

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 51

H. P. 126 House of Representatives, Jan. 22, 1931.

Referred to Committee on Public Health and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Goudy of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTY-ONE

AN ACT to Regulate the Practice of the System, Method or Science of Healing Known as Naturopathy, and to Create 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 become effective, the governor, by and with the advice and consent of the council, shall appoint three persons who shall constitute a Board of Naturopathic Examination and Registration, hereinafter called the "Board." Said persons so appointed shall be residents of this state, holding diplomas from a legally chartered and recognized Naturopathic school, college or university having power to confer degrees in Naturopathy and shall have been engaged in the practice of Naturopathy for at least three years prior to their appointment in the state of Maine. One of said persons appointed as aforesaid shall be designated to hold office for three years, one for two years, and one for one year. At the expiration of the term of service thus designated each appointed member shall serve for a period of three years. Any vacancy in said board caused by death, resignation or for any other cause except completion of a full term of service, shall be filled by a like appointment of a person qualified as aforesaid, to hold office during the unex-

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pired term of the member whose place he fills. The member appointed for one year shall be deemed a chairman for the purpose of designating the time and place of holding the first meeting of the board for the purpose of organization. Any member of said board may be removed from office for cause, by the governor with the advice and consent of the council.

Sect. 2. Said board shall meet on the first Tuesday of June in each year at such time and place as the chairman may designate, for the purpose of organization. They shall elect one of their members as chairman for the term of one year, and one of their members as secretary and treasurer to hold office at the pleasure of the board; provided, however, that the first meeting for organization under this act shall be within thirty days after the appointment and confirmation of said board and the officers elected at the first meeting shall continue as such until the annual meeting of the board in the year nineteen hundred and thirty-two. The person elected as secretary and treasurer may be required to give bond in the penal sum of one thousand dollars (\$1,000.00) with sureties to be approved by the board for the faithful discharge of the duties of said office. Said board shall hold regular meetings twice in each year for the purpose of considering applications, examining applicants and such other business as may properly come before the board, the time and place of such meeting to be determined by the board. Special meetings may be called at the pleasure of the chairman, or in case of death or inability of the chairman, the secretary may call special meetings. The board shall cause a suitable seal to be procured and be affixed to such documents as may require such seal. The chairman and secretary shall be empowered to administer oaths in matters connected with the duties of said board. The records of the said board shall include, among other things, a record of moneys received and disbursed by said board, also a list of all applicants for certificates, giving the name and location of the institution granting a degree of Naturopathy to the applicant, and the fact shall be recorded whether the applicant was granted or denied a certificate. Such records, or duplicates thereof, shall always be open to inspection in the office of the secretary of state during regular office hours, and shall be prima facie evidence of all matters recorded therein. Two members of the board shall constitute a quorum for the trans-

action of business, and no certificate to practice Naturopathy shall be granted except on an affirmative vote of at least two members of the board.

Sect. 3. Any person before engaging in the practice of Naturopathy in this state, shall make application for a certificate to practice Naturopathy to the Board of Naturopathic Examination and Registration on a form prescribed by said board. Such application shall be filed with the secretary of said board at least fourteen days before the date of examination, together with a deposit of twenty-five dollars (\$25.00), which deposit shall be returned to the applicant in case the application is rejected. Each applicant must be at least twenty-one (21) years of age and shall present a diploma from a high school, academy, state normal school, college or university, or otherwise satisfy the members of the board of a sufficient prior academic education. The applicant shall also present a diploma granted by a legally chartered and recognized Naturopathic school, college or university having the power to confer degrees in Naturopathy, which diploma was granted on personal attendance of the applicant, and completion of a course of not less than four years of nine months each. All applicants shall present a certificate of good moral character, which certificate shall be signed by at least two reputable residents of the state of Maine, and also shall present such other reasonable and proper facts as the board may require.

Sect. 4. All applicants shall take an examination, either written, or oral or both as the board shall prescribe, on the following subjects: anatomy, physiology, histology, psychology, chemistry, hygiene, public health, dietetics, pathology, bacteriology, toxicology, bio-chemistry, iris-analysis, sanitation, mechanotherapy, electrotherapy, physiotherapy, hydrotherapy, principles and practice of Naturopathy and such other subjects as the board may prescribe.

Sect. 5. Each naturopathic physician engaged in practice within this state January 1, 1931, who is a graduate of a chartered school, college or university entitled to grant degrees in naturopathy, and shall have been engaged in actual practice at least one year prior to January 1, 1931, shall be granted a license without examination, upon passing a suitable examination as the board may prescribe to determine the fitness of

the applicant's moral standing and character, provided application for such license shall be made within sixty days after the passage of this act and such application shall be accompanied by a fee of ten dollars (\$10.00).

Sect. 6. All applicants for examination for a certificate to practice Naturopathy in this state shall attain a grade of at least seventy-five (75) per cent in each subject, and if any applicant fails to attain a grade of at least seventy-five (75) per cent in each subject, he or she shall not be entitled to a certificate. The applicant shall be given credit for all subjects passed and shall be allowed to take examinations in the subjects in which he or she failed to attain the required percentage at any subsequent examination held by the board, upon payment of a fee to be determined by the board which shall in no case exceed the original fee provided in section three of this act. The board may refuse to grant a certificate to a person convicted of a felony, or who has been guilty of grossly unprofessional conduct or who is addicted to any vice to such a degree as to render such person unfit to practice Naturopathy, or where there is reasonable grounds to believe that the applicant's diploma was fraudulently or irregularly obtained, and may after due notice and hearing revoke a certificate already issued, for like cause.

Sect. 7. When the board shall have granted to a person a certificate as herein provided, such certificate shall designate the holder as a Doctor of Naturopathy and shall be publicly displayed at the person's principal place of business so long as such person shall continue to practice Naturopathy for gain or hire. Such certificate shall entitle the person to whom it is granted the right to practice Naturopathy in all its branches in any county in this state, as taught and practiced by recognized schools and colleges of Naturopathy, but it shall not entitle the holder to administer poisonous drugs, nor practice obstetrics so far as the same relates to parturition, nor to perform surgical operations with instruments except as already provided by statute. Any person to whom a certificate has been granted under this act may prefix the title "Doctor" or the letters "Dr." or append the letters "N. D." to his or her name when accompanied by the word "Naturopath" or other words which shall clearly designate the person as a Doctor of Naturopathy.

Sect. 8. Nothing in this act shall be construed to restrict or restrain any legally licensed physician, surgeon, dentist, osteopath or chiropractor in the practice of his or her profession, nor shall this act apply to any commissioned medical officer in the United States army or navy or public health service in the performance of his duties as such, nor to masseurs, dieticians and hydrotherapists in their particular sphere of labor and who publicly represent themselves as such, nor to Christian Scientists or any other cult or sect which practices healing by prayer or spiritual means, nor to prohibit gratuitous service or the rendering of assistance in emergency cases, providing such masseurs, dieticians, hydrotherapists and others do not violate any of the preceding section regarding the use of the word "Naturopath" or the letters "N. D." or otherwise hold themselves out as Naturopathic practitioners.

Sect. 9. Naturopathic practitioners licensed to practice Naturopathy under the laws of any other state, may upon submitting to the Naturopathic Board of Examination and Registration of this state the license or certificate which admits them to practice Naturopathy in any other state, together with an affidavit of good moral character, be issued a license to practice Naturopathy in this state without examination, upon the payment of a fee of twenty-five dollars (\$25.00), provided the state in which such person is licensed to practice Naturopathy shall also grant a like privilege to persons licensed to practice Naturopathy in this state.

Sect. 10. Any person who shall practice or attempt to practice or to use the science or system of Naturopathy in treating diseases of the human body, or who shall buy, sell or fraudulently obtain any diploma, license or registration to practice Naturopathy, or who shall aid or abet in such selling or fraudulently obtaining, or who shall practice Naturopathy under cover of any diploma, license or registration to practice Naturopathy illegally obtained or signed or issued unlawfully or under fraudulent intentions, or who after having been convicted of a felony shall practice Naturopathy, or who shall use the word "Naturopath," "Naturopathic Practitioner," "Doctor of Naturopathy," or the letters "N. D." or any other title or letters either alone or with qualifying words or phrases under such circumstances as to induce the belief that the person using such term or terms is engaged in the practice of Naturo-

pathy, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00), nor more than three hundred dollars (\$300.00) or be imprisoned in the county jail not less than thirty days nor more than one year, or shall suffer both said fine and imprisonment. Provided that nothing in this act shall be construed to prohibit any legally qualified Naturopathic physician in any other state, meeting a registered Naturopathic physician in this state for consultation, and provided further, that this section shall not apply to the class of persons mentioned in section five hereof until sixty (60) days after the passage of this act, the time allowed within which they may secure the required certificate.

Sect. 11. The compensation of the members of the board shall be ten dollars (\$10.00) per day for each day actually spent in the discharge of their duties, and in addition thereto they shall receive necessary traveling expenses. The secretary shall receive extra compensation for postage, stationery and other expenses authorized by the board and actually incurred. The compensation of said board and the secretary, and all other expenses proper and necessary in the opinion of said board to discharge the duties hereinunder, and to enforce the provisions of this act, shall be paid out of the state treasury from the funds received from said board, upon a requisition signed by the chairman and secretary of said board.

Sect. 12. The board, its members, or agents shall investigate all complaints and all cases of non-compliance with or violations of the provisions of this act, and shall bring all such cases to the notice of the proper prosecuting officer. Said board, after a conviction in 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 a vote of two-thirds of the entire board, revoke the certificate and cancel the registration of such person to whom the same was issued. Said board may also revoke or suspend any certificate by a two-thirds vote of the entire board in any case where the said certificate has been wrongfully obtained or for any fraud connected with such registration.

Sect. 13. Said board shall convene annually between the first and fifteenth days of January, make a full and complete

account of its official acts during the preceding year, also a statement of its receipts and disbursements and such other statements as may be deemed essential.

Sect. 14. All laws, rules and regulations now in force in this state or which shall hereafter be enacted for the purpose of regulating the reporting of contagious diseases and deaths to the proper authorities and to which the registered practitioners of medicine are subject, shall apply equally to the practitioners of Naturopathy, and they shall observe and be subject to all such state, county and municipal laws and regulations relating to the public health.

Sect. 15. For the purpose of this act, the practice of Naturopathy shall be held to mean the practice of hydrotherapy, electrotherapy, physiotherapy, heliotherapy, pneumotherapy, somatherapy, bio-chemistry, neurotherapy, iris-analysis, mechanotherapy, articular manipulations, massage, phototherapy, corrective and orthopedic gymnastics, chromotherapy, phagotherapy, histolotherapy, dietetics and external applications. Naturopathy is hereby declared not to be the practice of medicine, major surgery, osteopathy or chiropractic, Christian Science or other religious healing sciences or faiths.

Sect. 16. All acts and parts of acts conflicting with the provisions of this act are hereby repealed in so far as they are inconsistent herewith.