

attendance of witnesses and their testimony, shall be itemized and charged against and be paid by the company so being examined. Every person shall be obliged to attend as a witness at the place of such investigation or examination when subpoenaed anywhere within this state.

Passed the House January 28, 1919.

Passed the Senate March 12, 1919.

Approved by the Governor March 15, 1919.

CHAPTER 134.

[H. B. 54.]

AMENDMENT OF MEDICINE AND SURGERY PRACTICE ACT.

AN ACT relating to the practice of medicine and surgery, amending sections 8386, 8387, 8391, 8392, 8395, 8396, 8397, 8400, 8402, 8403 and 8405 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8386 Rem. & Bal. Code be amended to read as follows:

Section 8386. The Governor shall appoint a board of medical examiners to be known as the Board of Medical Examiners of the State of Washington, consisting of nine members, who shall be appointed as follows: Seven members from the regular profession and two from the homeopathic profession. On the first day of July, 1919, the terms of the two members of the osteopathic profession shall terminate, and the Governor shall appoint in their place and stead two licensed practitioners of medicine and surgery of the regular profession who shall serve for the remainder of the respective terms of said osteopathic members. Except as herein provided, the appointment of each

member shall be for a term of three years, and until his successor is appointed and qualified: *Provided*, That no member shall serve more than two consecutive terms. It shall require the affirmative vote of a majority of the members of said board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize the issuance of any certificate as in this Act provided.

SEC. 2. That section 8387 of Rem. & Bal. Code be amended to read as follows:

Section 8387. Each member of said board shall, before entering upon the duties of his office, take the constitutional oath of office, and shall, in addition, make oath that he is a graduate in medicine and surgery, and a licensed practitioner of medicine and surgery of this state. The president and secretary are hereby empowered to administer the oath of office.

Oaths of office.

SEC. 3. That section 8391 of Rem. & Bal. Code be amended to read as follows:

Section 8391. Only one form of certificate shall be issued by the said board. Such certificate shall be under the seal of the board and signed by the president and secretary, and shall authorize the holder thereof to practice medicine and surgery within this state. Upon compliance with the requirements of this act by an applicant for a license to practice medicine and surgery in this state, the board shall issue such certificate, authorizing the holder thereof to use drugs or what are known as medicinal preparations in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions.

Certificates to practice.

In order to procure a certificate to practice medicine and surgery, the applicant for such certificate

Qualifications required for certification.

must file with said board at least thirty days prior to a regular meeting thereof, satisfactory testimonials of his moral character, and a diploma issued by some legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or satisfactory evidence of having possessed such diploma, and he must file with such diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. From and after July 1, 1919, said applicant must furnish evidence that he has served for not less than one year as interne in a thoroughly equipped hospital which shall have had at least twenty-five beds for each interne devoted to the treatment of medical, surgical, gynecological and special diseases, and he also must have had a service of six weeks, or the equivalent thereof in the maternity department of the same or some other hospital, during which time he shall have attended or participated in the attendance upon not less than six confinements. He shall furnish evidence that he has had some experience in, and a practical working knowledge of pathology, and the administration of anaesthetics: *Provided*, That when an applicant who has graduated before July 1, 1919, has not completed one year as interne as above provided, he must furnish evidence that he has been engaged in the active practice of medicine and surgery for a period of at least two years prior to that date. The said application shall be made upon a blank furnished by said board,

and it shall contain such information concerning said medical instruction and the preliminary education of the applicant as said board may by rule provide. Applicants who have failed to meet the requirements must be rejected.

SEC. 4. That section 8392 of Rem. & Bal. Code be amended to read as follows:

Section 8392. 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, hygiene, 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 per cent in any one subject: *Provided*, that applicants who can show at least ten years of reputable practice shall be granted a credit of five per cent upon the general average, and five per cent additional for each subsequent ten years of such practice. The examination papers shall form a part of the records of the board and shall be kept on file by the secretary 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 board has finally voted upon the application.

Examination
of applicants.

SEC. 5. That section 8395 of Rem. & Bal. Code be amended to read as follows:

Certificates
must be
recorded
with county
clerk.

Section 8395. Every person holding a certificate authorizing him to practice medicine and surgery in this state, must have it recorded in the office of the county clerk of the county in which the holder of said certificate is practicing his profession, and the fact of such recording shall be indorsed on the certificate by the county clerk recording the same. Every such person, on each change of his residence, must have the certificate recorded in the county to which he shall have changed his residence. The absence of such record shall be *prima facie* evidence of the want of possession of such certificate. And any person holding a certificate to practice medicine and surgery in this state who shall attempt to practice medicine or surgery in this state, without first having filed his certificate with the county clerk as herein provided shall be guilty of a misdemeanor.

Penalty for
failure.

SEC. 6. That section 8396 of Rem. & Bal. Code be amended to read as follows:

Clerk's
record of
certificates.

Section 8396. The county clerk shall keep in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours. The county clerk shall forthwith give written notice to the secretary of the board, notifying him of the name of each licensee recorded after this act shall go into effect, together with the date of such recording.

SEC. 7. That section 8397 of Rem. & Bal. Code be amended to read as follows:

Unprofes-
sional
conduct.

Section 8397. Said board must refuse a certificate to any applicant guilty of unprofessional conduct; but before such refusal the applicant must be cited by citation, signed by the secretary of the

board, and sealed with its seal. No such citation shall be issued except upon a sworn complaint filed with the secretary of the board, charging the applicant with having been guilty of unprofessional conduct, and setting forth the particular act constituting such unprofessional conduct. On filing of such complaint the secretary must forthwith issue a citation and make the same returnable at a regular or special meeting of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant of the time and place when and where the matter of said unprofessional conduct shall be heard, the particular unprofessional conduct with which the applicant is charged, and that the applicant shall file his written answer, under oath, within twenty days next after service upon him of said citation, or default will be taken against him, and his application for certificate refused. The attendance of witnesses at such hearing shall be compelled by subpoenas issued by the secretary of the board under its seal; and said secretary shall in no case refuse to issue any such subpoena, upon a fee of twenty cents being paid him for each subpoena. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of summons and subpoenas generally and all provisions of the statutes of this state then in force relating to subpoenas are hereby made applicable to the subpoenas provided for herein. If any person refuses to obey a subpoena served upon him in accordance with the statutes of this state then in force providing for the manner of serving subpoenas, the fact of such refusal shall be certified by the secretary of said board, under the seal thereof, to the superior court of the county in which the service was had and the said court shall thereupon proceed to hear said matter in accordance with the statutes

Hearing on
complaints.

of this state then in force as to contempt for disobedience of process of the court, and should said court find that the subpoena had been legally served and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, testimonies of witnesses may be taken, the same as in civil cases, and all the provisions of the statutes of this state then in force as to the taking of testimony are hereby made applicable to the taking of depositions under this section. If the applicant shall fail to file with the secretary of said board his answer, under oath, to the charges made against him, within twenty days after service on him of said citation or within such further time as the board may give him, and the charges on their face be deemed sufficient by the board, default shall be entered against him and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. No certificate shall be refused on the grounds of unprofessional conduct unless the applicant has been guilty of such conduct within two years next preceding his application. Whenever any holder of a certificate to practice medicine and surgery in this state is guilty of unprofessional conduct, as the same is defined in this act, and said unprofessional conduct has been brought to the attention of the board in the manner hereinafter pointed out, or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, it shall be their duty to, and they must, revoke the same at

Refusal and
revocation of
certificates.

once, and the holder of said certificate shall not be permitted to practice medicine and surgery in this state. But no such revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of revocation shall enter on his register the fact of such revocation and shall certify the fact of such revocation under the seal of the board, to the county clerk of each county in which the certificate of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "This certificate was revoked on the —day of ———," giving the day, month and year of revocation in accordance with certification to him by the secretary. The record of such revocation so made by said county clerk shall be *prima facie* evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said revocation. From the time of the revocation of a certificate the holder thereof shall be disqualified from practicing medicine or surgery in this state.

SEC. 8. That section 8400 of Rem. & Bal. Code be amended to read as follows:

Section 8400. 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 act, shall be guilty of a misdemeanor. In each such conviction the fine shall be paid, when collected, to the state treasurer, and shall constitute a special fund for the prosecution of illegal practitioners as defined in this act, and the said board is authorized to prosecute all per-

Practicing
without
license.

Penalty.

Special
fund from
fines.

sons guilty of a violation of the provisions of this act.

SEC. 9. That section 8402 of Rem. & Bal. Code be amended to read as follows:

False person-
ation as
medical
examiner.

Section 8402. Any person assuming to act as a member of the state board of medical examiners without so being, or who shall sign, or subscribe, or issue, or cause to be issued, or seal, or cause to be sealed, a certificate authorizing any person to practice medicine or surgery in this state, shall be guilty of a misdemeanor.

SEC. 10. That section 8403 of Rem. & Bal. Code be amended to read as follows:

Prior
licenses
validated.

Section 8403. Any person who holds a license authorizing him to practice medicine and surgery from the board of medical examiners heretofore existing, under the provisions of any laws of this state, past or present, shall be entitled to practice medicine and surgery in this state the same as if issued under this act; and said board is hereby authorized to issue under proper application, but without examination, certificates to practice medicine and surgery to any person who was legally practicing medicine and surgery in this state prior to the organization of the first board of medical examiners in 1890, and also to any person who is the legal holder of a certificate of examination from the National Medical Examining Board: *Provided, however,* that all licenses herein mentioned may be revoked for unprofessional conduct, in the same manner and upon the same grounds as if issued under this act.

Issuance
without
examination
authorized.

SEC. 11. Applicants for a certificate, who have been examined and licensed by a state board of medical examiners of another state, which through a reciprocity provision in its law, similarly accredit the holders of certificates from the board of med-

Licenses of
other states.

ical examiners of this state to the full privileges of practice within its boundaries, on payment of a fee of \$25.00 to the board, and on filing with the secretary of the board a copy of such license certified by the president or secretary of the state board of medical examiners issuing the same to be a full, true copy thereof, and showing also that the standard of requirements adopted by such state board of medical examiners as provided by the law of such state is equal to that provided for by the provisions of this act, shall without further examinations receive a certificate to practice medicine and surgery in this state: *Provided*, that such applicant has not previously failed at an examination held by the board of medical examiners of this state.

SEC. 12. That section 8405 of Rem. & Bal. Code be amended to read as follows:

Section 8405. Nothing in this act 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 act 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 licensed dentist when engaged exclusively in the practice of dentistry; nor shall this act 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 act 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 from the state board of medical examiners for any system of drugless practice.

Application
and construc-
tion of act.

Repealing
clause.

SEC. 13. That sections 8389 and 8406 of Rem. & Bal. Code are hereby repealed: *Provided*, that those who were shown to be entitled to licenses as applicants of June 1909 under the supreme court decision *In re Christensen* reported in 59 Washington, be issued license to practice.

Passed the House February 17, 1919.

Passed the Senate March 10, 1919.

Approved by the Governor March 15, 1919.

CHAPTER 135.

[S. B. 19.]

AMENDMENT OF METROPOLITAN PARK DISTRICTS ACT.

AN ACT relating to Metropolitan Park Districts and amending Sections 5838 and 5848 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5838 of said Remington & Ballinger's Code be so amended as to read as follows:

Board of
park com-
missioners.

Section 5838. When the said Metropolitan Park District shall be created as hereinbefore provided for, it shall at once be and become a separate and distinct corporation, the officers of which shall be a board of park commissioners consisting of five members, and said board of park commissioners shall annually elect one of their number as president and another of their number as clerk of said board. Such corporation is hereby given the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen,

Power to
purchase and
condemn
lands.