

CHIROPODISTS: : lady
 PHYSICIANS & SURGEONS: : The license of a/chiropracist may not
 LICENSES: : be revoked for having two entries in
 : the classified section of a telephone
 : directory; one entry under her former
 : surname referring to the second entry
 : listed under her present surname.



April 28, 1955

Honorable L. A. Hansen, D.S.C.
 Secretary
 Missouri State Board of Chiroprody
 800 Professional Building
 Kansas City, Missouri

Dear Dr. Hansen:

You have requested of this office an opinion regarding possible revocation of the license of one Dr. Rosemary Ralstum to practice chiroprody in Missouri. We understand the factual situation to be as below recited. Dr. Ralstum was licensed, while a single person, to practice under her maiden name of Ralstum. She subsequently married a chiropracist named Moore, and they practiced together, both using the name Moore. The Moore's some time later severed their matrimonial and professional ties, the former by divorce and the latter by the removal of Dr. Rosemary's office to another location. Dr. Rosemary resumed her maiden name of Ralstum. In the chiropracists' section of the St. Louis classified telephone directory, Dr. Rosemary is listed in the "M's" as "Moore Rosemary - See Ralstum Rosemary 2718 Sutton-MIsssn 7-2005", and is listed in the "R's" as "Ralstum Rosemary Block South 7400 Manchester 2718 Sutton - Missn 7-2005". This type of listing appeared in the 1954 and 1955 edition of the telephone directory. In May, 1954, Dr. Ralstum was called before the State Board of Chiroprody and admonished to drop one of the listings in subsequent editions of the directory. Pursuant to an agreement made at that meeting, Dr. Ralstum executed the following:

"I, Rosemary Moore, do now state that my listing in the St. Louis County Telephone Directory for only 1955, shall be as follows:

Ralstum, Rosemary formerly Moore
 1 block south 7400 Manchester
 2718 Sutton Ave. Mi 7-2005

unless the law changes or I find it does not work satisfactory.

Honorable L. A. Hansen, D.S.C.:

This will be the only listing in the 1955 Telephone Books.

I also agree that in the 1956 Telephone Books of St. Louis and St. Louis Counties that I will drop the words, 'formerly Moore.'

You inquire whether Dr. Ralstum's license may be revoked by authority of Section 330.160, RSMo Cum. Supp. 1953, which provides that a chiropractor's license may be revoked or suspended upon "His practicing, or attempting to practice, under a name other than his own."

It does not to us, from the facts presented, seem that Dr. Ralstum is practicing under a name other than her own. The entries in the telephone directory clearly indicate that her name is Ralstum, and the Moore entry clearly indicates that the person formerly bearing the name Rosemary Moore now bears the name Rosemary Ralstum. According to the case of Berry vs. Alderson, 59 Cal. App. 729, 211 Pac. 836, statutes such as this were "designed to offer a much wider protection to the public by assuring to it a reasonably certainty of knowing in every case, precisely with whom it was dealing, the importance of the relation of physician and patient, and the very serious consequences which might follow improper, unskillful, or negligent treatment, rendering such openness and candor particularly desirable. * * *."

The public will not be deceived by the directory entries. They will know the name of the physician with whom they deal. The public knows that the surnames of women are subject to change by reason of marriage, divorce, and possible remarriage, and that such changes often occur. The deprivation of license to practice the profession for which one has spent many years in preparation is a serious affair which should not be undertaken unless there is clear violation of the statutory prohibitions. There does not appear to us to be such violation in this situation, and we are constrained to the opinion that an action of revocation would not lie.

CONCLUSION

In the premises, it is the opinion of this office that

Honorable L. A. Hansen, D.S.C.:

the license of a lady chiroprapist may not be revoked for having two entries in the classified section of a telephone directory; one entry under her former surname referring to the second entry listed under her present surname.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Paul McGhee.

Yours very truly,

JOHN M. DALTON
Attorney General

PMcG:irk