

An Act to regulate the practice of medicine and surgery in this Colony.

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ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

CAP. XII.

An Act to regulate the Practice of Medicine and Surgery in this Colony.

[PASSED 24TH MAY, 1893.]

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Preamble.

WHEREAS it is expedient that persons requiring medical aid should be able to distinguish qualified from unqualified practitioners :

Enacting clause.

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows :—

Short Title

1.—This Act shall be known and cited as the “ Newfoundland Medical Act.”

Respecting a Medical Board.

2.—As soon as conveniently may be after passage of this Act, and not later than the first day of July in the present year, the Governor in Council shall appoint three, the St. John’s Medical Society two, and the Conception Bay Medical Society two, regularly qualified medical practitioners of not less than five years’ standing, who, together, shall be a Board, whereof any five shall be a quorum, for the purpose of carrying out the provisions of this Act, which Board shall be known as the “ Newfoundland Medical Board.”

Powers and duties of Board.

3.—The duties, powers and functions of this Board shall relate to the making and enforcing of measures necessary for the regulation and practice of medicine, and the protection and preservation of life and health in this Colony as hereinafter provided.

Respecting the filling of vacancies on Board.

4.—Every vacancy in such Board, whether caused by death, resignation, removal from office or otherwise, shall be filled up by the body or authority who shall have nominated and appointed the person or persons causing such vacancy, with as little delay as possible ; so that, as far as practicable,

the Board shall always consist of seven members, three appointed by the Governor in Council, two by the St. John's Medical Society, and two by the Conception Bay Medical Society. In case of the dissolution of either Society, or their neglect, or refusal to fill up a vacancy, which they are empowered and directed by this section to supply, within three months after such vacancy shall have been caused, the remaining members of the Newfoundland Medical Board shall nominate and appoint a properly qualified person or persons to fill such vacancy, in the place and stead of the St. John's and Conception Bay Medical Societies. In case of a similar neglect or refusal on the part of the Governor in Council, the Board shall have and exercise the like power. Provided that no person shall be capable of being appointed to such Board who shall not have the qualifications prescribed in section two of this Act.

5.—The Newfoundland Medical Board shall hold a meeting in St. John's every year, at which annual meeting they shall have power to appoint examiners, fix the times of examinations, and transact all business arising out of this chapter; and any such meeting may be continued by adjournment from day to day until the business before the Board shall be finished; but no such meeting shall be so continued by adjournment beyond the Saturday of the week in which the sitting shall commence. The Board shall also have power and it shall be their duty to hold such other meetings as may be necessary, at which meetings they shall have the powers and duties herein conferred and imposed upon the Board at the annual meetings.

6.—The Secretary shall be appointed by the members of the Board, and it shall be his duty to attend all the meetings of the Board and keep a faithful and correct account of all proceedings.

7.—The Secretary shall also be the Registrar of the Board, and shall receive from the funds of the same a yearly salary of fifty dollars as a compensation for his services.

8.—It shall be the duty of the Registrar on or before the first day of January in each year, to cause to be printed

or published in the *Royal Gazette* of Newfoundland a correct list of the names in alphabetical order, of all persons appearing on the Register at that date, together with the place of residence, titles, diplomas and qualifications as conferred by any College or body with the date according to the subjoined Schedule A.

Respecting "The Medical Register."

9.—Such Register shall be called "The Medical Register," and a copy of the same shall be *prima facie* evidence in all Courts of Law, and before all Justices of the Peace, and others, that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such register shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

The granting of licenses to practice.

10.—The members of this Board shall form a body of Medical Examiners of diplomas and degrees, whose Certificate shall be the only License permitting the practice of medicine, surgery or midwifery, except as hereinafter provided, in this Colony, provided the applicant for such License shall previously have obtained a medical diploma from a recognized College or University, or as hereinafter provided.

Persons may be entered on Register.

11.—Every person shall be entitled to have his name entered on the Register of the Newfoundland Medical Board, upon satisfying that body that he holds a degree or diploma from some regular University, or School of medicine in good standing, and shall then receive from the Board a license bearing the seal of that body, upon payment to the Registrar of the sum of five dollars, and shall have his name entered upon the Register.

Licensed practitioners shall obtain certificates.

12.—No such licensed practitioner shall be entitled to practice in any year without taking out from the Board, before the first day of January in every year, a certificate to practice, for which he shall pay the fee of one dollar. Such licenses and certificates shall be in the form to be prescribed by the Board.

No person shall begin the study of medicine without a certificate.

13.—Hereafter no person shall begin or enter upon the study of medicine, surgery or midwifery in this Colony for the purpose of qualifying himself to practise the same, unless

he shall have obtained from the Newfoundland Medical Board a certificate that he has satisfactorily passed a matriculation or preliminary examination on the subjects in Schedule B. to this chapter.

14.—No candidate shall be admitted to such matriculation or preliminary examination unless he shall have at least fourteen days previous to such examination, given notice to the Registrar of the Board of his intention to present himself for such examination and transmitted to the Registrar a certificate showing that he has completed his sixteenth year; and shall, before the examination have paid a fee of two dollars to the Registrar.

Respecting preliminary examinations.

15.—Besides a Secretary the Board shall elect from their number a President and other officers as may be deemed necessary for the efficient enforcement of this Act.

Officers of Board.

16.—It shall be the duty of the Board to examine all degrees, diplomas, licenses and other credentials, presented or given in evidence under this Act, for the purpose of enabling the owners thereof to practice in this Colony, and, if it be deemed necessary, to oblige the owner of such credentials to attest upon oath or affidavit that he is the person whose name is mentioned therein and that he has become possessed of the same by lawful means.

Examination of credentials.

17.—To appoint fit and proper persons to conduct the preliminary or matriculation examinations; to decide upon the times for holding such examination; and to fix the remuneration, if any, to be paid to such examiners.

Appointment of examiners.

18.—To cause every member of the profession practicing in Newfoundland to enter his name, age, place of residence, the date of license or diploma, and where obtained, upon the Register of the Board.

Registration of members.

19.—The Board shall make such rules, regulations and bye-laws as may be deemed proper or necessary, not inconsistent with this Act, and subject to the approval of the Governor in Council.

Board shall make bye-laws.

20.—In the event of the absence of the President from any meeting, some other member chosen from those present shall act as President,

Acting President.

Power of majority.

21.—All Acts of the Board shall be decided by a majority consisting of not less than four members thereof.

President only casting vote.

22.—At all meetings the President shall have a casting vote only.

Respecting moneys of Board.

23.—All monies forming part of the funds of the Board shall be held by the Treasurer and applied only to the efficient enforcement of this Act, and no money shall be paid by the Treasurer excepting by order from the Secretary signed by the President.

Duty of Registrar.

24.—It shall be the duty of the Registrar to keep his Register neat and correct and in strict accordance with the provisions of this Act, and open at all times to the inspection of the other members of the Board.

Omission to register—effect of.

25.—Any person entitled to be registered under this Act, but who shall neglect or omit to apply to be so registered, shall not be entitled to any of the rights or privileges conferred by the provisions of this Act, so long as such neglect or omission shall continue.

Persons registered obtaining higher degrees.

26.—Any person registered under this Act, but who may have obtained any higher degree or diploma other than that already recorded in the Register, shall be entitled to have the same inserted in the Register either in addition to, or substitution for, those previously registered.

Recovery of charges by registered practitioners.

27.—Every person properly registered under this Act shall be entitled to practice medicine, surgery and midwifery in any part of this Colony, and to demand and recover in any Court of Law reasonable charges for professional aid or advice, together with the cost of any medicine, or other medical and surgical appliance supplied by him.

No person not registered may recover such charge.

28.—No person whose name is not registered under this Act shall be entitled to recover any fees in any Court of Law for any medical or surgical advice, or for any service whatsoever, rendered in the capacity of a medical man; nor shall he receive any payment of charges for any medicine or medical or surgical appliances, which may have been both prescribed and supplied by him: Provided always, that this

clause is not intended to interfere with the practice of midwifery by competent females as hereinafter provided.

29.—Except as hereinafter provided, if any person not registered or licensed under the provisions of this Act shall practice medicine, surgery or midwifery for hire, gain, help or reward, or wilfully and falsely pretend to be a physician, doctor of medicine, surgeon or general practitioner, or take or use any name, title, addition, description, implying or calculating to deceive or lead the public to infer that he is registered under this Act, or who proposes by public advertisement, card, circular or otherwise to practice medicine, surgery or midwifery in this Colony, or to give advice therein or in anywise lead people to infer that he is qualified to practice medicine, surgery or midwifery, he shall forfeit and pay the sum of twenty dollars for each day that he so practices or leads people to infer that he is practicing, or shall suffer imprisonment not exceeding twelve months. The said fine may be sued for and recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace.

No person not registered or licensed shall practise.

30.—All persons violating the above regulations shall be subject to the penalties of this Act, and in all cases the burden of proof as to these qualifications, in accordance with the provisions of this Act, shall be upon the defendant or practitioner.

Penalty.

31.—Any person or persons not connected with the medical profession who shall give information leading to the conviction of such irregular practitioner, shall be entitled to one-half of the fine recovered, and the other half shall go to the Receiver General for the use of the Colony.

Disposition of penalties and fines.

32.—The Newfoundland Medical Board shall have the power to try and expel any member of the profession for acts of mal-practice, misconduct or immoral habits, provided that five-sevenths of the whole number record their signatures to such a measure.

Power of Board to expel members.

33.—If the Registrar shall wilfully cause any name to be placed on the Register, not in accordance with the pro-

Penalty on Registrar in certain cases.

visions of this Act, he shall forfeit the sum of one hundred dollars as a fine, and suffer expulsion from his office.

Exception as to urgent or necessary aid.

34.—Nothing in this Act shall prevent private persons from giving necessary medical or surgical aid in times of urgent need, provided that such aid or attendance is not given for gain or hire, nor the giving of it made a business, or way of gaining a livelihood by such person.

Term of office.

35.—The members of the Newfoundland Medical Board appointed by any or all of the bodies before mentioned, shall hold office during good behaviour or until voluntary resignation.

Governor has power to remove members.

36.—The Governor in Council shall have the power to remove any member of the Board upon an address of five-sevenths of its members.

Registered practitioners shall be registered and licensed.

37.—Every person resident in this Colony, and who shall have practised medicine, surgery and midwifery for a period of five years consecutively in one locality previous to the passing of this Act, upon proof of the same, shall have his name registered, and receive a license to practice under this Act: Provided that it shall be competent for the Newfoundland Medical Board to grant licenses to any persons who may have practiced for a shorter period upon being satisfied by examination or inquiry that such person is reasonably competent and fit: And further provided, that it shall be competent for the Board, after examination and enquiry, to license persons with a reasonable amount of competency to practice in specified localities, in which no qualified practitioners reside.

Persons in naval or military service may practice.

38.—Any person whilst employed in actual service in any Naval or Military service as Physician or Surgeon, may practice medicine, surgery and midwifery in Newfoundland, after having been registered.

Definition of terms.

39.—The words “legally qualified medical practitioner” or “duly qualified medical practitioner” or any other words importing a person recognized by law as a medical practitioner or member of the medical profession, when used in any Act of the Legislature, or legal or public document, shall be con-

strued to mean a person registered under this chapter unless as otherwise provided.

40.—No person shall be appointed as medical officer, physician or surgeon in any branch of the public service, or in any hospital or other charitable institution, unless he be registered under the provisions of this chapter. Definition of terms.

41.—No person, otherwise fully qualified under this chapter, shall be refused registration or a license to practice on account of his adopting or refusing to adopt, the practice of any particular theory of medicine or surgery. In case of such refusal by the Board, the party aggrieved shall have the right to appeal to the Governor in Council, who, upon due cause shown, shall issue an order to the Board to register the name of such person and to grant him a license to practice. No person not registered shall be appointed to any institution. Certain theories shall not disqualify practitioners.

42.—Nothing in this Act shall prevent competent females from practicing midwifery. Females.

43.—The Newfoundland Medical Board shall, immediately upon the creation of a vacancy therein, communicate the fact to the Governor in Council, or to the St. John's Medical Society or the Conception Bay Medical Society according as such vacancy shall be, to be filled up by one or other of those bodies; and shall also notify either of such bodies of any other business requiring the attention of the same under this chapter. Respecting vacancies.

Schedule.

SCHEDULE A.

Name.	Age.	Residence.	Qualifications.
A. B.	23	St. John's.	M. D., College of Physicians, New York, 12th July, 1864.
C. D.	29		L. R. C. S. E., 1862.

Schedule.

SCHEDULE B.

UNIFORM STANDARD OF MATRICULATION OR PRELIMINARY EXAMINATION, ESTABLISHED UNDER THIS CHAPTER.

Compulsory:—English Language, including Grammar Composition and Writing from dictation; Arithmetic, including vulgar and decimal fractions, and the extraction of the square root; Algebra, to the end of simple equations; Geometry, the first three books of Euclid; Latin, one book—translation and grammar; Elementary mechanics of solids and fluids.

And one of the following *optional* subjects: History of England, with questions in Modern Geography; French translation; German translation; one Greek book; History of Newfoundland; History of the Dominion of Canada.



