

# MAINE STATE LEGISLATURE

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NEW DRAFT

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SEVENTY-SEVENTH LEGISLATURE

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SENATE

NO. 131

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*In Senate, Feb. 18, 1915.*

*Reported by Sen. Cole from Committee on Judiciary, and  
ordered printed under joint rules.*

*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 FIFTEEN

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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 chartered osteopathic college or university having the power to confer degrees in osteopathy, shall have been at the time

8 of their appointment actively engaged in the practice of their  
9 profession for a period of at least three years. One of said  
10 persons appointed as aforesaid shall be designated to hold  
11 office for five years, one for four years, one for three  
12 years, one for two years and one for one year. At the expi-  
13 ration of the term of service thus designated each appoint-  
14 ment thereafter shall be for the period of five years. Any  
15 vacancy in said board caused by death, resignation or for  
16 any other cause except completion of a full term of service  
17 shall be filled by the appointment of a person qualified as  
18 aforesaid to hold office during the unexpired term of the  
19 member whose place he fills. The person designated to hold  
20 office for one year shall be deemed chairman of the board  
21 for the purpose of designating the time and place for hold-  
22 ing the first meeting of the board for the purpose of organ-  
23 ization.

Sect. 2. Said board shall meet on the first Tuesday of Sep-  
2 tember of each year at such time and place as its chairman  
3 may designate for the purpose of organization. They shall  
4 elect one of their members as chairman for a term of one  
5 year, and one of their members as secretary and treasurer,  
6 to hold such office at the pleasure of the board; provided,  
7 however, that the first meeting for organization under the  
8 provisions of this act shall be within fourteen days after  
9 the appointment and confirmation of said board, and the offi-  
10 cers elected at the first meeting shall continue as such until  
11 the annual meeting of the board in the year 1916. The per-

12 son elected as secretary and treasurer shall give a bond to  
13 the treasurer of state in the penal sum of one thousand dol-  
14 lars with sureties to be approved by the governor and coun-  
15 cil for the faithful discharge of the duties of his office.  
16 Said board shall hold regular meetings at least twice in each  
17 year for the purpose of considering applications, examin-  
18 ing applicants and such other business as may properly  
19 come before the board, the time and place of such meetings  
20 to be determined by the board. Special meetings may be  
21 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 and  
29 the performance of its duties. The president and secretary  
30 shall be empowered to administer oaths in matters con-  
31 nected with the duties of said board. The records of said  
32 board shall include among other things a list of all appli-  
33 cants for certificates, giving the name and location of the  
34 institution granting a degree of doctor of osteopathy to  
35 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 but  
40 no certificate to practice osteopathy shall be granted except  
41 on an affirmative vote of at least three members of the  
42 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  
7 school, academy, state normal school, college or university,  
8 or otherwise satisfy the members of the board of sufficient  
9 prior academic education. The applicant shall also present  
10 a diploma granted by a legally chartered osteopathic college  
11 or university in good standing and having the power to  
12 confer degrees in osteopathy, which diploma shall show that  
13 it was granted on personal attendance of the applicant and  
14 completion of a course of not less than eight months in a  
15 year for four separate years. The applicant must also present  
16 a certificate of good moral character signed by some rep-  
17 utable resident of the State of Maine. The applicant shall  
18 also present such other reasonable and proper facts as the  
19 board in its blank application may require.

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

5 istry, bacteriology, toxicology, pathology, dietetics, diagno-  
6 sis, hygiene, obstetrics and gynecology, minor surgery, prin-  
7 ciples and practice of osteopathy. If such examination is  
8 passed in a manner satisfactory to the board, then the board  
9 shall issue to the said applicant a certificate granting him or  
10 her the right to practice osteopathy in the State of Maine;  
11 provided, 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 July 1, 1915, may, upon the payment to the secretary of a  
17 fee of ten dollars, be granted a certificate by the board to  
18 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 to  
24 said board and upon the payment of a fee of ten dollars, be  
25 entitled to registration if the application for such registra-  
26 tion is filed within ninety days after this act becomes effec-  
27 tive. 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  
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 certifi-  
3 cate shall be publicly displayed at the person's principal place  
4 of business so long as the said person shall continue to prac-  
5 tice osteopathy for gain or hire, shall entitle the person to  
6 whom granted the right to practice osteopathy in any county  
7 in this state, and shall confer upon such person all the rights  
8 and duties conferred by law upon medical practitioners, ex-  
9 cept the right to administer medicine internally, perform  
10 surgery and practice obstetrics. But such certificate shall  
11 not entitle the person receiving it to prefix the title "Doctor"  
12 or the letters "Dr.," or append the letters "M. D." to his  
13 name, or use the title of doctor or physician in any way,  
14 excepting that he may prefix the title "Doctor" or the letters  
15 "Dr." to his name when accompanied by the word "Oste-  
16 opathy." And provided further that nothing in this act  
17 shall be construed to discriminate against any particular  
18 school of medicine or surgery or any system or mode of  
19 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  
6 to 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," "Osteopathy,"  
9 "Osteopathist," "D. O.," "D. O.," "Osteopathic Physi-

10 cian," "Doctor of Osteopathy," or any other title or letters,  
11 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 provi-  
15 sions 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 re-  
2 turned to the applicant shall be paid monthly to the state  
3 treasurer. The compensation of members of the board shall  
4 be five dollars per day for each day actually spent in the  
5 discharge of their duty and in addition thereto they shall  
6 receive necessary traveling expenses. The secretary shall  
7 be allowed extra compensation for books, stationery, post-  
8 age and other necessary expenses authorized by the board  
9 and actually incurred. The compensation and expense of  
10 said board and its secretary and all other expenses proper  
11 and necessary in the opinion of said board to discharge its  
12 duties hereunder and to enforce the provisions of this act  
13 shall be paid out of said fund upon the warrant of the state  
14 auditor issued upon a requisition signed by the president  
15 and secretary of said board, provided, that the amounts so  
16 paid shall in no case exceed the total amount received for  
17 the current year by the treasurer of state from the board as  
18 fees, and so much of said receipts as may be necessary is



19 hereby appropriated for the compensation and expenses of  
20 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 person  
8 to whom a certificate has been issued by them, and after  
9 hearing, may by vote of four-fifths of the entire board re-  
10 voke 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 the  
13 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 it  
6 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 physician who is called from another state to treat a particular case and does not otherwise practice in this state, nor to prohibit gratuitous service or the rendering of assistance in emergency cases; nor to clairvoyants or persons practicing hypnotism, magnetic healing, mind cure, massage, Christian Science, or any other method of healing; provided such clairvoyants and other persons do not violate any of the provisions of the preceding section in relation to the use of the word "Doctor," or the letters "Dr." when used in connection with the words or letters "Osteopathy," "Osteopath," "Osteopathist," "D. O.," "D. Sc. O.," "Osteopathic Physician," "Doctor of Osteopathy."

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