

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 32

House of Representatives, Jan. 25, 1917.

Referred to Committee on Judiciary and two thousand copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Longley of Sidney.

STATE OF MAINE

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

AN ACT to regulate the practice of osteopathy, creating a board of examination 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 for
22 holding the first meeting of the board for the purpose of
23 organization.

Sect. 2. Said board shall meet on the second Tuesday of
2 June 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
10 officers elected at the first meeting shall continue as such
11 until the annual meeting of the board in the year 1918.

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 ing 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 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 the
35 applicant, and the fact shall be recorded whether the appli-
36 cant was granted or denied a certificate. Such record shall
37 be a public record and shall be prima facie evidence of all
38 matters recorded therein. Three members of the board shall

39 constitute a quorum for the transaction of business, but no
40 certificate to practice osteopathy shall be granted except on
41 an affirmative vote of at least three members of 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-five 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 and shall present a diploma from a high school, academy,
7 state normal school, college, or university, or otherwise sat-
8 isfy the members of the board of sufficient prior academic
9 education. The applicant shall also present a diploma grant-
10 ed by a legally characterized osteopathic college or university
11 in good standing and having the power to confer degrees in
12 osteopathy, which diploma shall show that it was granted
13 on personal attendance of the applicant and completion of
14 a course of not less than eight months in a year for four
15 separate years. Provided, however, that any person who
16 has been a practitioner of osteopathy in this state for a
17 period of three years next prior to January 1, 1917, shall,
18 upon exhibition of satisfactory proof thereof to said board
19 and upon the payment of a fee of twenty-five dollars, be
20 entitled to make application for such certificate if applica-
21 tion is filed within ninety days after this act becomes effect-
22 ive. All applicants must also present a certificate of good
23 moral character signed by some reputable resident of the
24 State of Maine, and such other reasonable and proper facts

25 as the board in its blank application may require.

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 subject of anatomy, physiology, chemistry, bacteriology, toxicology, pathology, dietetics, diagnosis, hygiene, obstetrics, and gynecology, minor surgery as hereinafter defined, 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, 1917, 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. The board may refuse to grant a certificate to any person convicted of a felony, or of gross unprofessional conduct, or who is addicted to any vice to such a degree as to render such person unfit to practice osteopathy, and may, after due notice and hearing, revoke a certificate already 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 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 and to per-
10 form major surgery.

Sect. 6. The license provided for in this act shall, in ad-
2 dition to what is authorized by section 5 of this act, entitle
3 the holder thereof to practice minor surgery. To use anæ-
4 thetics and antiseptics, and to use antidotes in emergency
5 cases of acute poisoning, but does not entitle him to pre-
6 scribe or administer drugs, serums, anti-toxins or vaccines
7 nor to perform such surgical operations as require cutting
8 with the use of general anæsthetics, and each person licensed
9 under this act, shall be designated in the license issued to
10 him as an osteopathic physician. Provided that nothing in
11 this act shall be so construed as to prohibit any legalized
12 osteopathic physician in this state from practicing major or
13 operative surgery after having passed a satisfactory exam-
14 ination in surgery before the State Board of Medical Ex-
15 aminers of the State of Maine. Provided that his license
16 under this act privileges him to such examination and pro-
17 viding that he meet all requirements as to length of service

18 in hospitals or other requirements which may be especially
19 demanded of applicants to practice surgery.

Sect. 7. Any person who shall practice, or pretend to
2 practice or use the science or system of osteopathy in treat-
3 ing diseases of the human body by fraud or misrepresenta-
4 tion, or any person who shall buy, sell or fraudulently ob-
5 tain any diploma, license, record, or registration to prac-
6 tice osteopathy, illegally obtained, or signed or issued un-
7 lawfully under fraudulent representations; or who shall use
8 any of the forms of letters, "Osteopathy," "Osteopath,"
9 "Osteopathist," "D. O.," "D. Sc.," "Osteopathic Physician,"
10 "Doctor of Osteopathy," or any other title or letters, either
11 alone or with other qualifying words or phrases, under such
12 circumstances as to induce the belief that the person who
13 uses such term or terms is engaged in the practice of oste-
14 opathy, without having complied with the provisions of this
15 act shall be deemed guilty of a misdemeanor, and, upon
16 conviction thereof, shall be fined not less than one hundred
17 dollars, nor more than five hundred dollars, for each offense,
18 or not less than three nor more than six months in the county
19 jail.

Sect. 8. 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 expenses authorized by the board and

7 actually incurred. The compensation and expense of said
8 board and its secretary and all other expenses proper and
9 necessary in the opinion of said board to discharge its duties
10 hereunder and to enforce the provisions of this act shall be
11 paid out of the state treasury after the approval of the state
12 auditor upon a requisition signed by the president and sec-
13 retary of said board, provided that the amounts so paid shall
14 in no case exceed the total amount received for the current
15 year by the treasurer of state from the board as fees, and
16 so much of said receipts as may be necessary is hereby
17 appropriated for the compensation and expenses of the board
18 aforesaid.

Sect. 9. 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 notice of the proper prosecuting officer. Said
6 board after conviction before a proper court for crime in
7 the course of professional business, of any person to whom
8 a certificate has been issued by them and after hearing, may
9 by a vote of four-fifths of the entire board revoke the cer-
10 tificate and cancel the registration of the person to whom
11 the same was issued. Said board may also suspend or re-
12 voke any certificate by a four-fifths vote of the entire board,
13 in any case where such certificate has been wrongfully ob-
14 tained or for any fraud connected with the said registration.

Sect. 10. 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. 11. 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 public
5 health, the same as physicians of schools of medicine.

Sect. 12. Definition of the Term Practising Osteopathy.

Every person shall be deemed practising osteopathy within
2 the meaning of this act who shall (2) Attend to, or use in
3 connection with his or her names the words "Doctor of
4 Osteopathy, or Diplomate in Osteopathy or Osteopathy or
5 Osteopathist, or Osteopathic Practitioner or Osteopathic
6 Physician," of words of like import, of any abbreviation
7 thereof or the letters "D. O.," or who shall, (b) Profess
8 publicly to, or who shall, either on his own behalf, in his
9 own name or in his trade name or in behalf of any other
10 person, corporation, or agent, treat, cure, alleviate, adjust
11 or relieve any ailment or disease of the body, or cure or
12 relieve any fracture or misplacement or abnormal condi-
13 tion or bodily injury or deformity, by any treatment or
14 manipulating or method of manipulating a human body or
15 any of its limbs, muscles or parts, by the use of the hands,
16 or mechanical appliances, in an effort or attempt to relieve

17 any pressure, obstruction, misplacement, or defect, in any
18 bone, muscle, ligament, nerve, vessel, organ or part of the
19 body after having received, or with the intent or expecta-
20 tion of receiving therefor either directly or indirectly any
21 bonus, gift or compensation whatsoever, provided, however,
22 that nothing in this section shall be construed to restrain
23 or restrict any legally licensed physician or surgeon in the
24 practice of his profession.

Sect. 13. 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.

Sect. 14. 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.