

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 108

In Senate, Feb. 16, 1911.

Laid on table for printing of reports on motion of Mr. Farrington of Kennebec and Tuesday, Feb. 21, assigned for further consideration.

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. The governor with the advice and consent of
2 the council, shall appoint a board of registration of Os-
3 teopathy consisting of six persons, residents in the state,
4 who shall be graduates of a legally chartered Osteopathic
5 college or university having the power to confer degrees
6 in Osteopathy, and who shall have been actively employed

7 in the practice of their profession for a period of three
8 years. Two persons qualified as aforesaid, shall be ap-
9 pointed members of said board on or before the first day
10 of July of every alternate year after July one, nineteen hun-
11 dred and eleven, to hold office for six years from the first
12 day of July following said appointment. No member of
13 said board shall belong to the faculty of any osteopathic
14 college or university. Any vacancy in said board shall be
15 filled by the appointment of a person, qualified as aforesaid,
16 to hold office during the unexpired term of the member
17 whose place he fills. Any member of said board may be
18 removed from office for cause by the governor, with the
19 advise and consent of the council.

Sect. 2. The members of said board shall meet on the
2 second Tuesday of July of each alternate year commencing
3 in the year nineteen hundred and eleven, at such time and
4 place as they may determine, and shall elect a chairman
5 and secretary who shall hold their respective offices for
6 the term of two years. The secretary shall give to the
7 treasurer of state a bond in the penal sum of one thousand
8 dollars, with sufficient sureties to be approved by the gov-
9 ernor and council, for the faithful discharge of the duties
10 of his office. The said board shall hold regular meetings,
11 one in March, one in July and one in November of each
12 year, and such additional meetings at such times and places
13 as it may determine. Said board shall cause a seal to be
14 engraved and shall keep correct records of all its proceed-

15 ings, and may make such minor rules and regulations as
16 it shall deem necessary for the successful enforcement of
17 its authority and the performance of its duties.

Sect. 3. Any person shall, upon the payment of a fee
2 of fifteen dollars, be entitled to examination, and if found
3 qualified by a majority of the members of the board pres-
4 ent shall be registered as an osteopathic physician, and shall
5 receive a certificate thereof under the seal of the board,
6 and signed by the chairman and secretary which shall state
7 the facts and must be publicly displayed at the person's
8 principal place of business as long as said person continues
9 such practice for gain or hire, provided, that any person
10 having a diploma from a legally chartered school or college
11 of Osteopathy, which was in good standing at the time of
12 issuing this diploma, as defined by the Board, and who
13 has been in active practice in the State of Maine for three
14 months immediately prior to the passage of this Act, may,
15 upon the payment of a fee of ten dollars, be granted a
16 certificate by the Board to practice Osteopathy in this State,
17 without examination, if application for such certificate is
18 filed within ninety days after this act becomes a law. Any
19 person refused registration may be re-examined at any reg-
20 ular meeting of said board, within two years of the time
21 of such refusal, without additional fee and thereafter may
22 be examined as often as he may desire upon payment of
23 the fee of fifteen dollars for each examination. All fees
24 received by the board hereunder shall be paid by the sec-

25 retary thereof into the treasury of the State once in each
26 month.

Sect. 4. The board shall examine all applicants for registration as licensed osteopathic physicians. Each applicant shall, at least seven days before the date of his examination, present to the secretary of the board an application under oath or affirmation giving satisfactory proof of being twenty-one years of age, of having good moral character and of being a graduate of some reputable osteopathic school or college having power to confer degrees in osteopathy, and in good standing, requiring an attendance of three years of nine months each before issuing a diploma, and also that such applicant shall have previous to the beginning of his course in Osteopathy a certificate of examination for admission to the freshman class of a reputable literary or scientific college, a diploma from a high school, academy, state normal school, college or university, or its equivalent, approved by aforesaid board. He shall also present such other facts as the board in its blank application may require, and must pay the fees provided in the preceding Section. Examinations shall be in whole or in part in writing and shall be of an elementary and practical character. They shall embrace anatomy, physiology, chemistry, sanitation, toxicology, pathology, bacteriology, diagnosis, hygiene, obstetrics and gynecology, therapeutics, minor surgery, and the principles and practice of osteopathy and 25 such other subjects as the board may require. After the

26 thirtieth day of June nineteen hundred fifteen, all applicants
27 for license to practice Osteopathy must have attended four
28 terms of not less than eight months each in four separate
29 years. The board may refuse to grant a certificate to any
30 person convicted of a felony, or of gross unprofessional
31 conduct, or who is addicted to any vice of such a degree
32 as to render such person unfit to practice Osteopathy, and
33 may, after due notice and hearing, revoke a certificate al-
34 ready issued. The board may make such rules and regu-
35 lations as may be necessary for reciprocity of licensure
36 with the boards of other states which maintain a standard
37 of education at least equal to their own; but no such rules
38 shall become operative until they have been approved by
39 a justice of the supreme judicial court.

Sect. 5. Nothing in this Act shall be construed as pro-
2 hibiting any legally authorized practitioner of medicine or
3 surgery in this State from the practice of his profession as
4 provided by the Statutes of this State.

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

Sect. 7. The board shall keep a record of the names
2 and residences of all persons registered hereunder and a

3 record of all moneys received and disbursed by said board,
4 and said records or duplicates thereof shall always be open
5 to inspection in the office of the secretary of state during
6 regular office hours. Said board shall annually on or be-
7 fore the first day of January in each year, make a report
8 to the governor containing a full and complete account of
9 all its official acts during the preceding year, also a state-
10 ment of its receipts and disbursements and such comments
11 or suggestions as it may deem essential.

Sect. 8. The board, its members or agents shall investigate
2 all complaints, and all cases of non-compliance with or
3 violation of the provisions of this Chapter relating to the
4 registration of osteopathic physicians and shall bring all such
5 cases to the notice of the proper prosecuting officers. Said
6 board, after a conviction before a proper court, for crime
7 in the course of professional business, of any person to
8 whom a certificate has been issued by them, and after hear-
9 ing, may by vote of two-thirds of the entire board revoke
10 the certificate and cancel the registration of the person to
11 whom the same was issued. Said board may also suspend
12 or revoke any certificate by a two-thirds vote of the entire
13 board, in any case where such certificate has been wrong-
14 fully obtained or for any fraud connected with the said
15 registration.

Sect. 9. Unless duly registered by said board, no person
2 shall practice osteopathy, or any branch thereof, or hold
3 himself out to practice osteopathy or any branch thereof

4 for gain or hire within the State, by diagnosing, relieving
5 in any degree, or curing or professing or attempting, to
6 diagnose, relieve or cure, any human disease, ailment, de-
7 fect or complaint, whether physical or mental, or of physi-
8 cal or mental origin by attendance or by advice, or by ap-
9 pliance, manipulation, method, or any therapeutic agent
10 whatsoever or in any other manner, unless otherwise pro-
11 vided by statute of this State. Unless duly registered by
12 said board, no person shall prefix the title "Doctor" or the
13 letters "Dr.," when followed by the words or letters, "Os-
14 teopathy," "Osteopath," "Osteopathist," "D. O.," "D. Sc.
15 O.," "Osteopathic Physician," "Doctor of Osteopathy," in
16 connection with his name. Whoever not being duly reg-
17 istered by said board, practices osteopathy, or any branch
18 thereof, or holds himself out to practice osteopathy or any
19 branch thereof in any of the ways aforesaid, or who uses
20 the title "Doctor" or the letters "Dr." in connection with
21 the words or letters, "Osteopathy," "Osteopath," "Osteo-
22 pathists," "D. O.," "D. Sc. O.," "Osteopathic Physician,"
23 "Doctor of Osteopathy," appended to his name, contrary
24 to the provisions of this Section, shall be punished by a
25 fine of not less than one hundred, nor more than five hun-
26 dred dollars for each offense, or by imprisonment for three
27 months, or by both fine and imprisonment; the prefixing
28 of the title "Doctor" or the letters "Dr." when used in
29 connection with the words or letters, "Osteopathy," "Osteo-
30 opath," "Osteopathist," "D. O.," "D. Sc. O." "Osteopathic

31 Physician," "Doctor of Osteopathy," appended by any per-
32 son to his name, or the use of the title of "Doctor of Osteo-
33 pathy" in anyway by any person not duly registered as here-
34 inbefore described, shall be prima facie evidence that said
35 person is holding himself out to practice osteopathy, con-
36 trary to the provisions of this section.

Sect. 10. The seven preceding Sections shall not apply
2 to an osteopathic physician who is called from another
3 state to treat a particular case and who does not other-
4 wise practice in this state, nor to prohibit gratuitous ser-
5 vice or the rendering of assistance in emergency cases;
6 not to clairvoyants or persons practicing hypnotism, mag-
7 netic healing, mind cure, massage, Christian Science, or
8 any other method of healing; provided, such clairvoyants
9 and other persons do not violate any of the provision of
10 the preceding Section in relation to the use of the word
11 "Doctor," or the letters "Dr." when used in connection
12 with the words or letters "Osteopathy," "Osteopath," "Os-
13 teopathist," "D. O.," "D. Sc. O.," "Osteopathic Physician,"
14 "Doctor of Osteopathy."

Sect. 11. The compensation, incidental and traveling ex-
2 penses of the board shall be paid from the treasury of the
3 state. The compensation of members of the board shall
4 be five dollars each for every day actually spent in the dis-
5 charge of their duties and five cents a mile each way for
6 necessary traveling expenses in attending the meetings of
7 the board, but in no case shall any more be paid than has

8 actually been expended. The secretary shall be allowed ex-
9 tra compensation for books, stationery, postage and other
10 necessary expenses actually incurred. Such compensation
11 and the incidentals and traveling expenses shall be approved
12 by the board and audited by the governor and council, and
13 paid from the state treasury, provided, that the amounts so
14 paid shall not exceed the amount received by the treasurer
15 of state from the board in fees as herein specified, and so
16 much of said receipts as may be necessary is hereby appro-
17 priated for the compensation and expenses of the board as
18 aforesaid.

STATE OF MAINE.

MAJORITY REPORT.

The majority of the Committee on Legal Affairs, to which was referred the Bill, entitled "An Act to regulate the practice of Osteopathy," have had the same under consideration, and ask leave to Report that the same out to pass in new draft.

Per order,

PELLETIER,
WHEELER,
PATTANGALL,
DUNN,
DODGE,
FARRINGTON,
WILSON.

STATE OF MAINE.

MINORITY REPORT.

The minority of the Committee on Legal Affairs, to which was referred the Bill, entitled "An Act to regulate the practice of Osteopathy," have had the same under consideration, and ask leave to Report that the same ought not to pass.

Per order,

J. A. PETERS.
JOHN C. SCATES,