

## CHAPTER 284.

[ H. B. 538. ]

## PRACTICE OF MEDICINE AND SURGERY.

AN ACT relating to the practice of medicine and surgery; amending section 2, chapter 60, Laws of 1957 and RCW 18.71.010; amending section 14, chapter 192, Laws of 1909, as amended by section 8, chapter 134, Laws of 1919, and RCW 18.71.020; amending section 19, chapter 192, Laws of 1909, as amended by section 12, chapter 134, Laws of 1919, and RCW 18.71-.030; amending section 3, chapter 60, Laws of 1957 and RCW 18.71.050; amending section 4, chapter 60, Laws of 1957 and RCW 18.71.055; amending section 8, chapter 192, Laws of 1909 and RCW 18.71.060; amending section 6, chapter 192, Laws of 1909, as amended by section 4, chapter 134, Laws of 1919, and RCW 18.71.070; amending section 11, chapter 134, Laws of 1919, as amended by section 5, chapter 60, Laws of 1957, and RCW 18.71.090; amending section 38, chapter 202, Laws of 1955 and RCW 18.71.120; adding new sections to chapter 192, Laws of 1909 and to chapter 18.71 RCW; providing penalties; and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 2, chapter 60, Laws of 1957 and RCW 18.71.010 are each amended to read as follows: RCW 18.71.010 amended.

(1) The practice of medicine and surgery consists of the use of drugs or medicinal preparations in or upon human beings, severing or penetrating the tissues of human beings, and the use of any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions, but shall not include the practice of chiropractic as defined in RCW 18.25.030. Definitions.

(2) "Director" means the director of licenses.

(3) "Board" means the board of medical examiners.

SEC. 2. There is added to chapter 192, Laws of 1909 and to chapter 18.71 RCW a new section to read as follows: New section.

Board of medical examiners created.

There is hereby created a board of medical examiners consisting of five individuals licensed to practice medicine and surgery in the state of Washington, to be known as the Washington state board of medical examiners.

Members—Appointment, terms.

The board shall be appointed by the governor.

The members of the first board shall be appointed within thirty days after the effective date of this amendatory act, to serve the following terms: One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. On expiration of the term of any member, the governor shall appoint for a period of five years an individual licensed to practice medicine and surgery in the state of Washington to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

Members—Qualifications.

Each member of the board shall be a citizen of the United States, must be an actual resident of this state, and must have been licensed to practice medicine and surgery in this state for at least five years.

Board officers, meetings, quorum.

The board shall meet as soon as practicable after appointment and elect a chairman and a secretary from its members. Meetings shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

It shall require the affirmative vote of a majority of the members of the board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize or deny the issuance of any certificate.

Members—Per diem, expenses—Removal.

Each member of the board shall receive the sum of twenty-five dollars per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel;

and in addition thereto shall be reimbursed for actual traveling, incidental and clerical expenses necessarily incurred in carrying out the duties of the board. Any such expenses shall be paid from funds appropriated to the department of licenses.

Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office.

Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Membership vacancies, filling.

SEC. 3. Section 14, chapter 192, Laws of 1909, as amended by section 8, chapter 134, Laws of 1919, and RCW 18.71.020 are each amended to read as follows:

RCW 18.71.020 amended.

Any person who shall practice or attempt to practice, or hold himself out as practicing medicine and surgery in this state, without having, at the time of so doing, a valid, unrevoked certificate as provided in this chapter, shall be guilty of a misdemeanor. In each such conviction the fine shall be paid, when collected, to the state treasurer. The director of licenses is authorized to prosecute all persons guilty of a violation of the provisions of this chapter.

Licensing required—Penalty.

SEC. 4. Section 19, chapter 192, Laws of 1909, as amended by section 12, chapter 134, Laws of 1919, and RCW 18.71.030 are each amended to read as follows:

RCW 18.71.030 amended.

Nothing in this chapter shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies, or the practice of midwifery; nor shall this chapter apply to any commissioned medical officer in the United States army, navy, or marine hospital service, in the discharge of his official duties; nor to any person serving a period of training, not exceeding three years, in any hospital licensed under chapter 70.41 RCW; nor to any person serving a period of training

Licensing exemptions.

at the University of Washington school of medicine; nor to any licensed dentist when engaged exclusively in the practice of dentistry; nor shall this chapter apply to any practitioner from any other state or territory in which he resides: *Provided*, That such practitioner shall not open an office or appoint a place of meeting patients or receive calls within the limits of this state. This chapter shall not be construed to apply in any manner to the practice of osteopathy or to any drugless method of treating the sick or afflicted, or to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor to any person now holding a license for any system of drugless practice issued pursuant to chapter 18.36 RCW; nor to any person licensed under any law to practice any of the other healing arts if such practice is by the methods and means permitted by his license.

RCW 18.71.050  
amended.

SEC. 5. Section 3, chapter 60, Laws of 1957 and RCW 18.71.050 are each amended to read as follows:

Application—  
Eligibility  
requirements.

Every such applicant must file in the office of the director with his application satisfactory testimonials as to his moral character, and a diploma issued by a medical school accredited and approved by the board, or by the director prior to the effective date of this 1961 amendatory act, as of the time the diploma was issued therefrom. After the effective date of this 1961 amendatory act the board shall not accredit or approve any medical school that does not meet the requirements set forth in RCW 18.71.055, as amended. The application must be sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he has a seal, stating that the applicant is the person named in the diploma, that he is the lawful holder thereof, and that it was procured in the regular course of instruction and examination, without fraud or misrepresentation.

The applicant must also furnish evidence that:

(1) He has served for not less than one year as interne in a thoroughly equipped hospital, having at least twenty-five beds for each interne, devoted to the treatment of medical, surgical, gynecological and special diseases;

(2) He has had some experience in, and has a practical working knowledge of obstetrics;

(3) He has had some experience in, and a practical working knowledge of pathology.

SEC. 6. Section 4, chapter 60, Laws of 1957 and RCW 18.71.055 are each amended to read as follows:

The board may accredit and approve any medical school provided that it:

(1) Requires collegiate instruction which training shall include theoretical and laboratory courses in physics, biology, inorganic and organic chemistry;

(2) Provides adequate instruction in the following subjects: Anatomy, biochemistry, microbiology and immunology, pathology, pharmacology, physiology, anaesthesiology, dermatology, gynecology, internal medicine, neurology, obstetrics, ophthalmology, orthopedic surgery, otolaryngology, pediatrics, physical medicine and rehabilitation, preventive medicine and public health, psychiatry, radiology, surgery and urology;

(3) Provides clinical instruction in hospital wards and outpatient clinics under guidance.

Approval may be withdrawn by the board at any time a medical school ceases to comply with one or more of the requirements of this section.

SEC. 7. Section 8, chapter 192, Laws of 1909 and RCW 18.71.060 are each amended to read as follows:

Said board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this chapter, with the result of each application.

RCW 18.71.055  
amended.

Medical  
schools—  
Requirements  
for accredita-  
tion and  
approval.

RCW 18.71.060  
amended.

Applications  
—Record.

Said record shall be evidence of all the proceedings of said board which are set forth therein.

RCW 18.71.070  
amended.

SEC. 8. Section 6, chapter 192, Laws of 1909, as amended by section 4, chapter 134, Laws of 1919, and RCW 18.71.070 are each amended to read as follows:

Examination.

In addition to the requirements above set forth, such applicants for a certificate must be personally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice medicine and surgery, and shall be, in whole or in part, in writing on the following fundamental subjects, to wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry, toxicology, physiology, obstetrics, general diagnosis, practice of medicine and surgery and any other branches thereof that the board shall deem advisable. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. All applicants must obtain not less than sixty-five percent in any one subject and obtain a general average of not less than seventy percent in all subjects: *Provided*, That applicants who can show at least ten years of reputable practice shall be granted a credit of five percent upon each subject. The examination papers shall form a part of the records of the board and shall be kept on file for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the application has been finally voted upon.

RCW 18.71.090  
amended.

SEC. 9. Section 11, chapter 134, Laws of 1919, as amended by section 5, chapter 60, Laws of 1957, and RCW 18.71.090 are each amended to read as follows:

Any applicant who has been examined and licensed under the laws of another state, which

through a reciprocity provision in its laws, similarly accredits the holders of certificates from the proper authorities of this state to the full privileges of practice within its borders or an applicant who has satisfactorily passed examinations given by the national board of medical examiners may, in the discretion of the board, be granted a license without examination on the payment of a fee of twenty-five dollars to the state treasurer: *Provided*, That he has not previously failed to pass an examination held in this state. He must file with the board a copy of his license certified by the proper authorities of the issuing state to be a full, true copy thereof, and must show that the standards, eligibility requirements and examinations of that state are at least equal in all respects to those of this state.

License—Reciprocity with other states.

SEC. 10. There is added to chapter 192, Laws of 1909 and to chapter 18.71 RCW a new section to read as follows:

New section.

The attorney general, each prosecuting attorney, the director, the state board of medical examiners, or any citizen of the state may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin such person from engaging in the practice of medicine and surgery as herein defined until a valid certificate to practice medicine and surgery be secured: *Provided*, That such injunction shall not relieve such person so practicing medicine and surgery without a valid certificate from criminal prosecution therefor, but such remedy by injunction shall be in addition to the liability of such offender to criminal prosecution.

Injunctive process available for enforcement.

SEC. 11. There is added to chapter 192, Laws of 1909 and to chapter 18.71 RCW a new section to read as follows:

New section.

The board may make such rules and regulations as are not inconsistent with the laws of this state as

Rules and regulations, scope.

may be determined necessary or proper to carry out the purposes of this act.

RCW 18.71.120 amended.

SEC. 12. Section 38, chapter 202, Laws of 1955 and RCW 18.71.120 are each amended to read as follows:

Refusal of license—  
Reinstatement procedure.

The board must refuse a certificate to any applicant guilty of unprofessional conduct: *Provided*, That any person whose license has been suspended or revoked under the provisions of chapter 18.72 may apply to the medical disciplinary board for reinstatement at any time and the medical disciplinary board may hold hearings on any such petition and may order reinstatement and impose terms and conditions thereof and issue a certificate of reinstatement.

Severability.

SEC. 13. If any section, sentence, clause, or phrase of this act should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act.

Emergency.

SEC. 14. This act is necessary for the immediate preservation of public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 26, 1961.

Passed the Senate March 3, 1961.

Approved by the Governor March 21, 1961.