

## CHAPTER 148

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH  
CHIROPRACTORS**148.01 CHIROPRACTIC.**

HISTORY. 1919 s. 64 ss. 2, 8; G.S. 1923 ss. 5725, 5731c; 1927 c. 230; M.S. 1927 ss. 5725, 5731c.

Chiropractors are "declared" by statute not to be engaged in the practice of medicine, surgery, or osteopathy. State ex rel v State Board, 189 M. 16, 250 NW 353.

A chiropractic cannot practice chiropody, medicine, surgery or osteopathy. OAG Sept. 16, 1929.

Osteopaths and chiropractors may be excluded by regulation of a hospital governing board. 1940 OAG 220, Jan. 30, 1940 (1001a).

**148.02 CHIROPRACTORS; STATE BOARD OF EXAMINERS.**

HISTORY. 1919 c. 64 s. 1; G.S. 1923 s. 5724; M.S. 1927 s. 5724.

**148.03 APPOINTMENT.**

HISTORY. 1919 c. 64 s. 3; G.S. 1923 s. 5726; M.S. 1927 s. 5726; 1943 c. 155 s. 1.

**148.04 PROCEDURE.**

HISTORY. 1919 c. 64 s. 4; G.S. 1923 s. 5727; M.S. 1927 s. 5727.

**148.05 LICENSE AND FEE.**

HISTORY. 1919 c. 64 s. 5; G.S. 1923 s. 5728; M.S. 1927 s. 5728.

**148.06 APPLICANTS EXAMINED.**

HISTORY. 1919 s. 64 s. 6; G.S. 1923 s. 5729; 1927 c. 230; M.S. 1927 s. 5729.

Reciprocal and retaliatory legislation. 21 MLR 376.

**148.07 RENEWAL FEES PUT IN FUND; REPORT.**

HISTORY. 1919 c. 64 s. 7; G.S. 1923 s. 5730; 1927 c. 230; M.S. 1927 s. 5730; 1943 c. 155 s. 2.

The board cannot use funds to send representatives to the chiropractic congress. OAG Aug. 9, 1929.

The board may accept delinquent fees without re-examination. OAG Sept. 17, 1934.

**148.08 LICENSES RECORDED; RULES AND REGULATIONS.**

HISTORY. 1919 c. 64 s. 8; G.S. 1923 s. 5731; 1927 c. 230; M.S. 1927 s. 5731.

The rights granted under this section do not extend to an institution, even though public, which by regulation of its board chooses to deny the use of the hospital to certain schools and systems of medicine. 1940 OAG 220, Jan. 30, 1940 (1001a).

See notes under section 148.01.

# MINNESOTA STATUTES 1945 ANNOTATIONS

861

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.19

## 148.10 LICENSES REVOKED; NEW LICENSES.

HISTORY. 1919 c. 64 s. 10; G.S. 1923 s. 5733; 1927 c. 230; M.S. 1927 s. 5733.

### OSTEOPATHS

## 148.11 STATE BOARD OF OSTEOPATHY; PER DIEM AND EXPENSES.

HISTORY 1903 c. 369 ss. 1, 4; R.L. 1905 s. 2307; G.S. 1913 s. 4993; 1923 c. 343 s. 1; G.S. 1923 s. 5735; M.S. 1927 s. 5735.

## 148.12 PRACTICE; LICENSES; PENALTIES.

HISTORY. 1903 c. 369 ss. 5, 6, 8; R.L. 1905 s. 2308; G.S. 1913 s. 4994; 1923 c. 343 s. 2; G.S. 1923 s. 5736; M.S. 1927 s. 5736.

A duly licensed osteopathic physician is authorized to practice obstetrics in this state. *Stoike v Weseman*, 167 M 266, 208 NW 993.

The county welfare board may authorize treatment of indigent patients by osteopathic physician. 1932 OAG 157, April 11, 1931 (125a-64).

County welfare boards may retain osteopaths for services to relief clients. 1938 OAG 157, April 1, 1938 (125a-64).

## 148.13 APPLICATION; EXAMINATION; FEES.

HISTORY. 1903 c. 369 ss. 3, 5; R.L. 1905 s. 2309; 1909 c. 430 s. 1; G.S. 1913 s. 4995; 1923 c. 343 s. 3; G.S. 1923 s. 5737; M.S. 1927 s. 5737.

## 148.14 RECORD OF LICENSES.

HISTORY. 1903 c. 369 s. 6; R.L. 1905 s. 2310; G.S. 1913 s. 4996; G.S. 1923 s. 5738; M.S. 1927 s. 5738.

## 148.15 LICENSES, WHEN REFUSED, WHEN REVOKED.

HISTORY. 1903 c. 369 s. 3; R.L. 1905 s. 2311; G.S. 1913 s. 4997; G.S. 1923 s. 5739; M.S. 1927 s. 5739.

## 148.16 DISPOSAL OF FEES AND FINES.

HISTORY. 1903 c. 369 s. 4; R.L. 1905 s. 2312; G.S. 1913 s. 4998; G.S. 1923 s. 5740; M.S. 1927 s. 5740.

### NURSES

## 148.17 NURSES TO BE REGISTERED.

HISTORY. 1907 c. 153 s. 1; G.S. 1913 s. 4999; G.S. 1923 s. 5741; M.S. 1927 s. 5741. (Repealed by 1945 c. 242 s. 14.)

Minnesota state registered nurses' association has authority to receive relief funds from American nurses' association and to distribute same for the relief of nurses. OAG June 23, 1933.

## 148.18 BOARD OF EXAMINERS.

HISTORY. 1907 c. 153 s. 2; G.S. 1913 s. 5000; 1923 c. 148 s. 1; G.S. 1923 s. 5742; M.S. 1927 s. 5742. (Repealed by 1945 c. 242 s. 14.)

## 148.19 TERM, BOND, OATH.

HISTORY. 1907 c. 153 s. 3; G.S. 1913 s. 5001; G.S. 1923 s. 5743; M.S. 1927 s. 5743 (Repealed by 1945 c. 242 s. 14.)

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 148.20 OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH

862

Where the board meets outside of the city of St. Paul the members, or the hospitals they visit, must stand the per diem expense. OAG Feb. 8, 1935 (905h).

Members of the board must file bond to qualify for office. OAG May 4, 1937 (980a-8).

### 148.20 OFFICERS; BOND.

HISTORY. 1907 c. 153 s. 4; G.S. 1913 s. 5002; 1923 c. 148 s. 2; G.S. 1923 s. 5744; M.S. 1927 s. 5744. (Repealed by 1945 c. 242 s. 14.)

### 148.21 COMPENSATION OF BOARD MEMBERS.

HISTORY. 1907 c. 153 s. 5; G.S. 1913 s. 5003; 1923 c. 148 s. 3; G.S. 1923 s. 5745; M.S. 1927 s. 5745; 1929 c. 173. (Repealed by 1945 c. 242 s. 14.)

### 148.22 EXCESS FUNDS.

HISTORY. 1907 c. 153 s. 6; G.S. 1913 s. 5004; 1923 c. 148 s. 4; G.S. 1923 s. 5746; M.S. 1927 s. 5746. (Repealed by 1945 c. 242 s. 14.)

### 148.23 EXAMINATIONS; NOTICES; FEE; QUALIFICATIONS.

HISTORY. 1907 c. 153 s. 7; G.S. 1913 s. 5005; 1923 c. 148 s. 5; G.S. 1923 s. 5747; M.S. 1927 s. 5747; 1929 c. 193. (Repealed by 1945 c. 242 s. 14.)

Course of instruction is to be determined by board of examiners. OAG Dec. 27, 1935 (905h).

The applicant must attend a school of nursing connected with a hospital. OAG April 1, 1935 (905e).

The fees deposited by applicants for examinations are not returnable. OAG Jan. 29, 1944 (882j).

Reciprocal and retaliatory legislation. 21 MLR 376.

### 148.24 APPLICANTS REGISTERED IN OTHER STATES.

HISTORY. 1907 c. 153 s. 11; G.S. 1913 s. 5009; 1923 c. 148 s. 7; G.S. 1923 s. 5751; M.S. 1927 s. 5751. (Repealed by 1945 c. 242 s. 14.)

The board may require an out-of-the-city applicant to take a post graduate course, if necessary, to render the training of the applicant equivalent to the course of training set forth in section 148.23. OAG July 23, 1934 (905d).

### 148.25 APPLICATION.

HISTORY. 1907 c. 153 s. 11; G.S. 1913 s. 5009; 1923 c. 148 s. 7; G.S. 1923 s. 5752. (Repealed by 1945 c. 242 s. 14.)

### 148.26 REGISTER.

HISTORY. 1907 c. 153 s. 13; G.S. 1913 s. 5011; G.S. 1923 s. 5753; M.S. 1927 s. 5753. (Repealed by 1945 c. 242 s. 14.)

### 148.27 REGISTERED NURSE.

HISTORY. 1907 c. 153 s. 14; G.S. 1913 s. 5012; G.S. 1923 s. 5754; M.S. 1927 s. 5754. (Repealed by 1945 c. 242 s. 14.)

### 148.28 REVOCATION OF CERTIFICATE.

HISTORY. 1907 c. 153 s. 15; G.S. 1913 s. 5013; G.S. 1923 s. 5755; M.S. 1927 s. 5755. (Repealed by 1945 c. 242 s. 14.)

### 148.171 DEFINITIONS.

HISTORY. 1945 c. 242 s. 1.

# MINNESOTA STATUTES 1945 ANNOTATIONS

863

## OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.31

### **148.181 BOARD OF EXAMINERS; APPOINTMENT; OATH, TERM, REMOVAL.**

HISTORY. 1945 c. 242 s. 2.

### **148.191 ANNUAL MEETING; RULES; EXECUTIVE SECRETARY.**

HISTORY. 1945 c. 242 s. 3.

### **148.201 MILEAGE AND PER DIEM.**

HISTORY. 1945 c. 242 s. 4.

### **148.211 APPLICATION; EXAMINATION; LICENSE; FEE.**

HISTORY. 1945 c. 242 s. 5.

### **148.221 PERSONS NOW HOLDING CERTIFICATE.**

HISTORY. 1945 c. 242 s. 6.

### **148.231 REGISTRATION.**

HISTORY. 1945 c. 242 s. 7.

### **148.241 MONEYS DEPOSITED WITH STATE TREASURER.**

HISTORY. 1945 c. 242 s. 8.

### **148.251 SCHOOL OF NURSING.**

HISTORY. 1945 c. 242 s. 9.

### **148.261 REVOCATION OF LICENSE.**

HISTORY. 1945 c. 242 s. 10.

### **148.271 LIMITATION ON PROHIBITIONS.**

HISTORY. 1945 c. 242 s. 11.

### **148.281 MISDEMEANORS.**

HISTORY. 1945 c. 242 ss. 12, 13.

### **148.285 REPEALS; TRANSFER OF ASSETS.**

HISTORY. 1945 c. 242 s. 14.

## MIDWIVES

### **148.30 MIDWIFERY.**

HISTORY. 1891 s. 30 ss. 4, 6; G.S. 1894 ss. 7901, 7903; R.L. 1905 s. 2301; G.S. 1913 s. 4982; G.S. 1923 s. 5721; M.S. 1927 s. 5721.

### **148.31 LICENSES.**

HISTORY. 1891 c. 30 ss. 1, 4; G.S. 1894 ss. 7898, 7901; R.L. 1905 s. 2302; G.S. 1913 s. 4983; G.S. 1923 s. 5722; M.S. 1927 s. 5722.

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 148.32 OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH

864

### 148.32 LICENSES, DENIAL, REVOCATION, REFUSAL.

HISTORY. 1891 c. 30 ss. 3, 5; G.S. 1894 ss. 7900, 7902; R.L. 1905 s. 2303; G.S. 1913 s. 4984; G.S. 1923 s. 5723; M.S. 1927 s. 5723.

### MASSAGE

### 148.33 DEFINITIONS.

HISTORY. 1927 c. 69 s. 1; M.S. 1927 s. 5784-1; 1929 c. 347 s. 1; M. Supp. s. 5784-13.

Beauty parlor attendant need not be licensed under this act in order to give massages in ordinary course of business. OAG June 22, 1933.

### 148.34 MASSAGE DISTINGUISHED.

HISTORY. 1927 c. 69 ss. 2, 3; M.S. 1927 ss. 5784-2, 5784-3; 1929 c. 347 s. 2; M. Supp. s. 5784-14.

### 148.35 OPERATORS LICENSED.

HISTORY. 1927 c. 69 s. 5; M.S. 1927 s. 5784-5; 1929 c. 347 s. 3; M. Supp. s. 5784-15.

### 148.36 LICENSE, BY WHOM ISSUED.

HISTORY. 1927 c. 69 s. 4; M.S. 1927 s. 5784-4; 1929 c. 347 s. 4; 1935 c. 245; M. Supp. s. 5784-16.

Reciprocal and retaliatory legislation. 21 MLR 376.

### 148.37 QUALIFICATIONS OF APPLICANTS.

HISTORY. 1927 c. 69 s. 5; M.S. 1927 s. 5784-5; 1929 c. 347 s. 5; M. Supp. s. 5784-17.

### 148.38 ASSISTANTS TO BOARD.

HISTORY. 1929 c. 347 s. 6; M. Supp. s. 5784-18.

### 148.39 RE-EXAMINATIONS.

HISTORY. 1929 c. 347 s. 7; M. Supp. s. 5784-19.

### 148.40 LICENSES RECORDED.

HISTORY. 1927 c. 69 s. 8; M.S. 1927 s. 5784-8; 1929 c. 347 s. 8; M. Supp. s. 5784-20.

### 148.41 LICENSES SUSPENDED OR REVOKED.

HISTORY. 1927 c. 69 s. 10; M.S. 1927 s. 5784-10; 1929 c. 347 s. 9; M. Supp. s. 5784-21.

### 148.42 POWERS AND DUTIES OF BOARD.

HISTORY. 1929 c. 347 s. 10; M. Supp. s. 5784-22.

State board of medical examiners is not subject to supervision and control of the commissioner of administration with respect to the employment of an attorney. OAG Oct. 24, 1933.

### 148.43 DUTIES OF SECRETARY-TREASURER.

HISTORY. 1929 c. 347 s. 11; M. Supp. s. 5784-23.

# MINNESOTA STATUTES 1945 ANNOTATIONS

865

## OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.53

### 148.44 COMPENSATION.

HISTORY. 1927 c. 69 s. 6; M.S. 1927 s. 5784-6; 1929 c. 347 s. 12; M. Supp. s. 5784-24.

### 148.45 FEES PLACED IN FUND; BOND OF SECRETARY-TREASURER.

HISTORY. 1927 c. 69 s. 6; M.S. 1927 s. 5784-6; 1929 c. 347 s. 13; M. Supp. s. 5784-25.

The commissioner of administration has no lawful right to interfere with duties of the board by withholding vouchers drawn upon funds of the board on deposit with the state treasurer. OAG Nov. 10, 1936 (303a-7).

### 148.46 USE OF CERTAIN TITLES FORBIDDEN.

HISTORY. 1929 c. 347 s. 14; M. Supp. s. 5784-26.

### 148.47 APPLICATION.

HISTORY. 1929 c. 347 s. 15; M. Supp. s. 5784-27.

### 148.48 PROSECUTIONS.

HISTORY. 1927 c. 69 s. 12; M.S. 1927 s. 5784-12; 1929 c. 347 s. 16; M. Supp. s. 5784-28.

### 148.51 CANCELATION OF LICENSE IN CERTAIN CASES.

HISTORY. 1927 c. 69 s. 10; M.S. 1927 s. 5784-10; 1929 c. 347 s. 19; M. Supp. s. 5784-31.

## OPTOMETRISTS

### 148.52 STATE BOARD OF OPTOMETRY.

HISTORY. 1915 c. 127 s. 1; G.S. 1923 s. 5785; 1925 c. 239; M.S. 1927 s. 5785; 1929 c. 420 s. 1.

Defendant's optometric work is within the domain of the police power of the state and subject to legislative regulation. Section 148.56, impliedly authorizes an unlicensed party to sell eyeglasses at retail provided such sale is under the direction and authority of a licensed optometrist personally in attendance. The state board of optometry may not adopt a rule making the acceptance of such employment unprofessional conduct for which the optometrist's license may be revoked. *Williams v Mack*, 202 M 402, 278 NW 585.

In reviewing the determination of the optometry board, this court will inquire no further than to determine whether the board kept within its jurisdiction, whether it proceeded under a proper theory of law, whether its action was arbitrary, oppressive or unreasonable, and whether the evidence affords a reasonable and substantial basis for the order. *Colberg v Jensen*, 205 M 410, 286 NW 305.

### 148.53 POWERS OF BOARD.

HISTORY. 1915 c. 127 s. 2; G.S. 1923 s. 5786; 1925 c. 239; M.S. 1927 s. 5786; 1929 c. 420 s. 2.

If the employer of an optometrist violates the statutes, the board should proceed against the employer and not against the innocent employee. *Williams v Mack*, 202 M 402, 278 NW 585.

The board may adopt administrative rules to assist in enforcing the legislative provisions. OAG Sept. 1, 1934 (329a).

The board of optometry has no authority to advise the public on care of the eyes, or to foster lectures, or conduct educational clinics, for the benefit of optometrists. OAG Sept. 7, 1934 (329a).

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 148.54 OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH

866

### 148.54 BOARD; OFFICERS; SEAL; MEETINGS.

HISTORY. 1915 c. 127 s. 3; G.S. 1923 s. 5787; 1925 c. 239; M.S. 1927 s. 5787.

### 148.55 COMPENSATION OF BOARD MEMBERS; ATTORNEY; ASSISTANTS; RECORDS.

HISTORY. 1915 c. 127 s. 4; G.S. 1923 s. 5788; 1925 c. 239; M.S. 1927 s. 5788.

The board has authority to employ an investigator who may gather evidence and make recommendations to the board on which the board may base citations of persons violating the act. OAG April 7, 1930.

### 148.56 OPTOMETRISTS.

HISTORY. 1915 c. 127 s. 5; G.S. 1923 s. 5789; 1925 c. 239; M.S. 1927 s. 5789; 1929 c. 420 s. 3.

One not licensed as an optometrist may engage in the business of selling eyeglasses at retail, and may own eye testing apparatus for the exclusive use of a duly licensed optometrist employed by him. State ex rel v Goodman, 206 M 203, 288 NW 157.

An optometrist employed by one who issued untruthful or misleading advertising, is guilty of unprofessional conduct. OAG July 31, 1931.

An optometrist may investigate the measurement of powers of vision, diagnose optical deficiency, and may prescribe lenses or ocular exercises for the correction and relief of the eyes, but may not treat the eye for disease. OAG Sept. 11, 1934.

### 148.57 WHO MAY PRACTICE OPTOMETRY.

HISTORY. 1915 c. 127 s. 6; G.S. 1923 s. 5790; 1925 c. 239; M.S. 1927 s. 5790; 1929 c. 420 s. 4.

On review of an order of the optometry board, the court will only go so far as to determine whether the board kept within its jurisdiction and proceeded upon a proper theory of the law. The court will inquire if the action was arbitrary, oppressive or unreasonable, or whether the evidence furnished a reasonable basis for the order. State v Jensen, 205 M 412, 286 NW 306.

The board possesses the discretion to permit an applicant under the age of twenty-one to take an examination and if the applicant passes, to grant him a license after he reaches the age of twenty-one. OAG June 16, 1933 (329b-715).

Under this section, a formal complaint to the board is not necessary to the institution of a hearing on charges. OAG April 7, 1930.

A corporation cannot lawfully practice optometry and may not advertise that it will furnish the services of optometrists. OAG July 31, 1931.

An order of the board is reviewable only by certiorari. OAG July 31, 1931.

The board cannot impose qualifications in excess of those laid down by the statute. OAG July 11, 1934 (329a).

Reciprocal and retaliatory legislation. 21 MLR 371.

### 148.58 CERTIFICATES FILED; FEE.

HISTORY. 1915 c. 127 s. 7; G.S. 1923 s. 5791; 1925 c. 239; M.S. 1927 s. 5791.

A certified copy of an order revoking a license may be filed with the clerk of the district court, but an optometrist named cannot be removed from the list because he moves away or becomes inactive. OAG Dec. 9, 1937 (329).

### 148.59 ANNUAL FEES.

HISTORY. 1915 c. 127 s. 8; G.S. 1923 s. 5792; 1925 c. 239; M.S. 1927 s. 5792.

### 148.60 DISPOSAL OF FEES.

HISTORY. 1915 c. 127 s. 9; G.S. 1923 s. 5793; 1925 c. 239; M.S. 1927 s. 5793.

# MINNESOTA STATUTES 1945 ANNOTATIONS

867

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.62

## 148.61 VIOLATIONS; PENALTIES.

HISTORY. 1907 c. 153 s. 16; 1915 c. 127 s. 10; G.S. 1913 s. 5014; 1919 c. 64 s. 9; G.S. 1923 ss. 5732, 5794; M.S. 1927 ss. 5732, 5756, 5784-29, 5784-30, 5794; 1929 c. 347 ss. 17, 18; 1945 c. 242 s. 14.

An optmetrist employed by a retailer may not be punished for the actions of his employer. *Williams v Mack*, 202 M 402, 278 NW 585.

## 148.62 APPLICATION.

HISTORY. 1915 c. 127 s. 13; G.S. 1923 s. 5796-1; 1925 c. 239; M.S. 1927 s. 5796-1.