

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

208

STATE OF MAINE.

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

AN ACT to regulate the practice of the system, method, or science, of treating diseases, known as osteopathy, and creating a board of examination and registration for the regulation of the same, and providing penalties for the 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 goes into effect the governor shall appoint five persons who are reputable practitioners of osteopathy, selected from a number of not less than ten, who are recommended by the State Osteopathic Association; and should there be no State Osteopathic Association, then the governor shall appoint only those who are recognized as reputable osteopaths by the

8 American Osteopathic Association; the recommendation of
9 the President and Secretary being sufficient proof of the
10 appointee's standing in the profession; and said appoint-
11 ment shall constitute the first Board of Osteopathic Exam-
12 ination and Registration. Their term of office shall be so
13 designated by the governor that the term of one member
14 shall expire each year. Thereafter in each year the gover-
15 nor shall in like manner appoint one person to fill the vacancy
16 thus created in the board at that time, from a number of not
17 less than five who are to be recommended by the State Os-
18 teopathic Association; the term of said appointee to be for
19 five years. A vacancy occurring from any other cause shall
20 be filled by the governor for the unexpired term in the same
21 manner as last above stated. The board shall, within thirty
22 days after its appointment by the governor, meet in the city
23 of Portland, and organize, by electing a president, secretary
24 and treasurer, each to serve for one year. Thereafter the
25 election of said officers shall occur annually. The Treas-
26 urer and Secretary shall each give bond, approved by the
27 board, for the faithful performance of their respective du-
28 ties, in such sum as the board may from time to time deter-
29 mine. The board shall have a common seal, and shall formu-
30 late rules to govern its actions; and the president and secre-
31 tary shall be empowered to administer oaths. The board
32 shall meet in the city of Portland at the call of the presi-
33 dent in the month following the election of its officers, and
34 in July of each succeeding year, and at such other times

35 and places as a majority of the board may designate. Three
36 members of the board shall constitute a quorum, but no cer-
37 tificate to practice osteopathy shall be granted on an affirma-
38 tive vote of less than three. The board shall keep a record
39 of its proceedings, and a register of all applicants for certifi-
40 cates giving the name and location of the institution granting
41 the applicant the degree of doctor of osteopathy; the date
42 of his or her diploma; and also whether the applicant was
43 rejected, or a certificate granted. The record and registers
44 shall be prima facie evidence of all matters recorded therein.

Sect. 2. Any person before engaging in the practice of
2 osteopathy in this State shall, upon the payment of a fee of
3 twenty dollars, make application for a certificate to practice
4 osteopathy to the Board of Osteopathic Examination and
5 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 os-
9 teopathy a certificate of examination for admission to the
10 freshman class of a reputable literary or scientific college, a
11 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 diplo-
14 ma was granted on personal attendance and completion of a
15 course of not less than three terms of not less than nine
16 months each in three separate years. *Fourth*, the name of
17 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. If the facts thus set
21 forth, and to which the applicant shall be required to make
22 affidavit, shall meet the requirements of the board, as pre-
23 scribed by its rules, then the board shall require the appli-
24 cant to submit to an examination as to his qualifications for
25 the practice of osteopathy, which shall include the subjects
26 of anatomy, physiology, physiological chemistry, toxicology,
27 osteopathic pathology, osteopathic diagnosis, hygiene, os-
28 teopathic obstetrics and gynecology, minor surgery, princi-
29 ples and practice of osteopathy, and such other subjects as
30 the board may require. If such examination is passed in a
31 manner satisfactory to the board, then the board shall issue
32 to said applicant a certificate granting him or her the right
33 to practice osteopathy in the State of Maine. Any person
34 failing to pass such examination may be re-examined at the
35 next annual meeting of the board after the time of such fail-
36 ure, without additional fee; provided, that any person having
37 a diploma from a legally chartered school or college of os-
38 teopathy which was in good standing at the time of issuing
39 such diploma, as defined by the board, who is in active prac-
40 tice in this State at the time of the passage of this act, may,
41 upon the payment of a fee of two dollars, be granted a cer-
42 tificate by the board to practice osteopathy in this State with-
43 out examination, if application for such certificate is filed
44 within ninety days after the passage of this act. Provided,

45 further, that a physician's certificate issued by a reputable
46 school of osteopathy to a graduate from a reputable school
47 of medicine after an attendance of not less than two terms
48 of not less than nine months each in two separate years may
49 be accepted by the board on the same terms as a diploma and
50 the holder thereof be subject to the same regulations in all
51 other respects as other applicants before the board.

In states where the same privilege is granted an osteopathic
53 practitioner who has practiced at least one year in another
54 state and has passed an examination where the requirements
55 are similar to the requirements in this State shall be granted
56 a certificate in this State without further examination upon
57 application and payment of the fee herein required, after
58 having satisfied the examiners of his good moral and profes-
59 sional standing.

The secretary of the board may grant a temporary permit
61 until a regular meeting of the board, or to such time as the
62 board can conveniently meet, to one whom he considers elig-
63 ible to practice in the State, and who may desire to commence
64 the practice immediately. Such permit shall only be valid
65 until legal action of the board can be taken. In all the above
66 provisions the fee shall be the same as charged to applicants
67 for examination, except to those who are practicing in the
68 State at the time of the passage of this act.

The board may refuse to grant a certificate to any person
70 convicted of a felony, or of gross unprofessional conduct, or
71 who is addicted to any vice to such degree as to render them

72 unfit to practice osteopathy, and may, after due notice and
73 hearing revoke such certificate for like cause.

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

Sect. 4. Osteopathic physicians shall observe and be sub-
2 ject to all State and municipal regulations relating to the con-
3 trol of contagious diseases; the reporting and certifying of
4 births and deaths; and all matters pertaining to public health,
5 the same as physicians of other schools of medicine, and such
6 reports shall be accepted by the officers or department to
7 whom the same are made.

Sect. 5. Every person holding a certificate from the State
2 Board of Examination and Registration shall have it re-
3 corded in the office of the county clerk of the county in which
4 he or she expects to practice. Until such certificate is filed
5 for record the holder shall exercise none of the rights or
6 privileges therein conferred. Said clerk of the county shall

7 keep in a book for that purpose a complete list of all certifi-
8 cates recorded by him, with the date of the recording of each
9 certificate. Each holder of a certificate shall pay to said
10 clerk a fee of one dollar for making such record.

Sect. 6. Any person who shall practice, or pretend or at-
2 tempt to practice, or use the science or system of osteopathy
3 in treating diseases of the human body by fraud or misrep-
4 resentation; or any person who shall buy, sell, or fraud-
5 ulently obtain any diploma, license, record, or registration to
6 practice osteopathy, illegally obtained, or signed or issued
7 unlawfully or under fraudulent representations; or who shall
8 use any of the forms, or letters, "Osteopathy," "Osteopath,"
9 of "Osteopathist," "D. O.," "D. Sc. O.," "Osteopathic Phy-
10 sician," "Doctor of Osteopathy," or any other title or let-
11 ters, either alone or with other qualifying words or phrases,
12 under such circumstances as to induce the belief that the
13 person who uses such term or terms, is engaged in the prac-
14 tice of osteopathy, without having complied with the pro-
15 visions of this act, shall be deemed guilty of a misdemeanor,
16 and, upon conviction thereof, shall be fined not less than
17 twenty-five dollars, nor more than one hundred dollars, for
18 each offense, or not less than three months, nor more than
19 six months in the county jail.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

February 16, 1909.

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

E. M. THOMPSON, *Clerk.*