

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 66

In Senate, Feb. 7, 1919.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Senator Gannett of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

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 osteopathic examination and registration. 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

8 at the time of their appointment actively engaged in the prac-
9 tice of their profession for a period of at least three years.
10 One of said persons appointed as aforesaid shall be desig-
11 nated to hold office for five years, one for four years, one
12 for three years, one for two years and one for one year. At
13 the expiration of the term of service thus designated each
14 appointment 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 like appointment of a person
18 qualified as aforesaid to hold office during the unexpired
19 term of the member whose place he fills. The person
20 designated to hold office for one year shall be deemed chair-
21 man of the board for the purpose of designating the time
22 and place of holding the first meeting of the board for the
23 purpose of organization. Any member of said board may
24 be removed from office, for cause, by the governor, with
25 the advice and consent of the council.

Sect. 2. Said board shall meet on the second Tuesday
2 of June of each year at such time and place as its chairman
3 may designate for the purpose of organization. They shall
4 elect one of their members as chairman for a term of one
5 year, and one of their members as secretary and treasurer,
6 to hold such office at the pleasure of the board; provided,
7 however, that the first meeting for organization under the
8 provisions of this act shall be within fourteen days after
9 the appointment and confirmation of said board, and the

10 officers elected at the first meeting shall continue as such
11 until the annual meeting of the board in the year nineteen
12 hundred and twenty. The person elected as secretary and
13 treasurer shall give a bond to the treasurer of state in the
14 penal sum of one thousand dollars with sureties to be ap-
15 proved by the governor and council for the faithful dis-
16 charge of the duties of the office. Said board shall hold
17 regular meetings at least twice in each year for the purpose
18 of considering applications, examining applicants and such
19 other business as may properly come before the board, the
20 time and place of such meeting to be determined by the
21 board. Special meetings may be called at the pleasure of
22 the chairman, and in case of the death or inability of the
23 chairman the secretary may call special meetings. Said
24 board shall cause a seal of suitable inscription to be pro-
25 cured and to be affixed to such papers as may require such
26 seal, shall keep a correct record of all its proceedings and
27 shall have power to make such rules and regulations, not
28 inconsistent with law, as it may deem necessary for the
29 successful enforcement of its authority and the performance
30 of its duties. The chairman and secretary shall be em-
31 powered to administer oaths in matters connected with the
32 duties of said board. The records of the said board shall
33 include, among other things, a record of all moneys re-
34 ceived and disbursed by said board, also a list of all appli-
35 cants for certificates, giving the name and location
36 of the institution granting a degree of doctor of oste-

37 opathy to the applicant, and the fact shall be recorded
38 whether the applicant was granted or denied a certificate.
39 Said records, or duplicates thereof, shall always be open to
40 inspection in the office of the secretary of state during regu-
41 lar office hours, and shall be prima facie evidence of all
42 matters recorded therein. Three members of the board
43 shall constitute a quorum for the transaction of business
44 but no certificate to practice osteopathy shall be granted
45 except on an affirmative vote of at least three members of
46 the board.

Sect. 3. Any person, before engaging in the practice of
2 osteopathy in this state, shall make application for a certifi-
3 cate to practice osteopathy to the board of osteopathic
4 examination and registration, on a form prescribed by said
5 board. Said application shall be filed with the secretary of
6 the board, at least seven days before the date of examination,
7 together with a deposit of twenty-five dollars, which said
8 deposit shall be returned to applicant in case the application
9 is rejected. Each applicant must be at least twenty-one
10 years of age, and shall present a diploma from a high school,
11 academy, state normal school, college, or university, or
12 otherwise satisfy the members of the board of sufficient
13 prior academic education. The applicant shall also present
14 a diploma granted by a legally chartered osetopathic college
15 or university in good standing and having the power to con-
16 fer degrees in osteopathy, which diploma shall show that
17 it was granted on personal attendance of the applicant and

18 completion of a course of not less than eight months in a
19 year for four separate years. All applicants must also
20 present a certificate of good moral character signed by some
21 reputable resident of the state of Maine, and such other
22 reasonable and proper facts as the board in its blank appli-
23 cation may require.

Sect. 4. The board shall then require the applicant to
2 submit to an examination as to his or her other qualifications
3 for the practice of osteopathy which examination shall in-
4 clude, the subjects of anatomy, physiology, chemistry, bac-
5 teriology, toxicology, pathology, dietetics, diagnosis, hygiene,
6 obstetrics, gynecology, and principles and practice of oste-
7 opathy. If such examination is passed in a manner satis-
8 factory to the board, then the board shall issue to the said
9 applicant a certificate granting him or her the right to prac-
10 tice osteopathy in the state of Maine: Provided, however,
11 that any person who has been a practitioner of osteopathy in
12 this state for a period of three years next prior to the pass-
13 age of this act, or any person having a diploma from a
14 legally chartered osteopathic college or university having
15 the power to confer degrees in osteopathy, which institution
16 was in good standing at the time of the issuance of said
17 diploma, who was in active practice in the state of Maine at
18 the time of the passage of this act, shall, upon exhibition of
19 satisfactory proof thereof to said board and upon the pay-
20 ment of a fee of ten dollars, be entitled to make application
21 for such certificate, which certificate shall be granted,

22 without examination, if such application is made and filed
23 within ninety days after this act becomes effective. Every
24 graduate of a reputable school of osteopathy who has been
25 strictly examined and thereafter licensed to practice oste-
26 opathy in another state, may be licensed to practice oste-
27 opathy in this state upon the payment of twenty-five dollars
28 and the production to the board of his or her diploma, the li-
29 cense obtained in such other state, and satisfactory evidence
30 of moral character; but the board may, in its discretion re-
31 quire an examination of any such applicant. The board may
32 refuse to grant a certificate to any person convicted of a
33 felony, guilty of gross unprofessional conduct, or who is ad-
34 dicted to any vice to such a degree as to render such person
35 unfit to practice osteopathy, and may, after due notice and
36 hearing, revoke a certificate already issued, for like cause.

Sect. 5. When the board shall have granted to a person
2 the certificate mentioned in section four hereof, such certifi-
3 cate shall designate the holder as an osteopathic physician
4 and shall be publicly displayed at the person's principal
5 place of business so long as such person shall continue to
6 practice osteopathy for gain or hire. Such certificate shall
7 entitle the person to whom it is granted to practice oste-
8 opathy in any county in this state, in all its branches as taught
9 and practiced by the recognized schools and colleges of
10 osteopathy, but it shall not authorize its holder to administer
11 drugs internally, or to perform surgical operations with the
12 use of instruments: Provided, however, that nothing in

13 this act shall be construed to prohibit any legally registered
14 osteopathic physician in this state from practicing surgery
15 after having passed a satisfactory examination before the
16 state board of medical examiners. Any person to whom a
17 certificate has been granted under this act may prefix the
18 title "doctor," or the letters "Dr." to his name, when accom-
19 panied by the word "Osteopath."

Sect. 6. Nothing in this act shall be construed to pre-
2 vent or in any way interfere with any person engaging in
3 the art of healing in any manner taught by any school of
4 medicine except such as claim to be osteopaths, or practice
5 osteopathy as herein defined.

Sect. 7. Every person shall be deemed practicing oste-
2 opathy within the meaning of this act who shall use in con-
3 nection with his or her name, the words "Osteopathy," "doc-
4 tor of Osteopathy," "Diplomate in Osteopathy," "Osteopath-
5 ic Practitioner," or "Osteopathic Physician," words of like
6 import, or any abbreviation thereof; or who shall profess
7 publicly to, or who shall, either in his own name or in any
8 other capacity, treat, alleviate, or adjust, any ailment or
9 disease, subluxation, misplacement, or abnormal condition
10 of the human body by any treatment or manipulation or ad-
11 justment of the human body or any of its parts by the use
12 of the hands or mechanical appliances, in an effort or at-
13 tempt to adjust, relieve, or cure any pressure, obstruction,
14 misplacement, or defect in any bone, muscle, ligament, nerve,
15 vessel, organ, or part of the human body, after having re-

16 ceived, or with the intent or expectation of receiving there-
17 for, either directly or indirectly, any bonus, gift, or com-
18 pensation whatsoever. Provided, however, that nothing in
19 this act shall be construed to restrain or restrict any legally
20 licensed physician, surgeon, dentist, or nurse in the practice
21 of his or her profession; nor shall this act apply to mas-
22 seurs in their particular sphere of labor, who publicly rep-
23 resent themselves as such; nor to any commissioned medical
24 officer in the United States Army, Navy, or Public Health
25 Service, in the performance of his duties as such.

Sect. 8. Any person who shall practice or attempt to prac-
2 tice, or use the science or system of osteopathy in treating
3 diseases of the human body, or any person who shall buy,
4 sell or fraudulently obtain any diploma, license, record, or
5 registration to practice osteopathy, or who shall aid or abet
6 in such selling or fraudulent obtaining; or who shall prac-
7 tice osteopathy under cover of any diploma, license, record,
8 or registration to practice osteopathy, illegally obtained, or
9 signed or issued unlawfully or under fraudulent representa-
10 tions; or who after conviction of felony shall practice osteo-
11 opathy, or who shall use any of the forms of letters, "Os-
12 teopath," "Osteopathist," "Osteopathy," "Osteopathic Prac-
13 tititioner," "Doctor of Osteopathy," "Diplomate in Osteop-
14 athy," "D. O.," "D. Sc. O.," or any other titles or letters,
15 either alone or with qualifying words or phrases, under
16 such circumstances as to induce the belief that the person
17 who uses such terms is engaged in the practice of osteop-

18 athy, without having complied with the provisions of this
19 act, shall be deemed guilty of a misdemeanor, and upon
20 conviction thereof, shall be fined not less than fifty dollars,
21 nor more than five hundred dollars, or be imprisoned in
22 the county jail not less than thirty days nor more than one
23 year, or both; Provided, that nothing in this act shall be
24 construed to prohibit any lawfully qualified osteopathic phy-
25 sician in any other state meeting a registered osteopathic
26 practitioner in this state for consultation; Provided, further,
27 that this section shall not apply to the two classes of per-
28 sons mentioned in the proviso of section four hereof until
29 ninety days after the passage of this act, the time allowed
30 within which they may secure the required certificate.

Sect. 9. All fees received by the secretary and not returned
2 to the applicant shall be paid monthly to the state treasurer.
3 The compensation of members of the board shall be five dol-
4 lars per day for each day actually spent in the discharge of
5 their duty, and, in addition thereto, they shall receive nec-
6 essary traveling expenses. The secretary shall be allowed
7 extra compensation for books, stationery, postage and other
8 necessary expenses authorized by the board and actually in-
9 curred. The compensation and expense of said board and
10 its secretary and all other expenses proper and necessary
11 in the opinion of said board to discharge its duties here-
12 under and to enforce the provisions of this act shall be paid
13 out of the state treasury, after the approval of the state
14 auditor, upon a requisition signed by the president and sec-

15 retary of said board, provided that the amounts so paid
16 shall in no case exceed the total amount received for the
17 current year by the treasurer of state from the board as
18 fees ; and so much of said receipts as may be necessary is
19 hereby appropriated for the compensation and expenses of
20 the board as aforesaid.

Sect. 10. 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 person
8 to whom a certificate has been issued by them and after
9 hearing, may, by vote of four-fifths of the entire board, re-
10 voke the certificate and cancel the registration of the per-
11 son to whom the same was issued. Said board may also sus-
12 pend or revoke any certificate by a four-fifths vote of the
13 entire board, in any case where such certificate has been
14 wrongfully obtained or for any fraud connected with the
15 said registration.

Sect. 11. 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 it
6 may deem essential.

Sect. 12. All laws, rules, or regulations now in force in
2 this state, or which shall hereafter be enacted, for the pur-
3 pose of regulating the reporting of contagious diseases,
4 deaths, or births, to the proper authorities, and to which the
5 registered practitioner of medicine is subject, shall apply
6 equally to the practitioner of osteopathy.

Sect. 13. The system, method, or science of treating dis-
2 eases of the human body, commonly known as osteopathy,
3 is hereby declared not to be the practice of medicine or sur-
4 gery within the meaning of sections nine, ten, eleven, twelve,
5 thirteen, fourteen, and fifteen of chapter eighteen of the re-
6 vised statutes of Maine, passed September twenty-ninth
7 nineteen hundred and sixteen, and all acts additional thereto
8 and amendatory thereof.

Sect. 14. All acts and parts of acts conflicting with the pro-
2 visions of this act are repealed in so far as they are incon-
3 sistent herewith.