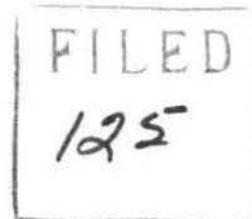


March 10, 1970

LETTER OPINION NO. 125
Answered by B. J. Jones

Honorable F. L. Brenton
Representative - District 107
806 East Washington Boulevard
Cuba, Missouri 65453



Dear Mr. Brenton:

This is to acknowledge receipt of your request for an opinion from this office in regard to the constitutionality of a provision in House Bill 85 enacted at the regular session of the Seventy-Fifth General Assembly relating to the requirement that a chiropractor must pay to the State Board of Chiropractic Examiners an annual fee of ten dollars and furnish to the Board satisfactory evidence that he has attended a two day educational program as approved by the Board, in order to obtain a renewal of his license.

Subsection 2 of Section 331.050, as set forth in House Bill 85, of the Seventy-Fifth General Assembly, provides that all persons once licensed to practice chiropractic in this state shall pay on or before June 30 of each year, to the State Board of Chiropractic Examiners, an annual renewal license fee of ten dollars and shall furnish to the Board satisfactory evidence that he has attended a two day educational program as approved by the Board.

It is settled that the state under its police power has the right to regulate any business, occupation, trade or calling in order to protect the public health, morals, and welfare, subject to the restrictions of reasonable classification. 33 Am.Jur. Licenses, Section 17 (p. 336). In this connection, the legislature has power to require a license or certificate for the practice of medicine, surgery, dentistry, or other healing art. 70 C.J.S., Physicians and Surgeons, Section 6 (p. 826). Statutes have also been held valid which require practitioners of specified

Honorable F. L. Brenton -

branches of the healing arts to pay a fee for the annual renewal of their licenses; and to complete specified educational work during each year as a prerequisite or condition to the right to practice their profession or to have their licenses renewed, provided that such statutes either fix the standard of the educational work required or delegate to a Board the authority to set a required standard. 70 C.J.S., Physicians and Surgeons, Section 20, (p. 913).

In the case of State ex rel Week, et al. vs. Wisconsin State Board of Examiners, 20 N.W.2d 187, the Wisconsin Supreme Court held that a statute requiring chiropractors to annually attend one day of a two day educational program conducted by the Wisconsin Chiropractic Association in order to obtain renewal of their licenses was unconstitutional in that such delegation by the legislature did not fix any standard for the program to be offered nor did it delegate to the Board the authority to approve the standard to be offered. The court; however, stated at page 189:

"Respondents argue the legislature has the right to decide whether advancements in their profession require those engaged in its practice to attend educational programs in order to continue practicing. To this we agree. If the legislature had provided that any chiropractor desiring to have his annual license renewed must attend an educational program approved by the State Board of Examiners in Chiropractic we would have no difficulty with it, or if the legislature had adopted a standard which the program must meet it could well be argued this would be sufficient."

It should be noted that subsection 2 of Section 331.050 as set forth in House Bill 85 specifically provides that the two day educational program shall be approved by the State Board of Chiropractic Examiners. The Court in the Week case, supra, further stated that the fact that a person is once licensed does not create a vested property right in the licensee as advancements in the trade or profession may require additional conditions to be complied with if the general welfare of the public is to be protected.

For the above reasons, it is our view that subsection 2 of Section 331.050, as set forth in House Bill 85, requiring a chiropractor to pay to the State Board of Chiropractic Examiners an annual license fee of ten dollars and furnish to the Board satisfactory evidence that he has attended a two day educational program as approved by the Board, in order to obtain a renewal of his license, is not unconstitutional.

Very truly yours,

JOHN C. DANFORTH
Attorney General