

A C T S
Memorials and Resolutions
of the
REGULAR SESSION
Fifteenth Legislature
of the
STATE OF ARIZONA
1941



Regular Session Convened January 13, 1941

Regular Session Adjourned Sine Die March 17, 1941

Publication Authorized
Section 4-201 Arizona Code of 1939
(Paragraph 23, Article 2, Chapter 2 Revised Code of 1928)

(Chapter 122, Sub. Div. 40, Laws of 1941)

Regular Session

15th Legislature

NOTICE:—There are a few misspellings, other errors and punctuation mistakes in the body of this volume, which originated in the original engrossed copies, and had to be duplicated herein, so as to conform to such original copies.

AUTHENTICATION

STATE OF ARIZONA
Office of the Secretary of State } ss.

THIS IS TO CERTIFY—That the Acts, Memorials and Resolutions published in this volume, are full, true and correct copies of the originals, passed at the Regular Session of the 15th Legislature of the State of Arizona, as they appear on file in the Office of the Secretary of State of Arizona.

That the Regular Session of the 15th Legislature of the State of Arizona was convened at the Capitol, in the City of Phoenix, January 13, 1941, and adjourned sine die on the 17th day of March, 1941.

That the Acts, Memorials and Resolutions passed at said Session were officially published on the 16th day of June, 1941.



IN TESTIMONY WHEREOF, I have hereunto set my hand as Secretary and affixed the Great Seal of the State of Arizona, this 16th day of June, 1941.

HARRY M. MOORE (Signature)
Secretary of State.

ACTS

CHAPTER 33

(House Bill No. 178)

AN ACT

RELATING TO OSTEOPATHY; DEFINING AND REGULATING THE PRACTICE OF OSTEOPATHY; CREATING A BOARD OF EXAMINERS IN OSTEOPATHY; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID ACT; MAKING AN APPROPRIATION THEREFOR; AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID ACT.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. OSTEOPATHY DEFINED. The word "Osteopathy" as used in this act, shall mean that system of treatment and healing of abnormalities of the human mind and body by manipulation, medicine and surgery,

as taught and practiced in the standard colleges of osteopathy.

Sec. 2. PRACTICE OF OSTEOPATHY WITHOUT LICENSE PROHIBITED. No person shall practice osteopathy, or represent himself to be an osteopath, or as practicing osteopathy, unless he, at such time, holds a valid license issued him and in full force and effect under this act. No license to practice osteopathy in the state of Arizona shall be issued or renewed except as provided in this act.

Sec. 3. PERSONS NOT AFFECTED. The practice of medicine, surgery, chiropractic, and naturopathy, by persons authorized under the laws of this state to practice said professions, shall in no way be affected by the provisions of this act, and nothing in this act shall be construed to prohibit gratuitous services of druggists or others in cases of emergency, or the domestic administration of family remedies, and this act shall not apply to physicians, surgeons or nurses in the discharge of their duties in the United States army, United States navy, United States Indian service, or other federal government service, nor shall this act apply to physicians or surgeons called into this state for consultation, who are legally qualified to practice osteopathy, medicine, surgery, chiropractic or naturopathy in the state where he or she resides.

Sec. 4. CREATION OF BOARD OF EXAMINERS; QUALIFICATIONS AND TERMS OF OFFICE. There is hereby created a state board of Osteopathic examiners. Said board shall consist of three members, to be appointed by the governor. Within thirty days after this act shall take effect, the governor shall appoint three qualified examiners, one of whom shall hold office until the second Monday in January, 1943, one until the second Monday in January, 1945, and one until the second Monday in January of 1947. Thereafter one examiner shall be appointed on the second Monday in January of each odd numbered year, to serve until the second Monday in January of the sixth year after his appointment. Vacancies in said offices shall be filled by appointment by the governor for the unexpired term, and each examiner, unless removed, as hereinafter provided, shall continue in office until his successor has been appointed and has qualified. Each examiner shall be a regularly licensed osteopathic physician in good standing in the state of Arizona, and have been engaged in the practice of such profession in said state for a period of at least four years immediately prior to such appointment, and have been a

resident of said state for four years immediately prior to his appointment. No two persons who are residents of the same county shall be appointed to serve on the board at the same time. Each member of said board shall, before entering upon the duties of his office, take the oath prescribed by the Constitution, and in addition thereto, shall make oath that he is a regularly qualified practitioner of osteopathy in this state and has been qualified as such for at least four years preceding his appointment. Said examiners shall be subject to removal by the governor for neglect of duty or misfeasance or malfeasance in their office or any duty thereof.

Sec. 5. POWERS AND DUTIES OF THE BOARD. It shall be the duty of the board to administer and enforce the provisions of this act and said board shall have full power to make and adopt all rules and regulations necessary or proper for the administration and endorsement of the provisions of this act and not inconsistent herewith. The board shall adopt and use a seal, the imprint of which, accompanied by the signature of the secretary, shall evidence its official acts.

The members of the board, at its first meeting and at meetings to be held on the third Monday of the month of January in each year thereafter, shall elect from its members a president, a vice-president and a secretary, who shall serve as such officers for one year. Any two members of the board may call a meeting of the board at any time, by giving each member thereof five days' written notice of such meeting. A majority of the members of the board shall constitute a quorum at any meeting and have full power to act on behalf of the board. The secretary of the board shall keep a record of all actions of the board and a register of all applications for a license to practice osteopathy, and of all such licenses issued, and shall keep an accurate record of all moneys coming into the possession of the board. On the second Monday in December of each year, the board shall make a report of its work to the governor and furnish therein a detailed statement of all moneys received and disbursed by the board during the year.

Sec. 6. OSTEOPATHIC BOARD FUND CREATED; DISBURSEMENTS PROVIDED FOR; SECRETARY BONDED. All moneys, from whatever source, that come into the possession of the board, shall be paid to the secretary thereof, who shall, at the end of each calendar month, deposit said moneys with the state treasurer, who shall transfer ten per cent of such moneys to the general

fund of the state of Arizona, and the remaining ninety per cent to the Osteopathic board fund, which is hereby created, and which shall be held for the use of the board in the administration and enforcement of this act, and the moneys thereof shall be paid out only on warrants drawn on the state auditor after presentment of a proper claim or voucher approved and signed by the president and secretary of the board and bearing the imprint of the seal of the board.

The secretary of the board, before qualifying as such, shall furnish a bond to be approved by the board, in an amount not less than \$1,000.00, running to the state of Arizona, and conditioned upon the faithful performance of his duties and his accounting for all moneys that may come into his possession. The premium for said bond shall be paid out of the Osteopathic board fund.

Sec. 7. COMPENSATION TO EXAMINERS; PAYMENT OF EXPENSES AUTHORIZED. Each member of the board, except the secretary, shall receive ten dollars (\$10.00) per day for each day actually engaged in the performance of his duties as an officer or member of the board. The secretary shall receive an annual salary, to be paid in monthly installments, in an amount to be fixed by the board, not in excess of the sum of twelve hundred dollars (\$1200.00). Each member of the board shall also receive all expenses necessarily or properly incurred in the performance of his duties as an officer or member of the board, and all of such salaries and expenses shall be paid from said Osteopathic board fund.

Sec. 8. APPLICATIONS FOR EXAMINATION; QUALIFICATIONS OF APPLICANTS. Each applicant for examination provided for in this act shall have the following qualifications and comply with the following requirements:

(a) Make application for such examination on blank forms prepared and furnished by the board, at least two weeks before the date of the examination;

(b) Applicant shall be twenty-one years of age or over, of good moral character, a citizen of the United States, a graduate of a professional school or college of osteopathy legally chartered at the time of graduation, and have the preliminary and professional education and knowledge required by this act, and submit evidence satisfactory to the board of such facts.

(c) The term "school or college of osteopathy" shall be defined as follows: A legally chartered osteopathic school or college requiring for admission to its course of study a preliminary education equal to the requirements for graduation of an accredited high school, (and, to those graduating after the year 1942 A. D., two years of university or college pre-osteopathic study of at least sixty (60) semester units or credits) and further requiring, before granting the degree of Doctor of Osteopathy, an actual attendance at such osteopathic school or college of at least thirty-six (36) months, or four (4) terms of nine (9) months each, no two of which shall be given in any one year; its course of study to include the subjects as follows: Anatomy, Embryology, Chemistry, Toxicology, Histology, Physiology, Pathology, Bacteriology, Hygiene, Hydrotherapy, X-Radiance and Electrical Diagnosis, Pharmacology, Dietetics, Osteopathy, (Principles of Osteopathy) (Osteopathic Technique) Practice of Osteopathy to include diseases of the nervous system, Alimentary Tract, Heart and Vascular System, Genito-Urinary Diseases, Ductless Glands and Metabolism, Respiratory Tract, Bone and Joint Diseases, Corrective Gymnastics, Acute and Infectious Diseases, Pediatrics, Dermatology, Syphilology, Psychiatry, Diagnosis (Physical, Laboratory and Differential), Clinical Practice, Case Recording, Surgical Diagnosis, Principles of Surgery, Minor Surgery, Major Surgery, Fractures and Dislocations, Orthopedics, Proctology, Eye, Ear, Nose and Throat, Gynecology, Obstetrics, and Medical Jurisprudence.

(d) Applicant, at the time of making application for examination, shall pay to the board a fee of twenty-five dollars (\$25.00), which shall not be returned to the applicant. If and when a license is issued, after examination, applicant shall pay to the board an additional fee of twenty-five dollars (\$25.00).

(e) Said application shall be accompanied by a certificate of registration of applicant in the basic sciences, issued by the Arizona state board of examiners in the basic sciences, together with the affidavits of two reputable osteopathic physicians duly licensed to practice by a state of the United States, attesting the good moral character of the applicant, and two photographs of the applicant, taken within thirty days of the application, and such other data and information as the board may require.

Sec. 9. EXAMINATIONS. At such time and place as the board shall have previously designated, the applicant

shall appear before the board to be examined by it as to his or her fitness to practice osteopathy. The applicant shall be notified in writing as to the time and place of examination, not less than ten days prior thereto. The examination shall be in writing in the English language, and embrace the following subject matter: Anatomy, Physiology, Pathology, Chemistry (Organic and Physiological), Hygiene, Diagnosis, Obstetrics, Gynecology, Surgery, Bacteriology, Pharmacology, Toxicology, Principles and Practice of Osteopathy, and such other subjects as may be required by the board. If the applicant shall answer correctly seventy (70) per cent of the questions asked on said examination, and not less than sixty (60) per cent in any one subject, he shall be considered to have passed said examination. If the applicant fails to make a passing grade in one or more of the subjects examined on, the applicant shall, without losing credit for the subjects passed, and without paying any further examination fee, be permitted to again take an examination on said subjects failed in, within one year from the first examination, and at a time and place set by the board.

Sec. 10. LICENSES TO BE ISSUED BY BOARD AFTER SUCCESSFUL EXAMINATION. The state board of osteopathic examiners shall issue licenses, and certificates evidencing same, to all persons who make satisfactory showing to the board that they possess the required qualifications and have successfully passed said examination. The board shall have the power to reject the application of any applicant for examination and license if it appears to the board that the applicant does not have the required qualifications or is not of good moral character, or that any false statement or information has been furnished to the board by applicant. The determination of the board on any of the matters herein set out shall be final and conclusive.

Sec. 11. WHEN LICENSES MAY ISSUE WITHOUT EXAMINATION. The state board of osteopathic examiners may, in its discretion, issue a license without examination to a practitioner who is a citizen of the United States, and has been licensed in any state or territory of the United States, upon the following conditions:

(a) When the requirements of registration in the state or territory in which the applicant is licensed are deemed by the state board to have been practically equivalent to the requirements of registration in force in this state at the date of such application. Said application shall be

accompanied by a certificate of registration in the basic sciences issued by the Arizona state board of examiners in the basic sciences;

(b) When applicant is an osteopathic physician in good standing, and is a graduate of a legally chartered osteopathic college in good standing and who has passed the examination for admission into the Medical Corps of the United States army, United States navy, United States Indian service, or the United States public health service. Said application shall be accompanied by a certificate of registration in the basic sciences issued by the Arizona state board of examiners in the basic sciences;

(c) When applicant has successfully passed and had issued to him a certificate by the national board of osteopathic examiners. Said application shall be accompanied by a certificate of registration in the basic sciences issued by the Arizona state board of examiners in the basic sciences;

(d) An applicant, under section 11, upon making application for a license, shall pay the board a fee of One Hundred Dollars (\$100.00), Seventy-five Dollars (\$75.00) of which shall be returned to the applicant in the event his application for license is rejected.

Sec. 12. CERTIFICATES TO PRESENT PRACTITIONERS. Within three months of the date this act takes effect, all osteopathic physicians holding certificates issued by the present Arizona medical board of examiners authorizing them to practice osteopathy, and who are in good professional standing with the present Arizona medical board of examiners, and who have paid their annual renewal license fees to date, may present their osteopathic certificates to the state board of osteopathic examiners and receive a certificate of license from said board upon payment of a fee of five dollars (\$5.00). After three months from the day this act becomes a law, all outstanding osteopathic certificates issued by the Arizona medical board of examiners shall become void, and any person using the same to practice osteopathy in the state of Arizona, or for purposes of reciprocity in other states, shall be guilty of a misdemeanor, as provided in section 18 of this act.

Sec. 13. LICENSE MUST BE RECORDED. Every person holding a license authorizing him to practice osteopathy in this state, must, at all times after issuance, have the same recorded in the office of the county recorder

of the county of his residence, and said county recorders shall record same in a book to be kept by them for that purpose. Such license shall be displayed in licensee's office, place of business or employment at all times.

Sec. 14. ANNUAL REGISTRATION FEE REQUIRED. Every person holding a license to practice osteopathy in the state of Arizona shall pay to the state board of osteopathic examiners, before the first day of January of each year after its issuance, a renewal license fee in an amount, not to exceed twelve dollars (\$12.00), to be determined by the board. On the first day of November of each year, the secretary of the board shall notify each licensee of the amount of such annual renewal fee and that same is due before the first day of January following. Upon payment of said fee, a receipt shall be issued by the secretary, and said receipt shall at all times be displayed in the office of the person to whom it is issued. No person who fails to apply for renewal of his license and pay said fee prior to the first day of January of each year, shall be granted a renewal of said license without the payment of an additional fee of fifty dollars (\$50.00), provided that the board shall have the power to waive said additional fee for good cause shown, and provided further that nothing herein shall be construed to limit the power of the board to revoke a license under section 16 hereof.

Sec. 15. DUTIES AND RIGHTS OF OSTEOPATHIC PHYSICIANS AND SURGEONS. Persons holding a license under this act shall observe and be subject to all state and municipal laws and regulations relative to reporting births and deaths and in all matters pertaining to public health, and have equal rights and privileges with physicians and surgeons of other schools of medicine relative to the treatment of cases and the holding of public office or position, and their reports shall be accepted by the officers of the department to which the same are made, with like force and effect.

Sec. 16. WHEN LICENSE MAY BE REFUSED OR REVOKED; APPLICANT GIVEN TWENTY DAYS' NOTICE. The board shall have the further power to suspend, revoke, or refuse to issue, any license to, or of, an applicant or licensee, for any one or combination of the following causes:

(a) Conviction of a felony, as shown by a certified copy of the record of the court;

- (b) Gross malpractice;
- (c) Advertising by means of knowingly false or deceptive statement;
- (d) Advertising, practicing or attempting to practice osteopathy under a name other than one's own;
- (e) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs;
- (f) Failure to pay the annual renewal license fee as defined in section 14 of this act; provided that the board shall first grant such person a public hearing, after giving him at least twenty days' notice in writing, by registered mail, of the charges, and the time and place of said hearing.

Sec. 17. ADDITIONAL POWERS OF BOARD. The board shall have the power to compel the attendance of witnesses and the production of relevant books and papers for the investigation of matters that may come before them, and the presiding officer of said board may administer the required oaths, and such board shall have the same authority to compel the giving of testimony as is conferred on the courts of justice. The board shall have the right to bring proceedings in any superior court of the state to enforce the provisions of this act, or to enjoin or restrain the violation or threatened violation thereof, and proof of a violation by the defendant of any provision of this act shall be prima facie grounds for the issuance of an injunction or restraining order against such defendant in said action. It shall be the duty of the state attorney general to defend the board and its members in any actions brought against it. The board shall also have the power to retain its own attorney or attorneys to prosecute or defend any suit or proceedings instituted by or against said board, and a reasonable fee, to be fixed by the board, shall be paid such attorney or attorneys for such services, to be paid from the osteopathic board fund.

Sec. 18. VIOLATION OF ACT PUNISHED. Each of the following acts shall be unlawful and punishable by fine and imprisonment as follows:

- (a) Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and punished by imprisonment in the county jail for a period of not more than ninety days or by a fine not exceeding five

hundred dollars (\$500.00), or by both such imprisonment and fine.

(b) Any person who shall practice or attempt to practice osteopathy, or represent himself to be an osteopath, or as practicing osteopathy, unless he at such time holds a valid license issued him and in full force and effect under this act, shall be guilty of a misdemeanor and punished by imprisonment for a period of not to exceed three months, or by a fine not to exceed five hundred dollars (\$500.00), or by both such imprisonment and fine.

(c) Every person filing for record or displaying the license of another, falsely claiming or representing himself to be the person named in such license, or falsely claiming or representing himself to be entitled to such license, shall be guilty of a misdemeanor and punished by imprisonment for a period not to exceed three months or by a fine not to exceed five hundred dollars (\$500.00), or by both such imprisonment and fine.

Sec. 19. DISTRIBUTION OF FINES. All fines under the foregoing section shall be collected by the clerk of the court, and be distributed by him as follows:

(a) Twenty-five per cent thereof to the county in which the prosecution is had, to be paid to the county treasurer thereof;

(b) Ten per cent thereof to the state of Arizona, to be paid to the state treasurer and deposited in the general fund;

(c) Sixty-five per cent thereof to the osteopathic board fund, to be paid to the state treasurer and deposited in said fund.

Sec. 20. ASSISTANCE IN PROSECUTION. It shall be the duty of the several county attorneys of the state to prosecute all persons violating any of the provisions of this act. The attorney general of the state, when called upon to do so by the board, shall prosecute or assist in the prosecution of any person violating any of the provisions of this act. The board shall have the power to retain or employ its own attorney or attorneys to assist in the prosecution of any person charged with any violation of the provisions of this act, and a reasonable fee to be fixed by the board shall be paid to said attorney or attorneys for such services from the osteopathic board fund.

Sec. 21. INVALIDITY OF PART OF ACT NOT TO AFFECT REMAINDER. Should any section or part of this act be declared invalid or unconstitutional, the remainder of this act shall not be affected thereby, but shall remain in full force and effect. All acts and parts of acts in conflict herewith are hereby repealed.

Approved: March 14, 1941.
