

CHIROPRACTORS: Doctors of Chiropractic are not physicians in the sense referred to in Section 202.150, R. S. Mo. 1949.

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Hon. Homer F. Williams
Prosecuting Attorney
Bollinger County
Marble Hill, Missouri

Dear Mr. Williams:

Your letter of recent date requesting an opinion of this department reads as follows:

"I would appreciate an opinion on the following:

"Section 202.150 R.S.Mo. 1949 reads in part as follows:

"'At least one of the witnesses examined shall be a reputable physician.'"

"Is a chiropractor considered a reputable physician within the meaning of that section?"

Section 331.010, R. S. Mo. 1949 reads as follows:

"The practice of chiropractic is hereby defined to be the science and art of palpating and adjusting by hand the movable articulations of the human spinal column, for the correction of the cause of abnormalities and deformities of the body. It shall not include the use of operative surgery, obstetrics, osteopathy, nor the administration or prescribing of any drug or medicine. The practice of chiropractic is hereby declared not to be the practice of medicine and surgery or osteopathy within the meaning of chapters 334 or 337, RSMo 1949, and not subject to the provisions of said chapters."

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In the case of S. H. Kress & Co. vs. Sharp, a case wherein a patient with a broken hip had been treated by a chiropractor, which injury was sustained in a fall, resulting in a damage suit, and the plaintiff had employed a chiropractor to take care of the injury, the Supreme Court of the State of Mississippi, in 126 So. 650, l.c. 653, said that:

" * * * Chiropractors are not physicians, (cases cited) and they are not therefore within the privilege of physicians under Section 7455 Hem. 1927 Code. * * *"

In the case of Corsten v. State Industrial Commission, 240 N.W. 834, the court said, l.c. 835, 836:

"Under chapter 147 a chiropractor is not a physician, even though he does treat the sick and treat diseases and diagnose. Under that chapter physicians are licensed to practice medicine, section 147.17; while chiropractors receive a 'certificate of registration in the basic sciences and a license to practice chiropractic,' section 147.23. But 'no certificate of registration shall be considered equivalent to a license (to practice medicine).' Section 147.17. And 'no person not possessing a license to practice medicine and surgery, osteopathy, or osteopathy and surgery, under section 147.17, shall use or assume the title "doctor" or append to his name the words or letters "doctor", "Dr.", "specialist," "M.D.," or "D. O."' Section 147.14(3). Thus these names and letters may be applied only to those who are licensed as physicians to practice medicine and surgery, and conversely those to whom the names and letters may not be applied are not physicians. It is held in Isaacson v. Wisconsin Casualty Ass'n, 187 Wis. 25, 203 N.W. 918, that a chiropractor is not a 'legally qualified physician' under the terms of an accident insurance policy, even though he does treat the sick in a restricted way. The conclusion seems to be based upon the fact that under the statute as it then stood chiropractors might 'practice their profession' without procuring a license, and the term 'legally qualified physician' in the policy meant a 'licensed

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physician,' but it seems plain that it might as well, and perhaps more reasonably, have been held that a chiropractor was not a physician at all. The definition of physician first given in Bouvier's Law Dictionary (2 Rawle's 3d Ed. 2586) is: 'A person who has received the degree of doctor of medicine.' One of the definitions in Webster's Dictionary is 'a doctor of medicine.' In line with these definitions, and chapter 147, we are of opinion that the word 'physician' as used in the Compensation Act does not include a chiropractor."

In the case of Reichert v. People's State Trust & Savings Bank, 255 N.W. 299, l.c. 300, a case involving the liability of an insurance policy, the Supreme Court of the State of Michigan said:

"Cancellation is sought on the ground that the insurance did not become effective because, in violation of the application above quoted, the applicant consulted and was treated by a physician after his medical examination and prior to delivery of the policy. As against this contention, the defendant asserts that under the law of Michigan a chiropractor is not a physician, and hence treatment of the insured by a chiropractor did not prevent the policy becoming effective upon delivery. See Erdman v. Great Northern Life Ins. Co., 253 Mich. 579, 235 N.W. 260, wherein it is held that a chiropractor is not a licensed physician or surgeon. Plaintiff contends that, notwithstanding the holding just above noted, a chiropractor should be held to be a 'physician' within the meaning of the quoted portion of the application for insurance in the instant case. The application blank, like the insurance policy, was prepared by the insurance company; and hence it should be read in terms most favorable to the insured. So read, the word 'physician' must be held to mean a legally licensed physician or doctor of medicine. Such is the meaning that a reading of the application would convey to the ordinary lay mind. Under our holding

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in Erdman v. Great Northern Life Insurance Co., supra, a chiropractor is not a licensed physician. It follows that, notwithstanding the insured consulted a chiropractor and was treated by him as above noted, the insurance became effective upon delivery of the policy."

Webster's New International Dictionary defines "Physician" as "a person skilled in physic and the art of healing; one duly authorized to treat diseased, esp. by medicine; a doctor of medicine: --often distinguished from a surgeon."

Section 331.010, supra, in defining chiropractic, does not in any sense refer to the same as an art of healing, but rather definitely says: " * * * art of palpating and adjusting by hand the movable articulations of the human spinal column for the correction of the cause of abnormalities and deformities of the body * * *."

The practice of chiropractic is by statute declared not to be the practice of medicine and does not make reference in any manner to the practice of treating diseases.

CONCLUSION

Therefore, it is the opinion of this department that a doctor of chiropractor does not come within the class of witnesses referred to in Section 202.150, R.S. Mo. 1949, as physicians.

Respectfully submitted,

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APPROVED:

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