

Handwritten initials and scribbles

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ARIZONA ATTORNEY GENERAL

February 7, 1952
Opinion No. 52-37

Handwritten initials: N.B.

Hon. M. V. Gibbons
Apache County Attorney
St. Johns, Arizona

Dear Sir:

This is in reply to your letter of February 1, 1952 regarding an individual in your community who desires to set up a department of physiotherapy.

Because you made the following statement:

"To be frank, this is a new term and profession to me."

we are going to say that this might be a new term to you but certainly not a new profession because I am very much of the opinion that your mother used physiotherapy on you with hot cloths, hot bricks and various other healing arts during your childhood but I believe that you called it "home remedies".

The Court of the State of New York in the case of O'Neill vs Board of Regents of the University of the State of New York, 74 N.Y. S. 2, 762, defined physiotherapy as follows:

"Physiotherapy in its general sense is the treatment of disease by physical remedies rather than drugs and its practice is the practice of medicine in that limited field."

The California court in the case of Hunt vs Jordan, 36 P.2 828, defined therapy as follows:

"The ordinary use of the word 'therapy' is as a compound word, it being used in combination with some other word such as hydro-therapy."

The medical journal defines physiotherapy as the treatment of diseases by physical (non-medical) means.

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Physical medicine is the employment of physical means in the diagnosis and treatment of diseases and includes heat, cold, water, light, electricity, manipulation, massage, exercise and mechanical devices.

Our legislature in 1949 defines the practice of medicine as follows:

"Section 67-1102. Practice of Medicine and Surgery. -- (a) A person shall be regarded as practicing medicine and surgery, or either, who, by any indication or statement, claims his ability or willingness to, or does, diagnose or prognosticate any human ills, real or imaginary, or claims his ability or willingness to, or does, prescribe or administer any medicine, treatment or practice, or performs any operation, manipulation, or application for compensation unless it is in the practice of dentistry, pharmacy, osteopathy, chiropractics, chiropody, or naturopathy, or in the business of opticians or of vendors of dental or surgical instruments, apparatus and appliances."

From the above quoted sections of our statute, also the rulings of the court citing and definitions of physiotherapy of the medical journal, it appears to us that this individual indicated in your letter would be in violation of the law.

You state in your letter further as follows:

"He informed me that he did not believe that Arizona had any regulations covering physiotherapy."

It is our understanding that chiropractors use physiotherapy almost entirely in their art of healing. Also several other arts of healing use physiotherapy in their operations and each of them are regulated by statute. Without quoting the sections, we suggest that you read in connection with this opinion Sections 67-201, 67-213 and 67-218. We have several establishments in Phoenix and other places that advertise physiotherapy treatments but in each instance the operators are either a doctor, chiropractor or a naturopath and operate by virtue of their license.

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We do not believe that this individual would do physiotherapy without compensation and for that reason would be in violation of Section 67-1102 quoted above until he secured a license in some one of the healing arts profession.

Very truly yours,

FRED O. WILSON
Attorney General

CHAS. ROGERS
Assistant Attorney General

CR:GG