

ARTICLE X.*

VETERINARY MEDICINE AND SURGERY.

- SECTION 170. Definitions.
171. Qualifications for practice.
172. State board of veterinary medical examiners.
173. Certificate of appointment; oath; powers.
174. Expenses.
175. Officers; meetings; quorum; committee.
176. Admission to examination.
177. Questions.
178. Examinations and reports.
179. Licenses.
- 179a. Registry.
- 179b. Registry in another county.
- 179c. Certificate presumptive evidence, unauthorized registration and license prohibited.
- 179d. Construction of this article.
- 179e. Penalties and their collection.

§ 170. **Definitions.**— As used in this article:

1. University means university of the State of New York.
2. Regents mean board of regents of the university of the State of New York.
3. Board means a board of veterinary medical examiners of the State of New York.
4. Veterinary medical examiner means a member of a board of veterinary medical examiners of the State of New York.

* In the revision of this article by L. 1893, ch. 661, there were only three sections, 170, 171, and 172. In 1895 the whole article was re-drawn and amended by ch. 860 of that year and contained sections 170 to 184, inclusive. For laws on this subject prior to L. 1893, ch. 661, see L. 1886, ch. 313; L. 1887, ch. 166; L. 1888, ch. 431; L. 1889, ch. 537, and L. 1890, ch. 419.

5. Veterinarian school means any veterinary school, college or department of a university, registered by the regents as maintaining a proper veterinary medical standard and as legally incorporated.

6. Veterinary medicine means veterinary medicine and surgery, or any branch thereof.

7. Veterinarian means veterinary physician and surgeon.

As amended by L. 1895, ch. 860, § 1.

§ 171. **Qualifications for practice.**—No person shall practice veterinary medicine after July first, eighteen hundred and ninety-five, unless previously registered and legally authorized, unless licensed by the regents and registered as required by this article; nor shall any person practice veterinary medicine who has ever been convicted of a felony by any court, or whose authority to practice is suspended or revoked by the regents on recommendation of the state board. Any graduate of a veterinary school, who received his degree prior to July first, eighteen hundred and ninety-five, and has practiced veterinary medicine in some county in New York state, but who failed to register in the veterinary medical register in the county in which he so practiced, may, on unanimous recommendation of the state board of veterinary medical examiners, receive from the regents a certificate which shall entitle him to register as a veterinary practitioner in the county of his residence or practice at any time within two months after the passage of this act. Any person a citizen of the

United States and of the state of New York who matriculated in a reputable veterinary medical school prior to January first, eighteen hundred and ninety-five, and who received his degree therefrom prior to January first, eighteen hundred and ninety-seven, or any person who was engaged in the practice of veterinary medicine prior to the year eighteen hundred and eighty-six, shall be admitted to the veterinary examination for license to practice, as conducted by the regents of the University of the State of New York.

As amended by L. 1895, ch. 860; L. 1896, ch. 840, and L. 1901, ch. 231.

A complaint in an action to recover penalties incurred by reason of a violation of the Public Health Law, forbidding the practice of veterinary medicine by persons "unless previously registered and legally authorized," etc., which merely alleges that the defendant practiced veterinary medicine and surgery at a certain time and place "in violation of sections 171 and 184" of that act, does not state facts sufficient to constitute a cause of action. *County of Steuben v. Wood*, 24 App. Div. 442; 48 N. Y. Supp. (82 St. Rep.) 471.

§ 172. State board of veterinary medical examiners.— There shall be a board of veterinary medical examiners of five members, each of whom shall hold office for five years from August one of the year in which appointed. The New York State Veterinary Medical society shall at each annual meeting nominate twice the number of examiners to be appointed that year on the board. The names of such nominees shall be annually transmitted under seal by the president and secretary prior to May one, to the regents who shall, prior to August one, appoint from such lists the examiners required to fill any

vacancies that will occur from expiration of term on July thirty-first. Any other vacancy, however occurring, shall likewise be filled by the regents for the unexpired term. Each nominee before appointment, shall furnish to the regents proof that he has received a degree in the veterinary medicine from registered veterinary medical school and that he has legally practiced veterinary medicine in this State for at least five years. If no nominees are legally before them from the society, the regents may appoint from members in good standing in the veterinary profession without restriction. The regents may remove any examiner for misconduct, incapacity or neglect of duty.

As amended by L. 1895, ch. 860.

§ 173. **Certificate of appointment; oath; powers.**— Every veterinary medical examiner shall receive a certificate of appointment from the regents, and before beginning his term of office shall file with the secretary of state the constitutional oath of office. The board, or any committee thereof, may take testimony and proofs concerning all matters within its jurisdiction. The board may, subject to the regents' approval, make all by-laws and rules not inconsistent with law needed in performing its duties, but no by-laws or rules by which more than a majority vote is required for any specified action by the board shall be amended, suspended or repealed by a smaller vote than that required for the action thereunder.

Added by L. 1895, ch. 860.

§ 174. **Expenses.**— From the fees provided by this article the regents may pay all proper expenses incurred by its provisions, except compensation to veterinary medical examiners, and any surplus at the end of the academic year shall be apportioned among the members of the board pro rata according to the number of candidates whose answer papers have been marked by each.

Added by L. 1895, ch. 860.

§ 175. **Officers; meetings; quorum; committees.**— The board shall annually elect from its members a president and secretary for the academic year, and shall hold one or more meetings each year pursuant to the call of the regents. At any meeting a majority shall constitute a quorum; but questions prepared by the board may be grouped and edited, or answer papers of candidates may be examined and marked by committees duly authorized by the board and by the regents.

Added by L. 1895, ch. 860.

§ 176. **Admission to examination.**— The regents shall admit to examination any candidate who pays a fee of ten dollars and submits satisfactory evidence, verified by oath if required, that he (first) is more than twenty-one years of age; (second) is of good, moral character; (third) has the general education required in all cases after July first, eighteen hundred and ninety-seven, preliminary to receiving a degree in veterinary medicine; (fourth) has studied veterinary medicine not less than

three full years, including three satisfactory courses, in three different academic years, in the veterinary medical school registered as maintaining at the time a satisfactory standard; (fifth) has received a degree as veterinarian from some registered veterinary medical school. The degree in veterinary medicine shall not be conferred in this State before the candidate has filed with the institution conferring it, the certificate of the regents that three years before the date of the degree, or before or during his first year of veterinary medical study in this State, he has either graduated from a registered college or satisfactorily completed an academic course in a registered academy or high school; or has a preliminary education considered and accepted by the regents as fully equivalent; or has passed regents' examinations equivalent to the minimum requirement in such preliminary education for candidates for medical or mental degrees in this State. Students who had matriculated in a veterinary medical school before October first, eighteen hundred and ninety-five, shall be exempted from this preliminary education requirement, provided the degree be conferred before July first, eighteen hundred and ninety-eight. The regents may, in their discretion, accept as the equivalent for any part of the third and fourth requirement, evidence of five or more years' reputable practice in veterinary medicine, provided that such substitution be specified in the license.

Added by L. 1895, ch. 860.

§ 177. **Questions.**— Each member of the board shall submit to the regents, as required, lists of suitable questions for thorough examination in comparative anatomy, physiology and hygiene, in chemistry and in veterinary surgery, obstetrics, pathology and diagnosis and therapeutics, including practice and materia medica. From these lists the regents shall prepare question papers for all these subjects, which at any examinations shall be the same for all candidates.

Added by L. 1895, ch. 860.

§ 178. **Examinations and reports.**— Examination for license shall be given in at least four convenient places in this State and at least four times annually, in accordance with the regents' rules, and shall be exclusively in writing and in English. Each examination shall be conducted by a regent examiner, who shall not be one of the veterinary medical examiners. At the close of each examination, the regents' examiner in charge shall deliver the questions and answer papers to the board, or to its duly authorized committee, and such board, without unnecessary delay, shall examine and mark the answers and transmit to the regents an official report, signed by its president and secretary, stating the standing of each candidate in each branch, his general average and whether the board recommends that a license be granted. Such report shall include the questions and answers and shall be filed in the public records of the university. If a candidate fails on his first examination, he may, after not less than six months' further study,

have a second examination without fee. If the failure is from illness or other cause satisfactory to the regents, they may waive the required six months' study.

Added by L. 1895, ch. 860.

§ 179. Licenses.— On receiving from the State board an official report that an applicant has successfully passed the examination and is recommended for license, the regents shall issue to him, if in their judgment he is duly qualified therefor, a license to practice veterinary medicine. Every license shall be issued by the university under seal and shall be signed by each acting veterinary medical examiner of the board and by the officer of the university who approved the credential which admitted the candidate to examination, and shall state that the licensee has given satisfactory evidence of fitness as to age, character, preliminary and veterinary medical education and all other matters required by law, and that after full examination he has been found properly qualified to practice. Applicants examined and licensed before July one, eighteen hundred and ninety-seven, by other State examining boards registered by the regents as maintaining standards not lower than those provided by this article, and applicants who matriculate in a New York State veterinary medical school before July one, eighteen hundred and ninety-six and who receive the veterinary degree from a registered veterinary medical school before July one, eighteen hundred and ninety-seven, may without further examination, on payment of ten dollars to the regents, and on

submitting such evidence as they may require, receive from them an indorsement of their license or diplomas conferring all rights and privileges of a regents' license issued after examination. If any person, whose registration is not legal or who is not registered because of some error, misunderstanding or unintentional omission, shall submit satisfactory proof that he had all requirements prescribed by law at the time required for registration and was entitled to be legally registered, he may on unanimous recommendation of the State board of veterinary medical examiners, receive from the regents under seal a certificate of the facts which may be registered by any county clerk and shall make valid the previous imperfect registration. Before any license is issued it shall be numbered and recorded in a book kept in the regents' office and its number shall be noted in the license. This record shall be open to public inspection and in all legal proceedings, shall have the same weight as evidence that is given to a record of conveyance of land.

Added by L. 1895, ch. 860, and amended by L. 1900, ch. 479.

§ 179a. **Registry.**— Every license to practice veterinary medicine shall, before the licensee begins practice thereunder, be registered in a book to be known as the “veterinary medical register,” which shall be provided by and kept in the clerk's office of the county where such practice is to be carried on, with name, residence, place and date of birth, and source, number and date of its license to practice. Before registering, each licensee

shall file, to be kept in a bound volume in the county clerk's office, an affidavit of the above facts, and also that he is the person named in such license, and had, before receiving the same, complied with all requisites as to attendance, terms and amount of study and examination required by law and the rules of the university as preliminary to the conferment thereof, and no money was paid for such license, except the regular fees, paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by anyone or incurred in order that such license should be conferred. Every license, or if lost, a copy thereof, legally certified so as to be admissible as evidence, or a duly attested transcript of the record of its conferment, shall before registering, be exhibited to the county clerk, who, only in case it was issued or indorsed as a license under seal by the regents, shall indorse or stamp on it the date and his name preceded by the words: "Registered as authority to practice veterinary medicine, in the clerk's office of county." The clerk shall thereupon give to every veterinarian so registered a transcript of the entries in the register, with a certificate under seal that he has filed the prescribed affidavit. The licensee shall pay to the county clerk as a total fee of one dollar for registration, affidavit and certificate.

Added by L. 1895, ch. 860, and amended by L. 1896, ch. 840.

§ 179b. Registration in another county.— A practicing veterinarian having registered a lawful authority to practice veterinary medicine in one county, and removing

such practice or part thereof to another county, or regularly engaging in practice or opening an office in another county, shall show or send by registered mail to the clerk of such other county, his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued under seal by the regents, or if the certificate itself is indorsed by the regents as entitled to registration, the clerk shall thereupon register the applicant in the latter county, on receipt of a fee of twenty-five cents, and shall stamp or indorse on such certificate the date and his name, preceded by the words: "Registered also in county" and return the certificate to the applicant.

Added by L. 1895, ch. 860, and amended by L. 1896, ch. 840.

§ 179c. Certificate presumptive evidence; unauthorized registration and license prohibited.— Every unrevoked certificate and indorsement of registry, made as provided in this article, shall be presumptive evidence in all courts and places that the person named therein is legally registered. Hereafter no person shall register any authority to practice veterinary medicine unless it has been issued or indorsed as a license by the regents. No diploma or license conferred on a person not actually in attendance at the lectures, instructions and examinations of the school conferring the same, or not possessed at the time of its conferment of the requirements then demanded of veterinary medical students in this State as a condition of their being licensed so to practice, and no registration not in accordance with

this article shall be lawful authority to practice veterinary medicine, nor shall the degree of doctor of veterinary medicine be conferred *causa honoris* or *ad eundum*, nor if previously conferred shall it be a qualification for such practice.

Added by L. 1895, ch. 860, and amended by L. 1896, ch. 840.

§ 179d. **Construction of this article.**— This article shall not be construed to effect* commissioned veterinary medical officers serving in the United States army, or in the United States bureau of animal industry while so commissioned; nor any person for giving gratuitous services in case of emergency; or any lawfully qualified veterinarian in other States or countries meeting legally registered veterinarians in this State in consultation; or any veterinarian residing on a border of a neighboring State and duly authorized under the laws thereof to practice veterinarian medicine therein, whose practice extends into this State, and who does not open an office or appoint a place to meet patients or receive calls within this State; or any veterinarian duly registered in one county called to attend isolated cases in another county, but not residing or habitually practicing therein. This article shall be construed to repeal all acts or parts of acts authorizing conferment of any degree in veterinary medicine, *causa honoris* or *ad eundum*, or otherwise, than on students duly graduated after satisfactory completion of a preliminary and veterinary medical

* So in the original.

course, not less than that required by this article, as a condition of license.

Added by L. 1895, ch. 860, and amended by L. 1896, ch. 840.

§ 179e. **Penalties and their collection.**— Every person who shall practice veterinary medicine within this State without lawful registration or in violation of any provision of this article shall forfeit to the county wherein such persons shall so practice, or in which any violation shall be committed, fifty dollars for every such violation, and for every day of such unlawful practice, and any incorporated veterinary medical society of the State or any county veterinary medical society of such county entitled to representation in a State society, may bring an action in the name of such county for the collection of such penalties, and the expense incurred by such society in such prosecution, including necessary counsel fees, may be retained by such society out of the penalties so collected, and the residue, if any, shall be paid into the county treasury. Any person who shall practice veterinary medicine under a false or assumed name or who shall falsely personate another practitioner of a like or different name, shall be guilty of a felony; and any person guilty of violating any of the other provisions of this act, not otherwise specifically punished herein, or who shall buy, sell or fraudulently obtain any veterinary medical diploma, license, record or registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practice veterinary medicine under the cover of a di-

ploma, or license illegally obtained, or signed or issued unlawfully or under fraudulent representation, or mistake of fact in material regard, or who, after conviction of a felony, shall attempt to practice veterinary medicine, and any person who shall, without having been authorized so to do legally, append any veterinary title to his or her name, or shall assume or advertise any veterinary title in such a manner as to convey the impression that he is a lawful practitioner of veterinary medicine or any of its branches, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars or imprisonment for six months for the first offense, and on conviction of a subsequent offense by a fine of not less than five hundred dollars or imprisonment for not less than one year, or by both fine and imprisonment.

Added by L. 1895, ch. 860, and amended by L. 1896, ch. 840.

For penalty for misconduct of veterinary surgeons, see Penal Code, § 356.

ARTICLE XI.*

PHARMACY.

SECTION 190. State board of pharmacy; election of members; term of office; how organized; vacancies, how filled; revenue.

191. Books; records and funds of existing boards to be delivered.

*Article XI of L. 1893, ch. 661, was entirely redrawn and amended by L. 1900, ch. 667. For laws on this subject prior to L. 1893, ch. 661, see L. 1884, ch. 361; L. 1885, ch. 360; L. 1887, ch. 676; L. 1889, chs. 181, 484; L. 1890, ch. 100, and L. 1893, ch. 250.