

No. 211

AN ACT

Allowing costs and counsel fees to stakeholders* in interpleader proceedings** out of funds paid into court.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Whenever hereafter any person, partnership or corporation having in possession money which is claimed by two or more persons or corporations, shall come into any court of record in this Commonwealth, either at law or in equity, and disclaim all interest in the funds, procure an interpleader between the rival claimants to determine the true ownership of the funds, and pay the said funds into court, or as the court may direct, the court shall allow to the stakeholder out of the funds paid into court, its costs and such reasonable counsel fee as the court may determine to be proper, to be taxed as costs of the proceeding.

Section 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

Interpleader proceedings.

Stakeholder to collect costs and counsel fees.

Inconsistent acts repealed.

No. 212

AN ACT

To further amend section eleven (b) of the act, approved the nineteenth day of March, one thousand nine hundred nine (Pamphlet Laws, forty-six), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," by further regulating the requirements for license as an osteopathic surgeon.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section eleven (b) of the act, approved the nineteenth day of March, one thousand nine hundred nine (Pamphlet Laws, forty-six), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of

Osteopathy.

Section 11 (b), act of March 19, 1909, P. L. 46, as last amended by act of June 5, 1937, P. L. 1649, further amended.

* "stakeholder" in original.

** "proceeding" in original.

osteopaths in this State; and to provide penalties for the violation of this act," as added to said act by the act, approved the fourteenth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, seven hundred ninety-five), and as last amended by the act, approved the fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand six hundred forty-nine), is hereby further amended to read as follows:

Application for
license to
practice operative
surgery.

Fee.

Section 11. (b) Any person licensed to practice osteopathy in this State, and desiring to enter upon the practice of operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy may deliver to the Superintendent of Public Instruction, upon the payment of a fee of one hundred dollars, or such fee as shall be fixed by the Superintendent of Public Instruction, a written application for license, together with satisfactory proof, in such form as may be required by the Osteopathic Surgeons' Examining Board, that the applicant has served for a period of not less than two years as an interne [or assistant surgeon] in [an] *any* approved osteopathic hospital, which shall have at least ten beds per interne devoted to the treatment of diseases, shall maintain a thoroughly equipped modern pathological and clinical* laboratory proportionate to the necessities of the hospital, and shall maintain a department of [anaesthetists] *anaesthesia* consisting of one or more anaesthetists, who shall have supervision over all the anaesthesia given in the institution, and whose duty it shall be to instruct all internes in the administration of anaesthetics. After the first day of July, one thousand nine hundred and forty-one, all applicants shall, in addition to the requirements hereinabove set forth, have successfully completed one year of surgical training in some legally incorporated, reputable osteopathic** college or osteopathic hospital, or special courses, or training equivalent thereto, as determined by the Osteopathic Surgeons' Examining Board. [or] In lieu of [such qualifications, the applicant may submit proof as hereinbefore required] *the three-year requirement hereinabove set forth, the applicant may submit proof* that he has served for a period of not less than five years as [an interne or] assistant to a surgeon, [in any] *and in a* hospital, approved by the Osteopathic Surgeons' Examining Board *for such training*. [which shall meet the requirements hereinbefore set forth. All applicants, while serving as interne or assistant surgeon, shall be registered with both the State Board of Osteopathic Examiners and the Osteopathic Surgeons' Examining Board.] The Osteopathic Surgeons' Examining Board shall examine and fix the rating of all

* "clinical" in original.

** "osteopatic" in original.

osteopathic colleges and hospitals, [for graduate students, and provide interne positions as hereinbefore provided for this inspection and rating] *either chartered under the laws of this Commonwealth or operating therein, as [it] relates to surgery only. It shall further be the duty of the board, by inspection or otherwise, to examine and fix the rating of all colleges and hospitals outside this Commonwealth providing osteopathic surgical training under the laws of any particular state whose graduates or internes desire to obtain licensure as osteopathic surgeons in this Commonwealth, but the standards for the approval of osteopathic hospitals in this Commonwealth shall be required in fixing any such rating.* The same standard for graduates in medicine shall be used for examination by the Osteopathic Surgeons' Examining Board in the examination of the osteopathic graduates for licenses to practice surgery: Provided, That any person duly licensed as an osteopath, who has had at least five years of actual practice as a surgeon, may be examined by the board without being required to prove that he has had two years' experience as an interne or assistant surgeon in a hospital as hereinbefore provided.

Examination and rating of colleges and hospitals for graduate students.

Thereupon the Osteopathic Surgeons' Examining Board, if satisfied with said proof, shall admit said applicant to examination as to his or her qualifications for the practice of operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy. Such examination shall include the subjects of surgical diagnosis and operative surgery, and such other subjects as the said board may deem necessary to test the qualifications of the applicants. The Osteopathic Surgeons' Examining Board shall cause the Department of Public Instruction to issue forthwith to each applicant who shall have obtained a general average of not less than seventy-five per centum, and who shall have been adjudged by the said board of examiners to be duly qualified for the practice of operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy, a license to practice such operative surgery in the State of Pennsylvania. Such license shall be issued and recorded in the same manner as licenses to practice osteopathy are now issued by the State Board of Osteopathic Examiners under the provisions of this act: Provided, however, That no such license shall be issued if any objection thereto is filed by the State Board of Osteopathic Examiners.

Examination.

License to practice operative surgery.

Every license issued by said board to practice surgery shall authorize the holder thereof to practice major or operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy; and the use of anaesthetics, antiseptics, narcotics, and germicides,

Effect of license.

when used for the purposes, in the manner, and to the extent, only as taught and practiced under surgical procedure in the legally incorporated, reputable colleges of osteopathy, shall not be considered the practice of medicine, or in violation of any of the laws relating to the practice of medicine or regulating public health.

Osteopathic physician who has practiced seven years.

Any osteopathic physician who has been practicing operative surgery for a period of not less than seven years, prior to the passage of this act, shall not be required to take the examinations required by this section, and shall be eligible to appointment as a member of the Osteopathic Surgeons' Examining Board.

Applicants examined and licensed by the osteopathic surgeons' examiners of any other state where such examiners exist, separate from the osteopathic physicians' examiners, on the payment of a fee of two hundred dollars (\$200.00), and the filing with the Osteopathic Surgeons' Examining Board of this Commonwealth a copy of such license, certified by the president or secretary of the examiners of such other state, showing that the standard of requirements adopted by such examiners is substantially the same as is provided by this act, shall without further examination receive a license conferring on the holder thereof the right to practice operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy.

Every person now or hereafter licensed under the provisions of this act to practice operative surgery shall register as such practitioners with the Osteopathic Surgeons' Examining Board, on or before the first day of January, one thousand nine hundred and thirty-eight, and annually thereafter, on or before the first day of January of each succeeding year. The form for such registration shall be prescribed and furnished by the board. The annual registration fee shall be ten dollars (\$10.00), or such other sum as shall be fixed by the Department of Public Instruction under authority of law. The fee shall in all cases accompany the application for such registration.

Inconsistent acts repealed.

Act effective immediately.

Section 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN