

**Opinion No. 56-6539**

November 7, 1956

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Morris Haas, D.S.C., Secretary, New Mexico State Board of Chiropractic, 1301 Central Avenue East, Albuquerque, New Mexico

Receipt is acknowledged of your letter dated October 18, 1956, in which you request an opinion as to whether the New Mexico State Board of Chiropractic can accept the certification of the National Board of Chiropractic Examiners in lieu of the Board's own written examination.

Subsection b of § 67-2-18, N.M.S.A., 1953 Compilation, pocket supplement, reads as follows:

"Any applicant not entitled to registration or licensing as aforesaid shall furnish a sworn statement or other satisfactory proof to the board of chiropractic, created hereinafter, that said applicant is a citizen of the United States of America; that he is over the age of 21 years, of good moral character, and that he has obtained a preliminary education which is the equivalent of a four-year course of instruction in an accredited high school. Such applicant shall also furnish the board with evidence that he has, in addition, completed one (1) year of work consisting of 30 semester hours leading to a degree in arts and sciences in an approved college or university before matriculation in the chiropractic college. In addition, such applicant must furnish the board with evidence that he has completed a four-year course in instruction at an approved college of chiropractic having an aggregate number of scholastic hours of a total of 4,000, and that said applicant has received a degree therefrom of doctor of surgical chiropractic. All applicants furnishing such evidence shall be eligible to take the examination announced by the board."

The wording of the above quoted section specifically sets out the qualifications required of each applicant to take the examination who is not registered nor licensed under the Act. The Act includes §§ 67-2-17 to 67-2-23, N.M.S.A., 1953 Compilation, pocket supplement, and makes the taking of each examination by the applicant mandatory.

In subsection c of § 67-2-18, N.M.S.A., 1953 Compilation, pocket supplement, is found the following:

"The state board of chiropractic shall from time to time adopt standards of preliminary and professional qualifications and no college or school of chiropractic shall be designated as approved unless it is approved by the council on education of the National Association of Chiropractors."

This subsection c provides that the State Chiropractic Board shall from time to time adopt standards of preliminary and professional qualifications, and no college or school shall

be designated as approved unless it is approved by the council on education of the National Association of Chiropodists. In other words, the National Association has no authority, nor does your Board for that matter, to substitute the approval of qualifications of an application for the taking of the examination by an applicant. Your Board cannot approve qualifications of an applicant to take the examination unless it is approved by the Council on Education of the National Association of Chiropodists.

It is, therefore, the opinion of this office, from the clear intent and language of subsections b and c of § 67-2-18, N.M.S.A., 1953 Compilation, pocket supplement, that the New Mexico Board of Chiropody cannot accept the certification of the National Board of Chiropodists in lieu of an examination by the Board, which is made mandatory by subsection b of § 67-2-18, N.M.S.A., 1953 Compilation, pocket supplement.

Your second request for an opinion is that if our present statute does not either permit or deny such right, may the New Mexico Board of Chiropody, by proper rules and regulations, substitute certification by the National Association of Chiropodists for a written examination by the Board.

Since our answer to your first question is in the negative and the statute hereinabove quoted makes the taking of the examination by applicants mandatory, no rule or regulation passed by your Board, substituting certification by the National Association of Chiropodists for a written examination by your Board, could be consistent with the present statute which makes the taking of examination by the applicant mandatory.

In view of the above, it is the further opinion of this office that the New Mexico Chiropody Board cannot by rule and regulation substitute by certification by the National Association of Chiropodists the written examination which is made mandatory by the above quoted statute.

Trusting that this fully answers your inquiries, I remain

By Hilario Rubio

Assistant Attorney General