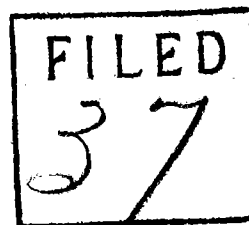


CHIROPODY: A certificate to practice chiropody issued by the State Board of Health is valid. Licensee, now a resident of Missouri, is entitled to a certificate for ensuing year upon making proper application and paying the required fee.

August 30, 1946



Dr. L. A. Hansen, D. S. C.  
702 Shukert Building  
Kansas City, Missouri

Dear Sir:

Receipt is acknowledged of your letter requesting an official opinion which reads as follows:

"Enclosed you will find a reciprocity application for chiropody of Manuel Sam Kahn and a letter from the State Medical Board of Ohio.

"Soon after the State Board of Chiropody was formed after July 1, 1946, I received a letter from Manuel Sam Kahn stating that his name has been misspelled on his license, and asked the Board to issue him a new one. Upon investigation, you will notice that the State Board of Health has never approved or signed his application for reciprocity. You will also notice in the letter from the State Medical Board of the State of Ohio that they have not entered into reciprocal relations with the limited practitioners of chiropody, and that in our law, we can reciprocate only with those who reciprocate with us.

"I should like to get your opinion as to what action the Board should take upon this matter."

An examination of the enclosed application submitted by Mr. Kahn discloses that a certificate to practice chiropody in this state was issued to him on January 21, 1946, which apparently is the one that has his name misspelled. The fact that the certificate was issued indicates that Mr. Kahn's application was properly examined and approved by the State Board of Health, and the omission of the date of approval and signature of the Secretary of the Board would not in itself be so vital as to render the certificate issued invalid. We therefore must determine whether or

not the certificate which he now holds is invalid for some other reason.

When the certificate was issued the State Board of Health was governed by the provisions, relating to admission of persons from other states to practice chiropody in this state, appearing in Section 9798, Laws of Missouri 1943, page 582 which, in part, provides:

"\* \* \* Provided, that the state board of health may, under regulations established by the board, admit without examination legally qualified practitioners of chiropody who hold certificates to practice chiropody in any state or territory of the United States or the District of Columbia with equal educational requirements to the state of Missouri and that extend like privileges to legally qualified practitioners from this state upon the applicant paying to the state board of health a fee of fifty dollars(\$50.00)."

In reading the above section we ascertain that three requirements had to be met before the State Board of Health could exercise its discretion to admit a nonresident applicant to practice chiropody in this state without requiring him to take an examination.

He had to hold a certificate to practice in the state, territory or District of Columbia from which he sought admission, such state, territory or District of Columbia had to have educational requirements equal to those of the state of Missouri and that state, territory or District of Columbia had to extend like privileges of reciprocity to qualified practitioners from this state.

Mr Kahn's application shows that he held a certificate to practice chiropody in the State of Ohio granted by the Ohio State Medical Board.

Sections 1274-5 and 1270 of Throckmorton's Ohio Code Annotated provides for the educational qualifications necessary to procure a certificate as a limited practitioner, which includes chiropodists, and such qualifications were equal to the educational requirements of this state at the time the State Board of Health issued a certificate to practice to Mr. Kahn.

In determining whether or not the State of Ohio extended reciprocity privileges to chiropodists of this state when the certificate in question was issued, we again must look to the Ohio Statutes. Section 1274-1, Throckmorton's Ohio Code Annotated

defines limited branches of medicine to include chiropody. Section 1274-4 of the Ohio Code provides when the State Medical Board may dispense with the examination of applicants for limited certificates and reads as follows:

"When board may dispense with examination--  
The State Medical Board may dispense with the examination of applicants for such limited certificates upon the same reciprocal terms and conditions with respect to such limited branches as are provided in Section 1282 of the General Code with respect to physicians and surgeons generally."

Reference is made in the above section to Section 1282 which reads, in part, as follows:

"Admission of physicians, surgeons, osteopathic physicians and surgeons, and osteopaths, of other states; fee for registration.--  
When a physician or surgeon licensed by the licensing department of another state, a territory or the District of Columbia, or a diplomate of the national board of medical examiners or the national board of examiners for osteopathic physicians and his profession, the state medical board may, in its discretion, issue to him a certificate to practice medicine or surgery, osteopathic medicine and surgery, or osteopathy in Ohio without requiring the applicant to submit to examination, \* \* \*"

Under the above sections a practitioner of chiropody in Missouri, possessing the necessary qualifications, could be admitted to practice in Ohio without first taking an examination. However, the admission of an applicant is clearly left up to the discretion of the Ohio State Medical Board. Such was the law when the Missouri State Board of Health issued a certificate to Mr. Kahn in January of this year.

Although the letter which you have enclosed from the Ohio State Medical Board strongly indicates that that Board would not extend reciprocity privileges to practitioners of chiropody in this state now, there is nothing conclusive to show that they would not have done so at the time a certificate was issued to Mr. Kahn. The Ohio laws permitted them to do so and apparently the Missouri State Board of Health had not been informed that reciprocity privileges would not be extended to Missouri practitioners. Therefore, it is our notion that there is no legal basis upon which to question the

validity of the certificate issued by the Missouri State Board of Health to the licensee on January 21, 1946. However, if the Ohio State Medical Board chooses to deny reciprocity privileges now or in the future to chiropractors of this state the Missouri State Board of Chiropractic could not extend such privileges to practitioners in Ohio who may seek admission to practice in this state.

We therefore conclude that Mr. Kahn is now a resident of Missouri and is practicing chiropractic in the City of St. Louis under a valid certificate.

Section 9798a of Senate Bill No. 433 in part provides:

"Every person duly licensed to practice chiropractic in this state shall, on or before the 31st day of October in the year in which this act becomes effective and annually on or before the 31st day of October of each year thereafter, apply to the State Board of Chiropractic for a certificate of registration for the ensuing year, which application shall be made on a form to be furnished by the board, \* \* \*"

\* \* \* \* \*

"\* \* \*The State Board of Chiropractic shall on or before the 1st day of October in each year mail to each person licensed to practice chiropractic in this state at the last known office or residence address of such person a blank form for application or registration. \* \*"

Section 9798b of Senate Bill No. 433 in part provides:

"Upon due application therefor and upon submission by such person of evidence satisfactory to the State Board of Chiropractic that such person is licensed to practice chiropractic in this state, and upon the payment of the fees required to be paid by this act, the State Board of Chiropractic shall issue to such applicant a certificate of registration under the seal of said board, which certificate shall recite that the person therein named is duly registered for the year specified. \* \* \*"

The fact that the licensee's name is misspelled would not require

the Board to issue a new license. We believe that the proper procedure would be to send the licensee a blank form for registration on or before October 1, 1946, so that he may apply for a certificate of registration on or before October 31, 1946, for the ensuing year. Such is the procedure prescribed in Section 9798a supra. When the licensee submits the application in proper form and pays the required fee a certificate of registration for the ensuing year should be issued to him as provided in Section 9798b supra.

Respectfully submitted,

RICHARD F. THOMPSON  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

RFT:mw