

CHIROPRACTORS:

When the State Board of Chiropractic Examiners revokes the license of a chiropractor for illegal actions or practices it does open the way for a branch of the state government, i.e. the prosecuting attorney of the county in which the chiropractor resides, to file criminal charges against the aforesaid chiropractor.

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FILED 35

Mr. Vernon H. Grogan, D. C.
Treasurer, State Board of Chiropractic
Examiners
413a Court Street
Fulton, Missouri

Dear Sir:

This office is in receipt of your recent request for an official opinion upon the following matter:

"Does the state board of chiropractic examiners open the way for any branch of the state government to file charges, find guilty and imprison when the license of a chiropractor is revoked for illegal actions or practices?"

In reference to this matter we would direct your attention to the following sections of the Laws of Missouri relating to the practice of chiropractics found in the Missouri Revised Statutes Annotated, 1939:

Section 10058.

"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 deems 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 the 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.

Section 10059.

"The board shall have power to determine all matters herein placed within its jurisdiction and its determination shall be final and conclusive, except that such determination may be reviewed by the circuit court of the county in which the state board of examiners has its principal office, by writ of certiorari.

Section 10060.

"Any person who shall practice chiropractic or attempt to practice chiropractic, or who shall use the title of doctor of chiropractic, or any word, title, or letters, to induce belief that he or she is engaged in the practice of chiropractic, without first complying with the provisions of this chapter, or any person who shall buy, sell, or fraudulently obtain any diploma, or license to practice chiropractic, whether recorded or not recorded, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$50.00, nor more than \$500.00, or be imprisoned in the county jail not less than thirty days, or more than one year, or both. It shall be the duty of the several prosecuting attorneys of this state to prosecute all persons charged with the violation of any provision of this chapter, and it shall be the duty of the secretary of the board, under the direction of said board, to aid said attorney of this state, in the enforcement of this chapter."
(Underscoring ours.)

From the above it would be our opinion that when the state Board of Chiropractic Examiners revokes the license of a chiropractor for illegal actions or practices, that they do open the way for a branch of the state government, to-wit, the prosecuting attorney of the county in which the chiropractor whose license

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has been revoked resides, to file charges against the aforesaid chiropractor.

Of course, this action may be taken by the prosecuting attorney of the county in which the chiropractor resides independently of any action of the State Board of Chiropractic Examiners if complaint is made to him that the aforesaid chiropractic practitioner has violated a state criminal law. However, you will note that in that portion of the paragraph, quoted above and underscored by us, that after the State Board of Chiropractic Examiners has revoked the license of a practitioner for illegal actions or practices, that Section 10060, quoted above, makes it the duty of the prosecuting attorney of the county in which the aforesaid chiropractor resides to prosecute, and that it also makes it mandatory upon the secretary of the Board of Chiropractic Examiners to aid the prosecuting attorney in the prosecution. By assembling evidence leading up to the revoking of the license, which evidence is available to the prosecutor, the Board does open the way for the filing of criminal charges against the chiropractor whose license has been revoked.

CONCLUSION

It is the conclusion of this department that when the State Board of Chiropractic Examiners revokes the license of a chiropractor for illegal actions or practices, that it does open the way for a branch of the state government, i.e., the prosecuting attorney, to file criminal charges against the aforesaid chiropractor.

Respectfully submitted,

HUGH P. WILLIAMSON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

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