

January 21, 1944

Dr. V.W. Kilcrease, Secretary  
State Board of Osteopathic Examiners  
Casa Grande, Arizona

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**ARIZONA ATTORNEY GENERAL**

Dear Doctor:

We have your request dated January 18, 1944,  
for opinion to the following query:

"Under our Osteopathic Practice Act, as  
amended, do Osteopathic Physicians and Surgeons  
have the right to practice as an Oculist?"

It is the apparent intendment of the Acts, Article 21, Sections 67-2101 to 67-2120, Arizona Code 1939, as amended, that licensees under the law shall be Osteopathic Physicians and Surgeons.

Section 67-2101 of the Code provides:

"The word 'osteopathy' as used in the Act, shall mean that system of treatment and healing of abnormalities of the human mind and body as taught and practiced in the standard colleges of osteopathy recognized by the American Osteopathic Association."

In the case of New Jersey State Board vs. Kresge Co., 113 N.J. L. 287, 174 Atl. 353, 357, the Supreme Court of that State held:

"Oculists and ophthalmologists pursue a calling quite distinct from that of optometrists. The first has relation to the practice of medicine and surgery in the treatment of diseases of the eye, and the second to the measurement of the power of vision, and the adaptation of lenses for the aid thereof."

The above definition was approved in the case of Silver vs. Lansburge & Brother, et al., 111 Fed (2d) 518, 128 A.L.R. 582, by the U.S. Court of Appeals for the District of Columbia.

Dr. V.W. Kilcrease

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A similar approval of such definition is in

Stern vs. Flynn, 278 N.Y.S. 598 (New York)

Saunders vs. Swann, 292 S.W. 458 (Tenn)

Dickson vs. Flynn, 286 N.Y.S. 225.

It is our opinion, that if a duly licensed and practicing osteopathic physician and surgeon in his educational training in such college recognized by the American Osteopathic Association, as aforesaid, and in his qualification tested by his examination before your board, he is trained, examined and qualified to practice as an oculist, as a part of his specialized practice as an osteopathic physician and surgeon, under our statute, he is within the law, to practice as an oculist.

Respectfully

JOE CONWAY  
Attorney General

THOMAS J. CROAFF  
Assistant Attorney General

EARL ANDERSON  
Chief Assistant  
Attorney General