

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 2

In Senate, Jan. 14, 1915.

Ordered, that five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Committee of Reference.

STATE OF MAINE

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

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.

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

Section 1. Within thirty days after this act shall take
2 effect, the governor, by and with the advice and consent of
3 the council, shall appoint five persons who shall constitute
4 a board of registration of osteopathy. Said persons shall
5 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
12 three years, one for two years and one for one year. At
13 the expiration of the term of service thus designated each
14 appointment 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
22 for holding the first meeting of the board for the purpose
23 of 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 under
8 the provisions of this act shall be within fourteen days after
9 the appointment and confirmation of said board, and the
10 officers elected at the first meeting shall continue as such
11 until the annual meeting of the board in the year 1916. The
12 person elected as secretary and treasurer shall give a bond

13 to the treasurer of state in the penal sum of one thousand
14 dollars with sureties to be approved by the governor and
15 council for the faithful discharge of the duties of his office.
16 Said board shall hold regular meetings at least twice in
17 each year for the purpose of considering applications, ex-
18 amining applicants and such other business as may prop-
19 erly come before the board, the time and place of such
20 meetings to be determined by the board. Special meet-
21 ings may be called at the pleasure of the president, and in
22 case of the death or inability of the president, the secretary
23 may call special meetings. Said board shall cause a seal
24 of suitable inscription to be procured and to be affixed to
25 such papers as may require such seal, shall keep a correct
26 record of all its proceedings, and shall have power to make
27 such rules and regulations, not inconsistent with law, as it
28 may deem necessary for the successful enforcement of its
29 authority and the performance of its duties. The president
30 and secretary shall be empowered to administer oaths in
31 matters connected with the duties of said board. The rec-
32 ords of said board shall include among other things a list
33 of all applicants for certificates, giving the name and loca-
34 tion of the institution granting a degree of doctor of osteop-
35 athy to the applicant, and the fact shall be recorded whether
36 the applicant was granted or denied a certificate. Such
37 record shall be a public record and shall be prima facie
38 evidence of all matters recorded therein. Three members
39 of the board shall constitute a quorum for the transaction

40 of business but no certificate to practice osteopathy shall be
41 granted except on an affirmative vote of at least three mem-
42 bers of the board.

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

Sect. 4. The board shall then require the applicant to sub-
2 mit to an examination as to his or her other qualifications for
3 the practice of osteopathy which shall include, among other
4 subjects, the subjects of anatomy, physiology, chemistry,

5 bacteriology, toxicology, pathology, dietetics, diagnosis, hy-
6 giene, obstetrics and gynecology, minor surgery, principles
7 and practice of osteopathy. If such examination is passed
8 in a manner satisfactory to the board, then the board shall
9 issue to the said applicant a certificate granting him or her
10 the right to practice osteopathy in the State of Maine; pro-
11 vided, that any person having a diploma from a legally
12 chartered osteopathic college or university having the power
13 to confer degrees in osteopathy which was in good standing
14 at the time of issuing such diploma and who has been in
15 active practice in the State of Maine for three months prior
16 to January 1, 1915, may, upon the payment to the secretary
17 of a fee of ten dollars, be granted a certificate by the board
18 to practice osteopathy in this state without examination, if
19 application for such certificate is filed within ninety days
20 after this act becomes effective. Provided also that any
21 person who has been a practitioner of osteopathy in this
22 state for a period of three years next prior to January 1,
23 1915, shall, upon exhibition of satisfactory proof thereof
24 to said board and upon the payment of a fee of ten dollars,
25 be entitled to registration if the application for such regis-
26 tration is filed within ninety days after this act becomes ef-
27 fective. The board may refuse to grant a certificate to any
28 person convicted of a felony, or of gross unprofessional
29 conduct, or who is addicted to any vice to such degree as to
30 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 certifi-
3 cate shall be publicly displayed at the person's principal place
4 of business so long as said person continues to practice
5 osteopathy for gain or hire, shall entitle the person to whom
6 granted the right to practice osteopathy in any county in
7 this state, and shall confer upon such person all the rights
8 and duties conferred by law upon medical practitioners,
9 except the right to administer medicine internally and per-
10 form major 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 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 fraudu-
5 lently obtain any diploma, license, record, or registration to
6 practice osteopathy, illegally obtained, or signed or issued
7 unlawfully under fraudulent representations; or who shall
8 use any of the forms or letters, "Osteopathy," "Osteopath,"
9 "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.

Sect. 7. All fees received by the secretary and not returned
2 to the applicant shall be paid monthly to the state treasurer.
3 The compensation of members of the board shall be five
4 dollars per day for each day actually spent in the discharge
5 of their duty and in addition thereto they shall receive neces-
6 sary travelling expenses. The secretary shall be allowed
7 extra compensation for books, stationery, postage and other
8 necessary expenses authorized by the board and actually in-
9 curred. The compensation and expense of said board and
10 its secretary and all other expenses proper and necessary
11 in the opinion of said board to discharge its duties here-
12 under and to enforce the provisions of this act shall be paid
13 out of said fund upon the warrant of the state auditor issued
14 upon a requisition signed by the president and secretary of
15 said board, provided, that the amounts so paid shall in no
16 case exceed the total amount received for the current year
17 by the treasurer of state from the board as fees, and so
18 much of said receipts as may be necessary is hereby appro-
19 priated for the compensation and expenses of the board as
20 aforesaid.

Sect. 8. The board, its members or agents shall investigate all complaints, and all cases of non-compliance with or violation of the provisions of this chapter relating to the registration of osteopathic physicians and shall bring all such cases to the notice of the proper prosecuting officer. Said board, after a conviction before a proper court for crime in the course of professional business, of any person to whom a certificate has been issued by them, and after hearing, may by vote of four-fifths of the entire board revoke the certificate and cancel the registration of the person to whom the same was issued. Said board may also suspend or revoke any certificate by a four-fifths vote of the entire board, in any case where such certificate has been wrongfully obtained or for any fraud connected with the said registration.

Sect. 9. 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. 10. 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 schools of medicine.

Sect 11. This act shall not apply to an osteopathic phy-

2 sician 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 practic-
6 ing hypnotism, magnetic healing, mind cure, massage, Chris-
7 tian Science, or any other method of healing; provided such
8 clairvoyants and other persons do not violate any of the
9 provisions of the preceding section in relation to the use of
10 the word "Doctor," or the letters "Dr." when used in con-
11 nection with the words or letters "Osteopathy," "Osteopath,"
12 "Osteopathist," "D. O.," "D. Sc. O.," "Osteopathic Phy-
13 sician," "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 in-
3 consistent herewith.