective records thereof. For filing a certified copy of any conviction, as herein required, the clerk of the court shall charge a fee of \$1.00.

[1927 c. 149 s. 19] (5705-19)

146.20 FAILURE TO CERTIFY LISTS OF REGISTERED PERSONS; PENALTY. Any secretary of any examining board who shall fail to certify to the secretary of the state board of health the lists of persons registered with the examining board of which he is the secretary as and within the time by this chapter required, shall be guilty of a misdemeanor.

[1927 c. 149 s. 20] (5705-20)

146.21 PROSECUTIONS. In the prosecution of any person for violation of this chapter, as specified in section 146.17 or 146.18, it shall not be necessary to allege or prove want of a valid certificate of registration in the basic sciences, or failure of the accused to record his certificate of registration, or to register with the examining board in the system or branch of healing by him pursued, as required by this chapter, but all such matters shall be matters of defense to be established by the accused.

[1927 c. 149 s. 21] (5705-21)

146.22 CONSTRUCTION. This chapter is supplementary to existing laws and shall not operate to supplement, repeal, modify, or in any way affect existing laws regulating the professions exempted by section 146.16.

[1927 c. 149 s. 22] (5705-22)