

SENATE No. 165.

To accompany the petition of Francis A. Cave and others for legislation to establish a State board of examination and registration in Osteopathy. Public Health.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Six.

AN ACT

To regulate the Practice of Osteopathy, and to create a Board of Examination and Registration for the Regulation of the Same.

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. There shall be a state board of osteo-
2 pathic examination and registration, consisting of
3 five members, appointed by the governor in the fol-
4 lowing manner, to wit:—

5 Within thirty days after this act goes into effect,
6 the governor shall appoint five persons, residents
7 of this Commonwealth, graduates of some reputable
8 college of osteopathy, who shall have been for at
9 least five years actively employed in the practice

10 of osteopathy. Their term of office shall be so desig-
11 nated by the governor that the term of one member
12 shall expire each year. Thereafter one member
13 thereof shall in like manner be appointed annually
14 in June by the governor, with the advice and con-
15 sent of the council, for a term of five years from the
16 first day of July following. A vacancy occurring
17 from any other cause shall be filled by the governor
18 for the unexpired term in the same manner as first
19 above stated.

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

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

1 SECTION 2. Applications for registration shall be
2 made upon blanks to be furnished by the board, and
3 shall be signed and sworn to by the applicants.
4 Each applicant for registration shall furnish satis-
5 factory proof that he is twenty-one years of age or
6 over and of good moral character, and upon pay-
7 ment of a fee of twenty dollars, shall be examined
8 by said board.

9 The examinations shall be wholly or in part in

10 writing in the English language, and shall be of a
11 scientific and practical character, and sufficiently
12 thorough to test the applicant's fitness to practise
13 osteopathy.

14 If he is found by three or more members of the
15 board to be qualified, he shall be registered as a
16 qualified osteopath, and shall receive a certificate
17 thereof signed by the chairman and secretary. An
18 applicant who fails to pass an examination satis-
19 factory to the board, and is therefore refused regis-
20 tration, shall be entitled within one year after such
21 refusal to a re-examination at a meeting called for
22 the examination of applicants, without the payment
23 of additional fees, but two such re-examinations
24 shall exhaust his privilege under his original ap-
25 plication. Said board, after hearing, may by unan-
26 imous vote revoke any certificate issued by it and
27 cancel the registration of any osteopath who has
28 been convicted of a felony or of any crime in the
29 practice of his profession.

1 SECTION 3. All fees received by the board shall,
2 once in each month, be paid by its secretary into the
3 treasury of the Commonwealth. The compensation
4 and expenses of the members and officers of said
5 board, and all expenses necessary in the opinion of
6 said board for the proper discharge of their duties,
7 and for the enforcement of the law, shall be paid
8 out of such fund, upon the warrant of the chairman
9 and secretary of said board, but no expense shall be
10 created to exceed the income of fees and fines as
11 herein provided.

12 The salaries shall be fixed by the board, but shall
13 not exceed ten dollars per day per member, and

14 railroad and hotel expenses, for the time actually
15 spent in attending to his duties.

1 SECTION 4. The board shall keep a record of the
2 names of all persons registered hereunder, and of
3 all money received and disbursed by it, and a dupli-
4 cate thereof shall be open to inspection in the office
5 of the secretary of the Commonwealth. Said board
6 shall annually, on or before the first day of Janu-
7 ary, make a report to the governor of the condition
8 of osteopathy in this Commonwealth, of all its offi-
9 cial acts during the preceding year, and of its re-
10 ceipts and disbursements.

1 SECTION 5. Osteopaths shall observe and be sub-
2 ject to all state and municipal regulations relating to
3 the control of contagious diseases, and all matters
4 pertaining to public health, and such reports shall
5 be accepted by the officers or departments to whom
6 the same are made.

1 SECTION 6. Any person who has been engaged in
2 the active practice of osteopathy in this Common-
3 wealth for the six months immediately prior to the
4 passage of this act, shall, upon the payment of a
5 fee of five dollars, be granted a certificate by the
6 board to practise osteopathy in this Commonwealth
7 without examination, if application for such cer-
8 tificate is filed within ninety days after the passage
9 of this act.

1 SECTION 7. Any person who passes the examina-
2 tion provided for in this act shall have the right to
3 sign birth and death certificates, and such reports
4 shall be accepted by the officers or departments to
5 whom the same are made.

1 SECTION 8. Any person who, not being lawfully
2 authorized to practise osteopathy within this Com-
3 monwealth and registered as aforesaid, holds him-
4 self out as a practitioner of osteopathy, or whoever
5 practises osteopathy under an assumed name or un-
6 der a name other than that by which he is regis-
7 tered, or whoever personates another practitioner of
8 a like or different name, or whoever procures a cer-
9 tificate of registration under fraudulent representa-
10 tion, or who shall use any of the forms or letters,
11 "Osteopathy," "Osteopath," "Osteopathist,"
12 "Diplomate in Osteopathy," "D.O.," "D.Sc.O.,"
13 "Doctor of Osteopathy," or any other title or let-
14 ters, either alone or in combination with other qual-
15 ifying words or phrases, under such circumstances
16 as to induce the belief that the person who uses
17 such term or terms is a qualified osteopath or en-
18 gaged in the practice of osteopathy, without hav-
19 ing complied with the provisions of this act, shall
20 for each offence, upon conviction thereof, be fined
21 not less than one hundred dollars nor more than
22 five hundred dollars, or by imprisonment for not
23 less than three months nor more than six months,
24 or by both such fine and imprisonment.

25 In a case in which a provision of this section has
26 been violated, the person who committed the viola-
27 tion shall not recover compensation for services
28 rendered.

1 SECTION 9. 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 practi-
5 tioner of this Commonwealth; to an osteopath re-

6 siding in another state and legally qualified to prac-
7 tise therein whose general practice extends into the
8 border towns of this Commonwealth, if such practi-
9 tioner does not open an office or designate a place
10 in such towns where he may meet patients or re-
11 ceive calls; or to an osteopath authorized to prac-
12 tise osteopathy in another state, when he is called
13 to attend a person temporarily abiding in this Com-
14 monwealth.

1 SECTION 10. Section nine of chapter seventy-six
2 of the Revised Laws is hereby amended by striking
3 out the word "Osteopathists," in line eighteen
4 thereof.

1 SECTION 11. This act shall take effect upon its
2 passage.