

MAINE STATE LEGISLATURE

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(New Title)

New Draft of: H. P. 468, L. D. 616

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1918

H. P. 1490

House of Representatives, May 9, 1973

Reported by Majority from Committee on Legal Affairs and printed under
Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT to Clarify Certain Ambiguities in the Chiropractic Licensing Law
and to Revise Certain Provisions Relating to the Board of Chiropractic
Examination and Registration.**

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

Sec. 1. R. S., T. 32, § 451, amended. Section 451 of Title 32 of the Revised Statutes is amended to read as follows:

§ 451. Definitions

The system or method ~~or science~~ commonly known as chiropractic, or the practice of chiropractic, is defined to be the ~~science of~~ palpating and adjusting of the segments and articulations of the human spinal column by hand and locating and correcting interference with nerve transmission and expression by hand or by electrical treatments, hydrotherapy and diet without the use of drugs or surgery, and any and all other methods are declared not to be chiropractic, and chiropractic is declared not to be the practice of medicine, surgery, dentistry or osteopathy.

Sec. 2. R. S., T. 32, § 454, amended. The first sentence of section 454 of Title 32 of the Revised Statutes is amended to read as follows:

Any person who shall practice or attempt to practice or use the ~~science or~~ system of chiropractic ~~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 chiropractic, or who shall aid or abet in such selling or fraudulent obtaining; or who shall practice chiropractic, under cover of any diploma, license, record or registration to practice chiropractic, illegally

obtained, or signed or issued unlawfully or under fraudulent representations; or who after conviction of felony shall practice chiropractic, or who shall use any of the forms of letters, "Chiropractic," "Chiropractor," "Chiropractic Practitioner," "Doctor of Chiropractic," "D. C." or any other titles 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 chiropractic, 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 more than \$500, or by imprisonment for not less than 30 days nor for more than 11 months, or by both.

Sec. 3. R. S., T. 32, § 551, amended. Section 551 of Title 32 of the Revised Statutes, as amended, is further amended by inserting before the last sentence, a new sentence to read as follows:

The diploma of any applicant matriculating in a chiropractic college after January 1, 1974 shall show that it was granted by a chiropractic college which has been approved by a national accrediting agency; or the applicant must present evidence of having become a diplomat of the National Board of Chiropractic Examiners; or the applicant must present evidence of having successfully passed a licensing procedure from another state having similar requirements.

Sec. 4. R. S., T. 32, § 502, amended. The 5th sentence of section 502 of Title 32 of the Revised Statutes is amended to read as follows:

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.

Sec. 5. R. S., T. 32, § 502, amended. Section 502 of Title 32 of the Revised Statutes is amended by adding at the end the following:

The board shall have the power to make and adopt rules, regulations and a code of ethics, not inconsistent with law, which it may deem necessary for the enforcement of its authority, the performance of its duties and the governing of the practice of chiropractic, but no rule, regulation or code of ethics shall be made that is unreasonable or that contravenes any provision of this chapter. In establishing such rules, regulations and code of ethics, the board shall, in addition to the standards set forth in other provisions of this chapter, be guided by the following standards setting forth conduct deemed unprofessional:

1. Fraud. The obtaining of any fee by fraud or misrepresentation, or the practice of any deception or fraud upon a patient.
2. Practice outside chiropractic. Offering health services outside the field of chiropractic.
3. Solicitation. The employment of solicitors for, or the solicitation of practice directly or indirectly, but the following shall nevertheless be considered lawful:

A. Telephone listings that use no bold type or display form; professional cards that contain only the chiropractor's name, title, address, telephone number, office hours; announcements in newspapers or direct mail of opening or closing a practice provided same be in keeping with size, style, frequency and duration deemed ethical by other health practices of the community; and informational lettering on doors, windows and signs that conforms to size and style used by other health practices of the community.

4. Advertising. The advertisement of prices, free services, credit terms, or superior professional skills or services or the making of any form of specific guarantee.

5. Fee splitting. The splitting or dividing of any fee with any person not an associate licensed as a chiropractor.

Sec. 6. R. S., T. 32, § 503, amended. Section 503 of Title 32 of the Revised Statute is amended to read as follows:

§ 503. Complaints; suspension or revocation of certificates

The board, its members or agents shall investigate all complaints and all cases of noncompliance with or violation of this chapter relating to the registration of doctors of chiropractic, and shall, upon a vote of 4 members of the board, bring all such cases to the notice of the proper prosecuting officer. The Administrative Hearing Commissioner, as designated in Title 5, chapters 301 to 307, after a conviction before a 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 4/5 vote of the entire board in any cases where such certificate has been wrongfully obtained or for any fraud connected with the said registration may suspend or revoke and the board may refuse to issue any certificate of registration for any one or more of the following causes:

1. Convictions. Conviction in this State or another state or in a federal court of felony or of a crime involving moral turpitude;

2. Fraud. Fraud in the procurement of a license or certificate under this chapter;

3. Unprofessional conduct. Unprofessional conduct, including, but not limited to the following:

A. Advertising in any manner considered by the board to be deceptive or unethical or in violation of the provisions of section 502;

B. The obtaining of any fee or offering to accept any fee, present or other form of remuneration whatsoever, on the assurance or promise that a manifestly incurable disease can or will be cured;

C. Willfully betraying a professional secret to the detriment of the patient;

D. Habitual intemperance in the use of alcohol or the habitual use of narcotic or hypnotic drugs;

- E. Mental illness interfering with the competent practice of chiropractic;**
- F. Dishonorable or immoral conduct that tends to discredit the chiropractic profession;**
- G. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interest of the public health or safety;**
- H. Gross or repeated malpractice;**
- I. Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of chiropractic, except as the same may be necessary for accepted therapeutic purposes;**
- J. Refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease, injury, ailment or infirmity;**
- K. Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or cannabis; the judgment of conviction, unless pending upon appeal, shall be conclusive evidence of such unprofessional conduct;**
- L. Failure to report to the secretary of the board treatment of a chiropractor licensed under this chapter for addiction to alcohol or drugs or for mental illness in accordance with section 3285.**