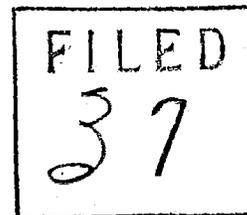


CHIROPODY: In Re: Qualifications for taking chiropraxy examinations given by State Board of Chiropraxy.

October 10, 1946



Dr. L. A. Hansen, D. S. C.
Secretary, Missouri State Board of Chiropraxy
702 Shukert Building
Kansas City, Missouri

Dear Sir:

This will acknowledge receipt of your letter requesting an official opinion which reads:

"The State Board of Chiropraxy wishes for you to give an opinion on the following question:

"At an official meeting of the State Board of Chiropraxy which was held at Jefferson City, Mo. on September 15, 1946, Dr. Wm. W. Potter appeared before the Board asking if he could take the chiropraxy examination at the next Board meeting.

"Dr. Potter was graduated at the Illinois College of Chiropraxy in 1938. His course consisted of three years. He took the Kansas Board in 1938 and practiced in Kansas until April of 1942 when he entered the Navy and was discharged in April 1946 with a rank of Senior Lieutenant. In the summer of 1945, he took the examination in North Carolina. The State of Kansas does not have a reciprocity law and North Carolina refuses to reciprocate with Missouri. At the time that Dr. Potter was graduated, the law in Missouri required only two years, of chiropraxy college. The State Board of Chiropraxy wishes to give the examination to Dr. Potter, but we hesitate to give it to him inasmuch as the law now states four years.

"I shall appreciate your opinion upon this matter."

The only question involved is whether or not Dr. Potter possesses the necessary qualifications to take the examination given by the State Board of Chiropractic.

Section 9798 of Senate Bill No. 433, which became effective July 1, 1946, and which is incorporated in the Missouri Revised Statutes Annotated as Section 9798, provides for the necessary qualifications for applicants in order to take the chiropractic examination given by the State Board of Chiropractic, and in part, reads:

"Qualifications--educational requirements--
fee--examination--certificate--admission
without examination

"Any person desiring to practice chiropractic in this state, shall furnish the State Board of Chiropractic with satisfactory proof that he or she is twenty-one years of age or over, and of good moral character, and a citizen of the United States, and that he or she has received at least four years of high school training, or the equivalent thereof, as determined by the board, and has received a diploma or certificate of graduation from a reputable school of chiropractic conferring the degree of D. S. C. (doctor of surgical chiropractic) and recognized and approved by the State Board of Chiropractic, having a minimum requirement of three scholastic years and one year in an accredited college, or four years in a recognized and reputable chiropractic college. Upon payment of a fee of thirty-five dollars (\$35.00) to the Director of Revenue, and making satisfactory proof as aforesaid, the applicant shall be examined by the State Board of Chiropractic, or a committee thereof, under such rules and regulations as said board may determine, and if found qualified, shall be licensed to practice chiropractic and registered, and shall receive in testimony thereof a certificate signed by the president and secretary of the board:* * * *"

An examination of the above section discloses that there are five qualifications that the applicant must possess in order to

take the examination:

1. He must be at least twenty-one years of age.
2. He must be of good moral character.
3. He must be a citizen of the United States.
4. He must have had four years of high school or the equivalent thereof.
5. He must have received a diploma or a certificate of graduation from a reputable school of chiropody conferring the degree of doctor of surgical chiropody and recognized and approved by the State Board of Chiropody having a minimum requirement of three scholastic years and one year in an accredited college, or four years in a recognized and reputable chiropody college.

It is the fifth qualification with which we are primarily concerned in the case at hand as we assume that the applicant possesses the other four qualifications. After a careful study we are of the opinion that the fifth qualification actually includes two qualifications or requirements in the alternative, and the possession of either, by the applicant, would be sufficient. We construe the fifth qualification to mean that if the applicant has received a diploma or certificate of graduation from a reputable school of chiropody, which is recognized and approved by the Board and which confers the degree of doctor of surgical chiropody and has a minimum requirement of three scholastic years and one year of college, it would be sufficient, or, if the applicant has received four years of study and training in a recognized and reputable chiropody college it would be sufficient. The use of the word "or" after the word "college" and before the word "four" is as a disjunctive and serves to separate one requirement from the other, thus denoting an alternative and if the applicant possessed either requirement contained in the fifth qualification it would suffice.

In the case of *Dodd v. Independence Stove and Furnace Co.*, 330 Mo. 662, 51 S. W.(2d) 114, the following was said regarding the use of the word "or", at S. W.(2d) 118:

"* * * * While the word 'or' may sometimes be so used, its ordinary use is as a disjunctive 'that marks an alternative generally corresponding to "either," as "either this or that." * * * *"

In the case at hand you state that the applicant was graduated from the Illinois College of Chiropody and that his course consisted of three years. This indicates that the Illinois College of Chiropody required at least three scholastic years to finish the course in chiropody. It is also probable that that school required a certain amount of academic college study before students could be admitted to study chiropody. If it required at least one year of college work in an accredited college before a person could be admitted to study chiropody it would fulfill the statutory minimum requirement of three scholastic years and one year in an accredited college as set forth in the fifth qualification of Section 9798, supra.

CONCLUSION

It is, therefore, the opinion of this department that if Dr. Potter has received a diploma or certificate of graduation from a school of chiropody conferring the degree of doctor of surgical chiropody which is registered and approved by the Board and which had a minimum requirement of at least three scholastic years and one year in an accredited college, he would be eligible to take the examination, provided he possesses the other qualification set forth in Section 9798 of Senate Bill No. 433, Missouri Revised Statutes, Annotated.

Respectfully submitted,

APPROVED:

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RFT:mw