

CHAPTER 148

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH

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CHIROPRACTORS

148.01 CHIROPRACTIC. Subdivision 1. For the purposes of sections 148.01 to 148.10, "chiropractic" is hereby defined as being the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged nerves that may cause pain or deranged function.

Subd. 2. The practice of chiropractic is hereby declared not to be the practice of medicine, surgery, or osteopathy.

[1919 c. 64 ss. 2, 8; 1927 c. 230] (5725, 5731(c))

148.02 CHIROPRACTORS; STATE BOARD OF EXAMINERS. There is hereby created and established a board to be known by the name and style of state board of chiropractic examiners.

[1919 c. 64 s. 1] (5724)

148.03 APPOINTMENT. The governor shall appoint a state board of chiropractic examiners consisting of five resident chiropractors who shall have practiced chiropractic in this state for at least three years immediately prior to the time of appointment, all of whom shall be graduates of a course of chiropractic, but no two of whom shall be graduates of the same school or college of chiropractic; one to be appointed each year to serve five years and until his successor is appointed and qualifies to the end that each member shall serve five years after the first appointment. The board shall have the authority to prescribe rules and regulations relative to the examination of applicants for license to practice chiropractic and for the annual renewal of licenses. Vacancies caused by death or otherwise shall be filled

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by the governor within 60 days. No member of the board shall be financially interested in any chiropractic school or college or be in any way affiliated with the practice of other methods of healing as are now regulated by law in this state.

[1919 c. 64 s. 3; 1943 c. 155 s. 1] (5726)

148.04 PROCEDURE. The officers of the state board of chiropractic examiners shall have power to administer oaths, summon witnesses, and take testimony as to matters pertaining to its duties. It shall adopt a minimum of educational requirements not inconsistent with the provisions of sections 148.01 to 148.10, which shall be without prejudice, partiality, or discrimination as to the different schools or colleges of chiropractic. The board shall meet twice each year on the first Tuesday of March and September and at such other times as the majority of the board may deem proper. Three members shall constitute a quorum for the transaction of business. The secretary shall keep a record of its proceedings. This report shall be prima facie evidence of all matters therein recorded.

[1919 c. 64 s. 4] (5727)

148.05 LICENSE AND FEE. At its first meeting the state board of chiropractic examiners shall issue to each member a license to practice chiropractic, for which he shall pay a fee of \$25.00. The board shall have a common seal and formulate rules to govern its actions.

[1919 c. 64 s. 5] (5728)

148.06 APPLICANTS EXAMINED. Any person desiring to commence the practice of chiropractic in this state shall make a written application to the secretary of the state board of chiropractic examiners for a license and appear at its first regular meeting thereafter. The applicant shall furnish evidence of having completed a high school course, or of education qualifications required for admission as a student to the University of Minnesota, or other university of equal standing, and taken a four-year resident course of eight months each in a chartered school or college of chiropractic wherein the curriculum includes instruction in the following branches: anatomy, physiology, symptomatology, pathology, hygiene, dietetics, diagnoses, urinalysis, chiropractic orthopedy, intellectual adaption, and the science and art of chiropractic. An examination for a license shall be in writing. The applicant shall be required to give practical demonstration in vertebral palpation, nerve tracing, and adjusting. A license, countersigned by the members of the board and authenticated by the seal thereof, shall be granted to each applicant who shall correctly answer 75 per cent of the questions propounded in each of the above subjects. Each application shall be accompanied by a fee of \$25. Such fee shall not be returned in the event of failure to pass, but the applicant may, within six months, present himself for examination without the payment of an additional fee. Such examination may be waived as to any person who has been licensed to practice chiropractic in another state whose requirements are equal to the provisions of sections 148.01 to 148.10, upon the payment of a fee of \$25.

[1919 c. 64 s. 6; 1927 c. 230] (5729)

148.07 RENEWAL FEES PUT IN FUND; REPORT. Subdivision 1. **Amount.** All persons practicing chiropractic within this state, or licensed so to do, shall pay, on or before the first day of September of each year after a license is issued to them, as herein provided, to the board of chiropractic examiners a renewal fee of \$5.00 or such sum as may be fixed by the board, but not exceeding \$10 in any one year, and upon payment of the renewal and upon compliance with all the rules and regulations of the board, shall be entitled to an annual renewal license. The secretary-treasurer shall, 30 days or more before September first of each year, mail to all chiropractors of this state a notice of the fact that the renewal fee will be due on or before the first of September. Nothing in sections 148.01 to 148.10 shall be construed so as to require that the renewal receipts shall be recorded as original licenses are required to be recorded.

Subd. 2. **Disposal.** All fees received by the board under sections 148.01 to 148.10 shall be paid to the secretary-treasurer, who shall forthwith deposit the same with the state treasurer in a separate fund of the state board of chiropractic examiners for their use, and shall pay the same out only upon written orders issued and signed by the secretary-treasurer and president of the board. All expenses incurred and authorized by the board in carrying out the provisions of sections 148.01 to 148.10 shall be paid out of this fund and not otherwise.

Subd. 3. **Report.** The secretary-treasurer shall, on the first Tuesday of October of each year, file with the governor a report of all receipts and disbursements and proceedings of the board for the fiscal year. He shall give bond in such sum and with such sureties as the board shall deem necessary. Each member of the board shall receive a fee of \$10 per day and mileage at the rate of three cents per mile, and other necessary incidentals, in attending the meetings of the board.

[1919 c. 64 s. 7; 1927 c. 230; 1943 c. 155 s. 2] (5730)

148.08 LICENSES RECORDED; RULES AND REGULATIONS. Subdivision 1. **Where recorded.** Every person holding a license from the state board of chiropractic examiners shall have it recorded in the office of the clerk of the district court of the county in which applicant practices and the date of recording shall be indicated thereon. The clerk of the district court shall keep in a book provided by him for the purpose a complete list of the licenses recorded, for which he shall receive a fee of \$1.00 for each license so recorded.

Subd. 2. **How regulated.** Chiropractors shall be subject to the same rules and regulations, both municipal and state, that govern other licensed doctors or physicians in the control of contagious and infectious diseases, and shall be entitled to sign health and death certificates, and to all rights and privileges of other doctors or physicians in all matters pertaining to the public health, except prescribing internal drugs or the practice of surgery and obstetrics.

[1919 c. 64 s. 8; 1927 c. 230] (5731)

148.10 LICENSES REVOKED; NEW LICENSES. Subdivision 1. **Grounds.** The state board of chiropractic examiners may refuse to grant, or may revoke, a license to practice chiropractic in this state, or may cause the name of a person licensed to be removed from the records in the office of the clerk of the district court in this state, upon any of the following grounds:

(1) The publishing or distributing, or causing to be published or distributed, in newspapers, magazines, directories, pamphlets, posters, cards, or in any other manner by advertisement, wherein the term "cure" or "guarantee to cure" or similar terms are used; (The same is hereby declared to be fraudulent and misleading to the general public.)

(2) The employment of fraud or deception in applying for a license or in passing an examination provided for in sections 148.01 to 148.10;

(3) The practice of chiropractic under a false or assumed name or the impersonation of another practitioner of like or different name;

(4) The conviction of a crime involving moral turpitude;

(5) Habitual intemperance in the use of ardent spirits, narcotics, or stimulants;

(6) Failure to pay the annual renewal license fee herein provided.

Any person duly licensed, or who is an applicant for a license to practice chiropractic, against whom any of the foregoing grounds for revoking or refusing a license is presented to the board with a view of having the board revoke, or refuse to grant, a license shall be furnished with a copy of the complaint and have a hearing before the board in person or by attorney, and witnesses may be examined by the board respecting the guilt or innocence of the accused. In case a license is revoked by the board, a copy of the order of revocation, duly certified by the secretary of the board, shall forthwith be filed by the secretary in the office of the clerk of the district court in which the revoked license was filed, and the clerk of the district court where the same is filed shall make a notation of such revocation in the book in which the record of the license is kept and cancel such revoked license. The clerk shall receive a fee of \$1.00 for filing such order of revocation and making the notation and cancellation, which shall be paid from the funds of the board.

Subd. 2. **New licenses after refusal or revocation or cancellation.** The state board of chiropractic examiners may, at any time within two years of the refusal or revocation or cancellation of a license under this section, by a majority vote, issue a new license or grant a license to the person affected, restoring him to, or conferring upon him, all the rights and privileges of, and pertaining to, the practice of chiropractic, as defined and regulated by sections 148.01 to 148.10. Any person to whom such have been restored shall pay to the secretary-treasurer the sum of \$25 upon issuance of a new license.

[1919 c. 64 s. 10; 1927 c. 230] (5733)

OSTEOPATHS

148.11 STATE BOARD OF OSTEOPATHY; PER DIEM AND EXPENSES. The state board of osteopathy shall consist of five osteopathic physicians, graduates of reputable incorporated schools of osteopathy, appointed by the governor, each for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. No member thereof shall be a member of the faculty of, or financially interested in, any such school. The board shall elect from among its number a president and a secretary, prescribe rules for the management of its affairs, and adopt a seal. It shall meet to examine applicants for licenses to engage in the practice of osteopathy on the second Tuesday in March and September each year and hold such other meetings as may be necessary. Each member shall receive \$10 per day for each day necessarily occupied in the performance of his duties and his actual and reasonably necessary expenses, to be paid out of the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for examination, the extent of his study and practice, and the name of his college or school of osteopathy, if any. Such record shall be prima facie evidence of the matters therein contained. The secretary shall be paid such compensation as shall be fixed by the board.

[R. L. s. 2307; 1923 c. 343 s. 1] (5735)

148.12 PRACTICE; LICENSES; PENALTIES. The practice of osteopathy is hereby declared to be distinct from that of medicine or surgery within the meaning of the law and nothing in sections 148.11 to 148.16 shall apply to practitioners of any other system of healing. Osteopathic physicians when duly licensed shall have the same rights and powers and be subject to the same duties as other physicians with reference to matters pertaining to the public health, including the reporting of births and deaths. Osteopathic physicians when duly licensed shall have the right 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 anaesthetics, narcotics, antidotes, and antiseptics, subject to the same state and federal restrictions and limitations as are by law applicable to physicians and surgeons licensed to practice medicine and surgery. No person who is not a holder of a license from the state board of osteopathy shall engage in the practice of osteopathy in treating diseases of the human body, or by use of titles or initials indicating degrees, or in any other way, hold himself out as so engaged. Every person who shall violate any of the provisions of sections 148.11 to 148.16 shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of \$50 or 30 days imprisonment. All fines collected under the provisions of sections 148.11 to 148.16 shall be paid, one-half into the school fund of the county in which conviction is had, and one-half to the state board of osteopathy. The board shall investigate suspected violations of sections 148.11 to 148.16 and institute proceedings thereunder.

[R. L. s. 2308; 1923 c. 343 s. 2] (5736)

148.13 APPLICATION; EXAMINATION; FEES. Subdivision 1. **Application.** Every person desiring to engage in the practice of osteopathy shall apply in writing to the secretary of the board for a license and appear for examination at the first meeting thereafter. He shall pay an examination fee of \$25, which shall entitle him to a second examination within a year if he fails in the first. He shall produce his diploma and prove to the board that he has had a preliminary education equivalent to a four-year high school course; that he is a graduate of a reputable school or college of osteopathy, which, as a prerequisite to graduation, requires the completion of a four-year course of nine months each. The school or college must include in its curriculum instruction in anatomy, chemistry, dietetics, diagnosis, gynecology, histology, obstetrics, pathology, physiology, minor surgery, symptomatology, toxicology, urinalysis, the theory and practice of osteopathy, hygiene, the administration of anaesthetics, narcotics, and antidotes, and the use of antiseptics. Upon the applicant's passing the board's examination in the foregoing subjects it shall grant him a license. The board may waive the examination in case the applicant holds a diploma from an osteopathic school, without regard to the period of study on which the diploma was issued, and has been licensed by an examining board of another state whose requirements are equal to those of this state, upon payment of a fee of \$50. Except as expressly authorized as to the administration of anaesthetics, narcotics, antidotes, and the use of antiseptics, the license shall not authorize the holder to give or prescribe drugs for internal use or perform major surgery.

Subd. 2. **Reputable college or school of osteopathy.** A college or school of osteopathy shall be deemed "reputable," within the meaning of sections 148.11 to 148.16, which requires its students, as a condition of graduation, to complete substantially the number of hours of class-room study in the subjects hereinafter specified: anatomy (descriptive, regional, applied, surgical and dissection), 600 hours; embryology, 70 hours; chemistry (advanced, including organic and physiological chemistry and toxicology), 300 hours; histology, 180 hours; physiology, 300 hours; pathology, 240 hours; bacteriology, 150 hours; hygiene, 60 hours; hydrotherapy, 16 hours; X-radiance and electrical diagnosis, 36 hours; dietetics, 32 hours; osteopathy, including (a) principles of osteopathy, (b) osteopathic technique, and (c) practice of osteopathy (including diseases of nervous system, alimentary tract, heart and vascular system, genito-urinary diseases, ductless glands and metabolism, respiratory tract, bone and joint diseases, corrective gymnastics, acute and infectious diseases, pediatrics, dermatology, syphilis, psychiatry, diagnosis, physical laboratory and differential, clinical practice case recording), 1,466 hours; minor surgery, with emphasis on fractures and dislocations, principles of surgery, and surgical diagnosis, orthopedics, orificial and chemical, and the use and administration of anaesthetics, narcotics, and antiseptics, 400 hours; eye, ear, nose, and throat, 180 hours; gynecology, 160 hours; obstetrics, 200 hours; professional ethics and efficiency, 16 hours; jurisprudence, 16 hours; total, 4,422 hours; provided, that the number of hours herein prescribed for the study of any subject may be reduced not more than 30 per cent, but the total number of hours prescribed shall not be reduced.

[R. L. s. 2309; 1909 c. 430 s. 1; 1923 c. 343 s. 3] (5737)

148.14 RECORD OF LICENSES. Before engaging in practice, the holder of every license 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 in like manner file his license before engaging in practice therein. Such clerk shall keep, in a book provided for the purpose, a complete list of such licenses, giving the date of record. His fee for recording shall be \$1.00 and the same for a certified copy.

[R. L. s. 2310] (5738)

148.15 LICENSES, WHEN REFUSED, WHEN REVOKED. The state board of osteopathy may refuse to grant a license to, or may revoke the license of, any person who:

- (1) Has been convicted of a felony or any offense involving moral turpitude;
- (2) Is so addicted to the use of liquor or any drug as to unfit him for the practice;
- (3) Procures, or aids or abets the procuring of, a criminal abortion;
- (4) Obtains any fee by claiming ability to permanently cure a disease manifestly incurable; or
- (5) Wilfully betrays professional confidence or secrets.

No license shall be revoked except upon notice and hearing.

[R. L. s. 2311] (5739)

148.16 DISPOSAL OF FEES AND FINES. All fees and money received from fines imposed under sections 148.11 to 148.16 shall be received and held by the secretary and devoted to the uses of the state board of osteopathy, which shall incur no expense beyond the amount so received. The secretary shall give such bond as the board may from time to time require.

[R. L. s. 2312] (5740)

148.17-148.28 [Repealed, 1945 c 242 s 14]

REGISTERED NURSES

148.171 DEFINITIONS. As used in sections 148.171 to 148.285.

(1) The term "Board" shall mean Minnesota State Board of Examiners of Nurses.

(2) The term "Registered Nurse," abbreviated R. N., shall mean a natural person licensed by the Minnesota State Board of Examiners of Nurses to practice nursing.

(3) "The practice of nursing by a Registered Nurse" shall mean the performing for compensation or personal profit of a professional service requiring special education, knowledge and skill, and the nursing care of those mentally or physically ill, and in the prevention of illness.

[1945 c. 242 s. 1]

148.181 BOARD OF EXAMINERS; APPOINTMENT, OATH, TERM, REMOVAL. Subdivision 1. The Minnesota State Board of Examiners of Nurses shall consist of seven members appointed by the Governor, each of whom shall be a resident of this state; shall have completed at least an approved four-year high school course of study or its equivalent; shall have graduated from an accredited school of nursing; shall be licensed as a registered nurse in this state; shall have had at least five years' experience in nursing following graduation, and four of whom shall have at least two years' executive or teaching experience in nursing education and shall have been actively engaged in the practice of nursing within two years of her appointment. Each member of the board shall file with the department of state, the constitutional oath of office before beginning his or her term of office. Provided, however, that the present members of the Minnesota State Board holding office under the provisions of the Minnesota Nurse Practice Act shall serve as members of said board until the expiration of their respective terms or until their successors have been appointed and qualified.

Subd. 2. On expiration of the term of any member, or a vacancy, the governor may appoint, from a list of members submitted by the Minnesota Nurses' Association, a nurse to hold office for a term of five years. Such list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by the Minnesota Nurses' Association in the manner aforesaid, within a period of 90 days.

Subd. 3. The governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

[1945 c. 242 s. 2]

148.191 ANNUAL MEETING; RULES; EXECUTIVE SECRETARY. Subdivision 1. The board shall meet annually in the month of August and shall elect from its members a president and a secretary who shall also be the treasurer. The board may appoint and employ an executive secretary as hereinafter provided who need not be a member of the board. It shall hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the board, including one officer, shall constitute a quorum at any meeting.

Subd. 2. The board is authorized to adopt and, from time to time, revise such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.285. The board shall prescribe curricula and standards for schools and courses preparing persons for licensure under sections 148.171 to 148.285. It shall conduct or provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and courses as meet the requirements of sections 148.171 to 148.285 and of the board. It shall evaluate and approve courses for affiliation. It shall examine, license and renew the license of duly qualified applicants. It shall hold examinations at least once in each year at such time and place as it may determine. It shall conduct hearings upon charges calling for discipline of a licensee or revocation of a license. It shall have power to issue subpoenas, and compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings. It shall cause the prosecution of all persons violating sections 148.171 to 148.285 and have power to incur such necessary expense therefor. It shall keep a record of all its proceedings and make an annual report to the governor.

Subd. 3. The board may appoint and employ a qualified person to serve as executive secretary to the board, and it shall fix her compensation and define her duties. It may employ such other persons as may be necessary to carry on the work of the board. The treasurer or any other person employed who may have charge of funds, shall be bonded, as may be determined by the board.

[1945 c. 242 s. 3]

148.201 MILEAGE AND PER DIEM. Each member of the board shall receive, in addition to necessary traveling and hotel expenses, \$10 per day for each day actually engaged in the discharge of her duties, including travel time and a reasonable number of days for the preparation of examination questions and grading examination papers, in addition to the time actually spent in conducting examinations and surveys.

[1945 c. 242 s. 4]

148.211 APPLICATION; EXAMINATION; LICENSE; FEE. Subdivision 1. An applicant for a license to practice as a registered nurse shall submit to the board written evidence, verified by oath, on the application form prescribed by the board, that said applicant:

- (1) Is 20 years of age;
- (2) Is of good moral character;
- (3) Is in good physical and mental health;
- (4) Has completed at least an approved four-year high school course of study or the equivalent thereof as determined by the board and shall meet such other preliminary qualification requirements as the board may prescribe; provided that an applicant who began her course of study in a school of nursing prior to the date Laws 1945, Chapter 242, became effective, submits in lieu thereof evidence of having completed the preliminary educational requirements in force at the time of her admission to the school of nursing;
- (5) Has completed a course of study at least 30 months in length in an accredited school of nursing and holds a diploma therefrom.

Subd. 2. (1) The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Any applicant failing to pass such examination, may apply for re-examination. Upon passing such examination, the board shall issue to the applicant a license to practice nursing as a registered nurse.

(2) The board may issue a license to practice nursing as a registered nurse without examination, to an applicant who has been duly licensed or registered as a registered nurse under the laws of another state, territory or foreign country, if in the opinion of the board the applicant has the qualifications equivalent to the qualifications required for registration of nurses in this state.

Subd. 3. The applicant applying for a license to practice as a registered nurse shall pay a fee of \$15 to the board. Any applicant applying for re-examination shall pay a fee of \$5.00.

[1945 c. 242 s. 5]

148.221 PERSONS NOW HOLDING CERTIFICATE. Any person holding a license or certificate of registration to practice nursing as a registered nurse issued by the board which is valid on the effective date of Laws 1945, Chapter 242, shall be deemed to be licensed as a registered nurse under the provisions of sections 148.171 to 148.285.

[1945 c. 242 s. 6]

148.231 REGISTRATION. Subdivision 1. **Annual registration and certificate; fee.** Every person licensed to practice nursing as a registered nurse shall be registered with the board as a licensed registered nurse, and in addition to the license, shall be issued a registration certificate for a calendar year. The registration shall be annually renewed for each calendar year and the board shall, on or before December 1st of each year, mail an application to such a licensee for renewal registration and such licensee shall on or before the last day of such calendar year after receipt of such application, fill in same and return it to the board with a registration fee of \$1.00. Upon receipt of the application and the fee, the board shall verify the accuracy of the application and issue to such applicant a certificate of renewal registration for the next calendar year.

Subd. 2. **Delinquent.** Any person licensed under the provisions of sections 148.171 to 148.285 who fails to re-register within the period hereinbefore provided, shall be deemed delinquent and shall not be entitled to practice nursing in this state as a registered nurse, until an application for renewal registration has been filed with the board accompanied by \$1.00 registration fee for each calendar year during which said applicant has been delinquent and a certificate of re-registration issued to such person.

Subd. 3. **Non-practicing list; renewal of license.** A person licensed under the provisions of sections 148.171 to 148.285 who desires to retire from practice temporarily, shall send a written notice to the board. Upon the receipt of such notice, the board shall place the name of such person on the non-practicing list. While so remaining on this list, the person shall not be subject to the payment of any fees, and shall not practice nursing in this state. When such person desires to resume practice he or she shall make application for re-registration and pay the annual

registration fee for the current year to the board, and the registration certificate shall be issued to such applicant, and such person shall immediately be placed on the practicing list as a licensed registered nurse.

[1945 c 242 s 7; 1947 c 286 s 1]

148.241 MONEYS DEPOSITED WITH STATE TREASURER. Subdivision 1. All moneys received by the board collected under sections 148.171 to 148.285 shall be paid to the treasurer of the board who shall deposit the same each month, with the state treasurer. The state treasurer shall place the money to the credit of the State Board of Examiners of Nurses fund.

Subd. 2. All amounts paid into this fund shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the purposes of sections 148.171 to 148.285, and the duties imposed thereby as well as the promotion of nursing education and standards of nursing care in this state.

[1945 c. 242 s. 8]

148.251 SCHOOL OF NURSING. Subdivision 1. An institution desiring to conduct a school of nursing shall apply to the board and submit evidence that:

(1) It is prepared to give at least a 30-month course of theoretical instruction and practical experience in nursing as prescribed in the curriculum adopted by the board. Such instruction and experience may be secured in one or more institutions or agencies approved by the board.

(2) It is prepared to meet other standards established by this law and by the board.

Subd. 2. A survey of the institution or institutions with which the school is to be affiliated shall be made by a qualified representative of the board. Such representative shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an accredited school of nursing are met, it shall approve the school as an accredited school of nursing.

Subd. 3. From time to time as deemed necessary by the board, it shall be the duty of the board, through its representatives, to survey all schools of nursing in the state. Written reports of such surveys shall be submitted to the board by the representative. If the board determines that any accredited school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited schools of nursing.

[1945 c. 242 s. 9]

148.261 REVOCATION OF LICENSE. Subdivision 1. The board shall have power to deny, revoke or suspend any license to practice nursing issued by the board or applied for in accordance with the provisions of sections 148.171 to 148.285, or to otherwise discipline a licensee upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing as a registered nurse;

(2) Is guilty of gross immorality or of a crime, except misdemeanors;

(3) Is unfit or incompetent by reason of negligence, habits or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) Is mentally incompetent;

(6) Is guilty of unprofessional conduct;

(7) Has willfully or repeatedly violated any of the provisions of sections 148.171 to 148.285.

Subd. 2. Before the board shall order any such suspension or revocation it shall, on its own motion, cause an investigation to be made, and shall issue a citation under the seal of the board, signed by the secretary, directing and requiring the holder of the license to show cause on a day certain why his or her license shall not be suspended or revoked on the grounds specified therein, and the holder of the license shall be given 20 days' notice of the hearing, and the licensee shall be entitled to be represented by legal counsel. A stenographic record shall be kept of the proceedings. The action of the board in suspending or revoking a license hereunder, shall be subject to review at the election of the licensee by a writ of certiorari brought in the district court of Ramsey County, or by appeal to the said court or the district court in the county in which the licensee resides, in which event the

matter shall be tried de novo. The action of the board shall stand until otherwise directed by the district court or the supreme court of the state of Minnesota, on appeal.

Subd. 3. Any registered nurse whose license has been suspended or revoked, may be reinstated or a new license issued to such nurse when in the discretion of the board the action is warranted, provided that such nurse shall pay all the costs of the proceedings resulting in the suspension or revocation of the license and reinstatement of a new license, and in addition thereto, pay a fee of \$15.

[1945 c. 242 s. 10]

148.271 LIMITATION ON PROHIBITIONS. The provisions of sections 148.171 to 148.285 shall not prohibit:

(1) The practice of nursing in this state by any legally-qualified nurse of another state whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of such engagement, not to exceed six months in length provided such person does not represent or hold himself or herself out as a nurse licensed to practice in this state;

(2) The practice of nursing in this state, for a period not to exceed six months, by a nurse registered in another state, territory or foreign country whose application for registration in this state is pending;

(3) The practice of any legally-qualified nurse of another state who is employed by the United States Government or any bureau, division or agency thereof, while in the discharge of his or her official duties;

(4) Any person from nursing the sick for hire who does not in any way assume or represent to be a registered nurse.

[1945 c. 242 s. 11]

148.281 MISDEMEANORS. Subdivision 1. It shall be unlawful for any person, corporation, or association, to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license or record, or aid or abet therein;

(2) Practice nursing by a registered nurse as defined by section 148.171 under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice nursing by a registered nurse as defined by section 148.171 unless duly licensed to do so and registered under the provisions of sections 148.171 to 148.285;

(4) Use in connection with his or her name any designation tending to imply that he or she is a registered nurse unless duly licensed so to practice under provisions of sections 148.171 to 148.285;

(5) Practice nursing during the time his or her license issued under the provisions of sections 148.171 to 148.285 shall be suspended or revoked;

(6) Conduct a school of nursing for the training of persons to become registered nurses unless the school or course has been accredited by the board.

Subd. 2. **Penalties.** Any person, corporation, or association violating any provisions of subdivision 1 shall be guilty of a misdemeanor, and shall be punished according to law.

[1945 c. 242 ss. 12, 13]

148.285 TRANSFER OF ASSETS. All moneys, property and property rights belonging to and under the control of the board of examiners, are hereby transferred and appropriated to the control and use of the board hereunder and the purpose provided herein.

[1945 c. 242 s. 14]

PRACTICAL NURSES

148.29 LICENSED PRACTICAL NURSES; DEFINITIONS. As used in sections 148.29 to 148.294:

(1) The term "Board" shall mean "Minnesota State Board of Examiners of Nurses," and for the purposes of sections 148.29 to 148.294 only, three additional members shall be appointed by the governor, one of whom shall be a doctor of medicine duly licensed and registered in this state, one of whom shall be an administrator or superintendent of a licensed hospital located outside of a city of the first class, and one of whom shall be a duly licensed and registered practical nurse, if and when qualified under the provisions of sections 148.29 to 148.294. Each of the additional appointed members shall be appointed for a three-year term and hold office until their successors are appointed and duly qualified.

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(2) The term—"Licensed Practical Nurse," abbreviated L.P.N., shall mean "a person licensed by the Minnesota State Board of Examiners of Nurses to practice nursing."

(3) "The practice of nursing by a Licensed Practical Nurse" shall mean "the performing for compensation or personal profit, services required in the nursing care of the sick, not involving the specialized education, knowledge and skill required in professional nursing."

[1947 c 407 s 1]

148.291 EXAMINATIONS. Subdivision 1. **Qualifications.** An applicant for a license to practice nursing as a licensed practical nurse shall submit to the board written evidence on a form provided by the board, verified by oath, that the applicant:

- (1) Is at least 18 years of age;
- (2) Is of good moral character;
- (3) Is in good physical and mental health;
- (4) Has completed at least an eighth grade course of study in a grade school or its equivalent;

(5) Has completed an accredited course of not less than nine months for the training of licensed practical nurses or its equivalent, as determined by the board.

Subd. 2. **Written; oral.** The applicant shall be required to pass a written examination in such subjects as the board may determine within the scope of and commensurate with the work to be performed by a licensed practical nurse. Each written examination may be supplemented by an oral or practical examination. Any applicant failing to pass such examination, may apply for reexamination. Upon passing such examination the board shall issue to the applicant a license to practice as a licensed practical nurse.

Subd. 3. **License without examination.** The board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse or a person entitled to perform similar services under a different title, under the laws of another state, territory or foreign country, if, in the opinion of the board, the applicant has qualifications equivalent to the qualifications required in this state.

Subd. 4. **Fee.** The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of \$7.50 to the board. Any applicant applying for re-examination shall pay a fee of \$2.50.

[1947 c 407 s 2]

148.292 DETERMINATION OF ACCREDITED COURSE. The board shall determine and formulate what constitutes an accredited course and cause the same to be written and filed with the secretary of the board. The board may amend these requirements from time to time and any such amendment shall be written and filed with the secretary of the board. Upon the request of any hospital, within the state, the secretary of the board shall furnish and forward by mail a copy of these written requirements constituting an accredited course and written amendments thereto.

[1947 c 407 s 3]

148.293 MISDEMEANORS; LIMITATION. It shall be a misdemeanor for any person to practice nursing as a licensed practical nurse in this state unless such person shall have first obtained a license from the board, but sections 148.29 to 148.294 shall not prohibit any person from nursing the sick for hire, who does not in any way assume or represent to be a "licensed practical nurse."

[1947 c 407 s 4]

148.294 ANNUAL REGISTRATION. Every licensed practical nurse shall register annually during the month of December with the board and pay a fee of \$1.00.

[1947 c 407 s 5]

MIDWIVES

148.30 MIDWIFERY. Within the meaning of sections 148.30 to 148.32, a person who shall publicly profess to be a midwife or who, for a fee, shall attend to women in childbirth, shall be regarded as practicing midwifery. Nothing in sections 148.30 to 148.32 shall apply to gratuitous emergency services or to authorized medical practitioners.

[R. L. s. 2301] (5721)

148.31 LICENSES. A person desiring to practice midwifery in this state, if not already authorized so to do, shall apply to the state board of medical examiners for a license. This license shall be granted upon the production of a diploma from a

school of midwifery recognized by the board or, after examination of the applicant, upon the consent of seven members thereof. Examinations shall be held concurrently with those provided for applicants for physicians' licenses. The fee for a license granted on diploma shall be \$1.00, and on examination, \$2.00.

[R. L. s. 2302] (5722)

148.32 LICENSES, DENIAL, REVOCATION, REFUSAL. All licenses to practice midwifery heretofore or hereafter issued by the board of medical examiners must be annually renewed and a fee of \$1.00 be paid for each renewal. Licenses may be revoked or renewals refused by the board for unprofessional or dishonorable conduct, or neglect to make proper returns to health officers of births, deaths, puerperal fever, and other contagious diseases.

[R. L. s. 2303] (5723)

MASSEURS, MASSEUSES

148.33 DEFINITIONS. As used in sections 148.33 to 148.51, the term "massage" means the method, art, or science of treating the human body for hygienic or remedial purposes exclusively by rubbing, stroking, kneading, tapping, or rolling the same with the hands, or by rubbing, stroking, kneading, tapping, or rolling the body with any other agency or instrumentality for the purpose of relieving, alleviating, and reducing affected parts thereof; the term "masseur" means a male person, and the term "masseuse," a female person, who practices massage; the term "board" means the state board of medical examiners, as the same now is or hereafter may be constituted by law; the term "license" means a certificate issued by the board authorizing the holder thereof to practice massage in this state; the phrase "accredited school" or "accredited institution" means one approved by the board; the word "reducing," as used hereinbefore, shall not be interpreted to include reducing a fracture or a dislocation.

[1929 c. 347 s. 1] (5784-13)

148.34 MASSAGE DISTINGUISHED. The practice of massage is hereby declared to be distinct from the practice of medicine, surgery, osteopathy, chiropractic, or chiropody and persons duly licensed in this state to practice medicine, surgery, osteopathy, chiropractic, or chiropody, nurses who work solely under the direction of any such persons, athletic directors and trainers are hereby expressly excluded from the provisions of sections 148.33 to 148.51. Beauty culturists, barbers, and bath parlor attendants who do not give, or hold themselves out to give, massage treatments, as defined herein, other than is customarily given in such shops or places of business, for the purpose of beautification only, shall be exempt from the provisions of sections 148.33 to 148.51.

[1929 c. 347 s. 2] (5784-14)

148.35 OPERATORS LICENSED. No person shall for, or in expectation of, any fee, gift, compensation, or reward of any kind, engage in, or hold himself out as being engaged in, the practice of massage within this state, without having a license therefor as provided in sections 148.33 to 148.51.

[1929 c. 347 s. 3] (5784-15)

148.36 LICENSE, BY WHOM ISSUED. The state board of medical examiners shall issue licenses to practice massage only to persons qualified therefor under the provisions of sections 148.33 to 148.51 after examination as therein provided, upon application in manner and form as prescribed by the board and payment thereto of a fee of \$25. Licenses may be renewed by the board without examination upon application and payment of a renewal fee of \$3.00; and licenses issued pursuant to existing law and outstanding at the time of the passage of sections 148.33 to 148.51 are hereby continued in force and effect until the same shall expire, unless sooner revoked by the board, as provided for in sections 148.33 to 148.51, and shall be renewed by the board without examination upon application and payment of a renewal fee of \$3.00, except as in sections 148.33 to 148.51 otherwise provided; application for renewal of license shall be made to the board on or before May thirty-first of each year and accompanied by the renewal fee of \$3.00. The board, in its discretion, may, without examination, upon the payment of a fee of \$50, issue a license to any person qualified to practice massage in any other state or territory whose requirements for such practice are equivalent to the requirements of this state therefor. Licenses shall be in such form as the board shall by rule prescribe, specify the name, residence, and business location of the licensee, and state that he is authorized to practice massage in this state; licenses shall bear the date of issuance

and the date of expiration thereof, be signed by the president and the secretary-treasurer of the board, and bear its official seal. All licenses shall expire on May thirty-first next after the issuance thereof, unless sooner revoked as provided in sections 148.33 to 148.51.

[1929 c. 347 s. 4; 1935 c. 245] (5784-16)

148.37 QUALIFICATIONS OF APPLICANTS. Any person of good moral character who is 21 years of age or over and who has completed a course of study in an accredited high school or who has completed the equivalent of such course of study to the satisfaction of the state board of medical examiners and, in addition to these requirements, has received a diploma or certificate of graduation from an accredited school of massage, or, in lieu of such diploma or certificate, has received credits in the subjects of anatomy, physiology, dermatology, histology, and massage from an accredited educational institution, shall be eligible for examination under the provisions of sections 148.33 to 148.51, otherwise he shall be ineligible therefor; and, if upon such examination, he shall have a general average of not less than 75 per cent in the subjects in which he is examined and not less than 60 per cent in any one of such subjects, he shall be qualified for a license hereunder, otherwise he shall be unqualified therefor.

[1929 c. 347 s. 5] (5784-17)

148.38 ASSISTANTS TO BOARD. The state board of medical examiners shall employ expert assistants, who shall serve at and during the pleasure of the board, to assist in conducting examinations herein provided for under the board's supervision and direction. Such expert assistants shall be citizens and residents of this state, at least one of such expert assistants shall be skilled in the art and science of massage, who shall be duly licensed to practice massage in this state, and who shall have practiced massage therein for at least two years immediately preceding his employment. Such examinations shall be in the English language and shall be written, oral, or practical, as the board may determine, and embrace the subjects of anatomy, physiology, dermatology, histology, and massage, but shall be so limited in scope as to include only the minimum requirements for massage education as herein provided, and shall not require education in medicine or surgery. Such examination shall be held on the third Wednesday in January, April, June, and October each year at the seat of government and at such other times and places as the board may determine.

[1929 c. 347 s. 6] (5784-18)

148.39 REEXAMINATIONS. Any person refused a license for failure to pass an examination to the satisfaction of the state board of medical examiners shall be entitled to a reexamination at any time within six months after such refusal, upon payment to the board of an additional fee of \$5.00; provided, that nothing in sections 148.33 to 148.51 shall prevent any person from filing a new application at any time after one year from the date of his last application.

[1929 c. 347 s. 7] (5784-19)

148.40 LICENSES RECORDED. Every person holding a license to practice massage under sections 148.33 to 148.51 shall, before commencing such practice in any county of this state, have such license recorded in the office of the clerk of the district court of such county, and such 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 public inspection a complete list of such licenses recorded by him and his predecessors in office, including the date of the issuance thereof, the name of the licensee therein specified, 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 license a fee of \$1.00. After such recording the license shall be conspicuously displayed by the holder thereof in the office or place where he pursues the practice of massage.

[1929 c. 347 s. 8] (5784-20)

148.41 LICENSES SUSPENDED OR REVOKED. The state board of medical examiners may by order suspend, revoke, or refuse to renew any license issued under sections 148.33 to 148.51 or heretofore and cause the cancellation and removal thereof from the records of the office of the clerk of the district court wherein the same is recorded, upon the grounds of:

- (1) Fraud or deception in connection with the securing of such license;
- (2) Habitual drunkenness or intemperance in the use of narcotics or stimulants;

- (3) Conduct unbecoming to a person licensed to practice massage or inimical to the best interests of the public;
- (4) Violation of any of the provisions of sections 148.33 to 148.51; or
- (5) Conviction of a crime involving moral turpitude.

Before the board shall order any such suspension, revocation, or refusal to renew, the holder thereof shall be entitled to a written statement of the charge against him and accorded a hearing in person or by attorney before the board and be entitled to have witnesses in his behalf subpoenaed by the board. In case of suspension or revocation of, or refusal to renew, a license, the order of suspension or revocation or refusal to renew, as the case may be, shall forthwith be filed by the board with the clerk of the district court of the county wherein the license is recorded and the clerk shall note the suspension, revocation, or refusal to renew on his record of the license. No license shall be issued to any person whose license has been revoked nor to any person whose license the board has refused to renew until after the expiration of one year from the date of the revocation or refusal to renew; provided, that any such person pay to the secretary-treasurer of the board the sum of \$25 upon issuance of a new license.

[1929 c. 347 s. 9] (5784-21)

148.42 POWERS AND DUTIES OF BOARD. The state board of medical examiners shall have the power to provide for its offices and necessary furniture, fixtures, and supplies and to appoint and employ, and at will to remove or discharge, such officers, agents, assistants, clerks, and other employees as the board may deem necessary for the performance of its duties, fix their salaries, and define their duties; to prescribe rules and regulations for its own government and procedure; and to hold hearings in relation to any matter properly within its jurisdiction and prescribe rules and regulations for the conduct thereof, issue subpoenas for and compel the attendance of witnesses, the giving of testimony, and the production of books, records, accounts, documents, and papers; and any member of the board may administer oath to witnesses or take their affirmation. If any person fail or refuse to appear or testify regarding that upon which he may be lawfully interrogated, or to produce any books, records, accounts, documents, or papers material to the matter heard or to be heard by the board, after having been lawfully required by order or subpoena of the board so to do, any judge of the district court in any county of the state, on application of the board, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of a similar order or subpoena issued by such court.

[1929 c. 347 s. 10] (5784-22)

148.43 DUTIES OF SECRETARY-TREASURER. The secretary-treasurer of the state board of medical examiners shall keep a record of all proceedings of the board and a register of all applicants for examination, setting forth the names of such applicants, together with their addresses, ages, educational qualifications, and the results of their examinations. He shall perform such other duties as may be required by law or by the board. Such records and registers of the board shall at all times be open to public inspection and shall be prima facie evidence in all courts and legal proceedings within the state of matters therein recorded.

[1929 c. 347 s. 11] (5784-23)

148.44 COMPENSATION. The compensation of each member of the state board of medical examiners shall be \$10 for each day actually spent in the performance of his duties, together with actual necessary expenses paid or incurred by him in connection therewith. The compensation of persons employed by the board shall be determined by the board and, in addition thereto, their expenses necessarily paid or incurred in the performance of their duties in connection therewith, subject to the approval of the board.

[1929 c. 347 s. 12] (5784-24)

148.45 FEES PLACED IN FUND; BOND OF SECRETARY-TREASURER. All fees and moneys payable under the provisions of sections 148.33 to 148.51 shall be paid to the secretary-treasurer of the state board of medical examiners and he shall forthwith deposit the same with the state treasurer to be kept by him in a separate fund, which shall be under the control and for the use of the board in the administration of sections 148.33 to 148.51. The amount of such fund is hereby annually

appropriated to the board for the purpose of defraying its expenses in carrying out the provisions of sections 148.33 to 148.51. The compensation and expenses of members of the board, herein provided for, and the compensation and expenses of all persons employed by the board hereunder, shall be paid out of this fund; in addition, the fund shall be available to, and may be used by, the board to defray the expenses of keeping proper records and registers, furnishing licenses herein provided for, employing inspectors for procuring evidence of any violation of sections 148.33 to 148.51, aiding in the enforcement thereof, and for such other expenses and purposes as may be deemed necessary by the board to carry out the provisions of sections 148.33 to 148.51. The expenditures of the board, together with the obligations created or incurred thereby, shall at no time exceed the amount of the fund in the treasury available hereunder for the use of the board. Payments out of this fund shall be made only upon written orders issued and signed by the secretary-treasurer of the board. The secretary-treasurer shall give bond to the state 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.

[1929 c. 347 s. 13] (5784-25)

148.46 USE OF CERTAIN TITLES FORBIDDEN. No person licensed to practice massage under the provisions of sections 148.33 to 148.51 shall attach to his name or in any way use the title of doctor, physician, surgeon, specialist, M.D., M.B., D.O., D.C., or any other word, abbreviation or title indicating, or designed to indicate, that he is engaged in the practice of healing, as defined in section 146.01, or any practice other than massage, unless he is duly licensed for such practice within this state according to law. No person licensed under the provisions of sections 148.33 to 148.51 to practice massage shall in, by, or through any newspaper, magazine, directory, pamphlet, poster, card, circular, or other writing or publication, or by any advertisement state or represent either directly or indirectly that he has cured, can cure, or guarantees to cure, or that he has successfully treated, any disease, injury, defect, deformity, ailment, or affliction.

[1929 c. 347 s. 14] (5784-26)

148.47 APPLICATION. Chapter 146 shall not apply to persons licensed under sections 148.33 to 148.51, so long as such persons confine their activities within the scope of such license.

[1929 c. 347 s. 15] (5784-27)

148.48 PROSECUTIONS. In the prosecution of any person for violation of sections 148.33 to 148.51, it shall not be necessary to allege or prove want of a valid license to practice massage, as required by sections 148.33 to 148.51, but all such matters shall be matters of defense to be established by the accused.

[1929 c. 347 s. 16] (5784-28)

148.51 CANCELANON OF LICENSE IN CERTAIN CASES. Any person implicated in employing fraud or deception in applying for or securing a license to practice massage under sections 148.33 to 148.51, or in passing an examination therefor, shall be guilty of a gross misdemeanor. It shall be the duty of the clerk of the district court wherein any conviction is had under this section to file a certified copy thereof with the secretary-treasurer of the board and thereupon the secretary-treasurer shall cancel such license upon the records of his office and forthwith notify the respective clerks of the courts wherein such license is recorded of such cancellation; and such clerks shall immediately note such cancellation 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.

[1929 c. 347 s. 19] (5784-31)

OPTOMETRISTS

148.52 STATE BOARD OF OPTOMETRY. The state board of optometry shall consist of five qualified optometrists appointed by the governor, each for a term of three years and until his successor qualifies. Vacancies in the board shall be filled by like appointments for unexpired terms.

[1915 c. 127 s. 1; 1925 c. 239 s. 1; 1929 c. 420 s. 1] (5785)

148.53 POWERS OF BOARD. The state board of optometry shall have the power to make any rules and regulations and to do any and all things not inconsistent with law which it may deem necessary or expedient for the effective enforcement of sections 148.52 to 148.62 or for the full and efficient performance of its duties thereunder.

[1915 c. 127 s. 2; 1925 c. 239 s. 2; 1929 c. 420 s. 2] (5786)

148.54 BOARD; OFFICERS; SEAL; MEETINGS. The state board of optometry shall elect from among its members a president and may adopt a seal. An executive secretary or assistant may be employed who need not necessarily be a member of the board. For the purpose of examining applicants for license to practice optometry, the board shall meet at least once a year.

[1915 c. 127 s. 3; 1925 c. 239 s. 3; 1949 c. 267 s. 1] (5787)

148.55 COMPENSATION OF BOARD MEMBERS; ATTORNEY; ASSISTANTS; RECORDS. Each member shall receive from the funds of the state board of optometry \$15 a day for actual services and necessary travel and expense allowance for attending meetings. For administrative and clerical services the secretary shall receive such compensation as the board may deem just and proper. The board may employ an attorney or other necessary assistants to aid in the enforcement of the provisions of sections 148.52 to 148.62, the attendant expense to be met from the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for examination or registration, which record shall be open for inspection.

[1915 c. 127 s. 4; 1925 c. 239 s. 4; 1949 c. 267 s. 2] (5788)

148.56 OPTOMETRISTS. Any person shall be deemed to be practicing optometry within the meaning of sections 148.52 to 148.62 who shall display a sign, such as an eye, a pair of eyes, a pair of glasses or spectacles, or who shall in any way advertise himself as an optometrist, or who shall employ any means for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof, or have in his possession testing appliances for the purpose of the measurement of the powers of vision, or diagnose any optical deficiency or deformity, visual or muscular anomaly of the human eye, or prescribe lenses, prisms, or ocular exercises for the correction or the relief of same, or who holds himself out as being able to do so. It shall be unlawful for any person who is not licensed as an optometrist in this state to fit, sell, or dispose of, or to take, receive, or solicit any order for the fitting, sale, or disposition of, any spectacles, eye glasses, or lenses for the correction of vision in any place within the state other than an established place of business wherein such spectacles, eye glasses, or lenses are commonly sold and dealt in; and it shall be unlawful for any person, not licensed as an optometrist thereunder, to sell or dispose of, at retail, any spectacles, eye glasses, or lenses for the correction of vision in any established place of business or elsewhere in this state except under the supervision, direction, and authority of a duly licensed optometrist holding a certificate under sections 148.52 to 148.62, who shall be in charge of and in personal attendance at the booth, counter, or place where such articles are sold or disposed of. Nothing in sections 148.52 to 148.62 shall be construed to apply to the sale of toy glasses, goggles consisting of plano-white or plano-colored lenses or ordinary colored glasses or to the replacement of duplications of broken lenses, nor to sales upon prescription from persons legally authorized by the laws of this state to examine eyes and prescribe glasses therefor, nor shall it apply to regularly licensed physicians and surgeons. It shall be unlawful for any person to engage in the practice of optometry without first procuring and filing for record a certificate of registration as a licensed optometrist pursuant to this section.

[1915 c. 127 s. 5; 1925 c. 239 s. 5; 1929 c. 420 s. 3] (5789)

148.57 WHO MAY PRACTICE OPTOMETRY. Subdivision 1. **Requirements.** The persons entitled to practice optometry in Minnesota who are not already registered shall be: every person of the full age of 21 years who furnished the state board of optometry with satisfactory evidence of:

- (1) His age and moral character;
- (2) That he has been graduated from an accredited high school or its equivalent, and that he possesses the knowledge essential to the practice of optometry;
- (3) That he be a graduate of an optometric school or college approved by this board, requiring an attendance of not less than four years' course.

Such school shall give a course of instruction covering and including the following minimum requirements:

Ocular anatomy.....	125 hours
Ocular pathology	125 hours
General anatomy	150 hours
General physiology	100 hours
General mathematics.....	150 hours
General physics.....	100 hours
General optics.....	100 hours
Theoretical optics.....	300 hours
Practical optics.....	100 hours
Theoretical optometry.....	250 hours
Practical optometry.....	200 hours
Hygiene	50 hours
Psychology	50 hours
Optical laboratory work.....	100 hours
Clinical work.....	100 hours

In the course of study herein outlined, the hours required shall be actual work in the class-room, laboratory, or clinic, and at least 80 per cent of actual attendance shall be required.

Subd. 2. Certificate. Having passed satisfactorily an examination by the board as to his qualifications for the practice of optometry, upon the completion of which, he shall receive from the board a licensed certificate entitling him to practice. Any person desiring to be examined by the board must fill out and swear to an application furnished by the board and file the same with the secretary of the board at least two weeks prior to holding of examination which the applicant is desirous of taking. The applicant shall pay to the board a fee of \$25 before examination and \$6.00 upon issuance of certificate. In the event of failure on the part of the candidate to pass the first examination, he may, within 15 months, have another trial, upon the payment of \$10 additional. Any applicant may be registered and given a certificate of registration if he shall present a certified copy of certificate of registration, or license which has been issued to the applicant by any other state, where the requirements for registration shall be deemed by the board to be equivalent to those of sections 148.52 to 148.62; provided, that such state shall accord like privileges to holders of certificates of the board and, provided further, that said applicant has practiced not less than one year in such other state. The fee for registering such applicant shall be \$25.

Subd. 3. Revocation, suspension. The board, upon hearing, of which the accused shall have ten days' notice in writing may revoke the certificates or suspend the right to practice of any person who has been convicted of any violation of sections 148.52 to 148.62 or of any other criminal offense, or who is found by the board to be grossly incompetent, afflicted with contagious disease, an habitual drunkard, or guilty of unprofessional conduct. "Unprofessional conduct" means any conduct of a character likely to deceive or defraud the public, including, among other things, price advertising, and free examination advertising, the loaning of his license or certificate by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; splitting or dividing a fee with any person; the obtaining of any fee or compensation by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by sections 148.52 to 148.62; the advertising by any means of optometric practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made. After one year, upon application and proof that the disqualification has ceased, the board may reinstate such person.

Subd. 4. Peddling or canvassing forbidden. Every registered optometrist who shall temporarily practice optometry outside of or away from his regular registered place of business shall display his registered certificate and deliver to each customer or person there fitted or supplied with glasses a receipt or record which shall contain his signature and show his permanent registered place of business or post-office address and number of his certificate, together with the amount charged therefor, but nothing contained in this section shall be construed as to permit peddling or canvassing by licensed optometrists.

[1915 c 127 s 6; 1925 c 239 s 6; 1929 c 420 s 4; 1949 c 267 s 3] (5790)

148.58 CERTIFICATES FILED; FEE. The holder of any certificate of registration shall file the same for record with the clerk of the district court in the county where he resides and after record shall display it conspicuously at his place of business. Upon removal to another county, he shall there in like manner file his certificate before engaging in business therein. Such clerk's fee shall be 50 cents for recording and \$1.00 for certified copy. A failure on the part of the holder to comply with any of the foregoing provisions for six months after the issuance of the certificate shall forfeit the same.

[1915 c. 127 s. 7; 1925 c. 239 s. 7] (5791)

148.59 ANNUAL FEES. Before April first each year, each authorized optometrist shall pay to the state board of optometry a fee of \$10, in default of which the board, upon a hearing and after 20 days notice, may revoke the certificate of any optometrist so in default; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding \$10 as may be fixed by the board, shall excuse the default. The board may collect such fee by suit.

[1915 c. 127 s. 8; 1925 c. 239 s. 8; 1949 c. 267 s. 4] (5792)

148.60 DISPOSAL OF FEES. All fees collected under sections 148.52 to 148.62 shall be received and held by the secretary and devoted to the uses of the state board of optometry. The secretary shall give such bond as the board shall from time to time require. Before the first Monday in January annually, the board shall report to the governor its proceedings and the items of its receipts and disbursements.

[1915 c. 127 s. 9; 1925 c. 239 s. 9] (5793)

148.61 VIOLATIONS; PENALTIES. Subdivision 1. [Repealed, 1945 c. 242 s. 14]

Subd. 2. Any person not hereinbefore excepted from the provisions of sections 148.33 to 148.51 who shall engage or attempt to engage in the practice of massage as defined in section 148.33, or hold himself out as being engaged therein, without having recorded his license to practice massage in the manner therein provided, or without displaying his license to practice massage as therein provided, shall be guilty of a misdemeanor.

Subd. 3. Any person who shall practice, or attempt to practice, chiropractic or who shall use any of the terms or letters "Doctors of Chiropractic," "Chiropractor," "D. C.," or any other title or letters under any circumstances as to lead the public to believe that the person who so uses such terms is engaged in the practice of chiropractic, without having complied with the provisions of sections 148.01 to 148.10, shall be deemed guilty of a gross misdemeanor; and, upon conviction thereof, fined not less than \$50 nor more than \$100 or be imprisoned in the county jail for not less than 30 days nor more than six months or punished by both fine and imprisonment, in the discretion of the court. It shall be the duty of the county attorney of the county in which such person practices to prosecute. Nothing therein shall be considered as interfering with any person engaged in other methods of healing as are now regulated by law in the state of Minnesota.

Subd. 4. Any person not hereinbefore excepted from the provisions of sections 148.33 to 148.51 who shall engage or attempt to engage in the practice of massage, as defined in section 148.33, or hold himself out as being engaged therein, in violation thereof, without a valid existing license to practice massage issued to him pursuant to the provisions thereof, shall be guilty of a gross misdemeanor.

Subd. 5. Every person who shall violate any of the provisions of sections 148.52 to 148.62 shall be guilty of a gross misdemeanor

[1915 c. 127 s. 10; 1919 c. 64 s. 9; 1925 c. 239 s. 10; 1927 c. 230; 1929 c. 347 ss. 17, 18] (5732, 5784-29, 5784-30, 5794)

148.62 APPLICATION. Sections 148.52 to 148.62 shall not be construed as forbidding any person licensed to practice any profession in this state from engaging in such profession as it may now be defined by law.

[1925 c. 239 s. 11] (5796-1)