

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 219

In Senate, Feb. 5, 1913.

Presented by Senator Walker of Somerset, and on motion by Senator Hersey of Aroostook laid on the table for printing pending reference to a committee.

W. E. LAWRY, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

AN ACT to regulate the practice of the system, method or science of healing known as osteopathy, creating a board of examination and registration for those desiring to practice the same and providing penalties for violation of this act.

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

Section 1. Within thirty days after this act shall take effect, the governor, by and with the advice and consent of the council, shall appoint five persons who shall constitute a board of registration of osteopathy. Said persons shall be residents of this state, shall be graduates of a legally chartered osteopathic college or university having the power to confer degrees in osteopathy, shall have been at the time

8 of their appointment actively engaged in the practice of
9 their profession for a period of at least three years. One
10 of said persons appointed as aforesaid shall be designated
11 to hold office for five years, one for four years, one for three
12 years, one for two years and one for one year. At the
13 expiration of the term of service thus designated each ap-
14 pointment thereafter shall be for the period of five years.
15 Any vacancy in said board caused by death, resignation or
16 for any other cause except completion of a full term of
17 service shall be filled by the appointment of a person quali-
18 fied as aforesaid to hold office during the unexpired term
19 of the member whose place he fills. The person designated
20 to hold office for one year shall be deemed chairman of the
21 board for the purpose of designating the time and place for
22 holding the first meeting of the board for the purpose of
23 organization.

Sect. 2. Said board shall meet on the first Tuesday of
2 September of each year at such time and place as its chair-
3 man may designate for the purpose of organization. They
4 shall elect one of their members as chairman for a term of
5 one year, and one of their members as secretary and treas-
6 urer, to hold such office at the pleasure of the board; pro-
7 vided, however, that the first meeting for organization un-
8 der the provisions of this act shall be within fourteen days
9 after the appointment and confirmation of said board, and
10 the officers elected at the first meeting shall continue as
11 such until the annual meeting of the board in the year 1914

12 The person elected as secretary and treasurer shall give a
13 bond to the treasurer of state in the penal sum of one thou-
14 sand dollars with sureties to be approved by the governor
15 and council for the faithful discharge of the duties of his
16 office. Said board shall hold regular meetings at least twice
17 in each year for the purpose of considering applications,
18 examining applicants and such other business as may prop-
19 erly come before the board, the time and place of such meet-
20 ings to be determined by the board. Special meetings may
21 be called at the pleasure of the president, and in case of the
22 death or inability of the president, the secretary may call
23 special meetings. Said board shall cause a seal of suitable
24 inscription to be procured and to be affixed to such papers
25 as may require such seal, shall keep a correct record of all
26 its proceedings, and shall have power to make such rules
27 and regulations, not inconsistent with law, as it may deem
28 necessary for the successful enforcement of its authority
29 and the performance of its duties. The president and sec-
30 retary shall be empowered to administer oaths in matters
31 connected with the duties of said board. The records of
32 said board shall include among other things a list of all
33 applicants for certificates, giving the name and location of
34 the institution granting a degree of doctor of osteopathy
35 to the applicant, and the fact shall be recorded whether the
36 applicant was granted or denied a certificate. Such record
37 shall be a public record and shall be prima facie evidence of
38 all matters recorded therein. Three members of the board

39 shall constitute a quorum for the transaction of business
40 but no certificate to practice osteopathy shall be granted
41 except on an affirmative vote of at least three members of
42 the board.

Sect. 3. Each applicant for a certificate to practice oste-
2 opathy, when making application, shall deposit with the sec-
3 retary of the board a fee of twenty dollars which shall be
4 returned to the applicant if the application is rejected. Each
5 applicant must be at least twenty-one years of age, may be
6 of either sex, and shall present a diploma from a high school,
7 academy, state normal school, college or university, or other-
8 wise satisfy the members of the board of sufficient prior
9 academic education. The applicant shall also present a di-
10 ploma granted by a legally chartered osteopathic college or
11 university in good standing and having the power to confer
12 degrees in osteopathy, which diploma shall show that it was
13 granted on personal attendance of the applicant and com-
14 pletion of a course of not less than nine months in a year
15 for three separate years, or of a course of not less than
16 eight months in a year for four separate years. The appli-
17 cant must also present a certificate of good moral character
18 signed by some reputable resident of the state of Maine.
19 The applicant shall also present such other reasonable and
20 proper facts as the board in its blank application may re-
21 quire.

Sect. 4. The board shall then require the applicant to sub-
2 mit to an examination as to his or her other qualifications

3 for the practice of osteopathy which shall include, among
4 other subjects, the subjects of anatomy, physiology, chem-
5 istry, bacteriology, toxicology, pathology, dietetics, diagno-
6 sis, hygiene, obstetrics and gynecology, minor surgery, prin-
7 ciples and practice of osteopathy. If such examination is
8 passed in a manner satisfactory to the board, then the board
9 shall issue to the said applicant a certificate granting him
10 or her the right to practice osteopathy in the state of Maine ;
11 provided, that any person having a diploma from a legally
12 chartered osteopathic college or university having the power
13 to confer degrees in osteopathy which was in good standing
14 at the time of issuing such diploma and who has been in
15 active practice in the state of Maine for three months prior
16 to January 1, 1913, may, upon the payment to the secretary
17 of a fee of ten dollars, be granted a certificate by the board
18 to practice osteopathy in this state without examination, if
19 application for such certificate is filed within ninety days
20 after this act becomes effective. Provided also that any
21 person who has been a practitioner of osteopathy in this
22 state for a period of three years next prior to January 1,
23 1913, shall, upon exhibition of satisfactory proof thereof
24 to said board and upon the payment of a fee of ten dollars,
25 be entitled to registration if the application for such regis-
26 tration is filed within ninety days after this act becomes
27 effective. The board may refuse to grant a certificate to
28 any person convicted of a felony, or of gross unprofessional
29 conduct, or who is addicted to any vice to such degree as

30 to render such person unfit to practice osteopathy, and may,
31 after due notice and hearing, revoke a certificate already
32 issued, for like cause.

Sect. 5. When the board shall have granted to a person
2 the certificate mentioned in section 4 of this act such cer-
3 tificate shall be publicly displayed at the person's principal
4 place of business so long as said person continues to prac-
5 tice osteopathy for gain or hire, shall entitle the person
6 to whom granted the right to practice osteopathy in any
7 county in this state, and shall confer upon such person all
8 the rights and duties conferred by law upon other medical
9 practitioners, except the right to administer medicine in-
10 ternally and perform major surgery, and provided further
11 that nothing in this act shall be construed to discriminate
12 against any particular school of medicine or surgery or any
13 system or mode of treating the sick or afflicted.

Sect. 6. Any person who shall practice, or pretend or
2 attempt to practice, or use the science or system of oste-
3 opathy in treating diseases of the human body by fraud or
4 misrepresentation; or any person who shall buy, sell, or
5 fraudulently obtain any diploma, license, record, or regis-
6 tration to practice osteopathy, illegally obtained, or signed
7 or issued unlawfully under fraudulent representations; or
8 who shall use any of the forms or letters, "Osteopathy,"
9 "Osteopath," "Osteopathist," "D. O.," "D. Sc. O.," "Oste-
10 opathic Physician," "Doctor of Osteopathy," or any other
11 title or letters, either alone or with other qualifying words

12 or phrases, under such circumstances as to induce the belief
13 that the person who uses such term or terms is engaged
14 in the practice of osteopathy, without having complied with
15 the provisions of this act, shall be deemed guilty of a mis-
16 demeanor, and, upon conviction thereof, shall be fined not
17 less than twenty-five dollars, nor more than one hundred
18 dollars, for each offense, or not less than three months,
19 nor more than six months in the county jail.

Sect. 7. All fees received by the secretary and not re-
2 turned to the applicant shall be paid monthly to the state
3 treasurer. The compensation of members of the board
4 shall be five dollars per day for each day actually spent
5 in the discharge of their duty and in addition thereto they
6 shall receive necessary travelling expenses. The secretary
7 shall be allowed extra compensation for books, stationery,
8 postage and other necessary expenses authorized by the
9 board and actually incurred. The compensation and ex-
10 pense of said board and its secretary and all other expenses
11 proper and necessary in the opinion of said board to dis-
12 charge its duties hereunder and to enforce the provisions of
13 this act shall be paid out of said fund upon the warrant
14 of the state auditor issued upon a requisition signed by the
15 president and secretary of said board, provided, that the
16 amounts so paid shall in no case exceed the total amount
17 received for the current year by the treasurer of state from
18 the board as fees, and so much of said receipts as may be
19 necessary is hereby appropriated for the compensation and

20 expenses of the board as aforesaid.

Sect. 8. The board, its members or agents shall investi-
2 gate all complaints, and all cases of non-compliance with
3 or violation of the provisions of this chapter relating to the
4 registration of osteopathic physicians and shall bring all
5 such cases to the notice of the proper prosecuting officer.
6 Said board, after a conviction before a proper court for
7 crime in the course of professional business, of any per-
8 son to whom a certificate has been issued by them, and after
9 hearing, may by vote of four-fifths of the entire board
10 revoke the certificate and cancel the registration of the per-
11 son to whom the same was issued. Said board may also
12 suspend or revoke any certificate by a four-fifths vote of
13 the entire board, in any case where such certificate has been
14 wrongfully obtained or for any fraud connected with the
15 said registration.

Sect. 9. Said board shall annually on or before the first
2 day of January in each year, make a report to the governor
3 containing a full and complete account of all its official acts
4 during the preceding year, also a statement of its receipts
5 and disbursements and such comments or suggestions as
6 it may deem essential.

Sect. 10. Osteopathic physicians shall observe and be sub-
2 ject to all state and municipal regulations relating to the
3 control of contagious diseases; the reporting and certifying
4 of births and deaths; and all matters pertaining to public
5 health, the same as physicians of other schools of medicine.

Sect. 11. Nothing in this act shall be construed as prohibiting any legally authorized practitioner of medicine or surgery in this state from the practice of his profession as provided by the statutes of this state.

Sect. 12. This act shall not apply to an osteopathic physician who is called from another state to treat a particular case and does not otherwise practice in this state, nor to prohibit gratuitous service or the rendering of assistance in emergency cases; nor to clairvoyants or persons practicing hypnotism, magnetic healing, mind cure, massage, Christian Science, or any other method of healing; provided, such clairvoyants and other persons do not violate any of the provisions of the preceding section in relation to the use of the word "Doctor," or the letters "Dr." when used in connection with the words or letters "Osteopathy," "Osteopath," "Osteopathist," "D. O.," "D. Sc. O.," "Osteopathic Physician," "Doctor of Osteopathy."

Sect. 13. All acts and parts of acts conflicting with the provisions of this act are repealed in so far as they are inconsistent herewith.