

CHIROPRACTIC: Four members can issue license. Biennial successive renewals of license with attendant fee is compulsory and without exception.

March 27, 1939.

FILED 68

Honorable T. C. Oyler, Secretary
State Board of Chiropractic Examiners
Frances Building
Brookfield, Missouri

Dear Mr. Oyler:

We acknowledge your request for an opinion dated March 13, 1939, which reads as follows:

"The law provides that when an applicant files for the examination he deposit \$15.00 and then at a later date, if he is successful in the examination, he is required to send another \$10.00 forthwith the license is issued. At the present time there are only four members on the board as Dr. Fontana has been removed. I have received the final payment from an applicant who recently took the examination. Would it be legal for the four members now acting to sign the license, leaving the space for the fifth member vacant?

"Also the law requires that license be renewed every two years. I have a letter from Dr. W. N. Cade who was issued a license in June of 1936 and removed from the state. He now returns to the state to renew his license. Shall he pay both the 1936 renewal and the 1938 renewal fee?

"At our meeting of the board on February 27, we agreed to admit him back to the state."

Section 13548 R. S. Mo. 1929, relating to the organization and powers of the State Board of Chiropractic Examiners, provides, in part:

"* * * Four members shall constitute a quorum. * * *"

At no place in the law regulating issuing a chiropractic license does it specifically require the signature of five members to authenticate a license to practice chiropractic.

Four members of the chiropractic board constitute a quorum to do business, and part of the statutory business of said board is to issue licenses. It follows that when four members sign a license, the licensee is duly licensed by the board, the fifth signature being surplusage.

Section 13552 R. S. Mo. 1929 provides for renewal licenses, as follows:

" * * * All persons practicing chiropractic in this state shall pay on or before September 1st of each even-numbered year after a license is issued to them as herein provided, to said state board of chiropractic examiners, a renewal license fee of \$10.00, and no person shall practice chiropractic after September 1st of the even-numbered years following the issuance of such license, without such renewal. The secretary of the board shall on or before August 1st, of each even-numbered year, mail to all chiropractors in the state a notice that the renewal fee shall be due on or before the 1st day of September following such notice. Nothing in this chapter shall be construed so as to require that the renewal receipt shall be recorded as the original licenses are required to be recorded.

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Each practitioner of chiropractic shall display in his office in a conspicuous place his renewal license together with his license showing that he is lawfully entitled to practice chiropractic."

The language of the above statute is clear and unambiguous. In Missouri, renewal of a chiropractic license, with the \$10.00 renewal fee, is biennial and compulsory. Successive biennial renewals, with the attendant statutory fee, is a condition precedent to the lawful practice of chiropractic by any person. Dr. Cade must pay both the 1936 and 1938 biennial renewal fees in order to be in good standing with Missouri.

Respectfully submitted,

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APPROVED:

W. J. BURKE
(Acting) Attorney-General

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