



JOHN C. DANFORTH
ATTORNEY GENERAL

OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

November 7, 1973

OPINION LETTER NO. 233

Mr. John A. Hailey
Executive Secretary
State Board of Registration
for the Healing Arts
Post Office Box 4
Jefferson City, Missouri 65101

Dear Mr. Hailey:

This is in response to your request for an opinion of this office on the following question:

"May the State Board of Registration for the Healing Arts employ an attorney and pay said attorney from funds appropriated to the Board by the General Assembly."

Your opinion request indicates that the Board presently retains counsel and has done so for eight years.

We believe that under Section 334.230, RSMo, the Board has been authorized by the legislature to employ private counsel. That section provides in part as follows:

"If it appears upon complaint to the board by any person, or it is known to the board that any person is violating any of the provisions of this chapter, the board, by its own proper counsel, or the prosecuting attorney of the proper county, or the attorney general may investigate and may, in addition to any other remedies, bring action in the name of and on behalf of the state of Missouri at the relation of the board against any such person to enjoin him from such violation. . . ."

Mr. John A. Hailey

Not only does the above statutory section authorize the State Board to bring action on behalf of the state of Missouri to enjoin individuals from violating the provisions of Chapter 334 but, in addition, it is indicated that the Board may do so "by its own proper counsel" as well as by the prosecuting attorney or by the Attorney General.

Therefore, it is the opinion of this office, that the State Board of Registration of the Healing Arts may employ an attorney pursuant to Section 334.230, RSMo.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General