

[CHAPTER 456]

AN ACT

June 29, 1940
[H. R. 8628]
[Public, No. 686]

To amend the Perishable Agricultural Commodities Act, 1930, as amended, to include as a perishable agricultural commodity cherries in brine, and for other purposes.

Perishable Agricultural Commodities Act, 1930, amendments.
46 Stat. 531.
7 U. S. C. §§ 499a, 499b; Supp. V, §§ 499a, 499b.
Definitions.
"Perishable agricultural commodity."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 1 of the Perishable Agricultural Commodities Act, 1930, as amended (relating to the definition of "perishable agricultural commodity"), is amended to read as follows:

"(4) The term 'perishable agricultural commodity'—

"(A) Means any of the following, whether or not frozen or packed in ice: Fresh fruits and fresh vegetables of every kind and character; and

"(B) Includes cherries in brine as defined by the Secretary in accordance with trade usages;"

"Dealer."

SEC. 2. Paragraph (6) (C) of section 1 of such Act, as amended (relating to the definition of "dealer"), is amended by inserting after the word "ice" a comma and the following: "or consists of cherries in brine."

"Unfair conduct."

SEC. 3. Paragraph (1) of section 2 of such Act, as amended (relating to the definition of "unfair conduct"), is amended to read as follows:

Weight, number, etc., of commodity.

"(1) For any commission merchant, dealer, or broker to engage in or use any unfair, unreasonable, discriminatory, or deceptive practice in connection with the weighing, counting, or in any way determining the quantity of any perishable agricultural commodity received, bought, sold, shipped, or handled in interstate or foreign commerce;"

Misrepresentation of quantity, size, etc.

SEC. 4. Paragraph (5) of section 2 of such Act, as amended (relating to the definition of "unfair conduct"), is amended by inserting after "quality," the following: "quantity, size, pack, weight,"

Approved, June 29, 1940.

[CHAPTER 457]

AN ACT

June 29, 1940
[H. R. 8692]
[Public, No. 687]

To amend the Act to regulate the practice of podiatry in the District of Columbia.

District of Columbia.
Podiatry regulations.
40 Stat. 560.
20 D. C. Code § 995.
Board of Podiatry Examiners.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act to regulate the practice of podiatry in the District of Columbia, approved May 23, 1918, and Acts amendatory thereof, are further amended to read as follows:

"There is hereby established a Board of Podiatry Examiners, which shall consist of the health officer of the District of Columbia ex officio and three members, to be appointed by the Board of Commissioners of the District of Columbia.

Terms of members.

"Said members shall be appointed within thirty days after this Act has taken effect, and they shall be so classified by the Board of Commissioners that the term of one member shall expire in one year, one in two years, and one in three years from the date of appointment, and annually thereafter the Board of Commissioners shall appoint one member who shall serve for a period of three years, or until his successor is appointed and qualified. Vacancies in said Board shall be filled by the Board of Commissioners for the unexpired term.

Vacancies.

Eligibility for appointment.

"No person shall be eligible for appointment upon the Board who is not a citizen of the United States and who has not been for five years next preceding his appointment a resident of and in

the active and reputable practice of podiatry in the District of Columbia. Appointments shall be made from a list of three to five eligibles submitted by the Podiatry Society of the District of Columbia. In case of failure of said Podiatry Society to submit said list, the Board of Commissioners shall appoint members in good standing of said Podiatry Society without restriction, who are qualified as aforesaid.

"SEC. 2. The Board of Podiatry Examiners shall organize by electing from its members a president, and a secretary-treasurer who shall give bond to the United States in the sum of \$1,000. The Board shall adopt such rules and regulations not inconsistent herewith as it deems necessary respecting the eligibility of candidates, and the scope of examinations. The Board shall adopt an official seal, and shall keep a record of its proceedings, a complete record of the credentials of each licensee, and a register of persons licensed as podiatrists and of licenses revoked. A transcript of an entry in such records, certified by the secretary-treasurer under seal of the Board, shall be evidence of the facts therein stated. A quorum of the Board shall consist of not less than two members. The Board shall make annual reports to the District Commissioners, containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year.

"SEC. 3. The said Board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The president and secretary-treasurer shall have power to issue subpoenas and each shall have authority to administer oaths. Upon the failure of any person to attend as a witness, when duly subpoenaed, or to produce books and papers when duly directed by the said Board, the Board shall have power to refer the said matter to any justice of the District Court of the United States for the District of Columbia, who may order the attendance of such witness, or the production of such books and papers, or require the said witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before said court.

"SEC. 4. It shall be the duty of the secretary-treasurer of the Board to enforce the provisions of all laws relating to the practice of podiatry in the District of Columbia, and all violations of said laws shall be prosecuted in the police court of the District of Columbia by the corporation counsel or one of his assistants; and the corporation counsel and his assistants shall render such other legal services as may from time to time be required by the Board.

"The major and superintendent of the Metropolitan Police Department shall detail such members of his force as may be necessary to assist the Board in the investigation and prosecutions incident to the enforcement of this Act. The Board is authorized to employ such other persons as it deems necessary to assist in the investigation and prosecutions incident to the enforcement of this Act.

"SEC. 5. Any person who desires to begin the practice of podiatry within the District of Columbia shall file with the secretary-treasurer of the Board a written application for a license, and furnish satisfactory proof that he is a citizen of the United States or has duly declared his intention to become a citizen of the United States, not less than twenty-one years of age, of good moral character, and is a graduate of a podiatry college recognized by the National Association

List of eligibles.

Election of officers.

Seal, records, and register.

Quorum.

Annual reports.

Attendance of witnesses, etc.

Subpoenas and oaths.

Failure of witness to testify, etc.; punishment.

Prosecution of law violations.

Police detail.

Application for license.

Qualifications.

Citizenship require-
ment.

Application form,
etc.

Semiannual exam-
inations.

Application for li-
cense after examina-
tion.

Without examina-
tion.

Proviso.
Reciprocity.

License conclusive
evidence of right to
practice.

Loss of license.

Revocation, etc., of
license; causes.

of Chiropodists and approved by the Board. Any license issued to a person who is a citizen of a foreign country and who has duly declared his intention to become a citizen of the United States shall automatically terminate and the registration of the candidate be annulled in the event such candidate shall fail to submit to the Board satisfactory evidence within six years from the date of such license that he has become a citizen of the United States. Such application must be upon the form prescribed by the Board, verified by oath, and accompanied by the required fee and a recent unmounted autographed photograph of the applicant. The Board shall hold in January and July of each year, in such place as it may designate, examinations to determine the fitness of applicants for licenses under this Act.

“(a) If such application be for a license after examination, the applicant shall appear before the Board at its first meeting after the filing of his application, and pass a satisfactory examination, consisting of practical demonstrations and written and oral test, in the following subjects as the same shall be taught in the recognized podiatry colleges: Anatomy, physiology, pathology, bacteriology, chemistry, materia medica, surgery, therapeutics, diagnosis and treatment, clinical and orthopedic podiatry, and any other of such subjects as the Board may determine.

“(b) If such application be for a license without examination by virtue of a license issued by a State, Territory, or other jurisdiction forming a part of the United States, or by a foreign country, the applicant shall furnish proof satisfactory to the Board that he holds a valid license from a similar podiatry board, with requirements equal to those of the District of Columbia, and that he has been in the lawful and reputable practice of podiatry in the State or Territory or foreign country from which he applies for five consecutive years next prior to filing his application: *Provided*, That the laws of such State or Territory or foreign country accord equal rights to a podiatrist of the District of Columbia who desires to practice his profession in such State or Territory or foreign country.

“SEC. 6. If such applicant passes the examination, or furnishes the information required of applicants for license without examination, he shall receive a license from the Board, attested by its seal, signed by the members of the Board, which after being registered with the health officer shall be conclusive evidence of his right to practice podiatry in the District of Columbia. If the loss of a license is satisfactorily shown, a duplicate thereof shall be issued by the Board upon payment of the required fee.

“SEC. 7. The District Court of the United States for the District of Columbia may revoke or suspend the license of any podiatrist in the District of Columbia upon proof satisfactory to said court—

“(a) That said license or registration was procured through fraud or misrepresentation.

“(b) That the holder thereof has been convicted of a felony.

“(c) That the holder thereof is guilty of chronic or persistent inebriety, or addiction to drugs.

“(d) That the holder thereof is guilty of advertising professional superiority or the performance of professional services in a superior manner; advertising prices for professional service; advertising by means of large display, glaring light signs, or containing as a part thereof the representation of the human foot or leg or any part thereof; employing or making use of solicitors or free publicity press agents, directly or indirectly; or advertising any free podiatry work, or free examination; or advertising to guarantee podiatry service.

“(e) That such holder is guilty of hiring, supervising, permitting, or aiding unlicensed persons to practice podiatry.

“(f) That such holder is guilty of unprofessional conduct.

“The following acts on the part of a podiatrist are hereby declared to constitute unprofessional conduct:

Acts deemed unprofessional conduct.

“(1) Practicing while his license is suspended.

“(2) Willfully deceiving or attempting to deceive the Board or their agents with reference to any matter under investigation by the Board.

“(3) Advertising by any medium other than the personal carrying of a modest professional card or the display of a modest window or street sign at the licensee's office, which professional card or window or street sign shall display only the name, address, profession, office hours, and telephone connections of the licensee; except in the case of announcement of change of address or the starting of practice, when the usual size card of announcement may be used. The size of said cards or signs shall be designated by the Board.

“(4) Practicing podiatry under a false or assumed name or corporate name other than a partnership name containing the names of the partners, or any name except his full proper name which shall be the name used in his license granted by the Board.

“(5) Violating this Act or aiding any person to violate this Act or to knowingly violate the podiatry act of any State or Territory.

“(6) Practicing in the employment of, or in association with, any person who is practicing in an unlawful or unprofessional manner.

“The foregoing specifications of acts constituting unprofessional conduct shall not be construed as a complete definition of unprofessional conduct nor as authorizing or permitting the performance of other or similar acts not denounced, or as limiting or restricting the said court from holding that other or similar acts also constitute unprofessional conduct.

“SEC. 8. The District Court of the United States for the District of Columbia may suspend or revoke any license issued and any registration upon evidence showing to the satisfaction of the court that the licensee or registrant, as the case may be, has been guilty of misconduct or is professionally incapacitated.

Misconduct or professional incapacity; penalty.

“Proceedings looking toward the suspension or revocation of a license or registration shall be begun by petition filed in the District Court of the United States for the District of Columbia in the name of the Board of Podiatry Examiners and shall be verified by oath. Proceedings shall be conducted according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purposes and intent of this Act; and said court is hereby authorized to make such supplementary rules. An appeal may be taken from the decision of the District Court of the United States for the District of Columbia to the United States Court of Appeals of said District. Any such appeal on behalf of the Board of Podiatry Examiners may be filed without bond. The District Court of the United States for the District of Columbia may determine whether a license or registration shall be suspended or revoked, and if such license is to be suspended said court may determine the duration of such suspension and the conditions under which such suspension shall terminate.

Revocation, etc., proceedings.

Rules applicable.

Appeal.

Duration of suspension.

Fees.

“SEC. 9. That in addition to the fees fixed herein each applicant for a license as podiatrist shall deposit with his application a fee of \$25 if for a license after examination, and \$50 if for a license by reciprocity; with each application for a duplicate license a fee of \$5 shall be paid to said Board and for each certificate issued by said Board a fee of \$1 shall be paid. That out of the fees paid to said Board, as provided by this Act, there shall be defrayed all expenses incurred in carrying out the provisions of this Act, including the

Expenses payable from fees.

<p><i>Proviso.</i> Limitation on ex- penses.</p>	<p>detection and prosecution of violations thereof, together with a fee of \$10 per diem for each member of said Board, other than the health officer of the District of Columbia, when actually engaged upon business pertaining to his official duties as such Board member: <i>Provided</i>, That such expense shall in no event exceed the total of receipts.</p>
<p>Registration.</p>	<p>"SEC. 10. During the month of December of each year, every licensed podiatrist shall register with the secretary-treasurer of the Board his name and office address and such other information as the Board may deem necessary upon blanks obtainable from said secretary-treasurer, and thereupon pay a registration fee of \$2. On or before the 1st day of November of each year it shall be the duty of the secretary-treasurer of the Board to mail to each podiatrist licensed in the District of Columbia, at his last-known address, a blank form for registration. In the event of failure to register on or before the 31st day of December a fine of \$5 and the registration fee of \$2 shall be imposed, and should the practitioner fail to register and pay the fine imposed and continues to practice his profession in the District of Columbia he shall at the end of ten days from said date be considered as practicing illegally and penalized as otherwise provided for in this Act. If he suspends his practice he may, in the discretion of the Board, upon furnishing satisfactory evidence as to his moral character and professional standing, be reinstated at any time upon registering and paying a prescribed fee of \$25. On or before the 1st day of February, annually, said Board shall issue a printed register of the names and addresses so received, together with other information deemed interesting to the profession, a copy of which shall be mailed or otherwise sent to each registrant thereon.</p>
<p>Fee. Blank form.</p>	
<p>Failure to register.</p>	
<p>Reinstatement.</p>	
<p>Printed register.</p>	
<p>Person practicing podiatry; definition.</p>	<p>"SEC. 11. Any person shall be regarded as practicing podiatry who, gratuitously or for a salary, fee, money, or other compensation paid either himself or to any other person, directly or indirectly, furnishes or advertises to furnish, or performs or causes to be performed, by himself or by any other person, agent, or employee, podiatry service; or who uses the words 'podiatrist', 'chiropracist', or any letters or title in connection with his name which in any way represents him as being engaged in the practice of podiatry; or who is a manager, proprietor, operator, or conductor of a place where podiatry service is performed; or who shall state, advertise, or permit to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that he can, or will attempt to, perform podiatry service or render a diagnosis in connection therewith; 'podiatry' and 'podiatry service', within the meaning of this section and this Act, are hereby defined to be the surgical, medical, or mechanical treatment of any ailment of the human foot, except the amputation of the foot or any of the toes; and, also, except the use of an anesthetic other than a local one.</p>
<p>"Podiatry" and "podiatry service" defined.</p>	
<p>Inapplicability of Act to podiatry students, etc.</p>	<p>"SEC. 12. Nothing in this Act shall apply to a bona fide student of podiatry in the clinic rooms of a reputable podiatry college; to a licensed and legally qualified practitioner of the healing arts; to a podiatrist of the United States Army, Navy, Public Health Service, or Veterans' Administration, in the discharge of his official duties, nor to a lawful practitioner of podiatry in another State or Territory making a clinical demonstration before a bona fide society, convention, association of podiatrists, or podiatry college, or performing his duties in connection with a specific case on which he may have been called to the District of Columbia.</p>
<p>Display of license and registration card.</p>	<p>"SEC. 13. Whoever engages in the practice of podiatry and fails to keep displayed in a conspicuous place in the operating room in</p>

which he practices, and in such manner as to be easily seen and read, the license and annual registration card granted him pursuant to the laws of the District of Columbia, shall be fined not more than \$50.

"SEC. 14. Whoever sells or offers to sell a diploma conferring a podiatry degree or a certificate granted for postgraduate work, or a license granted pursuant to this Act, or whoever procures such diploma, certificate, or license with intent to use the same as evidence of the right to practice podiatry as defined by law, by a person other than the one upon whom such diploma was conferred, or to whom such license was granted, or any person who with fraudulent intent alters such diploma, certificate, or license, or uses or attempts to use the same, shall be fined not more than \$1,000.

Fraudulent use of licenses, etc.

"SEC. 15. Whoever practices podiatry under a false name, or assumes a title, or appends or prefixes to his name letters which falsely represent him as having a degree from a chartered podiatry college, or makes use of the words 'podiatry college' or 'school' or equivalent words when not lawfully authorized so to do, or impersonates another at an examination held by the Board, or knowingly makes a false application or a false representation in connection with such examination, shall be fined not more than \$1,000.

Practice under false name, etc.

"SEC. 16. No person or persons, corporation, or educational institution shall conduct classes or a school for postgraduate podiatry in the District of Columbia unless with the approval of the Board, and whoever violates this provision shall, upon conviction, be fined not more than \$500.

Board approval of podiatry classes, etc.

"SEC. 17. Whoever engages in the practice of podiatry without a license so to do, or whoever violates any provision of law relating to the practice of podiatry, or the application for examination and licensing of podiatrists for which no specific penalty has been prescribed shall be fined not more than \$1,000.

Practicing without license, etc.

"SEC. 18. When used in this Act—

Terms construed.

"(1) Personal pronouns include all genders.

"(2) The term 'Board' means the Board of Podiatry Examiners.

"(3) Advertising shall be deemed to include those in public print, by radio, or any other form of public announcement.

"SEC. 19. Rules and regulations adopted by the Board shall become effective thirty days after promulgation: *Provided*, That notice of such rules and regulations is published once a week for three consecutive weeks during that period in a newspaper of general circulation in the District of Columbia, and that notice be mailed to each registered podiatrist in the District of Columbia.

Rules and regulations. *Proviso.* Publication.

"SEC. 20. Should any section or provision of this Act be decided by the courts to be unconstitutional or invalid, the validity of the Act as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Separability clause.

Right reserved.

"SEC. 21. All Acts or parts thereof heretofore enacted into law and inconsistent herewith are hereby repealed."

Repeal.

Approved, June 29, 1940.