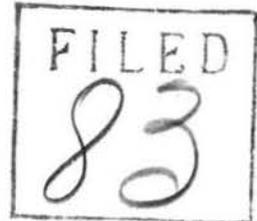


BARBER BOARD: Physical and mental examination of barbers to be conducted by licensed physician under direction of State Board of Health.

December 20, 1939

Skaggs

State Board of Barber Examiners
208 N. Broadway
St. Louis, Missouri



Gentlemen:

This will acknowledge receipt of your inquiry of December 19th, which reads as follows:

"During the 1939 session of the State Legislature there was an amendment passed to the Barbers' License Law which requires that all barbers must be examined each year by a licensed physician duly designated by the State Board of Health to ascertain the fact that he is free from infectious and contagious disease and not afflicted with any physical or mental ailment which would render him unfit to practice the occupation of barbering.

"We would therefore appreciate an opinion as to which is the proper agency to conduct and supervise such examinations, the State Board of Health or the State Board of Barbers' Examiners."

Section 13523, page 250, Laws of 1939, after providing for the creation of a board of examiners and prescribing their duties, provides as follows:

"Each barber to whom a certificate of registration is issued must be examined at least once a year and as often thereafter as the board may deem necessary, by a licensed physician duly designated by the state board of health to make such examinations, to ascertain the

December 20, 1939

fact that such barber is free from infectious or contagious diseases, and is not afflicted with any physical or mental ailment which would render him unfit to practice the occupation of barbering. * * *

It will be seen from the foregoing portion of the statute in question that a physician designated by the State Board of Health is the one to make the examination. Just what type of examination such physician would make in order to determine the fact that such barber is free from infectious or contagious diseases, and is not afflicted with any physical or mental ailment which would render him unfit to practice the occupation of barbering, would of necessity have to be determined by the examining physician under directions of the State Board of Health. In other words, the conduct of the examination is necessarily a matter for the examining physician. The examining physician could make a report as to what, if any, diseases or ailments the person being examined was afflicted with. The manner in which the physician determines this would of necessity be a matter peculiar to his profession, and therefore the conduct of the examination would of necessity be governed by the physician and the State Board of Health.

CONCLUSION

It is, therefore, the opinion of this office that the State Board of Health is the proper agency to conduct the physical and mental examination required of registered barbers under the terms of Section 13523, page 250, Laws of 1939.

Respectfully submitted

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APPROVED:

W. J. BURKE
(Acting) Attorney General

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