

MINNESOTA STATUTES 1965

1577

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.03

CHAPTER 148

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH

Sec.		Sec.	
CHIROPRACTORS		148.38	Assistants to board
148.01	Chiropractic	148.39	Reexaminations
148.02	Chiropractors; state board of examiners	148.40	Licenses recorded
148.03	Appointment	148.41	Licenses suspended or revoked
148.04	Procedure	148.42	Powers and duties of board
148.05	License and fee	148.43	Duties of secretary-treasurer
148.06	Application; examination; license; fee	148.44	Compensation
148.07	Disposition of fees	148.45	Fees placed in fund; bond of secretary-treasurer
148.08	Licenses recorded; rules and regulations	148.46	Use of certain titles forbidden
148.10	Licenses revoked; new licenses	148.47	Application
148.101	Violation	148.48	Prosecutions
REGISTERED NURSES		148.51	Cancellation of license in certain cases
148.171	Definitions	148.511	Violations
148.181	Board of nursing; membership, appointments, vacancies, removals	OPTOMETRISTS	
148.191	Annual meeting; rules; executive secretary	148.52	State board of optometry
148.201	Compensation and expenses	148.53	Powers of board
148.211	Application; examination; license; fee	148.54	Board; officers; seal; meetings
148.221	Persons now holding certificate	148.55	Compensation of board members; attorney; assistants; records
148.231	Registration	148.56	Optometrists
148.241	Deposit of moneys	148.57	Optometry, persons who may practice
148.251	School of nursing	148.58	Certificates filed; fee
148.261	Revocation of license	148.59	Annual fees
148.271	Allowable unlicensed practices	148.60	Disposal of fees; report
148.272	Nursing personnel; board of health regulations	148.61	Penalty
148.281	Violations	148.62	Application
148.282	Professional nursing; license	PHYSICAL THERAPY	
148.283	Unauthorized practice of professional nursing	148.65	Definitions
148.285	Transfer of assets	148.66	State board of medical examiners, duties
SCHOLARSHIPS, STUDENT NURSES		148.67	Examining committee
148.286	Nursing scholarships	148.68	Members; terms, appointment, vacancies
PRACTICAL NURSES		148.69	Officers
148.29	Definitions	148.70	Applicants, qualifications
148.291	Examinations	148.71	Registration
148.292	Approved program	148.72	Examinations
148.293	Violations, exemptions	148.73	Renewals
148.294	Registration	148.74	Rules
148.296	Board; rules, expenses	148.75	Certificates, grounds for revocation
148.297	Revocation or suspension of license; notice, hearing	148.76	Certain words, use prohibited
MIDWIVES		148.77	Violations
148.30	Midwifery	148.78	Prosecution, allegations
148.31	Licenses	PSYCHOLOGISTS	
148.32	Licenses; denial, revocation, refusal	148.79	Board of examiners
MASSEURS, MASSEUSES		148.80	Reports to governor
148.33	Definitions	148.81	Certified psychologist or consulting psychologist
148.34	Massage distinguished	148.82	Certificate, fee
148.35	Operators licensed	148.83	Certificate, revocation
148.36	License, by whom issued	148.84	Violations, penalties
148.37	Qualifications of applicants	148.85	Fees appropriated to use of board
		148.86	Forbidden practices

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

more than 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 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; 1959 c 186 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. The board shall have a common seal and formulate rules to govern its actions.

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

148.06 APPLICATION; EXAMINATION; LICENSE; FEE. 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 percent of the questions propounded in each of the above subjects. Each application shall be accompanied by a fee of \$50. 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 \$50.

[1919 c 64 s 6; 1927 c 230; 1959 c 186 s 2] (5729)

148.07 DISPOSITION OF FEES. Subdivision 1. **Renewal; fee.** 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 \$25, with a penalty of \$5 per month for each month or portion thereof for which a license fee is in arrears not to exceed a total of \$50, 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.

MINNESOTA STATUTES 1965

1579

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.10

Subd. 2. **Management of funds.** 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 even numbered year, file with the governor a report of all receipts and disbursements and proceedings of the board for the preceding two years. 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 \$25 per day and mileage at the rate of seven and one-half cents per mile, and other necessary incidentals, in attending the meetings of the board and for such other times as he may actually be engaged in business of the board.

[1919 c 64 s 7; 1927 c 230 s 1; 1943 c 155 s 2; 1955 c 847 s 12; 1959 c 186 s 3; 1965 c 64 s 1] (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 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, 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 for:

(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; which 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 the examination provided for in section 148.06;

(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;

(7) professional misconduct.

Any person duly licensed, or who is an applicant for a license to practice chiropractic, against whom any 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 certified copy of the order of revocation shall be filed forthwith in the office of the clerk of the district court, who shall make a notation of the revocation in the book in which the record of the license is kept and cancel the revoked license. The clerk shall receive a fee of \$1 for filing the order of revocation and making the notation and cancelation, which shall be paid by the board.

Subd. 2. **Issuance following refusal, revocation or cancelation.** The state board of chiropractic examiners may, at any time within two years of the refusal or revocation or cancelation 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 con-

ferring 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 \$100 upon issuance of a new license.

[1919 c 64 s 10; 1927 c 230; 1957 c 154 s 1; 1959 c 186 s 4] (5733)

148.101 VIOLATION. 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 persons 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.

[1919 c 64 s 9; 1927 c 230] (5732)

148.11 [Repealed, 1963 c 45 s 12]

148.12 [Repealed, 1963 c 45 s 12]

148.13 [Repealed, 1963 c 45 s 12]

148.14 [Repealed, 1963 c 45 s 12]

148.15 [Repealed, 1963 c 45 s 12]

148.16 [Repealed, 1963 c 45 s 12]

148.17 [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 Board of Nursing.

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

(3) The practice of professional nursing means the performance for compensation or personal profit of a professional service in the care of those mentally or physically ill or in the prevention of illness or in the supervision of others engaged in caring for the ill or preventing illness which requires special education, knowledge and skill such as that ordinarily expected of an individual who has completed a course of instruction as described in section 148.211, subdivision 1.

[1945 c 242 s 1; 1955 c 34 s 1; 1959 c 140 s 1]

148.18 [Repealed, 1945 c 242 s 14]

148.181 BOARD OF NURSING; MEMBERSHIP, APPOINTMENTS, VACANCIES, REMOVALS. Subdivision 1. The Minnesota Board of Nursing 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.

MINNESOTA STATUTES 1965

1581

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.211

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; 1955 c 34 s 2]

148.19 [Repealed, 1945 c 242 s 14]

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 a biennial report to the governor on or before October 1 in each even-numbered year.

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; 1955 c 847 s 13]

148.20 [Repealed, 1945 c 242 s 14]

148.201 COMPENSATION AND EXPENSES. Each member of the board shall receive, in addition to necessary traveling and hotel expenses, \$20 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; 1961 c 8 s 1]

148.21 [Repealed, 1945 c 242 s 14]

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 19 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 22 months in length in an accredited school of professional 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 sup-

plemented 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 \$20 to the board. Any applicant applying for re-examination shall pay a fee of \$5.

[1945 c 242 s 5; 1955 c 34 s 4; 1961 c 56 s 1]

148.22 [Repealed, 1945 c 242 s 14]

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]

148.23 [Repealed, 1945 c 242 s 14]

148.231 REGISTRATION. Subdivision 1. **Annual registration and certificate; fee; penalty.** 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 1 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 \$2. A penalty fee of \$1 shall be added for applications postmarked after the last day of such calendar year. 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 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; 1955 c 34 s 5; 1961 c 8 s 2]

148.24 [Repealed, 1945 c 242 s 14]

148.241 DEPOSIT OF MONEYS. 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 Minnesota Board of Nursing 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; 1955 c 34 s 3]

148.25 [Repealed, 1945 c 242 s 14]

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 22 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; 1961 c 56 s 2]

148.26 [Repealed, 1945 c 242 s 14]

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]

148.27 [Repealed, 1945 c 242 s 14]

148.271 ALLOWABLE UNLICENSED PRACTICES. The provisions of sections 148.171 to 148.285 shall not prohibit:

(1) The furnishing of nursing assistance in an emergency.

(2) The practice of nursing by 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.

(3) The practice of nursing by a graduate of a school of professional nursing accredited by the board between the date of graduation and the date of notification to such graduate of the board action upon his or her application for licensure hereunder, provided that such graduate has taken the first examination for licensure hereunder following graduation given by the board and has been issued a permit by the board to engage in the practice of professional nursing while awaiting notification of the results of such examination. The board is authorized to issue permits to such graduates which shall permit the practice of professional nursing from the date of graduation until the date that the board shall notify such graduates of the results of their applications for registration conditioned upon such graduates making prompt application for registration and taking the first examination given by the board which they are eligible to take following graduation. Such permits shall not be renewable.

(4) The practice of any profession or occupation licensed by the state by any person duly licensed to practice such profession or occupation, or the performance by such a person of any acts properly coming within the scope of such a profession, occupation or license.

(5) The practice of professional nursing prior to July 1, 1960, by any person who is not a registered nurse and who does not in any way assume or represent to be a registered nurse.

(6) The practice of nursing, other than professional nursing as defined herein, by any person who does not assume or represent to be a registered or professional nurse.

(7) The performance of any act in the nursing care of the sick by a nurse's aide under the direction of a registered nurse.

(8) The practice of nursing by a person licensed as a professional nurse in another jurisdiction and qualified for licensure in the state of Minnesota pursuant to a temporary permit issued by the board of nursing which permit shall be issued by the board pursuant to such rules and regulations as it may promulgate, for the period between the submission of a proper application for licensure by such person and the date of action upon such application by the board.

(9) The practice of nursing in a private home by any person who does not assume or represent to be a registered or professional nurse.

(10) The practice of nursing under the supervision of a licensed doctor of medicine.

[1945 c 242 s 11; 1959 c 140 s 2]

148.272 NURSING PERSONNEL; BOARD OF HEALTH REGULATIONS. Nothing in sections 148.171 and 148.271 to 148.283, shall affect the requirements of nursing personnel in nursing homes or hospitals as set forth by regulations of the state board of health.

[1959 c 140 s 3]

148.28 [Repealed, 1945 c 242 s 14]

148.281 VIOLATIONS. 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 professional nursing under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice professional nursing unless duly registered or licensed to do so 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 or a professional nurse unless duly registered or licensed so to practice professional nursing under the 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 or professional nurses unless the school or course has been accredited by the board.

MINNESOTA STATUTES 1965

1585

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.286

Subd. 2. 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 s 12, 13; 1959 c 140 s 4]

148.282 PROFESSIONAL NURSING; LICENSE. Prior to July 1, 1960, the board shall issue a license to practice professional nursing to any person who:

- (1) Is of good moral character.
- (2) Is in good physical and mental health.

(3) Has practiced as a professional nurse in this state for the equivalent of two years prior to July 1, 1960.

(4) Has completed a professional nursing education program which was accredited by a board of nursing in the United States or Canada at the time of completion, and which would have entitled such person to take an examination for licensure as a registered nurse under any act previously in force in this state.

If any person meets the first three requirements above, but is unable to prove his or her educational qualifications, the board may issue such license upon being satisfied, by the giving of an examination or otherwise, that such person is qualified.

[1959 c 140 s 5]

148.283 UNAUTHORIZED PRACTICE OF PROFESSIONAL NURSING. The practice of professional nursing by any person who has not been licensed to practice professional nursing under the provisions of sections 148.171 to 148.285, or whose license has been suspended or revoked, or has expired, is hereby declared to be inimical to the public health and welfare and to constitute a public nuisance. Upon complaint being made thereof by the board of nursing, or any prosecuting officer, and upon a proper showing of the facts, the district court of the county where such practice occurred may enjoin such acts and practice. Such injunction proceeding shall be in addition to, and not in lieu of, all other penalties and remedies provided by law.

[1959 c 140 s 6]

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]

SCHOLARSHIPS, STUDENT NURSES

148.286 NURSING SCHOLARSHIPS. Subdivision 1. **ENTITLEMENT, USE, AMOUNT.** The Minnesota board of nursing may award scholarships to students attending a school of nursing in this state accredited in accordance with the laws pertaining to registered nurses and licensed practical nurses. Such scholarships shall be awarded to those students who are residents of this state and who are in need of economic assistance in securing such nursing education, and shall be awarded on the basis of need and ability. These scholarships shall be used solely to defray tuition and other fees and expenses incidental to such nursing education. No student shall receive a scholarship of more than \$1,000. Two-thirds of the scholarship shall be available to the student in the first year of her course, and the remainder thereof shall be divided equally between the remaining years of the course, provided, however, that the practical nurse scholarship shall not exceed \$300 and shall be available to the student in the first year of her course.

Subd. 2. **Conditions of grant.** The recipient of any scholarship provided for hereunder must agree to practice the profession of nursing for at least one year immediately after graduation in the state of Minnesota.

Subd. 3. **Allocation; annual amount available.** Not less than one-third of the amount available for scholarships in each fiscal year shall be awarded for scholarships in accredited schools, located in counties with a population of not exceeding 100,000 persons respectively. Provided, however, that at the end of six months of each fiscal year any amount remaining unallocated may be awarded for scholarships in any accredited school in the state of Minnesota. Except for amounts that may be necessary to pay any scholarships which have been awarded and not completed or terminated, any unexpended balance of the appropriated sums shall revert to the state treasury at the close of the said fiscal years. Of the amounts

appropriated, not more than \$4,000 thereof shall be used for administration in each of the fiscal years.

[1961 c 446 s 1; 1961 c 567 s 2; 1965 c 106 s 1, 2]

PRACTICAL NURSES

148.29 DEFINITIONS. Subdivision 1. For the purposes of sections 148.29 to 148.297, the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Board" means "Minnesota Board of Nursing," and for the purposes of sections 148.29 to 148.297 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.

When these three positions next become vacant after July 1, 1955, the governor shall appoint one member to a one year term, one member to a two year term, and one member to a three year term; thereafter each new appointment shall be for a three year term. Members shall hold office until a successor is appointed and qualifies.

Subd. 3. "Licensed Practical Nurse," abbreviated L. P. N., means a person licensed by the Minnesota Board of Nursing to practice practical nursing.

Subd. 4. "The practice of nursing by a Licensed Practical Nurse" means 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; 1955 c 617 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 approved 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 \$15 to the board. Any applicant applying for re-examination shall pay a fee of \$5.

[1947 c 407 s 2; 1955 c 617 s 2; 1965 c 496 s 1]

148.292 APPROVED PROGRAM. Subdivision 1. **Approved school.** The board shall set minimum standards for schools and courses preparing persons for licensing pursuant to sections 148.29 to 148.297, and cause the same to be written and filed with the secretary of the board. It may amend said requirements pursuant to sections 148.29 to 148.297 from time to time and any such amendment shall also be written and filed with the secretary of the board. It shall conduct or provide for surveys of such schools and courses at such time as it may deem necessary. It shall approve such schools as in the opinion of the board, meet the requirements of this law and of the board. It shall evaluate and approve courses for affiliations. If at any time, the board determines that any approved school is

not maintaining the standards required by this law 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 approved schools.

Subd. 2. **New school.** An institution desiring to initiate a school to prepare persons for licensing pursuant to sections 148.29 to 148.297 shall apply to the board and submit evidence that it is prepared to meet the standards established by this law and by the board. Upon satisfactory proof that adequate preparation has been made to comply with the standards established by this law and by the board, the board shall approve the establishment of the school.

[1947 c 407 s 3; 1955 c 617 s 3; 1965 c 496 s 2]

148.293 VIOLATIONS, EXEMPTIONS. Subdivision 1. It is unlawful for any person, corporation, or association to:

(1) Conduct a school of nursing for the training of persons to become licensed practical nurses unless the school is approved by the board.

(2) Represent himself or herself as a licensed practical nurse unless such person is licensed by the board, but sections 148.29 to 148.297 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.

Subd. 2. Any person, corporation, or association violating any provisions of subdivision 1 is guilty of a misdemeanor.

[1947 c 407 s 4; 1955 c 617 s 4; 1965 c 496 s 3]

148.294 REGISTRATION. Subdivision 1. **Annual registration.** Every licensed practical nurse shall register annually with the board for each calendar year and pay a fee of \$2 on or before December 31 of the immediately preceding year; thereupon, the board shall issue a certificate of renewal registration. A penalty fee of \$1 shall be added for renewal registration applications postmarked after December 31 of the immediately preceding year.

Subd. 2. **Failure to re-register.** A person licensed under the provisions of section 148.291 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 licensed practical nurse, until an application for renewal registration has been filed with the board accompanied by \$1 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. **Notice of temporary retirement.** A person licensed under the provisions of section 148.291 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 practical nurse.

[1947 c 407 s 5; 1955 c 617 s 5; 1961 c 177 s 1]

148.295 [Renumbered 120.44]

148.296 BOARD; RULES, EXPENSES. Subdivision 1. The board is authorized to adopt rules as may be necessary to effectuate the provisions of sections 148.29 to 148.294. It has power to issue subpoenas, and to compel the attendance of witnesses, and to administer oaths. It shall cause the prosecution of all persons violating section 148.29 to 148.294.

Subd. 2. Each member of the board shall receive, in addition to necessary traveling and hotel expenses, \$20 per day for each day actually engaged in the discharge of board duties, including travel time.

[1955 c 617 s 6; 1961 c 177 s 2]

148.297 REVOCATION OR SUSPENSION OF LICENSE; NOTICE, HEARING. 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 148.29 to 148.294, 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 practical 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) Has wilfully or repeatedly violated any of the provisions of sections 148.29 to 148.294.

Subd. 2. Before the board shall order any such suspension or revocation it shall cause an investigation to be made. It shall issue a citation under its seal, signed by the secretary, directing the licensee to show cause on a day certain why her license should not be suspended or revoked on the grounds specified therein. The licensee shall be given 20 days notice of the hearing, and is entitled to representation by counsel. A stenographic record shall be kept of the proceedings. The action of the board in suspending or revoking a license hereunder is subject to review by the district court.

Subd. 3. Any practical nurse whose license is suspended or revoked may be reinstated or a new license issued to her when in the discretion of the board such action is warranted. The nurse shall pay all the costs of the proceedings resulting in the suspension or revocation of the license and reinstatement of a license and a fee of \$15.

[1955 c 617 s 7]

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, and on examination, \$2.

[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 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 podiatry and persons duly licensed in this state to practice medicine,

surgery, osteopathy, chiropractic, or podiatry, 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; 1961 c 369 s 1] (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; 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, 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. 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 percent in the subjects in which he is examined and not less than 60 percent 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 RE-EXAMINATIONS. 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; 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. 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 cancelation 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

MINNESOTA STATUTES 1965

1591

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.46

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.

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

148.511 VIOLATION. Subdivision 1. 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. 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, 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.

[1929 c. 347 s. 17, 18] (5784-29, 5784-30)

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

MINNESOTA STATUTES 1965

1593

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.57

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 OPTOMETRY, PERSONS WHO MAY PRACTICE. 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 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~~^{its} 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 as provided by law.

[1915 c 127 s 7; 1925 c 239 s 7; 1959 c 250 s 1] (5791)

148.59 ANNUAL FEES. Before April 1 each year, each authorized optometrist shall pay to the state board of optometry a fee of \$15, in default of which the board, upon a hearing and after 20 days notice given by registered mail to the last known address of the registrant, 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 \$15 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; 1959 c 378 s 1] (5792)

148.60 DISPOSAL OF FEES; REPORT. 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. On or before October 1 in each even numbered

MINNESOTA STATUTES 1965

1595

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.68

year, the board shall make a biennial report to the governor of its proceedings, receipts and disbursements for the preceding two fiscal years.

[1915 c 127 s 9; 1925 c 239 s 9; 1955 c 847 s 14] (5793)

148.61 PENALTY. Subdivision 1. [Repealed, 1945 c 242 s 14]

Subd. 2. [Renumbered 148.511, subd. 1]

Subd. 3. [Renumbered 148.101]

Subd. 4. [Renumbered 148.511, subd. 2]

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; 1925 c 239 s 10] (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 13] (5796-1)

PHYSICAL THERAPY

148.65 DEFINITIONS. Subdivision 1. **Physical therapy.** As used in sections 148.65 to 148.78 the term "physical therapy" means the treatment of any bodily or mental disorder of any person by the use of the physical, chemical and other properties of heat or cold, light, water, electricity, massage, mechanical devices and therapeutic exercise, which includes posture and rehabilitation procedures, provided however, the use of Roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in sections 148.65 to 148.78.

Subd. 2. **Physical therapist.** "Physical therapist" means a person who practices physical therapy as defined in sections 148.65 to 148.78 under the prescription, and direct supervision of a person licensed and registered in this state to practice medicine and surgery and whose license is in good standing.

[1951 c 479 s 1]

148.66 STATE BOARD OF MEDICAL EXAMINERS, DUTIES. The state board of medical examiners, as now or hereafter constituted, hereinafter termed "the board," in the manner hereinafter provided, shall administer the provisions of this law.

[1951 c 479 s 2]

148.67 EXAMINING COMMITTEE. There is hereby created a state examining committee for physical therapists to assist the state board of medical examiners in carrying out the provisions of this law, regarding the qualifications and examination of physical therapists. The examining committee shall consist of five members, citizens and residents of the state of Minnesota, composed of three physical therapists, one licensed and registered doctor of medicine in the general practice of medicine, and one professor or associate or assistant professor from a course in physical therapy accredited by the state board of medical examiners.

[1951 c 479 s 3]

148.68 MEMBERS; TERMS, APPOINTMENT, VACANCIES. The governor by and with the advice and consent of the senate, shall appoint the members of the state examining committee for physical therapists for a term of three years. The first appointments shall be made as soon as may be after April 15, 1951. The terms of office of the members first appointed shall begin when they are appointed and qualify and shall continue thereafter for the following periods: two members for one year, two members for two years, and one member for three years, the said terms to end June 30 of the respective years. Upon the expiration of such terms and of all terms thereafter the governor shall appoint a successor to the member whose term expires, for a term of three years. For each of the above terms of the state examining committee, and at least 30 days prior to the expiration of each of said terms, and for any vacancy thereafter occurring, the governing body of the Minnesota chapter of the American Physical Therapy Association shall recommend to the governor three physical therapists qualified to serve on said state examining committee for each term of vacancy to be filled, and from said list of persons so recommended, the governor may appoint one member to said state examining committee. In the same manner the Council of the Minnesota State Medical Association shall recommend to the governor three

doctors of medicine qualified to serve on said state examining committee and from said list of persons so recommended, the governor may appoint one doctor of medicine to said state examining committee. The state board of medical examiners shall recommend to the governor not less than two professors or associate or assistant professors qualified to serve on said state examining committee and from said list one may be appointed. After the appointment of the first state examining committee, each physical therapist appointed thereto shall be a duly registered physical therapist, shall have had not less than three years experience in the actual practice of physical therapy immediately preceding his appointment, and shall be actively engaged, in this state, in the practice of physical therapy during his incumbency. Each doctor of medicine appointed to the said state examining committee shall be duly licensed and registered to practice medicine and surgery in the State of Minnesota, and shall have had not less than four years actual experience in the practice of medicine and surgery. Vacancies in said state examining committee shall be filled by appointment by the governor as provided above within 60 days after such vacancy occurs, for the balance of the unexpired term and each member shall serve until his successor qualifies. Each member of the state examining committee, 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.

[1951 c 479 s 4]

148.69 OFFICERS. Within 30 days after the appointment of the members of the state examining committee for physical therapists provided for in section 148.67, they shall elect from their members a president, a vice-president, and a secretary, who shall each serve for one year or until their successors are elected and qualified. The examining committee shall serve in an advisory capacity to the state board of medical examiners, which board shall have authority to prescribe such reasonable rules and regulations relative to the qualification and examination of applicants as may be found necessary for the performance of its duties. As to any matters coming under its jurisdiction, the examining committee 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 sections 148.65 to 148.78, and any member of said committee shall have the power to administer oaths in the taking of such testimony. A simple majority of the committee shall constitute a quorum for the transaction of business. The secretary shall keep a record of all the proceedings of said committee. Said examining committee shall meet at the University of Minnesota, and under the direction of the board, there conduct the examination for physical therapists twice each year, in January and in June, and may hold other meetings at such times and places as the examining committee and board shall determine. The examining committee shall make recommendations to the board concerning rules and regulations governing examination of and registration of physical therapists for its approval. The board may appoint and fix the salary of an assistant secretary and such other employees necessary to assist the examining committee and shall have the power to employ such expert assistant or assistants as it may deem necessary to carry out the purposes of sections 148.65 to 148.78. The compensation of each member of said examining committee shall be \$10 for each day actually spent in the performance of his duties, together with actual necessary expenses payable out of the funds of the board, as approved by said board.

[1951 c 479 s 5]

148.70 APPLICANTS, QUALIFICATIONS. It shall be the duty of the state board of medical examiners with the advice and assistance of the state examining committee to pass upon the qualifications of applicants for registration, provide for and conduct all examinations, determine the applicants who successfully pass examination, and duly register such applicants. A person who desires to be registered as a physical therapist and who

- (a) is at least 21 years old;
- (b) is of good moral character;
- (c) has obtained a high school education or its equivalent as determined by the board, and
- (d) has been graduated by a school of physical therapy approved by the board for training physical therapists, may make application on a form furnished

MINNESOTA STATUTES 1965

1597

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.74

by the board, for examination for registration as a physical therapist as defined in sections 148.65 to 148.78. In determining whether or not such approval shall be given, the board may take into consideration the approval or nonapproval of such schools by the appropriate council of the American Medical Association or of the Canadian Medical Association, if any, at the time of his graduation, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation. Such examination shall embrace the following subjects: the applied sciences of anatomy, neuro-anatomy, kinesiology, physiology, pathology, psychology, physics, physical therapy, as defined in sections 148.65 to 148.78, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; and technical procedures in the practice of physical therapy as defined in sections 148.65 to 148.78, and such other subjects as the board may determine to be necessary. At the time of making such application, the applicant shall pay to the board \$15, no portion of which shall be returned.

[1951 c 479 s 6]

148.71 REGISTRATION. The state board of medical examiners shall register as a physical therapist, and shall furnish a certificate of registration to each applicant who successfully passes the examination provided for in sections 148.65 to 148.78 for registration as a physical therapist, and who is otherwise qualified as required herein.

[1951 c 479 s 7]

148.72 EXAMINATIONS. Subdivision 1. **When not required.** The state board of medical examiners may register as a physical therapist, and may furnish a certificate of registration without examination to any person who applies for such registration on or before December 31, 1951, and who on April 18, 1951, meets the qualifications for a physical therapist or junior physical therapist as set forth by the American Registry of Physical Therapists, and who, at the time of application, is practicing physical therapy in the State of Minnesota, and who is otherwise qualified as required herein. At the time of making such application, such applicant shall pay to the board a fee of \$15, no portion of which shall be returned.

Subd. 2. **Certificate of registration.** Said board may issue a certificate of registration in physical therapy without examination therein to an applicant who presents evidence satisfactory to the board of having passed the examination of the American Registry of Physical Therapists, or an examination before a similar lawfully authorized 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 said board to be as high as those of this state. At the time of making such application the applicant shall pay to the Board a fee of \$15, no portion of which shall be returned.

[1951 c 479 s 8]

148.73 RENEWALS. Every registered physical therapist shall, during the month of January 1952, and during each January thereafter, apply to the board for an extension of his registration and pay a fee of \$5. Registration that is not so extended on or before January 31 each year, shall automatically lapse on said date. The board, in its discretion, may revive and extend a lapsed registration on the payment of the required fees. Registrants shall likewise pay the said annual registration fee of \$5 for the balance of the first year of their registration.

[1951 c 479 s 9; 1959 c 282 s 1; 1961 c 323 s 1]

148.74 RULES. The board is authorized to adopt such rules and regulations as may be necessary to carry out the purposes of sections 148.65 to 148.78. The secretary of the board shall keep a record of proceedings under these sections and a register of all persons registered under it. The register shall show the name, address, date and number of registration, and the renewal thereof. The board shall, on or before April 30 of each year, compile a list of such registered physical therapists and mail a copy thereof to the state board of health and the county attorney of each county. Any other interested person in the state may obtain a copy of such list on request to the board upon payment of such amount as may be fixed by the board, which shall not exceed the cost of the list so furnished. The board shall provide blanks, books, certificates, and such stationery and assistance as is necessary for the transaction of the business of the board and the

state examining committee hereunder, and all money received by the board under sections 148.65 to 148.78 shall be paid into the state treasury as provided for by law, to be kept in a separate fund which shall be under the control, and for the use, of the board in carrying out and assisting in the enforcement of the provisions thereof.

[1951 c 479 s 10]

148.75 CERTIFICATES, GROUNDS FOR REVOCATION. The state board of medical examiners may refuse to grant registration to any physical therapist, or may suspend or revoke the registration of any physical therapist for any of the following grounds:

- (a) habitual indulgence in the use of narcotic drugs or other habit forming drugs;
- (b) excessive indulgence in the use of alcoholic liquors;
- (c) conviction of a felony;
- (d) conviction of a crime involving moral turpitude;
- (e) conviction for violating any state or federal narcotic law;
- (f) procuring, aiding or abetting a criminal abortion;
- (g) obtaining, or attempting to obtain, registration by fraud or deception;
- (h) finding by a court of competent jurisdiction that the registrant is a mentally ill person and has not thereafter been restored to legal capacity;
- (i) conduct unbecoming a person registered as a physical therapist or detrimental to the best interests of the public;
- (j) the treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by sections 148.65 to 148.78, and the undertaking to practice physical therapy independent of the prescription and direct supervision of a person licensed and registered in this state to practice medicine and surgery.

[1951 c 479 s 11]

148.76 CERTAIN WORDS, USE PROHIBITED. Any person who shall, in any manner, represent himself as a physical therapist, or who uses in connection with his name the words or letters Physical Therapist, Physiotherapist, Physical Therapy Technician, Registered Physical Therapist, P.T., P.T.T. or R.P.T., or any letters, words, abbreviations or insignia indicating or implying that he is a physical therapist, without a valid existing certificate of registration as a physical therapist issued to him pursuant to the provisions of sections 148.65 to 148.78, shall be guilty of a gross misdemeanor. Nothing therein shall prohibit any person licensed or registered, in this state, under another law, from carrying out the therapy or practice for which he is duly licensed or registered.

[1951 c 479 s 12]

148.77 VIOLATIONS. Subdivision 1. Any person employing fraud or deception in applying for or securing a certificate of registration as a physical therapist, shall be guilty of a gross misdemeanor.

Subd. 2. A person registered under sections 148.65 to 148.78 as a physical therapist shall not treat human ailments by physical therapy except under the prescription and direct supervision of a person licensed in this state to practice medicine and surgery and whose license is in good standing.

Subd. 3. A person registered under sections 148.65 to 148.78 as a physical therapist shall not treat human ailments other than by physical therapy unless duly licensed or registered so to do under the laws of this state.

Subd. 4. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

[1951 c 479 s 13]

148.78 PROSECUTION, ALLEGATIONS. In the prosecution of any person for violation of sections 148.65 to 148.78 as specified in section 148.76, it shall not be necessary to allege or prove want of a valid certificate of registration in physical therapy, but such matter shall be a matter of defense to be established by the accused.

[1951 c 749 s 14]

PSYCHOLOGISTS

148.79 BOARD OF EXAMINERS. There is hereby created a state board of examiners of psychologists to be appointed by the governor, consisting of seven resident psychologists whose qualifications shall be not less than those specified

in section 148.81. Of the members of the board first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; thereafter each member shall be appointed for a term of seven years. Each such term of office expires on May 1. Each member shall hold office until his successor is appointed and qualifies. If a vacancy occurs it shall be filled by appointment for the unexpired portion of the term. Upon the passage of Laws 1951, Chapter 672, the executive council of the Minnesota psychological association shall recommend to the governor 12 psychologists, and the state commissioner of education and the state commissioner of mental health one psychologist each, qualified to serve on the board of examiners. From this list the governor may appoint the board of examiners. Not later than April 1 each year the executive council of the Minnesota psychological association shall recommend to the governor three psychologists qualified to serve on such board. From the list of persons so recommended the governor may appoint one member to the board. The board shall designate its officers, and may prescribe such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 148.79 to 148.86. The members of the board may administer oaths pertaining to the business of the board.

[1951 c 672 s 1; 1953 c 129 s 1]

148.80 REPORTS TO GOVERNOR. The board shall annually report in writing to the governor. Such report shall include the names of all psychologists to whom certificates have been granted, as provided in sections 148.82 and 148.83 any cases heard and decisions rendered in relation to its doings, its recommendations as to future policies, the names, remuneration, and duties of its employees, and an account of all moneys received and expended by it.

[1951 c 672 s 2]

148.81 CERTIFIED PSYCHOLOGIST OR CONSULTING PSYCHOLOGIST. Subdivision 1. No person shall use the title "Certified Psychologist" or "Certified Consulting Psychologist" without an appropriate certificate granted by the board of examiners. Before granting any such certificate the board shall require any applicant therefor to pass an examination in psychology. This examination shall be given annually at such time and place and under such supervision as the board prescribes. Each applicant shall pay an application fee of \$25, which will not be refunded, and shall satisfy the board that he

- (a) Is at least 21 years of age;
- (b) Is of good moral character and is professionally ethical;
- (c) Is a citizen of the United States or files a declaration of intention to become a citizen of the United States;
- (d) Has received a doctorate or master's degree with a major in psychology, which may include educational and child psychology, from an accredited college or university or training deemed equivalent by the board;
- (e) Has had at least one year of employment as a psychologist;
- (f) Has not within the preceding six months failed an examination given by the board; and
- (g) Providing, however, that any applicant who has been denied the right to take said examination, or whose certificate has been revoked, or suspended, should have the right to appeal to the district court as in the case of civil action.

Subd. 2. Any person who has received a doctorate with a major in psychology, which may include educational and child psychology from an accredited college or university, or training deemed equivalent by the board, who has had at least three years of postdoctoral employment as a psychologist, and who otherwise fulfills and complies with the requirements of subdivision 1 may be issued a consulting psychologist certificate and may use the title "certified consulting psychologist."

[1951 c 672 s 3; 1953 c 129 s 2; 1961 c 321 s 1]

148.82 CERTIFICATE, FEE. The board shall grant a certified psychologist certificate upon payment of a fee of \$15 to any person who applies therefor within two years from April 23, 1951, who meets the requirements of section 148.81, clauses (a), (b), (c), and (d). The board shall waive an examination and the requirements of clause (d) for any person who is qualified by training and experience to practice psychology and who has been engaged in such practice for at least three years on April 23, 1951. The board shall grant a consulting psycholo-

gist certificate upon payment of a fee of \$15, or \$7.50 if currently certified as a psychologist by the board, to any person who applies therefor within three years from July 5, 1961, who meets the requirements of section 148.81, subdivision 1, clauses (a), (b), (c), and (d), and of subdivision 2. The board may grant an appropriate certificate without examination to any person who at the time of application is licensed or certified by a similar board of another state, whose standards, in the opinion of the board, are not lower than those required by sections 148.79 to 148.86. The board may grant a consulting psychologist certificate without examination to any diplomate of the American Board of Examiners in Professional Psychology. The certificates granted hereunder shall be valid for a period of two years from date of issuance, but may be renewed biennially. The fee for such renewal shall be \$5 or less at the discretion of the board.

[1951 c 672 s 4; 1953 c 129 s 3; 1961 c 321 s 2]

148.83 CERTIFICATE, REVOCATION. The board shall revoke any certificate if the certificate holder is convicted of a felony or is found by the board to have employed fraud or deceit in obtaining his certificate. The board shall revoke or suspend the certificate of any certificate holder who is guilty of misconduct in his profession or is for any reason unable to continue his practice thereof. Upon application, after one year from the date of revocation, the board may grant reinstatement, where the revocation is for misconduct in his profession. No certificate shall be revoked or suspended except for cause, after notice and hearing.

[1951 c 672 s 5; 1953 c 129 s 4]

148.84 VIOLATIONS, PENALTIES. Any person not certified as either psychologist or consulting psychologist as provided in sections 148.79 to 148.86 who designates himself or his occupation by the words "certified psychologist," or any person not certified as a consulting psychologist as provided in sections 148.79 to 148.86 who designates himself or his occupation by the words "certified consulting psychologist," or by any other term which implies that he is a certified psychologist or certified consulting psychologist, is guilty of a gross misdemeanor. The board shall investigate facts relating to violations of sections 148.79 to 148.86.

[1951 c 672 s 6; 1961 c 321 s 3]

148.85 FEES APPROPRIATED TO USE OF BOARD. All fees charged and collected by the board shall be deposited by it in the state treasury to the credit of the board. All such moneys are hereby appropriated to be used by the board in carrying out the provisions of sections 148.79 to 148.86, including the payment of the salaries of the members of the board and its secretary, clerks, and assistants and the money credited to the board shall remain therein. The state auditor shall draw his warrant on such moneys from time to time in favor of the board for the amounts expended or lawfully incurred by the board or its duly authorized agents, and the state treasurer shall pay the same. The expenditures of the board may be paid only from such moneys. Semiannually the secretary of the board shall certify to the state treasurer the total amounts of the receipts and the expenditures of the board for the six months preceding.

[1951 c 672 s 7]

148.86 FORBIDDEN PRACTICES. Nothing herein shall authorize any person to engage in any manner in the practice of healing or the practice of medicine or optometry as each is defined by law.

[1951 c 672 s 8]