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**ARIZONA ATTORNEY GENERAL**

October 2, 1954  
Letter Opinion  
No. 54-231-L

Dr. Edward Faulkner, Secretary-Treasurer  
Arizona State Board of Chiropractic Examiners  
Long Enterprise Building  
Safford, Arizona

Re: Eligibility of licensed chiropractor  
for certificate of registration in  
the basic sciences.

Dear Dr. Faulkner:

In your letter of September 10, 1954, you requested our opinion as to whether or not a chiropractor, who was issued a license to practice chiropractic in 1928 and allowed it to lapse after two renewal fees had been paid, may be issued at the present time a certificate of registration in the basic sciences by virtue of previous licensure.

A certificate of registration may be issued by the State Board of Examiners in the basic sciences in certain instances without examination, under the provisions of Section 67-208, A.C.A. 1939, which specifies:

"67-208. Certificate without examination.--  
Any person, not hereinafter excepted from the  
provisions of this act, who was lawfully auth-  
orized to practice healing, as by this act  
defined, in this state on the date this act  
takes effect, and who was on that date regularly  
licensed or registered in the manner then by  
law provided, shall upon application as herein  
provided, receive from the state board of  
examiners in the basic sciences a certificate  
of registration in the basic sciences without  
examination therein; provided, however, that  
on or before September 1st, 1937, every such  
person shall apply to the secretary of said  
board for such certificate of registration,  
accompanying such application with sufficient  
and satisfactory evidence that he was, on the  
effective date of this act, lawfully authorized  
to practice healing or regularly licensed or

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registered according to law in the particular branch or system of healing by him pursued and specifying in said application the branch or system of healing pursued by the applicant, the school from which he graduated, if any, and the date of graduation from said school, together with a fee of three dollars (\$3.00). Such certificate of registration shall recite that registration is made solely as a person lawfully authorized to practice healing or licensed or registered according to law on the date this act takes effect, and that same was issued without examination in the basic sciences. Any person entitled to a certificate of registration in the basic sciences without examination therein pursuant to the provisions of this section, who fails to apply for same in the manner herein provided shall not receive such certificate of registration except upon application for examination and actual examination in the basic sciences as hereinbefore provided; provided, however, said state board of examiners in the basic sciences shall after the first day of September, 1937, upon payment to it of a fee of twenty-five dollars (\$25.00) issue a certificate of registration in the basic sciences without examination to any person who would have been entitled thereto pursuant to the provisions of this section upon applying therefor on or before the first day of September, 1937, and who makes application therefor in the manner herein provided and shows good cause why said application was not made on or before the first day of September, 1937."  
(Emphasis supplied)

Thus, an applicant could be issued a certificate by the Board at the present time by showing that he had been regularly licensed on the date the basic science law became effective, such date being November 27, 1936, and by further showing good cause why his application for the certificate had not been made on or before the first day of September, 1937.

Section 67-706, A.C.A. 1939, provides in part as follows:

"67-706. Recording license --Annual renewal.--\* \* \* Every person practicing chiropractic shall pay to the board on or before the first day of January of each year, after a license is issued, a renewal license fee of ten dollars (\$10.00)  
\* \* \*"

There is no statute fixing a penalty for non-payment of the fee.

However, in construing the words in a statute, Section 1-103, A.C.A. 1939, as amended, states in substance that words and phrases shall be construed according to the common and approved usage of the language. Webster defines "renewal" as follows:

"To grant or obtain an extension of; to continue in force for a fresh period."

The word "renew" contemplates something more than passivity in suffering a state to continue as it was. *KENTUCKY LUMBER COMPANY vs. NEWELL*, 105 S.W. 972. The obvious interpretation of the word "renewal" in the above statute implies that the license, if not renewed annually is no longer in force. Having determined that the chiropractor is not duly authorized to practice, as a result of non-payment of renewal fees, we must ascertain whether or not his license may be reinstated. It has been held that the mere failure to renew a chiropractic license does not lessen the value of that license, except for the lapsed period before the renewal, and the holder of such a license is entitled to a renewal as a matter of right. *STATE v. OBERHOLT*, 15 N.W. 2d 529. Hence, in Arizona, a chiropractor upon payment of delinquent fees may have his license reinstated. This office has upheld the aforementioned principle in the opinion rendered by the then Attorney General, Mr. Evo DeConcini, March 16, 1948, wherein the question presented was whether or not the State Board of Chiropractic Examiners could reinstate a license suspended for a period of approximately ten years for non-payment of renewal fees. The question was answered in the affirmative.

However, in order to obtain a Basic Science Certificate by virtue of a previous licensure, we must determine whether the applicant for such certificate was "regularly licensed" according to the terminology employed in Section 67-208, supra, on the effective date of the Basic Science Law. The word "regular" may be defined as follows:

"At fixed and certain intervals, regular in point of time"

"In accordance with some consistent or periodical rule or practice"

Black's Law Dictionary, Fourth Edition, Page 1451. Under the above definition there is a strong inference that the intention of the legislature was that all licensed persons engaged in the practice of healing, which includes the practice of chiropractic, must have paid specified fees at the fixed times required by law. Hence, to be "regularly licensed" at the time the basic science law was effected, the applicant would necessarily have had to renew his license annually by payment of the \$10.00 fee as provided in Section 67-706, supra.

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Arizona State Board of Chiropractic Examiners

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Thus, in answer to the question presented, we conclude that a chiropractor who had failed to pay license renewal fees for several years prior to the effective date of the basic science law cannot be issued at the present time a valid certificate of registration in the basic sciences from the Board of Examiners by virtue of previous licensure. In order to be granted such a certificate, he must apply to the State Board of Examiners in the Basic Sciences for an examination. Once a satisfactory examination has been accomplished, the certificate of registration in the basic sciences has been issued by such Board, lapsed chiropractic license renewal fees have been paid and all pertinent rules and regulations have been complied with, the chiropractor in question will be duly qualified to practice chiropractic in Arizona.

Yours very truly,

LAURENS L. HENDERSON, JR.  
Assistant to the  
Attorney General

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