

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 167

STATE OF MAINE.

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

AN ACT to regulate the practice of osteopathy and to create
a Board of Registration for the regulation of the same.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. That there shall be a State Board of Oste-
2 opathic Examination and Registration, consisting of five
3 members appointed by the governor, in the following man-
4 ner, to wit:

Within thirty days after this act goes into effect the gov-
6 ernor shall appoint five persons who are reputable practi-
7 tioners of osteopathy, selected from a number of not less
8 than ten, who are recommended by the State Osteopathic
9 Association; and should there be no State Osteopathic Asso-

10 ciation, then the governor shall appoint only those who are
11 recognized as reputable osteopaths by the American Oste-
12 opathic Association; the recommendation of the president
13 and secretary being sufficient proof of the appointee's stand-
14 ing in the profession; and said appointment shall constitute
15 the first Board of Osteopathic Examination and Registra-
16 tion. Their term of office shall be so designated by the
17 governor that the term of one member shall expire each
18 year. Thereafter in each year the governor shall in like
19 manner appoint one person to fill the vacancy thus created
20 in the board at that time, from a number of not less than
21 five who are recommended by the State Osteopathic Asso-
22 ciation; the term of said appointee to be for five years. A
23 vacancy occurring from any other cause shall be filled by
24 the governor for the unexpired term in the same manner as
25 last above stated. The board shall, within thirty days after
26 its appointment by the governor, meet in the city of Portland,
27 and organize, by electing a president, secretary and treas-
28 urer, each to serve for one year. Thereafter the election
29 of said officers shall occur annually. The treasurer and
30 secretary shall each give bond, approved by the board, for
31 the faithful performance of their respective duties, in such
32 sum as the board may from time to time determine. The
33 board shall have a common seal, and shall formulate rules
34 to govern its actions; and the president and secretary shall
35 be empowered to administer oaths. The board shall meet
36 in the city of Portland at the call of the president in the

37 month following the election of its officers, and in July of
38 each succeeding year, and at such other times and places
39 as a majority of the board may designate. Three members
40 of the board shall constitute a quorum, but no certificate
41 to practice osteopathy shall be granted on an affirmative
42 vote of less than three. The board shall keep a record of
43 its proceedings, and a register of all applicants for certifi-
44 cates giving the name and location of the institution grant-
45 ing the applicant the degree of doctor of osteopathy; the
46 date of his or her diploma; and also whether the applicant
47 was rejected, or a certificate granted. The record and reg-
48 isters shall be prima facie evidence of all matters recorded
49 therein.

Sect. 2. Any person before engaging in the practice of
2 osteopathy in this State shall, upon the payment of a fee
3 of fifteen dollars, make application for a certificate to prac-
4 tice osteopathy to the Board of Osteopathic Examination
5 and Registration on a form prescribed by the Board, giving:
6 First, his name, age, which shall not be less than twenty-one
7 years, and residence. Second, evidence that such applicant
8 shall have, previous to the beginning of his course in oste-
9 opathy a certificate of examination for admission to the
10 freshman class of a reputable literary or scientific college,
11 a diploma from a high school, academy, state normal school,
12 college or university, approved by aforesaid board. Third,
13 the date of his or her diploma, and evidence that such
14 diploma was granted on personal attendance and completion

15 of a course of not less than three terms of not less than
16 nine months each in three separate years. Fourth, the name
17 of the school or college of osteopathy from which said appli-
18 cant was a graduate, and which shall have been in good
19 repute as such at the time of the granting of his or her
20 diploma, as determined by the board. The board may,
21 in its discretion, accept as the equivalent of any part, or
22 all of the second, third, and fourth requirements, evidence
23 of five or more years reputable practice of osteopathy, pro-
24 vided such substitution be specified in the certificate. If
25 the facts thus set forth, and to which the applicant shall
26 be required to make affidavit, shall meet the requirements
27 of the board, as prescribed by its rules, then the board shall
28 require the applicant to submit to an examination as to his
29 qualifications for the practice of osteopathy, which shall
30 include the subjects of anatomy, physiology, physiological
31 chemistry, toxicology, osteopathic pathology, osteopathic
32 diagnosis, osteopathy, hygiene, osteopathic obstetrics and
33 gynecology, minor surgery, principles and practice of oste-
34 opathy, and such other subjects as the board may require.
35 If such examination is passed in a manner satisfactory to
36 the board, then the board shall issue to said applicant a
37 certificate granting him or her the right to practice oste-
38 opathy in the State of Maine. Any person failing to pass
39 such examination may be re-examined at any regular meet-
40 ing of the board within one year from the time of such fail-
41 ure, without additional fee; provided, that any person hav-

42 ing a diploma from a legally chartered school or college of
43 osteopathy which was in good standing at the time of
44 issuing such diploma, as defined by the board, and who
45 shall meet the requirements of the board in other respects,
46 who is in active practice in this state at the time of the
47 passage of this act, may, upon the payment of a fee of two
48 dollars, be granted a certificate by the board to practice
49 osteopathy in this state without examination, if application
50 for such certificate is filed within ninety days after the
51 passage of this act. Provided, further, that a physician's
52 certificate issued by a reputable school of osteopathy to a
53 graduate from a reputable school of medicine after an attend-
54 ance of not less than two terms of not less than nine months
55 each in two separate years. Provided, further, that the
56 board may, in its discretion, dispense with an examination
57 in the case; *first*, of an osteopathic physician duly authorized
58 to practice osteopathy in any other state or territory, or the
59 District of Columbia, who presents a certificate of license
60 issued after an examination by the legally constituted board
61 of such state, territory, or District of Columbia, accorded
62 only to applicants of equal grade with those required in this
63 state; or, *second*, an osteopathic physician who has been in
64 the actual practice of osteopathy for five years, who is a
65 graduate of a reputable school of osteopathy, who may desire
66 to change his residence to this state, and who makes appli-
67 cation on a form to be prescribed by the board, accompanied
68 by a fee of fifteen dollars.

The secretary of the board may grant a temporary permit
70 until a regular meeting of the board, or to such time as the
71 board can conveniently meet, to one whom he considers
72 eligible to practice in the state, and who may desire to com-
73 mence the practice immediately. Such permit shall only
74 be valid until legal action of the board can be taken. In all
75 the above provisions the fee shall be the same as charged
76 to applicants for examination, except to those who are prac-
77 ticing in the state at the time of the passage of this act.

The board may refuse to grant a certificate to any person
79 convicted of a felony, or of gross unprofessional conduct, or
80 who is addicted to any vice to such degree as to render them
81 unfit to practice osteopathy, and may, after due notice and
82 hearing revoke such certificate for like cause.

Sect. 3. All fees shall be paid in advance to the treas-
2 urer of the board, to be by him held as a fund for the use
3 of the State Board of Osteopathic Examination and Regis-
4 tration. The compensation and expenses of the members
5 and officers of said board, and all expenses proper and nec-
6 essary in the opinion of said board to discharge its duties
7 under, and to enforce the law, shall be paid out of such
8 fund, upon the warrant of the president and secretary of
9 said board, and no expense shall be created to exceed the
10 income of fees or fines as herein provided. The salaries
11 shall be fixed by the board, but shall not exceed ten dollars
12 per day per member, and railroad and hotel expenses.

Sect. 4. Osteopathic physicians shall observe and be subject to all state and municipal regulations relating to the control of contagious diseases; the reporting and certifying of births and deaths; and all matters pertaining to public health, the same as physicians of other schools of medicine, and such reports shall be accepted by the officers or department to whom the same are made.

Sect. 5. Every person holding a certificate from the State Board of Examination and Registration shall have it recorded in the office of the county clerk of the county in which he or she expects to practice. Until such certificate is filed for record the holder shall exercise none of the rights or privileges therein conferred. Said clerk of the county shall keep in a book for that purpose a complete list of all certificates recorded by him, with the date of the recording of each certificate. Each holder of a certificate shall pay to said clerk a fee of one dollar for making such record.

Sect. 6. Any person who shall practice, or pretend to attempt to practice, or use the science or system of osteopathy in treating diseases of the human body by fraud or misrepresentation; or any person who shall buy, sell or fraudulently obtain any diploma, license, record, or registration to practice osteopathy, illegally obtained, or signed or issued unlawfully or under fraudulent representation; or who shall use any of the forms, or letters, "Osteopathy," "Osteopath," or "Osteopathist," "D. O.," "D. Sc. O.," "Osteopathic 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 in
14 the practice of osteopathy, without having complied with the
15 provisions of this act, shall be deemed guilty of a misde-
16 meanor, 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, nor
19 more than six months in the county jail.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, February 13, 1907.

Tabled pending reference to a committee by Mr. DAVIES of Yarmouth
and ordered printed.

E. M. THOMPSON, *Clerk.*