

MAINE STATE LEGISLATURE

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NEW DRAFT

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 220

In Senate, March 14, 1919.

Reported by Mr. Deering from Committee on Judiciary and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

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

7 university having the power to confer degrees in osteopathy,
8 shall have been at the time of their appointment actively
9 engaged in the practice of their profession for a period of
10 at least three years. One of said persons appointed as afore-
11 said shall be designated to hold office for five years, one for
12 four years, one for three years, one for two years and one
13 for one year. At the expiration of the term of service
14 thus designated each appointment thereafter shall be for
15 the period of five years. Any vacancy in said board caused
16 by death, resignation or for any other cause except com-
17 pletion of a full term of service shall be filled by the like
18 appointment of a person qualified as aforesaid to hold of-
19 fice during the unexpired term of the member whose place
20 he fills. The person designated to hold office for one year
21 shall be deemed chairman of the board for the purpose of
22 designating the time and place of holding the first meeting
23 of the board for the purpose of organization. Any mem-
24 ber of said board may be removed from office, for cause,
25 by the governor, with 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 chair-
3 man may designate for the purpose of organization. They
4 shall elect one of their members as chairman for a term
5 of one year, and one of their members as secretary and
6 treasurer, to hold such office at the pleasure of the board:
7 Provided, however, that the first meeting for organization
8 under the provisions of this act shall be within fourteen

9 days after the appointment and confirmation of said board,
10 and the officers elected at the first meeting shall continue
11 as such until the annual meeting of the board in the year
12 nineteen hundred and twenty. The person elected as sec-
13 retary and treasurer shall give a bond to the treasurer of
14 state in the penal sum of one thousand dollars with sure-
15 ties to be approved by the governor and council for the
16 faithful discharge of the duties of his office. Said board
17 shall hold regular meetings at least twice in each year for
18 the purpose of considering applications, examining appli-
19 cants and such other business as may properly come be-
20 fore the board, the time and place of such meeting to be
21 determined by the board. Special meetings may be called
22 at the pleasure of the chairman, and in case of the death
23 or inability of the chairman the secretary may call spe-
24 cial meetings. Said board shall cause a seal of suitable
25 inscription to be procured and to be affixed to such papers
26 as may require such seal, shall keep a correct record of
27 all its proceedings and shall have power to make such rules
28 and regulations, not inconsistent with law, as it may deem
29 necessary for the successful enforcement of its author-
30 ity and the performance of its duties. The chairman and
31 secretary shall be empowered to administer oaths in mat-
32 ters connected with the duties of said board. The records
33 of the said board shall include, among other things, a record
34 of all moneys received and disbursed by said board, also
35 a list of all applicants for certificates, giving the name and

36 location of the institution granting a degree of doctor of
37 osteopathy 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
40 to inspection in the office of the secretary of state during
41 regular office hours, and shall be prima facie evidence of
42 all 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 cer-
3 tificate 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 examina-
7 tion, together with a deposit of twenty-five dollars, which
8 said deposit shall be returned to applicant in case the appli-
9 cation is rejected. Each applicant must be at least twenty-
10 one years of age, and shall present a diploma from a high
11 school, academy, state normal school, college, or university,
12 or 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 osteopathic col-
15 lege or university in good standing and having the power
16 to confer degrees in osteopathy, which diploma shall show

17 that it was granted on personal attendance of the applicant
18 and completion of a course of not less than eight months
19 in a 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 qualifica-
3 tions for the practice of osteopathy, which examination
4 shall include, the subjects of anatomy, physiology, chemis-
5 try, bacteriology, toxicology, pathology, dietetics, diagnosis,
6 hygiene, obstetrics, gynecology, and principles and prac-
7 tice of osteopathy. If such examination is passed in a man-
8 ner satisfactory to the board, then the board shall issue to
9 the said applicant a certificate granting him or her the right
10 to practice osteopathy in the state of Maine; Provided, how-
11 ever, that any person who has been a practitioner of oste-
12 opathy in this state for a period of three years next prior
13 to the passage of this act, or any person having a diploma
14 from a legally chartered osteopathic college or university
15 having the power to confer degrees in osteopathy, which
16 institution was in good standing at the time of the issu-
17 ance of such diploma, who was in active practice in the
18 state of Maine at the time of the passage of this act, shall,
19 upon exhibition of satisfactory proof thereof to said board
20 and upon the payment of a fee of ten dollars, be entitled to

21 make application for such certificate, which certificate shall
22 be granted, without examination, if such application is made
23 and filed within ninety days after this act becomes effect-
24 ive. Every graduate of a reputable school of osteopathy
25 who has been strictly examined and thereafter licensed to
26 practice osteopathy in another state, may be licensed to
27 practice osteopathy in this state upon the payment of twen-
28 ty-five dollars and the production to the board of his or
29 her diploma, the license obtained in such other state, and
30 satisfactory evidence of good moral character: but the
31 board may, in its discretion, require an examination of any
32 such applicant. The board may refuse to grant a certifi-
33 cate to any person convicted of a felony, or who has been
34 guilty of grossly unprofessional conduct, or who is ad-
35 dicted to any vice to such a degree as to render such person
36 unfit to practice osteopathy, and may, after due notice and
37 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 cer-
3 tificate shall designate the holder as an osteopathic physi-
4 cian and shall be publicly displayed at the person's princi-
5 pal place of business so long as such person shall continue
6 to practice osteopathy for gain or hire. Such certificate
7 shall entitle the person to whom it is granted to practice
8 osteopathy in any county in this state, in all its branches
9 as taught and practiced by the recognized schools and col-
10 leges of osteopathy, but it shall not authorize its holder to

11 practice obstetrics so far as the same relates to parturi-
12 tion, nor to administer drugs or perform surgical opera-
13 tions with the use of instruments except as now allowed
14 by statute; Provided, however, that nothing in this act
15 shall be construed to prohibit any legally registered osteo-
16 pathic physician in this state from practicing surgery after
17 having passed a satisfactory examination therein before
18 the state board of medical examiners. Any person to whom
19 a certificate has been granted under this act may prefix the
20 title "Doctor," or the letters "Dr." to his name, when ac-
21 companied by the word "Osteopath."

Sect. 6. Nothing in this act shall be construed to restrain
2 or restrict any legally licensed physician, surgeon, dentist
3 or nurse in the practice of his or her profession; nor shall
4 this act apply to masseurs in their particular sphere of la-
5 bor, who publicly represent themselves as such; nor to any
6 commissioned medical officer in the United States Army,
7 Navy or Public Health Service, in the performance of his
8 duties as such; nor to prohibit gratuitous service or the
9 rendering of assistance in emergency cases.

Sect. 7. Any person who shall practice or attempt to
2 practice, or use the science or system of osteopathy in
3 treating diseases of the human body, or any person who
4 shall buy, sell or fraudulently obtain any diploma, license,
5 record, or registration to practice osteopathy, or who shall
6 aid or abet in such selling or fraudulent obtaining; or who
7 shall practice osteopathy under cover of any diploma, li-

8 cense, record, or registration to practice osteopathy, ille-
9 gally obtained, or signed or issued unlawfully or under
10 fraudulent representations; or who after conviction of fel-
11 ony shall practice osteopathy, or who shall use any of the
12 forms of letters, "Osteopath," "Osteopathist," "Osteopathy,"
13 "Osteopathic Practitioner," "Doctor of Osteopathy," "Dip-
14 lomate in Osteopathy," "D. O.," "D. Sc. O.," or any other
15 titles or letters, either alone or with qualifying words or
16 phrases, under such circumstances as to induce the belief
17 that the person who uses such terms is engaged in the
18 practice of osteopathy, without having complied with the
19 provisions of this act, shall be deemed guilty of a misde-
20 meanor, and upon conviction thereof, shall be fined not
21 less than fifty dollars, nor more than five hundred dol-
22 lars, or be imprisoned in the county jail not less than thirty
23 days nor more than one year, or both: Provided, that
24 nothing in this act shall be construed to prohibit any law-
25 fully qualified osteopathic physician in any other state
26 meeting a registered osteopathic practitioner in this state
27 for consultation: Provided, further, that this section shall
28 not apply to the two classes of persons mentioned in the
29 proviso in section four hereof until ninety days after the
30 passage of this act, the time allowed within which they
31 may secure the required certificate.

Sect. 8. 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,
6 they shall receive necessary traveling expenses. The sec-
7 retary shall be allowed extra compensation for books, sta-
8 tionery, postage and other necessary expenses authorized
9 by the board and actually incurred. The compensation and
10 expense of said board and its secretary and all other ex-
11 penses proper and necessary in the opinion of said board
12 to discharge its duties hereunder and to enforce the pro-
13 visions of this act shall be paid out of the state treasury,
14 after the approval of the state auditor, upon a requisition
15 signed by the president and secretary of said board, pro-
16 vided that the amounts so paid shall in no case exceed the
17 total amount received for the current year by the treasurer
18 of state from the board as fees; and so much of said re-
19 ceipts as may be necessary is hereby appropriated for the
20 compensation and expenses of the board as aforesaid.

Sect. 9. 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
4 the registration of osteopathic physicians, and shall bring
5 all such cases to the notice of the proper prosecuting offi-
6 cer. Said board, after a conviction before a proper court
7 for crime in the course of professional business, of any
8 person to whom a certificate has been issued by them and
9 after hearing, may, by vote of four-fifths of the entire
10 board, revoke the certificate and cancel the registration of

11 the person to whom the same was issued. Said board may
12 also suspend or revoke any certificate by a four-fifths vote
13 of the entire board, in any case where such certificate has
14 been wrongfully obtained or for any fraud connected with
15 the said registration.

Sect. 10. 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. 11. 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
5 the registered practitioner of medicine is subject, shall ap-
6 ply equally to the practitioner of osteopathy.

Sect. 12. 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
4 surgery within the meaning of sections nine, ten, eleven,
5 twelve, thirteen, fourteen and fifteen of chapter eighteen
6 of the revised statutes of Maine, passed September twenty-
7 ninth, nineteen hundred and sixteen, and all acts additional
8 thereto and amendatory thereof.

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