

WARNING

"It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter."



(Twenty names only allowed on a petition of this nature)

To the HONORABLE E. W. MARLAND,
Governor of the State of Oklahoma:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that the following proposed Act or law shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the "next election held throughout the State" or at a "special election for the express purpose of making such reference," as provided in Section 3 of Article V of the Constitution of the State of Oklahoma or, if denied said Constitutional right, at some future election held throughout the State at which same may be submitted, and each for himself says: I have personally signed this petition and I am a legal voter of the State of Oklahoma; my residence and post office address are correctly written after my name. The time for filing this petition expires ninety days from June 22, 1937.

The Question we herewith submit to our fellow voters is: Shall the following proposed bill be adopted.

The title, and proposed ballot title, and the full text of the measure or Act proposed is as follows:

TITLE

An Act amending Sections 4625, 4646, 4652 and 4656, Oklahoma Statutes 1931 as amended by Article 7, Chapter 24, Session Laws of Oklahoma 1935; providing for the qualifications and appointment of the State Board of Medical Examiners; prescribing grounds and procedure to suspend or revoke the license or certificate of any physician or surgeon; defining "unprofessional conduct"; providing for appeals; repealing all Acts in conflict herewith; and making the parts of this Act severable, and, if any part hereof is declared by a final Judicial decision to be invalid, other parts hereof shall remain in full force and effect.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. Section 4625, Oklahoma Statutes 1931, is hereby amended to read as follows:

Section 4625. Within thirty (30) days after the passage of this Act, the members of the Board of Medical Examiners shall be appointed by the Governor from the schools of practice commonly known as the Regular, the Electic and the Homeopathic schools, who shall serve for a period of four (4) years or until their successors are appointed and qualified; provided that at no time shall there be a majority of one school represented on said Board; provided further, that no member shall be a stockholder in or member of the faculty or board of trustees of any medical college or school.

SECTION 2. Section 4646, Oklahoma Statutes, 1931, is hereby amended to read as follows:

Section 4646. The State Board of Medical Examiners may suspend or revoke the license or certificate of any physician or surgeon holding license or certificate to practice in the State of Oklahoma for unprofessional conduct, but no such suspension or revocation shall be made until such licentiate be cited to appear for hearing; Provided that the License or Certificate of a physician or surgeon shall not be suspended or revoked on account of unprofessional conduct on the part of such physician or surgeon, until a hearing be had before the Board of Medical Examiners of the State of Oklahoma.

No such citation shall be issued except upon sworn complaint filed with the Secretary of said Board, charging the said licentiate with having been guilty of unprofessional conduct and setting forth the particular act or acts alleged to constitute such unprofessional conduct. Upon the filing of such complaint, such citation must forthwith be issued by the Secretary of the Board over his signature, and seal of the Board, setting forth the complaint of said unprofessional conduct, and giving due notice of the time and place of the hearing thereof by the Board of Medical Examiners. The said citation shall be made returnable at the next regular meeting of the Board occurring at least thirty (30) days next after the service of said citation. The accused shall file his written answer thereto under oath with the Secretary of said Board within twenty (20) days after the service upon him of said citation and unless such answer be filed as herein set forth, the accused shall be considered in default and his license or certificate suspended or revoked, IF the charges be deemed sufficient by the Board; provided that the Secretary of the Board may extend the time of answer upon satisfactory showing that the defendant is, for reasonable cause, unable to make answer within the said twenty (20) days, but in no case shall the time be extended beyond the date of the next regular meeting of the Board, unless continuance thereof be granted by the Board.

SECTION 3. Section 4652, Oklahoma Statutes, 1931, is hereby amended to read as follows:

Section 4652. The words "unprofessional conduct" as used in this Act are hereby declared to mean:

First. Procuring, aiding or abetting a criminal operation or abortion.

Second. Advertising in any manner, either in his own name or under the name of another person, firm, association or corporation, in any newspaper, pamphlet, circular or other written or printed paper or document, the treatment of or the curing of venereal diseases, or the private diseases peculiar to men and women, or the advertising, or holding himself out to the public in any manner as a specialist in the diseases of the sexual organs or diseases caused by sexual weakness, self-abuse or excessive indulgence, or in any disease of like nature produced by like causes, or the restoration of lost manhood, or the advertising of any medicine or any means whatsoever, whereby the monthly periods of women can be restored or regulated or the menses be re-established, if suppressed, or being employed by, or in the service of any person, firm, association or corporation so advertising.

Third. The obtaining of any fee or offering to accept any fee, present, or other form of remuneration whatsoever, on the assurance or promise that a manifestly incurable disease can or will be cured.

Fourth. Wilfully betraying a professional secret to the detriment of the patient.

Fifth. Habitual intemperance or the habitual use of the habit forming drugs.

Sixth. Conviction of a felony or of any offense involving moral turpitude.

Seventh. The employment of what is commonly known as "Cappers" or "Steerers" in procuring practice; Provided the term "Cappers" or "Steerers" shall not be construed to apply to: Bona fide Agents of Hospitals and Clinics legally organized. Provided further that such hospitals or clinics shall not be permitted to enter into contracts for hospital or medical services to be performed within thirty days of the date of said contract and provided further that said organization of clinics or hospitals shall be organized on a mutual or cooperative non-profit plan in connection with some recognized farm or labor union or church or charitable organization.

Eighth. All advertising of medical business in which statements are made which are grossly untrue or improbable and calculated to mislead the public.

Ninth. Conviction or confession of a crime involving the violation of the anti-narcotic or prohibition laws and regulations of the Federal Government, or the Board of Health Laws and Regulations of the State of Oklahoma.

Tenth. Dishonorable or immoral conduct.

Eleventh. Professional connection with, or lending one's name to any person engaged unlawfully in the practice of medicine and surgery; or engaging in the practice of medicine or surgery under any name other than the one specified in the license of the licentiate.

SECTION 4. Section 4656 of the Oklahoma Statutes of 1931, as amended by Section 2, Article 7, Chapter 24 of the Session Laws of Oklahoma of 1935, is hereby amended to read as follows:

Section 4656. The State Board of Medical Examiners of the State of Oklahoma is hereby given quasi-judicial power, while sitting as a Board for the purpose of revoking or suspending the license of physicians and/or surgeons of this State, and appeals from its decisions shall be taken to the District Court of the county of the residence of the accused, where said appeal shall be tried de novo in the same manner as appeals from Justices of the Peace, and appeals may be taken from the action of the District Court in the same manner as appeals in civil cases generally.

No decision of said Board of Medical Examiners of the State of Oklahoma shall become final in any matter appealed from, pending final decision of the Supreme Court of this State, except as hereinafter provided in this Section.

The license of any physician and/or surgeon who has been convicted of any felony in or without the State of Oklahoma and whether in a state or federal court, and which conviction shall have become final, shall be suspended or revoked and cancelled by said Board upon the submission thereto of a certified copy of the judgment and sentence of the trial court and the certificate of the clerk of said court that said conviction has become final; Provided, that the revocation of the license of any person convicted of a felony on any other grounds than that of moral turpitude or the violation of the Federal or State Narcotic Laws, shall be on the merits of the particular case, but the court records in the trial of such case when conviction has been had shall be prima facie evidence of the conviction. Said Board shall also revoke and cancel the license of any physician and/or surgeon who has been charged in a court of record of this or other states of the United States or in the Federal Court with the commission of a felony and who is a fugitive from justice, upon the submission of a certified copy of the charge together with a certificate from the clerk of said court that after the commitment of said crime said physician and/or surgeon fled from the jurisdiction of the court and is a fugitive from justice.

SECTION 5. All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 6. The provisions of this Act are severable, and, if any part hereof is held to be invalid by a final decision of any court of competent jurisdiction, the remaining parts hereof shall be valid.

(THE END)

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MAC Q. WILLIAMSON
ATTORNEY GENERAL



STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

June 6, 1940

Honorable C.C. Childers,
Secretary of State,
B u i l d i n g.

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged and imposed upon the Attorney General by Section 1, Article 1, Chapter 30, Oklahoma Session Laws 1939, he has examined the proposed Ballot Title of State Question No. 241, Initiative Petition No. 166, which, together with a copy of said Petition, was delivered to him on June 4, 1940 by Mr. Charles West, Attorney of the proponents of said Petition, and from said examination the Attorney General finds that said Ballot Title is not in legal form and in harmony with the law.

Therefore, pursuant to the provisions of the above section, the Attorney General has prepared and is submitting herewith, same to be filed in your office, a Ballot Title for said petition which in his opinion does conform to the law. Said Ballot Title is as follows:

"BALLOT TITLE

"State Question No. 241 Initiative Petition No. 166

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

"Shall an act

abolishing alternate members of State Board of Medical Examiners; prohibiting one school of medical practice from having majority membership on said Board; requiring hearings by board before it can revoke or suspend licenses of physicians convicted of certain crimes or who are fugitives from justice; changing appeal procedure to provide for trials de novo in District Court and subsequent appeals to Supreme Court; and providing that employment of agents of certain

Honorable C.C. Childers

6-6-40

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"hospitals or clinics by a physician to procure
practice therefor will not constitute grounds
for revocation or suspension of physician's
license,

be approved by the people?

YES
 . .

"Shall it be approved?

NO
 . ."

Very truly yours,

FOR THE ATTORNEY GENERAL

Fred Hansen

Fred Hansen
Assistant Attorney General