

Accompanying the twenty-seventh recommendation of the Executive Office of Consumer Affairs and Business Regulation (House, No. 42). Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO THE BOARD OF REGISTRATION IN MEDICINE.

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. Section 1 of chapter 30 of the General Laws, as
2 appearing in the 1986 Official Edition, is hereby amended by
3 inserting after the word "registration", in line 6, the words: — the
4 board of registration in medicine.

1 SECTION 2. Section 5 of chapter 112 of the General Laws,
2 as amended by section 4 of chapter 579 of the acts of 1987, is
3 hereby further amended by inserting after the fifth paragraph the
4 following paragraph: —

5 The board shall not defer action upon any charge before it until
6 the conviction of the person accused, nor shall the pendency of
7 any charge before the board act as a continuance or ground for
8 delay in a criminal action. The supreme judicial court, upon
9 petition of a person whose certificate of registration has been
10 suspended, revoked or cancelled or who otherwise has been
11 disciplined may enter a decree revising or reversing the decision
12 of the board, in accordance with the standards for review provided
13 in paragraph (7) of section fourteen of chapter thirty A; but prior
14 to the entry of such decree no order shall be made or entered by
15 the court to stay or supersede any suspension, revocation or
16 cancellation of any such certificate or registration, or other
17 discipline imposed by the Board. Whoever continues to practice
18 medicine after his certificate of registration authorizing him so to
19 do has been suspended, revoked or cancelled under authority of

20 this section, and while such disability continues, shall be punished
21 by a fine of not more than ten thousand dollars or by
22 imprisonment for not more than six months, or both.

1 SECTION 3. Said section 5 of said Chapter 112 is hereby
2 further amended by inserting after the sixth paragraph the
3 following paragraph: —

4 Except as otherwise provided in this chapter, the board shall
5 not make any rule or regulation prohibiting the advertising or
6 dissemination of truthful information concerning the price, nature
7 and availability of goods and services to consumers, the effect of
8 which would restrain trade or lessen competition.

1 SECTION 4. Chapter 112 of the General Laws is hereby
2 amended by striking out section 7, as so appearing, and inserting
3 in place thereof the following section: —

4 Section 7. Sections two to six, inclusive, and section eight shall
5 not be held to discriminate against any particular school or system
6 of medicine, to prohibit medical or surgical service in a case of
7 emergency, or to prohibit the domestic administration of family
8 remedies. They shall not apply to a professional nurse with
9 appropriate education in the practice of the profession as defined
10 by section eighty B; to an assistant in medicine registered as
11 provided in section nine A, while engaged in the practice of
12 medicine as authorized by said section; to a physician or surgeon
13 resident in another state who is a legal practitioner of this
14 commonwealth; to a physician authorized to practice medicine in
15 another state, when he is called as the family physician to attend
16 a person temporarily abiding in this commonwealth; nor to
17 registered pharmacists in prescribing gratuitously, clairvoyants or
18 persons practicing hypnotism, magnetic healing, mind cure,
19 massage, Christian science or cosmopathic method of healing, if
20 they do not violate any provisions of the preceding section.
21 Sections two and eight shall not apply to an intern or medical
22 officer registered as provided in section nine, while engaged in the
23 practice of medicine as authorized by said section.

1 SECTION 5. Nothing herein shall be construed to limit the
2 grounds upon which the board may base discipline of a physician.