

MAINE STATE LEGISLATURE

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NEW DRAFT

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 746

H. P. 1467

House of Representatives, Feb. 24, 1933.

Reported by Mr. Bennett from Committee on Public Health and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

New Draft of H. P. 1148, L. D. 598.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT to Provide for the Regulation of the Practice of Podiatry and for the Examination and Licensing of Podiatrists.

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

Sec. 1. Definitions. The practice of podiatry is defined as the external treatment of the structure of the human foot by medical, mechanical, or surgical means, without the use of anaesthetics other than such local anaesthetics as are recognized to have no immediate, cumulative, poisonous, harmful or systematic action. A podiatrist is defined as one who administers any such aforesaid treatment to the human foot.

Sec. 2. Unlawful to practice unless licensed; exemptions. After the 1st day of November, 1933, except as herein otherwise provided, it shall be unlawful for any person to practice or attempt to practice podiatry, or to hold himself out as a podiatrist unless he shall first have obtained a license to practice podiatry as provided in this act. The provisions of this act shall not apply to licensed physicians or surgeons, or to practitioners of osteopathy, or to commissioned medical or surgical officers of the United States army, navy, marine hospital, or public health service, nor to the sale of foot appliances in commercial establishments.

Sec. 3. Examiners of podiatrists provided for. The members of the board of registration of medicine together with one podiatrist who shall be

appointed by the governor, with the advice and consent of the council, shall act as examiners of podiatrists. The podiatrist appointed by the governor, as herein provided, shall be appointed for a term of 4 years, and shall, at the time of his or her appointment, have been actively engaged in the practice of podiatry for a period of at least 2 years.

Sec. 4. Examination; requirements. Except as otherwise provided in this act, any person, before engaging in the practice of podiatry shall be examined as to his qualifications. Each applicant shall, at least 10 days before the date of his examination, present to the secretary of the board of registration of medicine an application for a license to practice podiatry on a form prescribed by the examiners of podiatrists and containing satisfactory proof that said applicant is at least 21 years of age, of good moral character, and is a graduate of a school of podiatry which requires for graduation a course of study of at least 2 years of not less than 8 months each and which is approved by said examiners of podiatrists. The applicant shall then be required to pass an examination in the subjects of anatomy, chemistry, dermatology, diagnosis, materia medica, pathology, physiology, surgery and clinical and orthopedic podiatry, limited in scope so as to cover only the requirements for the practice of podiatry as in this act defined. Examinations of applicants for a license to practice podiatry shall be held at the same times and places as examinations of applicants for registration as physicians and surgeons are held.

Sec. 5. Podiatrists practicing prior to this act. All persons who have been actively engaged in the practice of podiatry in this state for at least 2 years immediately prior to the taking effect of this act, upon making application to the secretary of the board of registration of medicine and upon furnishing satisfactory evidence of such prior practice and upon the payment of the required fee, shall be entitled, without examination, to a license to practice podiatry. All such applications must be filed with the secretary of the board of registration of medicine on or before the 1st day of January, 1934.

Sec. 6. Podiatrists licensed by other states. Any podiatrist of good moral character licensed to practice podiatry in a state maintaining a standard equal to that maintained by this state may, upon making application to the secretary of the board of registration of medicine, be licensed to practice podiatry in this state without examination, upon payment of the required fee and the presentation of satisfactory evidence of good moral character and of his license to practice podiatry in such other state; provided, that such other state extends the same privilege to persons licensed to practice podiatry in this state.

Sec. 7. Fees; re-examination. Every applicant for an examination for

a license to practice podiatry shall, at the time of filing his application, pay to the secretary of the board of registration of medicine a fee of \$25. In case the application is denied and examination refused, said fee shall be returned to the applicant. Any applicant who fails to pass an examination shall be entitled to a re-examination within 6 months upon the payment of an additional fee of \$10; but only 2 such re-examinations shall be permitted. Podiatrists having practiced in this state prior to this act and licensed to practice without examination shall pay a fee of \$15. Podiatrists having been licensed in another state and licensed to practice in this state without examination shall pay a fee of \$50. Every person licensed to practice podiatry must pay annually a renewal license fee of \$5. If such renewal fee is not paid within 3 months after the date of notification by the secretary that such fee is due, the license of the person so failing to pay shall be suspended or revoked and shall be re-issued only by a majority vote of the examiners of podiatrists and upon payment of a fee of \$10.

Sec. 8. Meetings; officers. The examiners of podiatrists shall hold regular meetings, 1 in March, 1 in July and 1 in November, upon the same dates and at the same places as are held the regular meetings of the board of registration of medicine, and such additional meetings at such times and places as the said examiners may determine. The chairman of the board of registration of medicine shall act as chairman of the examiners of podiatrists. The secretary of the board of registration of medicine shall act as secretary of the examiners of podiatrists and shall keep a record of the proceedings of said examiners, which record shall include, among other things, a record of all money received and disbursed, a list of all applicants for licenses to practice podiatry and the fact of whether the applicant was granted or denied a license. Said records, or duplicates thereof, shall be filed in the office of the secretary of state and shall always be open to inspection during regular office hours. Four members of the examiners of podiatrists shall constitute a quorum for the transaction of business, but no license to practice podiatry shall be granted except upon the affirmative vote of 4 members of said examiners.

Sec. 9. Certificates publicly displayed. Every applicant who shall satisfactorily meet the requirements for license to practice podiatry, as herein provided, shall be granted a certificate under the seal of the board of registration of medicine signed by the chairman and secretary, which certificate shall entitle the person to whom it is granted to practice podiatry anywhere in this state. Every such certificate shall be conspicuously displayed at the place of practice of such person; and every renewal certificate for the current year shall be displayed in connection with the

original certificate. Persons licensed to practice podiatry, as herein provided, shall not use the title "Doctor", or the letters "Dr." as a prefix.

Sec. 10. Disposition of fees. All money received by the secretary of the board of registration of medicine from applicants for a license to practice podiatry, and for the renewal of licenses, shall be paid monthly to the treasurer of state and shall be held in a special fund to be known as the "podiatrist fund" and shall be used for carrying out the provisions of this act. The secretary of the board of registration of medicine, who, as herein provided, shall act as secretary of the examiners of podiatrists, and the podiatrist appointed by the governor, as herein provided, shall each receive \$5 for every day actually spent in the performance of the duties imposed upon them by the provisions of this act, and in addition thereto necessary traveling and hotel expenses actually incurred, said compensation and necessary expenses to be paid from the treasury of state upon a requisition signed by the chairman and secretary of the examiners of podiatrists and after approval by the state comptroller; provided, that the amounts so paid shall in no case exceed the amount held by the treasurer of state in the special fund known as the "podiatrist fund."

Sec. 11. Suspension or revocation of license. Any license to practice podiatry may be suspended or revoked by the examiners of podiatrists when the licensee has been convicted of an act involving moral turpitude; and may be suspended or revoked when, after a hearing by the said examiners, of which the licensee shall have had notice at least 10 days before the date of such hearing, it shall be found by the vote of at least 5 members of said examiners that the licensee used fraud in procuring his license or has used untruthful or improbable statements to patients or in advertisements; or, by unanimous vote, that the licensee is incompetent to practice podiatry; but the said examiners may, after a lapse of 6 months, at their discretion, re-issue a license which has been suspended or revoked.

Sec. 12. Annual report. The examiners of podiatrists shall, on or before the 1st day of July in each year, make a report to the governor containing a full and complete account of their official acts during the preceding year and a statement of their receipts and disbursements.

Sec. 13. Penalties. Any person violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than \$200 or by imprisonment for not more than 3 months, or by both such fine and imprisonment.