

June 25, 1949

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ARIZONA ATTORNEY GENERAL

Doctor A. L. Gagnier
President, Arizona State Board
of Chiropractic Examiners
Aar Clinic
333 East McDowell Road
Phoenix, Arizona

Dear Doctor Gagnier:

In reply to your letter of June 14, 1949, wherein you desire to know if an individual who is a licensed chiropractor in the State of Arizona puts his sign up reading "Chiropractic Physician" -- if this is a proper designation:

Before completing the answer to this we would like to make this observation, that if this individual is a Doctor of Medicine (M.D.) as well as a Chiropractor we could see no objection to the sign as you state it, but if he only has a Chiropractor's license then we feel as though it is wrong.

We first cite you to Section 67-201, ACA 1939, which designates the various ways people may denote their special authorities on healing practices, and for a Chiropractor they may designate themselves as "D.C.". The word "Chiropractic" or "Chiropractor" has a definite meaning; likewise the word "physician" has a definite meaning. A very good definition of "Chiropractor" is given in the case of Swarts v. Siveny, 85 A. 33-34, which says:

"A 'chiropractor' is one versed in the science or 'chiropractics', said to be a system of adjusting the cause of disease without drugs, based on a thorough knowledge of the nervous system."

There are many other definitions but we do not believe they are necessary. The word "physician" is variously described but they all imply one who prescribes medicine. One definition which we feel is more or less comprehensive as to the point at issue is recorded in the case of Harrison v. State, 102 Ala. 170, and is as follows

"A physician is defined to be a person who has received the degree of Doctor of Medicine from an incorporated institution, one lawfully engaged in the practice of medicine. The word, in its popular sense, means one who professes or practices medicine for the healing art; a doctor. A physician is not necessarily a graduate of a medical school."

Then our recent Legislature passed a bill relating to the practice of medicine and surgery recorded in Chapter 42 of the 1949 Session Laws, which is now in effect. This is an amendment of Article 11, Chapter 67 of the 1939 Code. Quoting from what will be Section 67-1102, ACA 1939 Supplement:

"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.

(b) The name 'physician,' 'surgeon,' 'physician and surgeon,' or similar title, shall be used to designate a doctor of medicine and surgery, or either, who shall affix the initials M.D. to his name whenever used in a professional capacity. Any person using the name 'physician,' 'surgeon,' 'physician and surgeon,' or any other title or abbreviation to indicate or to induce others to believe that he is engaged in the treatment or diagnosis of the diseases, injuries, or defects of human beings, shall affix suitable words and abbreviations to his name, whenever used on signs or displays, clearly designating the particular type of practice for which such person is licensed to practice. Any person failing to so identify his practice shall be guilty of a misdemeanor."

It appears to us upon the reading of these definitions and this new statute that if this party is not licenced as an M.D. or an Osteopath, that the using of the word "physician" is an improper use and he should be required to delete that from his sign.

Very truly yours,

FRED O. WILSON
Attorney General

CHAS. ROGERS
Assistant Attorney General

CR:mg
CC: Dr. Claud R. Jackson
Secretary-Treasurer
St. Ed. of Chiropractic Examiners

Dr. E. Larson, Vice President
St. Bd. of Chiropractic Examiners
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P.S. - Above is corrected opinion of June 18, 1949

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