

AN ACT *Creating a Board of Medical Registration*

PL 1338-1014

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. A State Board of Medical Registration is hereby created. Said Board shall consist of ~~six (6)~~ ^{seven (7)} members, three (3) of whom shall be of the Regular School of practice, two (2) of the Homeopathic School of practice, and two (2) of the Eclectic School of practice, and each shall be a graduate of a legally chartered medical college or university, having the power to confer the degree of Doctor of Medicine and Surgery.

~~The~~ members of said Board shall be appointed for a term of two (2) years, two for four (4) years, and two for six (6) years, and shall be appointed by the Governor in the month of ~~November~~ ^{December} 1904, preference in said appointments to be given to the present members of the Board of Censors of the Vermont Medical Society, Vermont Homeopathic Medical Society, and the Vermont Eclectic Medical Society.

The term of office of the members of said Board shall begin on the ~~first~~ ^{first} day of December next following their appointment.

Sec. 2. It shall be the duty of the Governor biennially in the month of November, beginning in 1906, to appoint ~~two~~ ^{two} physicians as members of the Board of Medical Registration; to fill the place of the ~~one~~ whose term of office is about to expire, said physicians to be of the same school of practice as the physicians whom they are to succeed on the Board, with the same proportion of Regular, Homeopathic, and Eclectic physicians as constituted the original Board; they to be graduates of a legally chartered Medical College and in active practice of their profession but no member of said Board shall belong to the faculty of any Medical College or University.

The appointments as provided in this section shall be made from a list to be nominated by the Vermont Medical Society, Vermont Homeopathic Medical Society, or Vermont Eclectic Medical Society, according as the term of office of the members representing each of these different schools of practice is about to expire, said list to contain at least twice the number to be appointed.

Such nominations shall be made at the annual meeting of the said Medical Societies during the year of the biennial session of the Legislature. Such nominations shall be certified to by the President and Secretary of the said societies and transmitted to the Governor not later than the 1st of November during the biennial session of the General Assembly.

In case, however, that no nominations are made by the said medical Societies, then the Governor shall appoint such physicians as he may choose, having regard to maintaining the same proportion of Regular, Homeopathic, and Eclectic physicians as constituted the original Board.

Vacancies in said Board shall be filled by the Governor and the person appointed to fill a vacancy shall hold office during the unexpired term of the member whose place he is to fill, and shall be of the same school of practice.

Any member of the Board may be removed from office by the Governor for cause.

~~Sec. 31.~~ ^{31.} The members of said Board of Medical Examiners shall meet at the State House in Montpelier on the second Tuesday in January ~~and September~~, and at Burlington ~~some time~~ ^{on the} ~~during the month of~~ ^{second Tuesday in} July, and at such other times and places as they may determine for the purpose of examining applicants for a license to practice medicine and surgery in the State, and shall be empowered to issue such license to persons found qualified.

The Board may make such rules and regulations not

repugnant to the laws of the state as may be necessary for the government of the Board.

A majority shall constitute a quorum.

Sec. ~~4~~. At the first meeting of said Board on the second Tuesday of January, 1905, and biennially thereafter, they shall organize by choosing from their numbers a President, Secretary, and Treasurer, who shall hold their respective offices for ~~the year~~ ^{biennial term} or until their successors are chosen. ^{two years}

1 Sec. ~~5~~. The Secretary shall keep a record of the trans-
2 actions of the Board, and a separate record of the name, resi-
3 dence, College and date of graduation, of all persons licensed
4 hereunder.

5 The Treasurer shall receive all fees for licenses
6 issued and keep a just and true account of the same, ^{and shall}
7 ~~quarterly make a report to the state treasurer of all examinations given~~ ^{and pay}
~~out only upon vote of the Board. The Treasurer shall exc-~~
~~and licenses granted, and pay into the state treasury all monies~~
~~due a bond to the satisfaction of the Board for the faithful~~
~~performance of his duties.~~ ^{received by him for such examinations and licenses.}

Sec. ~~6~~. Members of the Board shall receive \$4.00 per
day and necessary expenses for time spent in examining appli-
cants and granting licenses, ^{and incidental expenses incurred in the examining of applicants} ~~if the fees received from appli-~~
~~cants during the biennial term in which such service is render-~~
~~ed, are sufficient to pay the same. And at the end of each~~
~~biennial term the Treasurer shall file with the State Auditor~~
~~sufficient to meet the per diem and the expenses as herein pro-~~
~~of accounts, a report of the receipts and disbursements, veri-~~
~~fied by oath and shall pay to the State Treasurer any excess~~
~~remaining in his hands.~~ ^{at any time, find upon investigation that said funds are not}
^{sufficient to meet the per diem and the expenses as herein pro-}
^{vided, then he shall allow the expenses in full and such percentage}
^{upon the per diem that the expense to the state shall not exceed the}
^{receipt under the provisions of this act.}

Sec. ~~7~~. Any person twenty-one years of age and of good
moral character, who is a graduate of a legally chartered
Medical College or University, having power to confer degree in
medicine and surgery, and said Medical College or University
being recognized as determined by the Board, shall upon payment
of a fee of ~~ten~~ ^{fifteen} dollars, be entitled to an examination, and,
if found qualified, shall be licensed to practice Medicine and
Surgery in the State of Vermont, and receive a license certifi-

and shall pay into the state treasury all monies received by him for such examinations and licenses.

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icate, signed by the President and Secretary of the Board.

Any person refused a license may be re-examined at any regular meeting of the Board within one year of the time of such refusal without additional fee.

The Board, after hearing, may revoke the certificate of any person licensed by them, who has been convicted before a court of a crime committed in the course of professional business.

Sec. VIII. The Examination shall be in whole, or in part, in writing and shall be of a practical character, sufficiently strict to test the qualifications of the applicant as a practitioner of medicine.

The examination shall embrace the general subjects of Anatomy, Physiology, Chemistry, Pathology, Practice of Medicine, Surgery, Obstetrics, Gynaecology, Hygiene, and Materia Medica; but it is hereby provided that the examination in Materia Medica shall be conducted by the members of the Board who represent the same school of practice as that of which the applicant is a graduate.

Each applicant shall pass at least an average of 75 % to entitle him to a license.

Sec. IX. A person to whom a license certificate is thus issued *in order to make it valid* shall within thirty days from the date thereof, cause the same to be recorded in the office of the Secretary of State, in a book to be provided by said Secretary of State, for that purpose for which the record fee shall be twenty-five cents.

Sec. X. Any person who shall practice medicine or surgery under a fictitious or assumed name, or who shall personate another practitioner of a like or different name, or who, not being licensed as aforesaid, shall advertise or hold himself out to the public as a physician or surgeon in this state, or sign a certificate of death for purposes of burial or removal, shall be punished by a fine of not less than fifty dollars,

or more than two hundred dollars, or by imprisonment in the House of Correction not more than three months, or both, and no ~~action~~ ~~shall be taken~~ ~~by any court~~ ~~in this state~~ ~~in the event of any conviction for such violation~~.
Sec. ~~13~~ ^{13/2}. It shall be the duty of the Board to investigate all complaints of disregard, non-compliance, or violation of the provisions of this Act, and to bring all such cases to the notice of the proper prosecuting officer.

Sec. ~~14~~ ^{14/2}. This Act shall not apply to persons legally licensed to practice medicine and surgery under the provisions of former Acts, nor to persons who resided and practiced medicine in the state five years previous to the 28th day of November, 1876, nor to Commissioned Officers of the U. S. Army, Navy, or Marine Hospital Service, nor to the practice of midwifery by women in the town or locality in which they reside, nor to a physician or surgeon who is called from another state, or the Dominion of Canada, to treat a particular case, and who does not otherwise practice in this State, provided, however, that such non-resident physician is legally licensed where he resides and provided further that the State from which he comes, or the Dominion of Canada, grants the same privilege to legally licensed practitioners of the state of Vermont.

Nothing in this Act, however, shall be construed to ~~prevent~~ ~~permit~~ any non-resident physician or surgeon from coming into the state in consultation with a legally qualified practitioner in this State.

Sec. ~~15~~ ^{15/2}. The Board shall issue licenses without examination to reputable physicians and surgeons who shall personally appear and present a certified copy of certificate of registration, or license, which has been issued to said applicant in another state in the union, where the requirements for registration shall be deemed by said Board to be equivalent to those of this state, provided such state shall accord a like privilege to holders of a license granted under the laws of this state.

or more than two hundred dollars, or by imprisonment in the House of Correction not more than three months, or both, and no

Section 11. Any person who shall advertise or hold himself out to the public as a physician or surgeon or who shall assume the title of Doctor in the treatment of disease or who shall follow the occupation of treating disease by any system or method, shall, for the purposes of this act be deemed a physician or practitioner of medicine or surgery. Nothing however in this act shall in any way affect the provisions of No. 110 of the acts of 1902 or apply to persons licensed by any other board having legal authority to issue licenses in this state.

Amend
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medicine in the state five years previous to the 28th day of November, 1876, nor to Commissioned Officers of the U. S. Army, Navy, or Marine Hospital Service, nor to the practice of midwifery by women in the town or locality in which they reside, nor to a physician or surgeon who is called from another state, or the Dominion of Canada, to treat a particular case, and who does not otherwise practice in this State, provided, however, that such non-resident physician is legally licensed where he resides and provided further that the State from which he comes, or the Dominion of Canada, grants the same privilege to legally licensed practitioners of the state of Vermont.

Nothing in this Act, however, shall be construed to ~~permit~~ ^{invest} any non-resident physician or surgeon from coming into the state in consultation with a legally qualified practitioner in this State.

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Sec. 13. The Board shall issue licenses without examination to reputable physicians and surgeons who shall personally appear and present a certified copy of certificate of registration, or license, which has been issued to said applicant in another state in the union, where the requirements for registration shall be deemed by said Board to be equivalent to those of this state, provided such state shall accord a like privilege to holders of a license granted under the laws of this state.

Each applicant for such license shall pay to the Board the sum of ten dollars.

Section ~~27~~ 28

Sections 4630, 4631, 4632, 4633, 4634, 4635, 4636, 4637, 4638, 4639 and 4640 of the Vermont Statutes and all amendments thereto and all Acts inconsistent with this Act

are hereby repealed.

Section ~~28~~ 16

This Act shall take effect from its passage.

Charles H. Stearns
Speaker of the Senate

John H. Wainwright
Speaker of the House of Representatives
Approved Dec. 9 1904
J. Bell
Clerk

Senate Chamber
Dec 9, 1904
On motion of Mr. Fish the Senate
accord to the request of the
House for a committee of
conference and the Select
appointed as such committee
on the part of the Senate
Senators Fish, Wells and
Robinson

Senate Chamber
Dec 6, 1904
On motion of Mr. Skinner
the Senate adjourned
at 10:00 concerning in the
House's second proposal of
amendment and the
provision occurring in the
Senate concerning the
second proposal
of amendment. It was
decided in the negative.

House of Reps
Dec 9 1904
Report of committee of
conference ~~advised~~ read
and adopted
Mr. Olney
and Clark

House of Reps.
Dec 8, 1904.
On motion of Mr. Darling
of Vermont the House
adjourned on its second
proposal of amendment and
the speaker appointed
as the conferees on the
part of the House of the
conference committee
in the foregoing vote
of the House.

Senate Chamber
Dec 9, 1904
Report of committee of conference
considered and adopted
House of Reps
and then

Mr. Darling of Vermont
Factor of Proctor
Dallas of Burlington
Bro. Hamble
West USA

Senate Bill 422

U.S. Act Creating a Board of Medical Registration

Senate Chamber
Oct 21, 1904
Reading and referred to Joint Standing Committee on Public Health
Hon. S. Keels
Asst Secy

Senate Chamber
Nov 10, 1904
Reported favorably with proposed amendment which was agreed to and pending third reading in motions Mr. Rowland moved to lie
Hon. S. Keels
Asst Secy

Lord of
Mushup

Senate Chamber
Nov 17, 1904
Called up by Mr. Rowland and third reading ordered for tomorrow morning.
Hon. S. Keels
Asst Secy

Senate Chamber
Nov 16, 1904
Read third time, on motion of Mr. Simpson from the Committee on Revision of Bills committed to that Senator to amend, amended and passed
Hon. S. Keels
Asst Secy

House of Representatives
Nov 17 1904
The bill was referred to the Committee on Public Health.
Hon. S. Keels
Asst Secy

RECEIVED
OFFICE OF THE SECRETARY
NOV 17 1904

House of Reps.
Dec 1, 1904
Reported favorably and pending the question shall the bill be read the third time? On motion of Mr. Darling of Indiana the House passed to the Senate & amended the bill!

And the question being asked the bill is proposed to be amended, on read the third time? On motion of Mr. O'Fallon of Ill. Whereupon the bill was returned to be read to make the special order for this afternoon at 2:30 o'clock
Mrs. Jamieson
Asst. Clerk

House of Reps.
Dec 1, 1904
Taken up as the special order and the question being asked the bill is proposed to be read the third time? On motion of

Mr. Darling of Indiana the House passed to the Senate & amended the bill! On motion of Mr. Darling of Indiana the House passed to the Senate & amended the bill!

House of Reps.
Dec 2, 1904
Read the third time and passed in concurrence with proposed amendment.
Mrs. Jamieson
Asst. Clerk

Senate Chamber
Dec 5, 1904
House proposes of amendment considered and concurred in
Hon. S. Keels
Asst Secy

RECEIVED
OFFICE OF THE SECRETARY
DEC 5 1904

To the General Assembly of the State of Vermont to be convened at Montpelier on the Second Thursday of October A.D. 1834.

We your petitioners inhabitants of the county of Bennington respectfully represent to your honorable body that in our opinion the law of this State regulating the practice of Physic and Surgery is oppressive and unjust and as free citizens we claim the right to lay our grievances before your honorable body for relief.

We therefore beg leave to state that we view any law that gives to any class of men an advantage over their fellow-men repugnant to the spirit of the constitution of our country. We as free citizens have ever thought ourselves competent to manage our secular concerns without the assistance of guardians, as we have heretofore made contracts and fulfilled the same, received and paid out money; we have supplied our families and ourselves collectively or individually with the necessaries of life, have paid taxes, and other just demands which have been brought against us either by the State or individuals; we have also voted for our public servants from the Chief Magistrate of the nation to the officers of the town and no one has presumed to say that we were not abundantly competent to perform those various avocations which are so indispensably necessary between us and our fellow-men.

Those who have received offices through our instrumentality certainly thought us competent to vote in order that they might obtain their election notwithstanding which in times past those whom have been elected to our councils of State have thought us deficient in one particular. That is to select our own doctors and therefore have abridged and in otherways abused those rights and privileges which we as free citizens sent them to protect. The free and independent right to select our family physician is one of the dearest privileges men can enjoy. Yet this privilege has been wrested from us by a law of this our State which declares (in substance) that no person who has not a diploma from some incorporated medical institution shall be allowed the benefits of the laws of the State to enforce payment (as in other pursuits of business in life) for his medicine or services in curing disease. We have ever considered that each of our fellow-citizens should be permitted to stand or fall upon his

own merits and upon those alone should he be judged. That there should be no exclusives by law. That in medicine the mal-practice of the regular as well as the irregular physician should be punished and each should alike be amenable to the laws for their acts. That the laws should not favor any set of men in any acts that were injurious to individuals or to the body corporate, but should remain the goddess of justice dispensing righteous judgment to all. We have in the choice of our physician endeavored not to interfere with the known rights of any man or set of men. Yet our rights on the other hand (we think) have been grossly invaded by the passage of a law which gives to the regular doctor (so called) the supreme advantage over all other orders of men in administering medicine to the sick thereby placing at his control our lives and property without our consent (in many instances). Is such a law worthy of this boasted land of liberty and are not the constituents as competent to select their physician as their legislators? It is one of the privileges of an independent people to pay their money to whom they please and for what they please without the direct or indirect interference of any one but under the existing laws of this State a contract made with a Botanic Practitioner (who is destitute of /^{said} diploma) for medicine or services or both is not legally binding on our property. The money is reserved for another class of men. Under such proscription we feel that our rights are abridged and therefore pray your honorable body to obviate the difficulty in such a way that we may have the right to employ what physician we choose and he be permitted to collect a fair compensation for his medicine and services without jeopardizing his life, liberty or property. Your petitioners humbly pray that merit may receive its just reward and demerit punished in whatever shape it may appear. Justice to all is our motto, either high or low. Your petitioners humbly pray that your honorable body will pass such a law regulating the practice of Physic and Surgery as will make all contracts equally binding with our physicians (whether they have a diploma or not) as in all other business with our fellow men.

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