

shall be competent [and] *but not* compellable to testify at such hearing, and upon such hearing the Court shall render judgment [with costs against the unsuccessful party. And if it shall determine that said defendant was not practicing medicine in the State of Maryland on or before the date of June 1, 1892, not being a lawful practitioner of medicine in said State, on or before said date, it], *and where proper* shall pass an order directing the name of said defendant to be stricken from the registry of physicians or surgeons, or both, which order shall be certified [by] to the Clerk of the Court wherein said defendant was registered, and he shall thereupon strike [his] *such* name from said registry *and notify the Board of Medical Examiners of such action.* [But the] *The* decision upon such petition shall [have no force and effect in] *not be a bar to* any criminal prosecution under this sub-title.

138. Any person shall be regarded as practicing medicine within the meaning of this sub-title who shall append to his or her name the words or letters "Dr.," "Doctor," "M. D.," or any other title in connection with his name, with the intent thereby to imply that he or she is engaged in the art or science of healing, or in the practice of medicine in any of its branches [, or who shall operate on, profess to heal, prescribe for, or otherwise treat]. *Any person who practices medicine or the art or science of healing shall be considered as a practitioner of medicine or surgery. As used herein the phrase "art or science of healing" and the phrase "practice of medicine" shall be construed to include: Operating on, professing to heal, prescribing for or otherwise diagnosing or treating any physical or mental ailment or supposed [mental] ailment of another[.]; or [who shall] for hire or [for any] gratuity or compensation, either directly or indirectly [to him or her] paid, undertaking by [any] appliance, operation or treatment of whatever nature, to cure, heal, diagnose or treat any bodily or mental ailment or supposed ailment of another; or [who] for [any] hire, gratuity or compensation, either directly or indirectly [to him or her] paid, by or for any patient, [shall] undertaking to treat, heal, cure, drive away or remove any physical or mental ailment, or supposed ailment of another, by mental or other process, exercised or invoked on the part of either the [healer] medical practitioner or the patient or both [; but]. Nothing herein contained shall be construed to apply to gratuitous services, nor to any resident or assistant resident physicians OR INTERNS or students at hospitals in the discharge of their hospital or dispensary duties, or in the office of physicians, or to any physician or surgeon from another State, territory or district in which he resides when in actual consultation with a legal practitioner of this State; or to commissioned surgeons of the United States Army, or Navy, or [insane hospital service,] *United States Public Service Hospitals and Veterans Administration Hospitals, or opticians or chiropodists, or to midwives, or to masseurs, or other manual manipulators who use no other means; nor shall the HOSPITALS, OR TO OPTICIANS OR MASSEURS, OR OTHER MANUAL MANIPULATORS WHO USE NO OTHER MEANS, OR TO THE FOLLOWING WHICH ARE PROVIDED FOR IN OTHER SECTIONS OF THIS ARTICLE HEREINAFTER INDICATED: MIDWIVES, SECTIONS 81-93; OPTOMETRISTS, SECTIONS 346-364; OSTEOPATHS, SECTIONS 428-441; CHIROPODISTS, SECTIONS 442-455; CHIROPRACTORS, SECTIONS 460-475; PHYSICAL THERAPISTS, SECTIONS 565-575; NOR**