

# MAINE STATE LEGISLATURE

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CHAPTER 37

OSTEOPATHS

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SUBCHAPTER I

GENERAL PROVISIONS

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**§ 2601. Applicability of other provisions**

All laws, rules or regulations now in force in this State or which shall hereafter be enacted for the purpose of regulating the reporting of contagious diseases, deaths or births to the proper authorities, signing certificates for committing persons to state institutions and to which physicians of other schools of medicine are subject, shall apply equally to osteopathic physicians, and all reports and health certificates made by osteopathic physicians shall be accepted by the officers of the departments to which the same are made equally with the reports and health certificates of physicians of other schools of medicine.

R.S.1954, c. 71, § 12.

**§ 2602. Exceptions**

Nothing in this chapter shall be construed to restrain or restrict any legally licensed physician, surgeon, dentist or nurse in the practice of his or her profession, nor shall this chapter apply to masseurs in their particular sphere of labor who publicly represent themselves as such, nor to any commissioned medical officer in the United States Army, Navy or Public Health Service

in the performance of his duties as such; nor to prohibit gratuitous service or the rendering of assistance in emergency cases.

R.S.1954, c. 71, § 8.

### § 2603. Admission to hospitals

All hospitals in this State which receive any public funds appropriated to assist in the care of residents of the State shall, subject to the approval of the boards of trustees of the respective hospitals, admit osteopathic physicians who are in good standing and licensed to practice obstetrics and surgery according to the laws of the State, to treat therein their own paying patients in private rooms. Any such hospital may, at its option, set aside certain rooms therein for the use of such physicians as an osteopathic unit.

R.S.1954, c. 71, § 13.

### § 2604. Immunity of licensee rendering emergency care

No person licensed under this chapter who in the exercise of due care renders emergency care at the scene of an accident shall be liable for any civil damages as a result of acts or omissions by such a person in rendering emergency care.

1961, c. 265, § 2.

### § 2605. Unlawful practice; penalties

Any person who shall practice or attempt to practice or use the science or system of osteopathy in treating diseases of the human body, or any person who shall buy, sell or fraudulently obtain any diploma, license, record or registration to practice osteopathy, or who shall aid or abet in such selling or fraudulent obtaining; or who shall practice osteopathy under cover of any diploma, license, record or registration to practice osteopathy, illegally obtained or signed or issued unlawfully or under fraudulent representations; or who after conviction of felony shall practice osteopathy or who shall use any of the forms of letters, "Osteopath," "Osteopathist," "Osteopathy," "Osteopathic Practitioner," "Doctor of Osteopathy," "Diplomate in Osteopathy," "D. O.," "D. Sc. O." or any other title or letters, either alone or with qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of osteopathy, without having complied with this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor

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more than \$500, or by imprisonment for not less than 30 days nor for more than 11 months, or by both. Nothing in this chapter shall be construed to prohibit any lawfully qualified osteopathic physician in any other state meeting a registered osteopathic practitioner in this State for consultation.

R.S.1954, c. 71, § 9.

**SUBCHAPTER II**

**BOARD OF OSTEOPATHIC EXAMINATION  
AND REGISTRATION**

Sec.

- 2651. Membership; qualifications; tenure; vacancies.
- 2652. Meetings; organization; duties; powers.
- 2653. Compensation and expenses.
- 2654. Annual reports.

**§ 2651. Membership; qualifications; tenure; vacancies**

The Board of Osteopathic Examination and Registration, as heretofore established and in this chapter called the "board," shall consist of 5 persons appointed by the Governor with the advice and consent of the Council. Said person 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 and shall have been at the time of their appointment actively engaged in the practice of their profession for a period of at least 3 years. Each appointment shall be for the period of 5 years as the terms of the present members expire. Any vacancy in said board caused by death, resignation or for any other cause, except completion of a full term of service, shall be filled by the like appointment of a person qualified as aforesaid to hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office, for cause, by the Governor with the advice and consent of the Council.

R.S.1954, c. 71, § 1.

**§ 2652. Meetings; organization; duties; powers**

The board shall meet on the 2nd Tuesday of June of each year at such time and place as the chairman may designate for the purpose of organization. They shall elect one of their members as chairman for a term of one year, and one of their members as

secretary and treasurer, to hold such office at the pleasure of the board. The treasurer shall receive all fees, charges and assessments payable to the board, and account for and pay over the same according to law. Said board shall hold regular meetings at least twice in each year for the purpose of considering applications, examining applicants and such other business as may properly come before the board, the time and place of such meeting to be determined by the board. Special meetings may be called at the pleasure of the chairman, and in case of the death or inability of the chairman, the secretary may call special meetings. Said board shall cause a seal of suitable inscription to be procured and to be affixed to such papers as may require such seal, shall keep a correct record of all its proceedings and shall have power to make such rules and regulations, not inconsistent with law, as it may deem necessary for the successful enforcement of its authority and the performance of its duties. The chairman and secretary shall be empowered to administer oaths in matters connected with the duties of said board. The records of the said board shall include, among other things, a record of all moneys received and disbursed by said board, also a list of all applicants for certificates, giving the name and location of the institution granting a degree of Doctor of Osteopathy to the applicant, and the fact shall be recorded whether the applicant was granted or denied a certificate. Said records, or duplicates thereof, shall always be open to inspection in the office of the Secretary of State during regular office hours and shall be prima facie evidence of all matters recorded therein. Three members of the board shall constitute a quorum for the transaction of business, but no certificate to practice osteopathy shall be granted except on an affirmative vote of at least 3 members of the board.

R.S.1954, c. 71, § 2.

### § 2653. Compensation and expenses

Each member of the board shall receive \$10 per day for the time actually spent and his necessary expenses incurred in the discharge of his duties. All requisitions for the payment of money shall be signed by the chairman and secretary of said board.

R.S.1954, c. 71, § 3.

### § 2654. Annual reports

The board shall annually on or before the first day of July in each year make a report to the Governor containing a full and

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complete account of all its official acts during the preceding year; and a statement of its receipts and disbursements and such comments or suggestions as it may deem essential.

R.S.1954, c. 71, § 11.

SUBCHAPTER III

REGISTRATION

Sec.

- 2701. Registration; qualifications; fees.
- 2702. Examination; reciprocity; denial of license.
- 2703. Renewals; fees.
- 2704. Display of certificate; rights.
- 2705. Suspension or revocation of license.

**§ 2701. Registration; qualifications; fees**

Any person, before engaging in the practice of osteopathy in this State, shall make application for a certificate to practice osteopathy to the board, on a form prescribed by said board. Said application shall be filed with the secretary of the board at least 7 days before the date of examination, together with a deposit of \$25, which said deposit shall be returned to the applicant in case the application is rejected. Each applicant must be at least 21 years of age and shall present a diploma from a high school, academy, state normal school, college or university, or otherwise satisfy the members of the board of sufficient prior academic education. The applicant shall present evidence of having completed 2 years preprofessional study in a reputable college or university, if he matriculated in an osteopathic college after October 1, 1941. The applicant shall present a diploma granted by a legally chartered osteopathic college or university in good standing and having the power to confer degrees in osteopathy, which diploma shall show that it was granted on personal attendance of the applicant and completion of a course of not less than 9 months in a year for 4 separate years. Applicants graduating from an osteopathic college after October 1, 1953 shall present evidence of having completed an internship in a hospital conforming to the minimum standards for the approval of intern training hospitals of the American Osteopathic Association. All applicants must present a certificate of good moral character and such other reasonable and proper facts as the board in its blank application may require.

R.S.1954, c. 71, § 4.

**§ 2702. Examination; reciprocity; denial of license**

The board shall then require the applicant to submit to an examination as to his or her other qualifications for the practice of osteopathy, which examination shall include the subject of anatomy, physiology, chemistry, bacteriology, toxicology, pathology, dietetics, diagnosis, hygiene, obstetrics, gynecology, surgery and principles and practice of osteopathy and such other subjects as the board may deem necessary. If such examination is passed in a manner satisfactory to the board, the board shall issue to the said applicant a certificate granting him or her the right to practice osteopathy in this State. If such applicant fails to pass such examination, he or she shall be entitled to one re-examination within one year thereafter without further charge. Every graduate of a reputable school of osteopathy who has been strictly examined and thereafter licensed to practice osteopathy in another state, which has the same or equivalent educational standards of this State, may be licensed to practice osteopathy in this State upon the payment of \$50 and the production to the board of his or her diploma, the license obtained in such other state and satisfactory evidence of good moral character. The board may, at its discretion, require an examination of any such applicant. The board may refuse to grant a certificate to any person convicted of a felony or who has been guilty of grossly unprofessional conduct or who is addicted to any vice to such a degree as to render such person unfit to practice osteopathy, and may, after due notice and hearing, revoke a certificate already issued for like cause or for advertising by means of statements known to be false or deceptive.

R.S.1954, c. 71, § 5.

**§ 2703. Renewals; fees**

Every osteopathic physician legally licensed to practice osteopathy and in practice in this State shall, on or before the first day of January of each year, pay to the secretary of the board a fee of \$4 for the renewal of his or her certificate to practice. In addition to the payment of such renewal fee, each licensee so applying for the renewal of his or her certificate shall furnish to said board satisfactory evidence that he or she has attended in the year preceding at least 2 days of 5 hours each of an annual osteopathic educational program devoted to postgraduate instruction and training in osteopathy, surgery and obstetrics approved by the board. The board may in its discretion approve courses meeting such standards conducted by the Maine Osteo-

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pathic Association, or its equivalent to the approval of said board, in the year preceding. The secretary of said board shall send a written notice of the foregoing requirement to each such osteopathic physician, at least 30 days prior to each said January 1st, directed to the last known address of such licensee, enclosing therewith proper blank forms for application for said renewal. If any such licensee shall fail to so furnish said board such evidence of said attendance at said educational program and shall fail to pay the said renewal fee, he or she shall automatically forfeit his or her right to practice osteopathy in this State and his or her license therefor shall be canceled. The secretary of said board may reinstate him or her upon the presentation of satisfactory evidence of postgraduate study approved by said board as the equivalent of such attendance and upon the payment of said renewal fee.

R.S.1954, c. 71, § 6.

**§ 2704.    Display of certificate; rights**

When the board shall have granted to a person the certificate mentioned in section 2702, such certificate shall designate the holder as an osteopathic physician and shall be publicly displayed at the person's principal place of business as long as such person shall continue to practice osteopathy for gain or hire. Such certificate shall entitle the person to whom it is granted to practice osteopathy in any county in this State, in all its branches as taught and practiced by the recognized schools and colleges of osteopathy, with the right to use such drugs as are necessary in the practice of osteopathy, surgery and obstetrics, including narcotics, antiseptics and anesthetics. No osteopathic physician shall practice major surgery or obstetrics who has not graduated from an accredited osteopathic school or college, after a 4-year course therein, or taken sufficient postgraduate proper courses to constitute the equivalent thereof, properly evidenced to said board. No person heretofore registered under this chapter shall practice obstetrics or surgery without passing an examination in surgery before said board. Any person to whom a certificate has been granted under section 2702 may prefix the title "Doctor" or the letters "Dr." to his name, when accompanied by the words, "D. O." "osteopathic physician and/or surgeon" or "osteopath."

Any osteopathic physician of good repute who is a graduate of an accredited osteopathic college, serving as an intern, resident physician or surgeon in a hospital in this State, shall register with the board and be issued a certificate by the board evidencing

the right of such a person to hold a temporary license to practice only in said hospital. Such a certificate may not be issued for a period in excess of one year, but may be renewed from time to time, not to exceed an aggregate of 5 years. The certificate shall be in a form prescribed by the board and may be revoked or suspended at any time by the board with such suspension or revocation effective when written notification from the board is received by the hospital.

R.S.1954, c. 71, § 7; 1955, c. 167.

**§ 2705. Suspension or revocation of license**

The board, its members or agents shall investigate all complaints and all cases of noncompliance with or violations of this chapter relating to the registration of osteopathic physicians and shall bring all such cases to the notice of the proper prosecuting officer. The Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307, after a conviction before the proper court for crime in the course of professional business of any person to whom a certificate has been issued and after hearing may revoke the certificate and cancel the registration of the person to whom the same was issued. The board may suspend or revoke any certificate by a  $\frac{4}{5}$  vote of the entire board in any case where such certificate has been wrongly obtained or for any fraud connected with the said registration.

R.S.1954, c. 71, § 10; 1961, c. 394, § 30; 1963, c. 412, § 23.