

**CHIROPRACTIC:**

Right to revoke licenses by the State Board

1/24  
December 29, 1938



Mr. Jerome F. Fontana  
Secretary of Mo. State Board of Chiropractic Examiners  
St. Louis, Missouri

Dear Sir:

We acknowledge your request for an opinion dated December 20, 1938, together with the photostatic copy of certificate:

"We would appreciate it very much if you will render this Board an opinion in regard to the following:

We have information in our office to the fact that in 1934 two certificates in Electro-Therapy, a copy of which I am enclosing, were issued to two licensed chiropractors in this State by a Chiropractic College that is chartered by the State of Missouri, recognized by this Board, without these chiropractors attending the classes in Electro-Therapy. Further, I wish to advise that the certificates were not honorary. One of these certificates that was issued is hanging in a chiropractors office at the present time.

What we wish to know is, what action can this Board take against the College as well as the chiropractor."

We are returning herewith, the photostatic copy of certificate which you submitted. Section 13549 R. S. Mo. 1929 provides in part:

" \* \* \* \* \* Any person desiring to procure a license authorizing him or her to practice chiropractic in this state shall make application therefor to the board on a form prescribed thereby, giving his or her name, sex, age, which shall not be less than 21 years, name of school or college of which he or she is a graduate, and shall furnish the board satisfactory evidence of preliminary education as required in this chapter, and of good moral character, and that he or she is a graduate of a chiropractic school or college teaching chiropractic in accordance with the requirements of this chapter, which shall be determined by the board, together with such other information as the board may require, and which application shall be sworn to before some officer authorized to administer oaths. Any applicant who applies for examination to procure a license to practice chiropractic, and who has matriculated in a chiropractic school or college after the passage of this chapter, furnish satisfactory evidence of their preliminary educational qualifications, to-wit: a certificate of graduation from an accredited high school or its equivalent. Their chiropractic course shall cover a period of not less than three years of nine months each, and requiring actual attendance of not less than 2045 hours and which shall be construed as the maximum requirements for qualifications to practice chiropractic under this chapter. There shall be paid to said board, by each applicant, a fee of \$25.00, \$15.00 of which shall accompany the application, and the balance of \$10.00 shall be paid upon the issuance of a license. Any person failing to pass such examination may be re-examined within one year from the time of such failure without additional fee. The board shall subject all applicants to an examination in the following subjects: anatomy, physiology, symptomatology, hygiene and sanitation, chiropractic orthopedy

pathology, principles of chiropractic chiropractic analysis, and practical application of their knowledge and skill in chiropractic adjusting and nerve tracing. \* \* \* \* \*

Provided further, that students who are matriculated in a properly recognized chiropractic school or college on October 1, 1926, and who have had two years high school or its equivalent at that time, shall be admitted to examination upon qualifying with three years of six months each actual attendance in such school or college."

\* \* \* \* \*

Section 13553 R. S. Mo., 1929 provides:

"It shall be the duty of the board of chiropractic examiners to carefully investigate all charges of immoral or illegal actions of anyone to whom a license to practice chiropractic in this state has been issued. Upon complaint being made to the board it shall investigate and if it seems probable cause exists for the complaint, shall furnish a copy of the complaint to the accused by registered mail, together with a notice of the time and place for the hearing of same, which shall not be less than thirty days after depositing of said communication in the United States mail. The accused shall have an opportunity to be heard to answer such charges in person, or by attorney, and if upon such hearing it shall be proven beyond a reasonable doubt to the board, that the accused is guilty of such immoral or illegal action, or is addicted, or has been addicted, during a period of the past six months to the use of narcotics, drugs, or intoxicating liquors, or in any way guilty of deception or fraud in the practice of chiropractic, or of shielding anyone in immoral practices, criminal or illegal actions, or is guilty of any criminal or illegal actions, the board shall revoke his license.

CONCLUSION

Pursuant to Section 13549, supra, we are of the opinion that the State Chiropractic Board must recognize certain Chiropractic Schools as accredited, only so long as said schools comply with the statutory prescribed course of study and said board may refuse to recognize any chiropractic school for failure to comply with the statutory prescribed course of study.

The fact that a recognized Chiropractic School gives a certificate to students who complete "a course in Electro-Therapy under the direction of the members of the faculty", is not prohibited by Missouri Statutes. Electro-Therapy is not a statutory prescribed course of Chiropractic study, but may be made a required subject of study by rule of the board, before the board will issue its license to practice chiropractic. On the other hand, there is nothing the board can do about prohibiting any Chiropractic College from issuing the certificate complained about, since the recognized Chiropractic College does not certify that the certificate holder attended classes in Electro-Therapy, but certifies only that the holder has "completed a course in Electro-Therapy under the direction of the members of the faculty", and by such a special certificate it shows on its face that classroom attendance is not represented, and nothing on the face of the certificate shows it to be a misrepresentation of any fact.

As to the holding and displaying of such a certificate making a licensed Chiropractic liable to license revocation, it all depends upon whether such conduct be immoral. False representation by word or by conduct, which are acted upon as true by the public to the damage and detriment of the public are bound to be immoral. We are of the opinion that a licensed Chiropractic, who holds and displays such a certificate on Electro-Therapy, is not, by such ownership and display without other misrepresentations of fact, guilty of immoral conduct subjecting himself to be cited for license revocation, under the provisions of Section 13553, supra.

Respectfully submitted,

WM. ORR SAWYERS  
Assistant Attorney General

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COVELL R. HEWITT  
(Acting) Attorney General