

Chapter 681

Osteopaths

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681.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Abortion" means the expulsion of the foetus at a period of uterogestation so early that it has not acquired the power of sustaining an independent life. It shall be conclusively presumed for the purpose of this chapter that the foetus has not acquired such power earlier than 150 days after gestation, and a disputable presumption of lack of such power shall arise if the expulsion takes place earlier than 240 days after gestation.

(2) "Board" means the Board of Medical Examiners of the State of Oregon.

(3) "Fraud or misrepresentation" means:

(a) The intentional misrepresentation or misstatement of a material fact.

(b) Concealment of or failure to make known any material fact.

(c) Any other means by which misinformation or a false impression is knowingly given.

(4) "Manifestly incurable condition of sickness, disease or injury" means one that is declared so incurable by competent osteopathic physicians and surgeons.

(5) "Unprofessional or dishonorable conduct" means conduct unbecoming a person licensed to practice osteopathy and surgery or detrimental to the best interests of the public. [Amended by 1953 c.183 §4]

681.020 Licensing of osteopaths. The holder of a certificate issued under this chapter shall be entitled to use the words "Osteopathic Physician and Surgeon" to designate his profession, and hereby is authorized to issue any certificate which is authorized or required from any physician or surgeon under the laws of this state, and shall be privileged to use anesthetics and antiseptics.

681.030 Persons and practices not affected. This chapter shall not be construed to interfere with or prevent the practice of or use of massage, Swedish movement, physical culture, neuropathy, chiropractic, naturopathy, or other natural methods requiring the use of the hand or hands, or the practice of osteopathy and surgery by a duly appointed member of the resident staff, or by an intern while actually serving as such, in any legally incorporated osteopathic hospital in this state approved for such practice by the American Osteopathic Association.

681.040 Qualifications of applicants for examination. (1) Any person holding a diploma from an established school of osteopathy, recognized as of good standing by the Oregon Osteopathic Association, and wherein the course of study comprises at least four years of eight months each, shall, upon application and the presentation of such diploma to the State Board of Medical Examiners and satisfying the board that he is the legal holder thereof, be granted by the board an examination in anatomy, physiology, chemistry, surgery, bacteriology, histology, pathology, gynecology, obstetrics, theory and practice of osteopathy and diagnosis.

(2) All applicants who graduate after July 1, 1949, shall present evidence of having completed an internship of at least one year in a legally incorporated osteopathic hospital which is approved for internship by the American Osteopathic Association.

681.050 Examination fees. The fee for the examination, which shall accompany the application, shall be no less than \$25 upon the first application to take an examination to practice and no less than \$10 for any subsequent application. The fee shall be paid to the treasurer of the board and used by the board as are the other fees received by it.

681.060 Conduct of examination; issuance of certificates. (1) Except as otherwise provided in this chapter, the examination shall be conducted in the same manner as is prescribed by law for other examinations by the board.

(2) After examination, if the same is satisfactory, the board shall grant a license to the applicant to practice osteopathy and the science of healing as taught in the branches and embraced in the subjects covered by the examination in the State of Oregon, which license can only be granted by the consent of at least four members of the board, except as provided in this chapter, and the license shall be signed by the president and secretary of the board and attested by the seal thereof.

681.070 Certificate from national board in lieu of state examination. The board may, at its discretion, accept a certificate of successful examination issued by the National Board of Examiners of Osteopathic Physicians and Surgeons in lieu of its own examination.

681.080 [Repealed by 1953 c.183 §4]

681.090 Reciprocity. In all cases where an applicant for a license under this chapter produces and delivers to the board a certificate from another board of medical examiners appointed under the laws of any state of the United States, which state recognizes licenses from this state, certifying to the fact that the person presenting the certificate is duly and well qualified to practice osteopathy and the science of healing as taught in the branches and embraced in the subjects covered by the examination in the state issuing the certificate, and the board issuing the certificate has subjected the applicant to a thorough examination to ascertain these facts, such applicant may, at the discretion of the examining board, upon the payment of a fee of no less than \$100, and otherwise complying with the requirements of the laws of this state, receive from the board a license to the same effect and in the same form as if the examination of the applicant was had in this state, and shall thereupon be legally qualified to practice osteopathy and the science of healing as taught in the branches and embraced in the subjects covered by the examination. All applicants who graduate after July 1, 1949, shall present evidence of having completed an internship of at least one year in a legally incorporated osteopathic hospital which is approved for internship by the American Osteopathic Association.

681.095 Filing copy of license with county clerk; furnishing secretary of board with lists of licenses filed; clerk of court to notify secretary when licentiate convicted of a crime. (1) Each person receiving a license to practice osteopathy and surgery in this state shall file it or a copy thereof with the county clerk in the county where he resides. The county clerk shall file the license or copy thereof, and enter a memorandum thereof, giving the date of the license, the name of the person to whom it is issued and the date of such filing, in a book to be provided and kept for that purpose.

(2) The county clerk shall also, on or before February 1 of each year, furnish to the secretary of the State Board of Medical Examiners a list of all licenses filed in his office during the preceding year, and upon notice to him of the change of location or death of a person so licensed, or of the suspension or revocation of the license granted

to such person, the county clerk shall enter at the appropriate place in the record kept by him in memorandum of such facts, so that the record kept by the county clerk corresponds with the records of the board as kept by the secretary.

(3) In case a person so licensed moves into another county of this state, he shall procure from the county clerk a certified copy of his license and file it with the county clerk in the county to which he removes. The county clerk shall file and enter the same with like effect as if it were the original license, and report the same to the secretary of the State Board of Medical Examiners in the same manner.

(4) The absence of such record of any license claimed to be held by any person shall be prima facie evidence that no such license has been issued.

(5) The county clerk of any county shall upon request of the secretary of the State Board of Medical Examiners furnish a complete list of all such licenses on file in his office.

(6) In case any licentiate is convicted of a crime, the clerk of the court in which such conviction shall be had shall send to the secretary of the State Board of Medical Examiners a certified copy of such judgment. [1953 c.45 §2]

681.100 Annual registration certificate.

(1) Every osteopathic physician and surgeon now or hereafter licensed to practice in this state shall apply for annual registration, and register annually with the board and shall pay to the board the same annual registration fee as is provided in ORS 677.150, for persons licensed to practice medicine and surgery.

(2) The application shall be made upon a blank form, which form shall be mailed to such persons by the secretary of the board not later than October 15 of each year.

(3) In the application the applicant shall state his full name, his business and residence addresses, the date and number of his license and such other facts for the identification of the applicant and his license as the board deems necessary.

(4) The application for annual registration shall be filed with the secretary of the board on or before December 1 of each year and shall be accompanied with the annual registration fee.

(5) For good and sufficient reason the board may waive the payment of the annual registration fee for a reasonable time.

(6) On or before January 1 of each year the secretary of the board shall mail to the persons who have complied with this section a certificate of annual registration, which shall remain in effect no longer than December 31 of such year.

(7) Every osteopathic physician and surgeon shall display the certificate or receipt in some conspicuous place in his office. [Amended by 1953 c.46 §3]

681.110 Failure to procure annual certificate of registration. (1) Any osteopathic physician and surgeon licensed to practice in this state who fails or neglects to comply with ORS 681.100 regarding annual registration shall be notified by the secretary of the board of his delinquency. If such person fails or neglects to apply for registration and accompany his application with the required registration fees and any penalties provided for by this chapter within 30 days after notice of such delinquency mailed by the secretary of the board to his last known address, the license of such person shall automatically be revoked.

(2) In addition to any other penalties provided for by law, the board or the secretary of the board may require that a delinquent licensee pay a penalty, not to exceed \$1 for each day he is delinquent, before issuing an annual registration certificate.

(3) All moneys received by the secretary from fees or penalties shall be disbursed by him in carrying out and maintaining the provisions of this chapter and of ORS chapter 677, except as otherwise provided by law, and the board may collect such fees or penalties by law.

681.120 Duty of practitioner on changing location; effect of absence from state.

(1) Any registered osteopathic physician and surgeon who changes his location during the period between any two annual registration dates shall, before practicing in his new location, notify the secretary of the board of the change in his location.

(2) Any osteopathic physician and surgeon who desires to begin to practice in this state subsequent to January 1 in any year shall, before beginning such practice, register and pay the annual registration fee for that year as provided in ORS 681.100.

(3) If any licensed osteopathic physician and surgeon changes his residence to some

other state or country and later resumes his residence in Oregon, his absence from the state shall not affect the validity of his license or registration if he notifies the board of his change of residence during his absence from the state and, except for the time served in the United States Armed Forces, pays an inactive registration fee of \$5 per annum during such absence. Before resuming practice in this state, he shall notify the board of his intention to resume active practice and obtain a certificate of annual registration for the year he returns less the inactive registration fee previously paid for that year. No person is entitled to resume active practice in this state if, in the judgment of the board, the practitioner's conduct has been such, during his absence, that he would be denied a license if applying for an initial license to practice osteopathy and surgery in this state. [Amended by 1953 c.46 §3]

681.130 Publication of registry list. On or before March 1 of each year the secretary of the board shall cause to be published a list of persons to whom certificates of annual registration have been issued. The list shall be arranged alphabetically, and also by cities and towns. The names which are added to the registry list after it has been printed and distributed shall be reported quarterly to any person upon request.

681.140 Grounds for denial or revocation of licenses. (1) The board may refuse to grant a license to any person or may suspend or revoke a license for any of the following reasons:

(a) Unprofessional or dishonorable conduct.

(b) The procuring or aiding or abetting in procuring an abortion unless such is done for the relief of a woman whose health appears in peril because of her pregnant condition and after due consultation with another duly licensed osteopathic or medical physician and surgeon who is not an associate or relative of the osteopathic physician and surgeon, and who agrees that an abortion is necessary. The record of this consultation shall be in writing and shall be maintained in the hospital where the consultation occurred or in the offices of all the physicians and surgeons participating in the consultation for a period of at least three years after the date of the abortion.

(c) The employing of what are popularly known as "cappers" or "steerers."

(d) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be permanently cured.

(e) The obtaining of any fee through fraud or misrepresentation.

(f) The wilful betraying of a professional secret.

(g) Conviction of any offense for which the punishment may be incarceration in a state penitentiary or in a federal prison. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, is conclusive evidence.

(h) Habitual or excessive use of intoxicating liquor, or narcotic drugs.

(i) Mental illness as evidenced by an adjudication or by voluntary commitment to an institution for treatment of mental illnesses or as determined by an examination conducted by three impartial psychiatrists retained by the board.

(j) Fraud or misrepresentation in applying for or procuring a license to practice in this state, or in connection with applying for or procuring an annual registration.

(k) Making false or misleading statements regarding his skill or the efficacy or value of his medicine, treatment or remedy in the treatment of any disease or other abnormal condition of the human body or mind.

(L) Advertising in any manner, either in his own name or under the name of another person, or clinic, or concern, actual or pretended, in any newspaper, pamphlet, circular or other written or printed paper or document, professional superiority to or greater skill than that possessed by fellow osteopathic physicians and surgeons, the restoration of "lost manhood," the treatment of private diseases peculiar to men or women, or the advertising or holding himself out to the public in any manner as a specialist in the diseases of the sexual organs or the diseases caused by sexual weakness, self-abuse or excessive indulgence.

(m) Advertising or holding oneself out to treat diseases or other abnormal conditions of the human body by any secret formula, medicine, method, treatment or procedure.

(n) The use of any advertising in which untruthful, improper, misleading or deceptive statements are made.

(o) The advertising of any medicines or any means whereby the monthly periods of

women can be regulated, or the menses re-established if suppressed.

(p) The impersonation of another licensed practitioner or permitting or allowing any person to use his certificate in the practice of any system or mode of treating the sick or afflicted.

(q) Aiding or abetting the practice of any of the healing arts by an unlicensed person or persons, or aiding or abetting any person who has a license to practice any of the healing arts to employ any method of diagnosis or treatment not within the scope of his license.

(r) The use of his name under the designation "Doctor" or "Dr." or "D.O." or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise.

(2) After the revocation of a license the holder thereof shall not practice osteopathy or obstetrics in the state. [Amended by 1953 c.183 §4]

681.150 Appeal from order of denial or revocation. In case of the refusal or revocation of a license by the board under this chapter, the applicant whose application is refused or the licentiate whose license is revoked shall have the same right of appeal as is by ORS 677.210 conferred under similar instances on other applicants and licentiates.

681.160 Appointment of osteopath to Board of Medical Examiners. The Governor shall appoint one person who is a reputable practitioner of osteopathy, selected from a number of not less than three who are recommended by the State Osteopathic Association, who shall be a member of the State Board of Medical Examiners and shall qualify in the same manner as other members of the board. His term of office is five years and he shall hold office until his successor is duly appointed and qualified.

681.170 Unlawful practices. No person shall:

(1) Present to the Board of Medical Examiners a fraudulent or false diploma, or one of which he is not the rightful owner, for the purpose of procuring a license under this chapter.

(2) File or attempt to file with the clerk of any county in the state the license of another as his own.

(3) Falsely personate anyone to whom a license has been granted by the board.

(4) Practice osteopathy or obstetrics in the state without having first obtained the license required by this chapter.

(5) Continue to practice osteopathy or obstetrics after the revocation of his license.

681.990 Penalties. (1) Any practicing osteopathic physician and surgeon required by this chapter to procure a certificate of

annual registration who fails to procure such certificate within 90 days after the date he is required by this chapter to obtain the certificate is guilty of a misdemeanor.

(2) Violation of ORS 681.170 is punishable, upon conviction, by a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail not less than 10 days nor more than 90 days, or by both.

