

CHIROPODY: Unlawful to administer foot treatments as defined in Section 9796, R.S.Mo. 1939, without a chiropody license. Unlawful to advertise, using title or chiropodist or other similar designations, if not a licensed chiropodist.

July 31, 1946



Dr. L. A. Hansen, D.S.C.
Secretary State Board of Chiropody
702 Shukert Building
Kansas City, Missouri

Dear Sir:

Your letter has been received requesting an official opinion and which reads as follows:

"As Secretary of the State Board of Chiropody, I shall appreciate it very much if you will give an official opinion on the following questions:

"1. Is it unlawful for a person without any kind of a license to treat the foot by means of a surgical instrument, manipulate the foot with the hand or by the use of a vibrator, massage the foot or leg, use straps, or to apply drugs on the foot or leg, whether or not he collects a fee?

"2. Is it unlawful for a person without any kind of a license to advertise or list himself as a chiropodist, podiatrist, cuboid specialist, foot correctionist, foot specialist, foot expert, or any other name that would lead the public to believe that he has a special knowledge regarding the foot without having a chiropody license?"

You have propounded two questions for our opinion, and we shall endeavor to answer them in order.

In considering the first question we must look to the statute defining the word "chiropody". Section 9796, R.S.Mo. 1939, provides as follows:

"The definition of the word 'chiropody' shall, for the purpose of this article, be held to be the local, medical, mechanical or surgical treatments of the ailments of the human foot, and

massage in connection therewith except amputation of the foot or toes, or the use of anaesthetics other than local, or the use of drugs or medicine other than local antiseptics."

Comparing the types of treatment described in your letter in connection with your first question, with the definition of the word chiropody, as set out in the statute, we believe that administering such described treatment would constitute the practice of chiropody.

Senate Bill 433, relating to the practice of chiropody, was passed by the 63rd General Assembly, and is now in effect. This bill transferred to the newly created State Board of Chiropody certain powers relating to the licensing and registration of practitioners of chiropody heretofore vested in the State Board of Health.

Section 9798, Senate Bill 433, Mo. R. S. A., June, 1946 Pamphlet, relating to the licensing and registration of persons desiring to practice chiropody, provides:

"Any person desiring to practice chiropody in this state, shall furnish the State Board of Chiropody with satisfactory proof that he or she is twenty-one years of age or over, and of good moral character, and a citizen of the United States, and that he or she has received at least four years of high school training, or the equivalent thereof, as determined by the board, and has received a diploma or certificate of graduation from a reputable school of chiropody conferring the degree of D.S.C. (doctor of surgical chiropody) and recognized and approved by the State Board of Chiropody, having a minimum requirement of three scholastic years and one year in an accredited college, or four years in a recognized and reputable chiropody college. Upon payment of a fee of thirty-five dollars (\$35.00) to the Director of Revenue, and making satisfactory proof as aforesaid, the applicant shall be examined by the State Board of Chiropody, or a committee thereof, under such rules and regulations as said board may determine, and if found qualified, shall be licensed to practice chiropody and registered, and shall receive in testimony thereof a certificate signed by the president and secretary of the board; Provided, that the State Board of Chiropody, 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 Chiropody a fee of one hundred dollars (\$100.00)."

Section 9807, Senate Bill 433, Mo. R. S. A., June, 1946 Pamphlet, makes it unlawful for any person to practice chiropody without having registered, and provides as follows:

"Any person who shall practice chiropody in this state without having registered as provided in this act shall upon conviction be adjudged guilty of a misdemeanor."

Therefore, in answer to the first question it is our opinion that it would be unlawful for any person to administer the treatment described in numbered paragraph one of your letter if he were not licensed and registered as provided by law. It would not make any difference whether or not any fees are collected in connection with administering such treatment.

In connection with your second question relating to a person, unlicensed to practice chiropody, advertising himself as a chiropodist, podiatrist, cuboid specialist, foot expert, foot correctionist, foot specialist, etc., your attention is directed to Section 9801, R. S. Mo. 1939, which provides:

"It shall be deemed prima facie evidence of the practice of chiropody, or of holding oneself out as a practitioner within the meaning of this article, for any person to treat in any manner the human foot by medical, mechanical or surgical methods, or to use the title 'chiropodist' or 'registered chiropodist,' or any other words, or letters, which designate, or tend to designate, to the public that the person so treating or holding himself or herself out to treat, is a chiropodist." (Emphasis ours)

Under this section, any person advertising himself or holding himself out to the public by using any of the titles listed above, or other words or titles which may designate or tend to designate to the public that he is a chiropodist would constitute prima facie evidence of his holding himself out as a practitioner of chiropody.

Section 9800, R. S. Mo. 1939, in part, provides:

"* * * and any person not being lawfully authorized to practice chiropody in this state and registered as aforesaid, who shall advertise as a chiropodist, in any form, or hold himself out to the public as a chiropodist, shall, upon conviction thereof, for each offense be punished by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment. * * *" (Emphasis ours)

Therefore, in answer to the second question, it is our opinion that it would be unlawful for a person, unlicensed to practice chiropody in the state, to advertise himself in the manner herein described.

Respectfully submitted,

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APPROVED:

J. E. TAYLOR
Attorney General