

**CHIROPRACTIC:** Only one way provided now in the statute for obtaining license to practice chiropractic, and that is by examination. The provision relative to licensing those engaged in practice before act passed has expired.

March 12, 1935.



Honorable Lawrence J. Fontana  
Member, House of Representatives  
58th General Assembly  
Jefferson City, Missouri

Dear Mr. Fontana:

This is to acknowledge your letter as follows:

"I have been asked by my brother, Dr. Jerome Fontana, who as you know is Secretary of the Chiropractic Board for an opinion on the following explained case.

A Miss Louise Sandweg of St. Louis, Missouri, insists that she has the right to practice chiropractic in the State of Missouri because she was too ill to appear before the board to obtain her license in 1927.

Miss Sandweg's attorney cites Section 13549, Chapter 105 of the Revised Statutes of Missouri, which he says covers Miss Sandweg's case in so much as she completed her school work in 1925, was given a diploma by the Missouri Chiropractic College of St. Louis, Mo., and was supposedly to have practiced chiropractic until 1927 at which time illness prevented her from obtaining a license to practice.

"As Secretary of the Chiropractic Board my brother feels that he owes the chiropractic profession the right to obtain a legal ruling in a case of this kind, therefore, he is enclosing two affidavits which were given to him by Miss Sandweg in hopes that they will help to clarify the situation."

Chapter 105, Revised Statutes of Missouri, 1929, relates to "Chiropractic" and provides for a State Board of Chiropractic Examiners. The Chiropractic Act was enacted by the 54th General Assembly in 1927. It was approved by the Governor on March 14, 1927, and went into effect 90 days thereafter. Section 13549 of said chapter provides in part as follows:

"No person shall engage in the practice of chiropractic without having first secured from the board of chiropractic examiners a license as provided in this chapter. \* \* \*."

Therefore, since the effective date of the Act (1927) no person could engage in chiropractic without first securing a license. In order to secure a license it is necessary for the applicant to possess certain qualifications. We quote from Section 13549, supra:

"Any person desiring to procure a license authorizing him or her to practice chiropractic in this state shall make application therefor to the board on a form prescribed thereby, giving his or her name, sex, age, which shall not be less than 21 years, name of school or college of which he or she is a graduate, and shall furnish the board satisfactory evidence of preliminary education as required in this chapter, and of good moral character, etc."

After furnishing said application to the Board the above section further provides that an examination shall be conducted, namely:

"The board shall subject all applicants to an examination in the following subjects: anatomy, physiology, symptomatology, hygiene and sanitation, chiropractic orthopedy, pathology, principles of chiropractic, chiropractic analysis, and practical application of their knowledge and skill in chiropractic adjusting and nerve tracing."

If an applicant "shall correctly answer 75 per cent. of all questions propounded in such examination, and who shall not fall below 60 per cent. in any one subject, a license to practice chiropractic" shall be issued by the Board.

Above we have shown that every person to practice chiropractic must have a license and in order to obtain the license must possess certain qualifications and pass an examination satisfactory to the Board. However, when the law went into effect in 1927, provision was made to license those already engaged in the practice of chiropractic. We further quote from Section 13549, supra:

"Provided, that persons who have been engaged in the practice of chiropractic for a period of two years continuously prior to the passage of this chapter may be granted a license by the board upon the payment of the required fee, and upon satisfying the board that he or she is a person of good moral character, and upon meeting such other requirements as the board may prescribe;"

The Board, however, was limited in granting a license to a person engaged in the practice of chiropractic continuously for two years before the 1927 law was passed, by this proviso

found in said section, to-wit:

"Provided further, that any such person, who has practiced chiropractic for such period of two years shall apply for such license within thirty days after organization of the first board of chiropractic examiners:"

Section 13548, R. S. Mo. 1929, provides in part as follows:

"The members of the board shall meet and organize in Jefferson City, Missouri, within thirty days following their appointment, \* \* \*."

Thus, when the 1927 Act went into effect the Board was organized thirty days after the effective date thereof. And the persons who were engaged in the practice of chiropractic for a period of two years before the Act went into effect, had only thirty days after such organization in order to apply to the Board for a license without having to take the examination.

#### CONCLUSION.

You state that a person was engaged in the practice of chiropractic and evidently met all the requirements provided in Section 13549, supra, and could have been admitted without the examination had she applied within thirty days after the organization of the Board. However, she failed to do same because of illness. We find no exception in the statute and invite your attention to its mandatory provision, "shall apply for such license within thirty days after the organization of the first board of chiropractic examiners."

We conclude and it is our opinion that the person mentioned in your letter would not be entitled to a license to practice chiropractic unless she filed an application and took

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the examination as required for other applicants.

We are returning herewith copies of affidavits  
appended to your letter.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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ROY McKITTRICK  
Attorney-General

JLH:EG  
Encs.