

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 842

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H.P. 617

House of Representatives, February 6, 1997

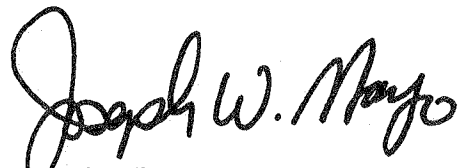
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**An Act to Amend the Osteopathic Licensure Laws to Clarify the  
Appropriate Degree Required for Licensure.**

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Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative CAMERON of Rumford.

Cosponsored by Representatives: BRUNO of Raymond, GIERINGER of Portland, VIGUE of Winslow.

Be it enacted by the People of the State of Maine as follows:

2  
4       **Sec. 1. 32 MRSA §2561**, as amended by PL 1993, c. 600, Pt. A, §169, is further amended to read:

6       **§2561. Membership; qualifications; tenure; vacancies**

8       The Board of Osteopathic Licensure, as established by Title  
10       5, section 12004-A, subsection 29, and in this chapter called the  
12       "board," consists of 9 members appointed by the Governor. These  
14       members must be residents of this State. Six of these members  
16       must be graduates of a ~~legally-chartered-college-of-osteopathic~~  
18       ~~medicine-or-university-having-the-power-to-confer-degrees-in~~  
20       ~~osteopathic-medicine~~ school or college of osteopathic medicine  
22       approved by the American Osteopathic Association and must be, at  
24       the time of appointment, actively engaged in the practice of the  
26       profession of osteopathic medicine in the State for a period of  
28       at least 5 years, and 3 of these members must be public members.  
30       Consumer groups may submit nominations to the Governor for the  
32       members to be appointed to represent the interest of consumers.  
34       A full term of appointment is for 5 years. Appointment of  
36       members must comply with section 60. A member of the board may  
38       be removed from office for cause by the Governor.

40       **Sec. 2. 32 MRSA §2562, first ¶**, as amended by PL 1993, c. 600,  
42       Pt. A, §170, is further amended to read:

44       The board shall meet in June of each year at a time and  
46       place the chair may designate. The board shall elect one of its  
48       members as chair annually and one of its members as  
50       secretary-treasurer, to hold office at the pleasure of the board.  
52       The secretary-treasurer shall ensure proper management of the  
      board's finances. Special meetings may be called at the pleasure  
      of the chair and in case of the death or inability of the chair,  
      the secretary-treasurer may call special meetings. The board  
      shall cause a seal of suitable inscription to be procured and  
      affixed to papers that may require the seal, shall keep a correct  
      record of its proceedings and has power to make rules, not  
      inconsistent with this chapter, it considers necessary for the  
      successful enforcement of its authority and the performance of  
      its duties. As part of the biennial relicensure process, the  
      board shall prepare and distribute to each licensed osteopathic  
      physician practicing in the State a copy of its code of ethics  
      and current rules relative to continuing medical education. The  
      chair and the secretary-treasurer may administer oaths in matters  
      connected with the duties of the board. The records of the board  
      must include a report of all money received and disbursed by the  
      board and a list of all applicants for licenses, including the  
      name and location of the ~~institution-granting-a-D.O.-degree,~~  
      ~~Deeter-of-Osteopathy,~~ school or college of osteopathic medicine  
      approved by the American Osteopathic Association that granted the  
      degree to each applicant and whether the applicant was granted

2 or denied a license. These records, or duplicates, must always be  
open to inspection in the office of the Secretary of State during  
4 regular office hours. Four members of the board constitute a  
quorum for the transaction of business. A license to practice  
6 osteopathic medicine may not be granted, except on an affirmative  
vote of a majority of the board.

8 **Sec. 3. 32 MRSA §2571, first ¶**, as amended by PL 1993, c. 600,  
Pt. A, §173, is further amended to read:

10 An individual, before engaging in the practice of  
12 osteopathic medicine in this State, shall make application for a  
license to the board, on a form prescribed by the board. The  
14 application must be filed with the board at least 60 days before  
the date of examination together with a fee of not more than  
16 \$350. The applicant shall present a diploma granted by an  
~~osteopathic college or university accredited a school or college~~  
18 ~~of osteopathic medicine approved by the American Osteopathic~~  
~~Association having the power to grant a D.O. degree. Applicants~~  
20 ~~graduating from an osteopathic college or university having the~~  
~~power to grant a D.O. degree~~ That applicant shall present  
22 evidence of having completed an internship of at least 12 months  
in a hospital conforming to the minimal standards for  
24 accreditation by the American Osteopathic Association, or the  
equivalency, as determined by the board. All applicants shall  
26 provide reasonable and proper facts as the board in its  
application may require. The board at its discretion may permit  
28 an applicant, who is otherwise qualified to be examined during  
internship, a license to be withheld until successful completion  
30 of internship.

32 **Sec. 4. 32 MRSA §2572**, as amended by PL 1993, c. 600, Pt. A,  
§174, is further amended to read:

34 **§2572. Examination, reexamination; endorsement; temporary**  
36 **licensure**

38 Applicants must be examined in whole or in part in writing  
and must be thorough in subjects the board determines necessary,  
40 including osteopathic theories and methods, to determine the  
competency of the candidate to practice osteopathic medicine in  
42 the State. If the examination is passed in a manner satisfactory  
to the board, the board shall issue to the applicant a license  
44 granting the applicant the right to practice osteopathic medicine  
in this State. If the applicant fails to pass the examination,  
46 the applicant is entitled to one reexamination within one year  
after failure upon payment of a fee set by the board. Osteopathic  
48 physicians who have been certified by the National Board of  
Osteopathic Examiners or have been strictly examined and licensed  
50 to practice osteopathic medicine in another state, which has  
equivalent licensing requirements to this State, may be licensed  
52 to practice osteopathic medicine in this State upon the payment

of not more than \$300 and the substantiation to the board of ~~an~~  
2 ~~earned D.O. degree~~ that the applicant is a graduate of a school  
4 or college of osteopathic medicine approved by the American  
6 Osteopathic Association and that the license was obtained in the  
other state. The board may at its discretion require an  
examination of any such applicant.

8 **Sec. 5. 32 MRSA §2573**, as amended by PL 1993, c. 600, Pt. A,  
10 §175, is further amended to read:

12 **§2573. Temporary licensure**

14 An osteopathic physician in good repute who is a graduate of  
~~an accredited osteopathic college or university having the power~~  
16 ~~to grant a D.O. degree~~ a school or college of osteopathic  
18 medicine approved by the American Osteopathic Association,  
serving as a fellow, intern or resident physician in a hospital  
in this State, shall register with the board and must be issued a  
20 temporary license by the board evidencing the right to practice  
only under hospital control. Such a license may not be issued for  
22 a period in excess of one year but may be renewed from time to  
time, not to exceed an aggregate of 5 years. The license must be  
24 in a form prescribed by the board and may be revoked or suspended  
by the board with the suspension or revocation effective  
26 immediately when written notification from the board is received  
by the hospital. An examination may not be required for  
28 applicants for this temporary license. The fee for such a license  
may not be more than \$300.

30 **Sec. 6. 32 MRSA §2574**, as amended by PL 1993, c. 600, Pt. A,  
32 §176, is further amended to read:

34 **§2574. Locum tenens**

36 An osteopathic physician ~~having a D.O. degree from an~~ who is  
a graduate of a school or college of osteopathic medicine  
38 approved by the American Osteopathic Association ~~accredited~~  
~~osteopathic college or university~~ and who is of good repute may,  
at the discretion of the board, be given a temporary license to  
40 be effective for not more than 6 months after issuance, for the  
purpose of permitting the physician to serve as "locum tenens"  
42 for another osteopathic physician who is unable, because of  
illness or some other substantiated reason, to maintain the  
44 practice, thus fulfilling a need in that area for providing  
health services. The fee for such a license may be not more than  
46 \$500.

48 **Sec. 7. 32 MRSA §2575**, as amended by PL 1993, c. 600, Pt. A,  
50 §177, is further amended to read:

52 **§2575. Camp physicians**

2 An osteopathic physician being who is a graduate of an  
3 ~~accredited osteopathic college or university having the power to~~  
4 ~~grant a D.O. degree~~ a school or college of osteopathic medicine  
5 approved by the American Osteopathic Association and who is of  
6 good repute may, at the discretion of the board, make application  
7 for a temporary license to practice as a camp physician at a  
8 specified camp. Such an osteopathic physician is entitled to  
9 practice only on the patients at the camp. The license must be  
10 obtained each year. Applications for such a temporary license  
11 must be made in the same manner as for regular licenses. An  
12 examination may not be exacted from applicants for temporary  
13 licenses. The fee may not be more than \$500.

14 **Sec. 8. 32 MRSA §2581, fourth ¶**, as amended by PL 1993, c. 600,  
15 Pt. A, §180, is further amended to read:

16 The license entitles an individual to whom it is granted the  
17 privilege to practice osteopathic medicine in any county in this  
18 State, in all its branches as taught in a school or college of  
19 osteopathic medicine approved by the American Osteopathic  
20 Association ~~approved colleges and universities of osteopathic~~  
21 ~~medicine~~ with the right to use drugs that are necessary in the  
22 practice of osteopathic medicine.  
23

24  
25  
26 **SUMMARY**

27 This bill amends the osteopathic licensure laws to clarify  
28 that the degree required for licensure is one conferred by a  
29 school or college of osteopathic medicine approved by the  
30 American Osteopathic Association.