

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 18

In Senate, Jan. 19, 1911.

Presented by Mr. Allan of Washington and on motion by Mr. Stearns of Oxford laid on the table for printing, pending reference to a committee.

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT to regulate the practice of the system, method, or science of healing known as Osteopathy and creating a board of examination and registration for the regulation of the same, and providing penalties for the violation of the provisions of this act.

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

Section 1. Between July 1st and July 15th, A. D. 1911, the
2 governor shall appoint five persons who are reputable prac-
3 titioners of Osteopathy, selected from a number of not less
4 than ten, who shall be recommended by the State Osteopathic
5 Association of Maine; the recommendation of the President
6 and Secretary of said Association being sufficient proof of the

7 appointee's standing in the profession; and said appointment
8 shall constitute the first State Board of Osteopathic Exam-
9 ination and Registration in Maine. Their term of office shall
10 be so designated by the governor that the term of one mem-
11 ber shall expire each year. Thereafter in each year the gov-
12 ernor shall in like manner appoint one person to fill the vac-
13 ancy thus created in the board at that time, from a number of
14 not less than five who are to be recommended by the State
15 Osteopathic Association of Maine; the term of said appointee
16 to be for five years. A vacancy occurring from any other
17 cause shall be filled by the governor for the unexpired term
18 in the same manner as last above stated. The board shall,
19 within thirty days after its appointment by the governor,
20 meet and organize by electing a president, secretary and treas-
21 urer, each to serve for one year. Thereafter the election of
22 said officers shall occur annually. The treasurer and secre-
23 tary shall each give bond in the sum of one thousand dollars,
24 with sureties approved by the board, for the faithful per-
25 formance of their respective duties. The board shall have a
26 common seal, and shall formulate rules to govern its actions;
27 and the president and secretary shall be empowered to ad-
28 minister oaths. The board shall meet at the call of the
29 president, and at such other times as the majority of the
30 board may designate. Three members of the board shall
31 constitute a quorum, but no certificate to practice Osteopathy
32 shall be granted on an affirmative vote of less than three.
33 The board shall keep a record of its proceedings, and a reg-

34 ister of all applicants for certificates giving the name and lo-
35 cation of the institution granting the applicant the degree of
36 Doctor of Osteopathy; the date of his or her diploma; and
37 also whether the applicant was rejected, or a certificate
38 granted. The record and registers shall be prima facie evi-
39 dence 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:

First, his name, age, which shall not be less than twenty-one
7 years, and residence.

Second, evidence that such applicant shall have, previous to
9 the beginning of his course in Osteopathy a certificate of
10 examination for admission to the freshman class of a reput-
11 able literary or scientific college, a diploma from a high
12 school, academy, state normal school, college or university,
13 or its equivalent approved by aforesaid board.

Third, the date of his or her Osteopathic diploma and evi-
15 dence that such diploma was granted on personal attendance
16 and completion of a course of not less than three terms of
17 not less than nine months each in three separate years. After
18 the 30th of June, 1915, all applicants for license to practice
19 Osteopathy must have attended four terms of not less than
20 eight months each in four separate years.

Fourth, The name of the school or college of Osteopathy
22 from which said applicant was a graduate, and which shall
23 have been in good repute as such at the time of the granting
24 of his or her diploma, as determined by the board. If the
25 facts thus set forth, and to which the applicant shall be re-
26 quired to make affidavit, shall meet the requirements of the
27 board, as prescribed by its rules, then the board shall require
28 the applicant to submit to an examination as to his or her
29 other qualifications for the practice of Osteopathy, which
30 shall include the subjects of anatomy, physiology, chemistry,
31 toxicology, pathology, diagnosis, hygiene, obstetrics and gyne-
32 cology, minor surgery, principles and practice of osteopathy,
33 and such other subjects as the board may require, including a
34 certificate of good moral character. If such examination is
35 passed in a manner satisfactory to the board, then the board
36 shall issue to the said applicant a certificate granting him or
37 her the right to practice osteopathy in the State of Maine;
38 provided, that any person having a diploma from a legally
39 chartered school or college of osteopathy which was in good
40 standing at the time of issuing this diploma as defined by
41 the board, and who has been in active practice in the State
42 of Maine for three months prior to the passage of this act,
43 may, upon the payment of a fee of ten dollars, be granted a
44 certificate by the board to practice osteopathy in this State
45 without examination, if application for such certificate is
46 filed within ninety days after the passage of this act.

The board may refuse to grant a certificate to any person

48 convicted of a felony, or of gross unprofessional conduct, or
49 who is addicted to any vice to such degree as to render such
50 person unfit to practice osteopathy, and may, after due notice
51 and hearing, revoke a certificate already issued, for like
52 same.

Sect. 3. All fees shall be paid in advance to the treasurer
2 of the board, and by him turned into the state treasurer, to
3 the credit of a fund, which is hereby appropriated for the
4 use of the said Board of Osteopathic Examination and Reg-
5 istration. The compensation and expenses of said board,
6 and all expenses proper and necessary in the opinion of said
7 board to discharge its duties under and to enforce the law,
8 shall be paid out of said fund, upon the warrant of the state
9 auditor, issued upon a requisition and signed by the president
10 and secretary of said board, and no expense shall be created
11 to exceed the income of fees or fines as herein provided.
12 The salaries shall be fixed by the board, but shall not exceed
13 ten dollars per day per member when actually employed, and
14 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
6 such reports shall be accepted by the officers or department
7 to whom the same are made.

Sect. 5. Nothing in this act shall be construed as prohibiting any legally authorized practitioner of medicine or surgery in this State from the practice of his profession as provided by the statutes of this State.

Sect. 6. When the Board of Examination and Registration shall have granted to a person the certificate mentioned in Section 2 of this act such certificate shall entitle the person to whom granted the right to practice osteopathy in any county in this State, and shall confer upon such person all the rights and duties conferred by law upon other medical practitioners, except the right to administer medicine internally and perform major surgery, and provided further that nothing in this act shall be construed to discriminate against any particular school of medicine or surgery or any system or mode of treating the sick or afflicted.

Sect. 7. Said board shall annually on or before the first day of January in each year, make a report to the governor containing a full and complete account of all its official acts during the preceding year, also a statement of its receipts and disbursements and such comments or suggestions as it may deem essential.

Sect. 8. Any person who shall practice, or pretend or 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

7 or under fraudulent representations; or who shall use any of
8 the forms or letters, "Osteopathy," "Osteopath," "Osteopath-
9 ist," "D. O.," "D. Sc. O." "Osteopathic Physician," "Doctor
10 of Osteopathy," or any other title or letters, either alone or
11 with other qualifying words or phrases, under such circum-
12 stances as to induce the belief that the person who uses such
13 term or terms, is engaged in the practice of osteopathy,
14 without having complied with the provisions of this act,
15 shall be deemed guilty of a misdemeanor, and, upon convic-
16 tion thereof, shall be fined not less than twenty-five dollars,
17 nor more than one hundred dollars, for each offense, or not
18 less than three months, nor more than six months in the
19 county jail.

Sect. 9. All acts and parts of acts conflicting with the pro-
2 visions of this act are repealed in so far as they are incon-
3 sistent herewith.