

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-SIXTH LEGISLATURE

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SENATE

NO. 586

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*In Senate, March 22, 1913.*

*Tabled for printing by Senator Stearns of Oxford, pending action on majority and minority reports of Committee on Judiciary.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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

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

Section 1. Within thirty days after this act shall take effect, the governor, by and with the advice and consent of the council, shall appoint five persons who shall constitute a board of registration of osteopathy. Said persons shall be residents of this state, shall be graduates of a legally

6 chartered osteopathic college or university having the power  
7 to confer degrees in osteopathy, shall have been at the time  
8 of their appointment actively engaged in the practice of  
9 their profession for a period of at least three years. One  
10 of said persons appointed as aforesaid shall be designated  
11 to hold office for five years, one for four years, one for three  
12 years, one for two years and one for one year. At the  
13 expiration of the term of service thus designated each ap-  
14 pointment thereafter shall be for the period of five years.  
15 Any vacancy in said board caused by death, resignation or  
16 for any other cause except completion of a full term of  
17 service shall be filled by the appointment of a person quali-  
18 fied as aforesaid to hold office during the unexpired term  
19 of the member whose place he fills. The person designated  
20 to hold office for one year shall be deemed chairman of the  
21 board for the purpose of designating the time and place for  
22 holding the first meeting of the board for the purpose of  
23 organization.

Sect. 2. Said board shall meet on the first Tuesday of  
2 September of each year at such time and place as its chair-  
3 man may designate for the purpose of organization. They  
4 shall elect one of their members as chairman for a term of  
5 one year, and one of their members as secretary and treas-  
6 urer, to hold such office at the pleasure of the board; pro-  
7 vided, however, that the first meeting for organization un-  
8 der the provisions of this act shall be within fourteen days  
9 after the appointment and confirmation of said board, and

10 the officers elected at the first meeting shall continue as  
11 such until the annual meeting of the board in the year 1914  
12 The person elected as secretary and treasurer shall give a  
13 bond to the treasurer of state in the penal sum of one thou-  
14 sand dollars with sureties to be approved by the governor  
15 and council for the faithful discharge of the duties of his  
16 office. Said board shall hold regular meetings at least twice  
17 in each year for the purpose of considering applications,  
18 examining applicants and such other business as may prop-  
19 erly come before the board, the time and place of such meet-  
20 ings to be determined by the board. Special meetings may  
21 be called at the pleasure of the president, and in case of the  
22 death or inability of the president, the secretary may call  
23 special meetings. Said board shall cause a seal of suitable  
24 inscription to be procured and to be affixed to such papers  
25 as may require such seal, shall keep a correct record of all  
26 its proceedings, and shall have power to make such rules  
27 and regulations, not inconsistent with law, as it may deem  
28 necessary for the successful enforcement of its authority  
29 and the performance of its duties. The president and sec-  
30 retary shall be empowered to administer oaths in matters  
31 connected with the duties of said board. The records of  
32 said board shall include among other things a list of all  
33 applicants for certificates, giving the name and location of  
34 the institution granting a degree of doctor of osteopathy  
35 to the applicant, and the fact shall be recorded whether the  
36 applicant was granted or denied a certificate. Such record

37 shall be a public record and shall be prima facie evidence of  
38 all matters recorded therein. Three members of the board  
39 shall constitute a quorum for the transaction of business  
40 but no certificate to practice osteopathy shall be granted  
41 except on an affirmative vote of at least three members of  
42 the board.

Sect. 3. Each applicant for a certificate to practice oste-  
2 opathy, when making application, shall deposit with the sec-  
3 retary of the board a fee of twenty dollars which shall be  
4 returned to the applicant if the application is rejected. Each  
5 applicant must be at least twenty-one years of age, may be  
6 of either sex, and shall present a diploma from a high school,  
7 academy, state normal school, college or university, or other-  
8 wise satisfy the members of the board of sufficient prior  
9 academic education. The applicant shall also present a di-  
10 ploma granted by a legally chartered osteopathic college or  
11 university in good standing and having the power to confer  
12 degrees in osteopathy, which diploma shall show that it was  
13 granted on personal attendance of the applicant and com-  
14 pletion of a course of not less than nine months in a year  
15 for three separate years, or of a course of not less than  
16 eight months in a year for four separate years. The appli-  
17 cant must also present a certificate of good moral character  
18 signed by some reputable resident of the state of Maine.  
19 The applicant shall also present such other reasonable and  
20 proper facts as the board in its blank application may re-  
21 quire.

Sect. 4. The board shall then require the applicant to submit to an examination as to his or her other qualifications for the practice of osteopathy which shall include, among other subjects, the subjects of anatomy, physiology, chemistry, bacteriology, toxicology, pathology, dietetics, diagnosis, hygiene, obstetrics and gynecology, minor surgery, principles and practice of osteopathy. If such examination is passed in a manner satisfactory to the board, then the board shall issue to the said applicant a certificate granting him or her the right to practice osteopathy in the state of Maine; provided, that any person having a diploma from a legally chartered osteopathic college or university having the power to confer degrees in osteopathy which was in good standing at the time of issuing such diploma and who has been in active practice in the state of Maine for three months prior to January 1, 1913, may, upon the payment to the secretary of a fee of ten dollars, be granted a certificate by the board to practice osteopathy in this state without examination, if application for such certificate is filed within ninety days after this act becomes effective. Provided also that any person who has been a practitioner of osteopathy in this state for a period of three years next prior to January 1, 1913, shall, upon exhibition of satisfactory proof thereof to said board and upon the payment of a fee of ten dollars, be entitled to registration if the application for such registration is filed within ninety days after this act becomes effective. The board may refuse to grant a certificate to

28 any person convicted of a felony, or of gross unprofessional  
29 conduct, or who is addicted to any vice to such degree as  
30 to render such person unfit to practice osteopathy, and may,  
31 after due notice and hearing, revoke a certificate already  
32 issued, for like cause.

Sect. 5. When the board shall have granted to a person  
2 the certificate mentioned in section 4 of this act such cer-  
3 tificate shall be publicly displayed at the person's principal  
4 place of business so long as said person continues to prac-  
5 tice osteopathy for gain or hire, shall entitle the person  
6 to whom granted the right to practice osteopathy in any  
7 county in this state, and shall confer upon such person all  
8 the rights and duties conferred by law upon medical practi-  
9 tioners, except the right to administer medicine internally  
10 and perform surgery, and provided further that nothing in  
11 this act shall be construed to discriminate against any par-  
12 ticular school of medicine or surgery or any system or mode  
13 of treating the sick or afflicted.

Sect. 6. Any person who shall practice, or pretend or  
2 attempt to practice, or use the science or system of oste-  
3 opathy in treating diseases of the human body by fraud or  
4 misrepresentation; or any person who shall buy, sell, or  
5 fraudulently obtain any diploma, license, record, or regis-  
6 tration to practice osteopathy, illegally obtained, or signed  
7 or issued unlawfully under fraudulent representations; or  
8 who shall use any of the forms or letters, "Osteopathy,"  
9 "Osteopath," "Osteopathist, "D. O.," "D. Sc. O.," "Oste-

10 opathic 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  
14 in the practice of osteopathy, without having complied with  
15 the provisions of this act, shall be deemed guilty of a mis-  
16 demeanor, 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,  
19 nor more than six months in the county jail.

Sect. 7. All fees received by the secretary and not re-  
2 turned to the applicant shall be paid monthly to the state  
3 treasurer. The compensation of members of the board  
4 shall be five dollars per day for each day actually spent  
5 in the discharge of their duty and in addition thereto they  
6 shall receive necessary travelling expenses. The secretary  
7 shall be allowed extra compensation for books, stationery,  
8 postage and other necessary expenses authorized by the  
9 board and actually incurred. The compensation and ex-  
10 pense of said board and its secretary and all other expenses  
11 proper and necessary in the opinion of said board to dis-  
12 charge its duties hereunder and to enforce the provisions of  
13 this act shall be paid out of said fund upon the warrant  
14 of the state auditor issued upon a requisition signed by the  
15 president and secretary of said board, provided, that the  
16 amounts so paid shall in no case exceed the total amount  
17 received for the current year by the treasurer of state from



18 the board as fees, and so much of said receipts as may be  
19 necessary is hereby appropriated for the compensation and  
20 expenses of the board as aforesaid.

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

Sect. 9. Said board shall annually on or before the first  
2 day of January in each year, make a report to the governor  
3 containing a full and complete account of all its official acts  
4 during the preceding year, also a statement of its receipts  
5 and disbursements and such comments or suggestions as  
6 it may deem essential.

Sect. 10. 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 certifying

4 of births and deaths; and all matters pertaining to public  
5 health, the same as physicians of schools of medicine.

Sect. 11. This act shall not apply to an osteopathic physi-  
2 cian who is called from another state to treat a particular  
3 case and does not otherwise practice in this state, nor to  
4 prohibit gratuitous service or the rendering of assistance  
5 in emergency cases; nor to clairvoyants or persons prac-  
6 ticing hypnotism, magnetic healing, mind cure, massage,  
7 Christian Science, or any other method of healing; pro-  
8 vided, such clairvoyants and other persons do not violate  
9 any of the provisions of the preceding section in relation  
10 to the use of the word "Doctor," or the letters "Dr." when  
11 used in connection with the words or letters "Osteopathy,"  
12 "Osteopath," "Osteopathist," "D. O.," "D. Sc. O.," "Oste-  
13 opathic Physician," "Doctor of Osteopathy."

Sect. 12. All acts and parts of acts conflicting with the  
2 provisions of this act are repealed in so far as they are  
3 inconsistent herewith.