

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-EIGHTH LEGISLATURE

HOUSE

NO. 692

House of Representatives, March 24, 1917.

Tabled for printing by Mr. Allan of Portland.

W. R. ROIX, Clerk.

STATE OF MAINE

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

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 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

8 time of their appointment actively engaged in the practice
9 of their profession for a period of at least three years. One
10 of said persons appointed as aforesaid shall be designated to
11 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 ex-
13 piration 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 or-
23 ganization.

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
5 of one year, and one of their members as secretary and
6 treasurer, to hold such office at the pleasure of the board;
7 provided, however, that the first meeting for organization
8 under the provisions of this act shall be within fourteen
9 days after the appointment and confirmation of said board,
10 and the officers elected at the first meeting shall continue
11 as such until the annual meeting of the board in the year

12 1918. The person elected as secretary and treasurer shall
13 give a bond to the treasurer of state in the penal sum of
14 one thousand dollars with sureties to be approved by the
15 governor and council for the faithful discharge of the du-
16 ties of his office. Said board shall hold regular meetings
17 at least twice in each year for the purpose of considering
18 applications, examining applicants and such other business
19 as may properly come before the board, the time and place
20 of such meetings to be determined by the board. Special
21 meetings may be called at the pleasure of the president, and
22 in case of the death or inability of the president, the secre-
23 tary may call special meetings. Said board shall cause a
24 seal of suitable inscription to be procured and to be affixed
25 to such papers as may require such seal, shall keep a cor-
26 rect record of all its proceedings, and shall have power to
27 make such rules and regulations, not inconsistent with law,
28 as it may deem necessary for the successful enforcement
29 of its authority and the performance of its duties. The
30 president and secretary shall be empowered to administer
31 oaths in matters connected with the duties of said board.
32 The boards of said board shall include among other things a
33 list of all applicants for certificates, giving the name and lo-
34 cation of the institution granting a degree of doctor of osteo-
35 pathy to the applicant, and the fact shall be recorded whether
36 the applicant was granted or denied a certificate. Such rec-
37 ord shall be a public record and shall be prima facie evi-
38 dence of all matters recorded therein. Three members of the

39 board shall constitute a quorum for the transaction of bus-
40 iness but no certificate to practice osteopathy shall be grant-
41 ed except on an affirmative vote of at least three members
42 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 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 oth-
8 erwise 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 con-
12 fer 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 pre-
16 sent a certificate of good moral character signed by some
17 reputable resident of the State of Maine. The applicant
18 shall also present such other reasonable and proper facts
19 as the 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-

istry, bacteriology, toxicology, pathology, dietetics, diagnosis, hygiene, obstetrics and gynecology, 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 July 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. 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, 1917, 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 any person convicted of a felony, or of gross unprofessional conduct, or who is addicted to any vice to such 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 the said person shall continue
5 to practice osteopathy for gain or hire, shall entitle the per-
6 son 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 prac-
9 tioners, except the right to administer medicine internal-
10 ly, perform surgery and practice obstetrics. But such cer-
11 tificate shall not entitle the person receiving it to prefix the
12 title "Doctor" or the letters "Dr.," or append the letters
13 "M. D." to his name, or use the title of doctor or physician
14 in any way, excepting that he may prefix the title "Doctor"
15 or the letters "Dr." to his name when accompanied by the
16 word "Osteopathy." And provided further that nothing in
17 this act shall be construed to discriminate against any par-
18 ticular school of medicine or surgery or any system or mode
19 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 mis-
4 representation; 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 is-
7 sued unlawfully under fraudulent representations; or who
8 shall use any of the forms or letters, "Osteopathy," "Os-

9 teopath," "Osteopathist," "D. O.," "D. Sc. O.," "Osteo-
10 pathic 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 be-
13 lief 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, nor
19 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 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
18 as fees, and so much of said receipts as may be necessary
19 is hereby appropriated for the compensation and expenses
20 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 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
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 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 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 pro-
4 hibit gratuitous service or the rendering of assistance in
5 emergency cases; nor to clairvoyants or persons practicing
6 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
10 of the word "Doctor," or the letters, "Dr." when used in
11 connection with the words or letters "Osteopathy," "Oste-
12 opath," "Osteopathist," "D. O.," "D. Sc. O.," "Osteopathic
13 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 in-
3 consistent herewith.