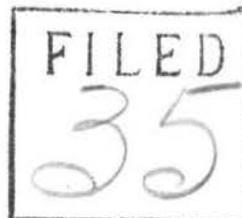


CHIROPRACTIC: A person graduating prior to 1927 may take examination, if such, the time, completed the standard course instruction of three years of six months each.

March 29, 1937.

3-30



Mr. Louis J. Gualdoni,  
Committeeman 24th Ward,  
St. Louis, Missouri.

Dear Mr. Gualdoni:

This is to acknowledge your letter dated March 26, 1937,  
as follows:

"I will appreciate it very much if you will  
please render me an opinion on the following:

Dr. Geneveve P. Marr, a Chiropractor of Cuba,  
Missouri, has recently made application for exam-  
ination to the State Board of Chiropractic Exam-  
iners and same was refused on the grounds that her  
Chiropractic course did not consist of three years  
of nine months each as required by the Chiropractic  
Law at this time but of three years of six months  
each, which was accepted at the time of passage of  
the Law in 1937.

Dr. Marr informs me that she graduated from  
the Palmer School of Chiropractic, Davenport, Iowa,  
which is a recognized Chiropractic College, in 1922,  
with three years of six months each, having a total  
number of 4,560 thirty minute hours to her credit.  
The reason for Dr. Marr not making application at  
that time was due to the fact that she had not been  
expected to live as she was suffering from a broken  
neck, which disabled her for a number of years. En-  
closed herewith are affidavits verifying same.

The question at this time is; due to the above  
condition, is it possible for the Chiropractic Board  
to accept Dr. Marr's application and permit her to  
take the examination at this time.

Please forward this opinion to Dr. Jerome F.  
Fontana, Secretary of the Chiropractic Board, 2605a  
Chippewa Street, St. Louis, Missouri as soon as pos-  
sible."

3-29-37.

On March 12, 1935, and October 27, 1935, we rendered opinions to Hon. Lawrence J. Fontana and Dr. Jerome F. Fontana, respectively, wherein we quoted from the provisions of the statutes relating to Chiropractic.

In the opinion dated March 12, 1935, we held, the failure of a person to obtain a license to practice chiropractic, without examination, within thirty days after the organization of the board, due to illness, was no valid reason or exception to allow said person to become licensed without taking the examination. We enclose copy of that opinion.

The opinion dated October 27, 1935, holds that Sec 13549, Revised Statutes of Missouri, 1929, which fixes the period of the chiropractic course of "not less than three years of nine months each, and requires actual attendance of not less than 2,045 hours" only applied to those persons who matriculated in a chiropractic school or college after the passage of the act. The act was passed in 1927. We are enclosing copy of that opinion.

The facts in the present case disclose that Dr. Geneveve P. Marr obtained a degree from the Palmer School of Chiropractic, Davenport, Iowa, in 1922, and failed to take the examination or become licensed in 1927, or at the time of the passage of the chiropractic act, due to illness.

The sole question for determination is whether or not she has sufficient college hours to enable her to take the examination. Her course of study (and we take knowledge of the fact that in 1922 such was the standard course), consisted of "three years of six months each, having a total number of 4,560 thirty-minute hours to her credit."

It is to be noted that she has more hours of actual attendance (if we understand the letter correctly) than is prescribed by Section 13549, for the reason that Section 13549 requires not less than 2,045 hours and she has "4,560 thirty-minute hours."

However, Dr. Marr did not attend a term of three years of nine months each, but only attended "three years of six months each."

As pointed out in the opinion dated October 27, 1935, Section 13549, which provides for the chiropractic course of study, applies only to those persons who had matriculated in a chiropractic school or college after the passage of the act. Dr. Marr did not matriculate after the passage of the act; in fact, she received her course of study several years before the law was enacted. Thus it is our opinion that the requirement of Section 13549, that the chiropractic course "shall cover a period of not less

than three years of nine months each", would not apply in Dr. Marr's case, for the reason that she did not matriculate in a chiropractic school or college after the passage of the act.

Section 13549 specifically provides:

"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, and that he or she is a graduate of a chiropractic school or college teaching chiropractic in accordance with the requirements of this chapter, which shall be determined by the board, together with such other information as the board may require."

Having hereinbefore concluded that Dr. Marr had not matriculated in a chiropractic school or college prior to the passage of the act, and consequently Section 13549, requiring three years of nine months each attendance, was not applicable to her situation, and as there is no other provision found in the statutes giving relief in her situation, it is our opinion that it would be within the sound discretion of the board to determine if the chiropractic school or college she graduated from in 1922, was, at the time, teaching only a three year of six months course, then, if true, Dr. Marr would in fact be a graduate from a school or college determined by the board to meet the requirements of the statutes.

If Dr. Marr could not take the examination without attending a school having a term of three years of nine months each, it would mean that she will have to go back to school. However, having obtained her degree prior to the passage of the act, we are of the opinion that the board may accept the standard course of study then prescribed (three years of six months each) and permit her to take the examination. The purpose of the applications is to keep persons who do not have the necessary educational or moral qualifications from taking the examination. However, in view of the

Mr. Louis J. Gualdoni, 4.

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facts presented in Dr. Marr's case, we believe that she should be entitled to take the examination, and, of course, her right to practice would be determined by her passage or failure of examination.

We are sending a copy of this opinion to Dr. Pontana, as requested, and are returning herewith to you the affidavits annexed to your letter.

Yours very truly,

James HornBestel  
Assistant Attorney General.

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General.

JLH/LD