

HOUSE No. 1394

By Mr. Cappucci of Boston (by request), petition of Enrico Cappucci and J. Oliver Sartwell for the establishment of a board of examination and registration in osteopathy. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Five.

AN ACT ESTABLISHING A BOARD OF EXAMINATION AND REGISTRATION IN OSTEOPATHY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter thirteen of the General
2 Laws is hereby amended by inserting after section
3 twelve, as appearing in the Tercentenary Edition,
4 the following new section: —

5 *Section 12A.* There shall be a state board of
6 osteopathic examination and registration, consisting
7 of five members appointed by the governor, who
8 shall be residents of this commonwealth, graduates
9 of some reputable osteopathic college, who shall
10 have been for five years actively employed in the
11 practice of osteopathy. Their term of office shall be
12 so designated by the governor that the term of one
13 member shall expire each year. Thereafter one
14 member thereof shall in like manner be appointed
15 annually in June by the governor, with the advice

16 and consent of the council, for a term of five years
17 from the first day of July following. A vacancy
18 occurring from any other cause shall be filled by the
19 governor for the unexpired term in the same manner
20 as above stated.

21 The board shall, within thirty days after its ap-
22 pointment by the governor, meet and organize by
23 electing a chairman and a secretary, each to serve
24 for one year. Thereafter the election of said officers
25 shall occur annually at the regular meeting in July.
26 The secretary shall give a bond to the treasurer and
27 receiver general in the penal sum of one thousand
28 dollars, with sufficient sureties to be approved by
29 the governor and council, for the faithful performance
30 of his duties.

31 Said board shall hold regular meetings on the
32 of March, July and November of each
33 year, and additional meetings at such time and
34 place as it may determine.

1 SECTION 2. Chapter one hundred and twelve of
2 the General Laws is hereby amended by inserting
3 after section two A, as so appearing, the following
4 new sections: —

5 *Section 2B.* Applications for registration as osteo-
6 paths shall be made upon blanks to be furnished by
7 the board, and shall be signed and sworn to by the
8 applicants. Each applicant for registration shall
9 furnish satisfactory proof that he is twenty-one
10 years of age or over, of good moral character, has
11 completed a regular high school course or its equiva-
12 lent and one year of college work and if qualified
13 he shall be registered as a qualified osteopath and
14 shall receive a certificate thereof signed by the
15 chairman and secretary. An applicant who fails to

16 pass an examination satisfactory to the board, and
17 is therefore refused registration, shall be entitled
18 within one year after such refusal to a re-examina-
19 tion at a meeting called for the examination of
20 applicants, without the payment of additional fees;
21 but two such re-examinations shall exhaust his
22 privilege under his original application. Said board,
23 after hearing, may by unanimous vote revoke any
24 certificate issued by it and cancel the registration
25 of any osteopath who has been convicted of a felony
26 or of any crime in the practice of his profession.

27 *Section 2C.* All fees received by the board shall,
28 once in each month, be paid by its secretary into the
29 treasury of the commonwealth. The compensation
30 and expenses of the members and officers of said
31 board, and all expenses necessary in the opinion of
32 said board, for the proper discharge of their duties,
33 and for the enforcement of the law, shall be paid out
34 of such fund, upon the warrant of the chairman and
35 secretary of said board, and no expense shall be
36 created to exceed the income of fees and fines as
37 herein provided. The salaries shall be fixed by the
38 board, but shall not exceed ten dollars per day per
39 member, and railroad and hotel expenses for the
40 time actually in attendance at such meeting.

41 *Section 2D.* The board shall keep a record of the
42 names of all persons registered hereunder, and of all
43 money received and disbursed by it, and a duplicate
44 thereof shall be open to inspection in the office of
45 the secretary of the commonwealth. Said board
46 shall annually, on or before the first of January,
47 make a report to the governor of the condition of
48 osteopathy in this commonwealth, of all its official
49 acts during the preceding year, and of its receipts
50 and disbursements.

51 *Section 2E.* Examinations shall be wholly or in
52 part in writing in the English language, and shall
53 be of a scientific and practical character. They shall
54 include the subjects of anatomy, physiology, physio-
55 logical chemistry, toxicology, pathology, diagnosis,
56 hygiene, obstetrics and gynaecology, surgery, princi-
57 ples and practice of osteopathy, with restrictions, in
58 major surgery and abnormal obstetrics, and such
59 other subjects as the board may require, and shall be
60 sufficiently thorough to test the applicant's fitness
61 to practice osteopathy.

62 *Section 2F.* Any person who is a graduate of a
63 reputable school or college of osteopathy, and who
64 is in the active practice of osteopathy on the effec-
65 tive date of this section, may, upon the payment
66 of a fee of five dollars, be granted a certificate by
67 the board to practice osteopathy in this common-
68 wealth without examination, if application for such
69 certificate is filed within ninety days after the passage
70 of this act.

71 *Section 2G.* Osteopaths shall observe and be sub-
72 ject to all state and municipal regulations relating
73 to the control of contagious diseases; the reporting
74 and certifying of births and deaths; and all matters
75 pertaining to public health, the same as physicians
76 or other schools of practice, and such reports shall
77 be accepted by the officers or departments to whom
78 the same are made.

79 *Section 2H.* Any person who, not being lawfully
80 authorized to practice osteopathy within this com-
81 monwealth and registered as aforesaid, holds himself
82 out as a practitioner of osteopathy, or practices or
83 pretends or attempts to practice osteopathy, or who
84 ever practices osteopathy under an assumed name

85 or under a name other than that by which he is
86 registered, or whoever personates another practi-
87 tioner of a like or different name, or whoever procures
88 a certificate of registration under fraudulent repre-
89 sentation; or who shall use any of the forms or
90 letters, "Osteopathy", "Osteopath", "Osteop-
91 athist", "Diplomate in Osteopathy", "D.O.",
92 "D.SC.O.", "Osteopathic Physician", "Doctor of
93 Osteopathy", or any other title or letters, either alone
94 or in combination with other qualifying words or
95 phrases, under such circumstances as to induce the
96 belief that the person who uses such term or terms
97 is engaged in the practice of osteopathy, without
98 having complied with the provisions of two C to
99 two H, shall for each offence upon conviction thereof,
100 be fined not less than one hundred nor more than
101 five hundred dollars, or by imprisonment for not
102 less than three months nor more than six months,
103 or by both such fine and imprisonment. In a case
104 in which a provision of this section has been violated,
105 the person who committed the violation shall not
106 recover compensation for services rendered.

1 SECTION 3. Within thirty days after this act
2 shall take effect the governor, by and with the advice
3 and consent of the council, shall appoint five persons
4 qualified as required by section one of this act who
5 shall be the board of registration in osteopathy. One
6 of said persons appointed as aforesaid shall be desig-
7 nated to hold office for five years, one for four years,
8 one for three years, one for two years, and one for
9 one year. At the expiration of the terms thus re-
10 spectively designated each appointment thereafter
11 shall be for a term of five years.

1 SECTION 4. The provisions of this act shall not
2 apply to an osteopath from another state who is a
3 legal practitioner in the state in which he resides,
4 when in actual consultation with a legal practitioner
5 of this commonwealth; to an osteopath residing in
6 another state and legally qualified to practice therein
7 whose general practice extends into the border towns
8 of this commonwealth, if such practitioner does not
9 open an office or designate a place in such towns
10 where he may meet patients or receive calls; or to
11 an osteopath authorized to practice osteopathy in
12 another state, when he is called to attend a person
13 temporarily abiding in this commonwealth.

