

**CHAPTER 148****OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH****CHIROPRACTORS****148.06 APPLICANTS EXAMINED**

Examiners in the basic sciences may accept the certificate of registration in basic science of the state of New York where the requisites of such examination are equivalent to those of Minnesota. But if the applicant desires to engage in the practice of chiropractic in the state, he must take the examination provided in our state laws. OAG Sept. 30, 1949 (303-D).

**148.07 RENEWAL FEES PUT IN FUND; REPORT**

If the board determines that it is necessary to employ door attendants to check the attendance of applicants for a license renewal, such person may be compensated out of the state board of chiropractic examiners fund. OAG March 24, 1952 (535-E).

**OSTEOPATHS****148.11 STATE BOARD OF OSTEOPATHY; PER DIEM AND EXPENSES**

After the revocation of the license of an osteopath by reason of his conviction of a felony, the board may prescribe such examination as it deems suitable and upon such examination it is within the discretion of the board to grant any license to the applicant if they deem him qualified to resume the practice of his profession. OAG Nov. 10, 1948 (326-A).

**148.12 PRACTICE; LICENSES; PENALTIES**

Osteopaths are not authorized or permitted to give blood transfusions. OAG Aug. 14, 1953 (326-D).

**148.13 APPLICATION; EXAMINATION; FEES**

After the revocation of the license of an osteopath by reason of his conviction of a felony, the board may prescribe such examination as it deems suitable and upon such examination the board may grant a license to the applicant if it deems him qualified to resume the practice of his profession. OAG Nov. 10, 1948 (326-A).

**REGISTERED NURSES**

**148.17** Repealed, 1945 c 242 s 14.

**148.171 DEFINITIONS**

The roster of registered nurses and licensed practical nurses need not be filed with the secretary of state. OAG Feb. 3, 1949 (905-E).

The board provided for by section 148.171 is not identical with the board provided for by Laws 1947, Chapter 407, and coded as sections 148.29 to 148.294. The first deals with registered nurses and is under the control of the state board of examiners of nurses, while the second relates to licensed practical nurses and is un-

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der a board created under the provisions of section 148.29. OAG April 7, 1948 (905-H).

**148.18, 148.19** Repealed, 1945 c 242 s 14.

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

Employees of the state board of examiners of nurses are within the civil service law but this does not apply to the executive secretary. OAG April 10, 1947 (644-B).

The state board of examiners of nurses cannot enter into a valid agreement for the engaging of office facilities without the approval of the commissioner of administration. It is not required that the office be in St. Paul. OAG March 7, 1949 (905-H).

**148.20, 148.21** Repealed, 1945 c 242 s 14.

## **148.211 APPLICATION; EXAMINATION; LICENSE; FEE**

An applicant who pays his examination fee without taking the examination is not entitled to any refund, but is entitled to credit for the amount paid to apply toward a subsequent examination. OAG July 31, 1947 (905-B).

**148.22, 148.23** Repealed, 1945 c 242 s 14.

## **148.231 REGISTRATION**

**HISTORY.** 1945 c 242 s 7; 1947 c 286 s 1.

Licensed nurses exempted from registration and license during service with the armed forces, upon discharge must, under Laws 1947, Chapter 286, and from and after April 11, 1947, register and pay the stated license fee. OAG Dec. 24, 1947 (905-E).

During a period of civilian defense emergency nurses from other states would be permitted to practice in this state without registration, and inactive nurses in the state could practice their profession during such period without the payment of a renewal fee. OAG May 17, 1951 (905-E).

**148.24** Repealed, 1945 c 242 s 14.

## **148.241 MONEYS DEPOSITED WITH STATE TREASURER**

The board of examiners may expend available money for the purpose of revising minimum standards for schools of nursing. This includes compensation to persons employed in research. OAG April 11, 1947 (905-H).

**148.25, 148.26** Repealed, 1945 c 242 s 14.

## **148.261 REVOCATION OF LICENSE**

Where an applicant for a license to practice nursing has violated or comes within the prohibitory provisions of section 148.261 the board may, upon proof, deny a license to the applicant. Unless the evidence upon which the board may conclude that the license should not be issued is so clear and unequivocal that the opinion of the board would be changed no matter if the evidence might be offered to the contrary. The applicant should be given a hearing. OAG Nov. 4, 1947 (905-E).

A licensed registered nurse who by reason of unstable personality and the use of drugs is a patient in a mental hospital in another state may lack mental capacity to voluntarily surrender her license. The board should proceed to revoke the license as provided in section 148.261. OAG Dec. 1, 1948 (905-H).

**148.27, 148.28** Repealed, 1945 c 242 s 14.

### PRACTICAL NURSES

#### 148.29 LICENSED PRACTICAL NURSES; DEFINITIONS

HISTORY. 1947 c 407 s 1.

Under section 176.15, which provides that an employer shall be liable for the reasonable expenses incurred by or on behalf of an employee in providing nursing services, an award cannot be made for such services furnished by respondent's wife in the absence of a showing that respondent incurred expenses for such services or that his wife was forced to give up other remunerated employment in order to render such services. The action of the commission in allowing the wife payment for her services is reversed. *Graf v Montgomery Ward & Co.*, 234 M 485, 49 NW(2d) 797.

The board provided for by section 148.171 is not identical with the board provided for by Laws 1947, Chapter 407, and coded as sections 148.29 to 148.294. The first deals with registered nurses and is under the control of Minnesota state board of examiners of nurses, while the second relates to licensed practical nurses and is under a board created under the provisions of section 148.29. OAG April 7, 1948 (905-H).

A license granted by a board under statutory authority cannot be revoked by such board in the absence of statutory authority, and there is no statutory authority for revoking a license of a practical nurse. OAG March 31, 1950 (905-I).

#### 148.291 EXAMINATIONS

The Minnesota state board of examiners of nurses should keep separate financial accounts for registered nurses and for the licensing and renewal of licenses of practical nurses; and all expenses for inaugurating such system should be paid out of the present board funds; and, where convenient, the minutes of the board in its dealings with the two classes of nurses should be kept separate. OAG July 18, 1947 (905-L).

It is not within the power of the examining board to require a failing applicant to take a refresher course as a condition to a second examination. OAG March 17, 1948 (905-I).

The powers of the board in the matter of licensing practical nurses is administrative, and if the applicant possesses the necessary qualifications and passes the examination it is the duty of the board to issue the license. The board has no power to suspend. Any application for the revocation or suspension of a license should be made to the court. OAG March 31, 1950 (905-I).

#### 148.295 SCHOLARSHIPS, STUDENT NURSES

HISTORY. 1951 c 710 s 1; 1953 c 274 s 1-3.

Laws 1951, Chapter 712, appropriates to the state board of education \$75,000 each year for the two years in the biennium. Of this, \$70,000 is made available for scholarships in each of the two fiscal years and the remaining \$5,000 each year may be used for expense of administration. OAG May 17, 1951 (905-E).

### MASSEURS; MASSEUSES

#### 148.34 MESSAGE DISTINGUISHED

HISTORY. 1927 c 69 s 1, 2, 3; 1929 c 347 s 2.

#### 148.35 OPERATORS LICENSED

HISTORY. 1927 c 69 s 4; 1929 c 347 s 3.

#### 148.36 LICENSE, BY WHOM ISSUED

HISTORY. 1927 c 69 s 5; 1929 c 347 s 4; 1935 c 245.

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## 148.37 QUALIFICATIONS OF APPLICANTS

A person who practices optometry in a mobile unit in 40 or 50 communities is not required to obtain a transient merchant license. OAG Dec. 19, 1950 (329-D).

## 148.42 POWERS AND DUTIES OF BOARD

HISTORY. 1927 c 69 s 3; 1929 c 347 s 10.

## 148.43 DUTIES OF SECRETARY-TREASURER

1927 c 69 s 9; 1929 c 347 s 11.

## OPTOMETRISTS

### 148.54 BOARD; OFFICERS; SEAL; MEETINGS

HISTORY. 1915 c 127 s 3; 1925 c 239 s 3; 1949 c 267 s 1.

### 148.55 COMPENSATION OF BOARD MEMBERS; ATTORNEY; ASSISTANTS; RECORDS

HISTORY. 1915 c 127 s 4; 1925 c 239 s 4; 1949 c 267 s 2.

### 148.56 OPTOMETRISTS

Public officers acting in their official capacity must show no favoritism as between individual licensed practitioners or particular classes of license practitioners when suggesting or advising the performance of a health service. OAG Feb. 9, 1950 (329).

### 148.57 WHO MAY PRACTICE OPTOMETRY

HISTORY. 1915 c 127 s 6; 1925 c 289 s 6; 1929 c 420 s 4; 1949 c 267 s 3.

An optometrist maintaining a mobile unit and traveling with the unit in different communities, practicing optometry, and who sent out cards to patients and prospective patients announcing the days and hours on which he would be in a given community to serve patients as they come without prior appointment and who maintained a definite home office, was not a peddler. OAG Dec. 19, 1950 (329-D).

### 148.59 ANNUAL FEES

HISTORY. 1915 c 127 s 8; 1925 c 239 s 8; 1949 c 267 s 4.

### 148.61 VIOLATIONS; PENALTIES

HISTORY. 1907 c 153 s 16; 1915 c 127 s 10; 1919 c 64 s 9; 1925 c 2 s 39; 1927 c 230; 1929 c 347 s 17, 18.

## PHYSICAL THERAPY

### 148.65 DEFINITIONS

HISTORY. 1951 c 479 s 1.

### 148.66 STATE BOARD OF MEDICAL EXAMINERS, DUTIES

HISTORY. 1951 c 479 s 2.

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**148.67 EXAMINING COMMITTEE**

HISTORY. 1951 c 479 s 3.

**148.68 MEMBERS; TERMS; APPOINTMENT, VACANCIES**

HISTORY. 1951 c 479 s 4.

**148.69 OFFICERS**

HISTORY. 1951 c 479 s 5.

**148.70 APPLICANTS, QUALIFICATIONS**

HISTORY. 1951 c 479 s 6.

**148.71 REGISTRATION**

HISTORY. 1951 c 479 s 7.

**148.72 EXAMINATIONS**

HISTORY. 1951 c 479 s 8.

Receipts of the state medical board of examiners are not subject to the provisions of the Reorganization Act. OAG Feb. 13, 1952 (303-A-5).

**148.73 RENEWALS**

HISTORY. 1951 c 479 s 9.

**148.74 RULES**

HISTORY. 1951 c 479 s 10.

**148.75 CERTIFICATE, GROUNDS FOR REVOCATION**

HISTORY. 1951 c 479 s 11.

**148.76 CERTAIN WORDS, PROHIBITED**

HISTORY. 1951 c 479 s 12.

**148.77 VIOLATIONS**

HISTORY. 1951 c 479 s 13.

**148.78 PROSECUTION, ALLEGATIONS**

HISTORY. 1951 c 479 s 14.

**PSYCHOLOGISTS**

**148.79 BOARD OF EXAMINERS**

HISTORY. 1951 c 672 s 1; 1953 c 129 s 1.

Certificates for certified psychologists have no terminal date and need not be renewed. OAG Dec. 31, 1951 (350).

**148.80 REPORTS TO GOVERNOR**

HISTORY. 1951 c 672 s 2.

**148.81 CERTIFIED PSYCHOLOGISTS**

HISTORY. 1951 c 672 s 3; 1953 c 129 s 2.

**148.82 CERTIFICATE, FEE**

HISTORY. 1951 c 672 s 4; 1953 c 129 s 3.

The mandatory waiver of examination and the requirements of Laws 1951, Chapter 672, Section 4, Clause (d), only applies in the case of residents of the state at the time of the passage of the act. It does not include nonresident psychologists. OAG Sept. 28, 1951 (350).

Certificates for certified psychologists do not have any terminal date and need not be renewed. OAG Dec. 31, 1951 (350).

**148.83 REVOCATION OF CERTIFICATE**

HISTORY. 1951 c 672 s 5; 1953 c 129 s 4.

**148.84 VIOLATIONS, PENALTIES**

HISTORY. 1951 c 672 s 6.

**148.85 FEES APPROPRIATED TO USE OF BOARD**

HISTORY. 1951 c 672 s 7.

The board of examiners of psychologists is subject to all the provisions of the 1939 Reorganization Act relating to budgeting, allotment, encumbrance, and disbursement of funds and to purchases. OAG Dec. 4, 1951 (350).

**148.86 FORBIDDEN PRACTICES**

HISTORY. 1951 c 672 s 8.

**CHAPTER 149****EMBALMERS****149.01 LICENSE; EMBALMING AND FUNERAL DIRECTING; APPRENTICES**

A licensed apprenticed funeral director may own a mortuary if operated by a licensed funeral director. The apprentice's surname may be used in a trade name for the mortuary provided that the public is not misled. OAG Oct. 8, 1946 (225-M).

**149.03 APPLICANTS; QUALIFICATIONS; AFFIDAVITS; APPRENTICES; ASSISTANTS**

The state board of health in licensing a funeral director may require the applicant to prove compliance with the statutory conditions but may not in addition require a completed course of instruction not required by the statute. OAG Jan. 3, 1947 (225-N).

**149.05 LICENSE; GROUNDS FOR DENIAL, SUSPENSION, REVOCATION; CERTIORARI; RULES AND REGULATIONS**

Grand larceny in the second degree is a crime involving moral turpitude. The state board of health may not suspend the license of an embalmer and funeral direc-