



OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

R 75-1117

BRUCE E. BABBITT
ATTORNEY GENERAL

75-266

August 18, 1975

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

The Honorable Alfredo Gutierrez
Arizona State Senator
Post Office Box 8828
Phoenix, Arizona 85066

Re: The Practice of Acupuncture

Dear Senator Gutierrez:

We are in receipt of your memorandum dated March 6, 1975, wherein you ask several questions regarding the subject matter.

Please be advised that on February 20, 1975, Mr. David M. Jaffrey filed a Civil Rights Complaint against the Arizona Board of Medical Examiners and its individual members because they refused to register Mr. Jaffrey as a physician's assistant acupuncturist. The Complaint in Cause No. CIV 75-95 PHX WEC seeks \$900,000 damages and injunctive relief against the Defendants.

Inasmuch as the defense of this matter necessitates our office taking positions which rely upon the rules and regulations of the "Joint Board" and the rules and regulations of the Board of Medical Examiners regarding physicians assistants and also necessitates our taking positions regarding the practice of acupuncture, it would not only be ill-advised but untimely for us to render an opinion in response to the questions which you have asked in your memorandum of March 6, 1975.

With your permission, we will refrain from answering your questions until after the federal court has decided the Jaffrey case. In this regard, please be advised that on April 21, 1975, the court denied the state's motion to dismiss Jaffrey's Complaint. It is our intention to file a motion for summary judgment; however, such motion will not be prepared until discovery which is presently under way has been completed.



The Honorable Alfredo Gutierrez
August 18, 1975
Page Two

It is my estimation that our motion for summary judgment should be submitted to the court sometime in November for oral argument to the court in December. If this motion is successful, the matter should be resolved at that juncture. If this motion is unsuccessful, then a trial on the merits will be necessary. This latter course is, of course, more timely and may not resolve the matter until the summer of 1976. At any rate, we will advise you of our progress in the Jaffrey case so that you may judge what further action, if any, you need to take regarding the subject matter-

If we can answer any questions or be of further assistance to you in this matter, please do not hesitate to contact us.

Sincerely,

BRUCE E. BABBITT
Attorney General

MICHAEL M. SOPHY
Special Assistant Attorney General

MMS:NCG:lc