Opinion No. 54-5978

June 23, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. C. C. Chase, Jr. District Attorney Third Judicial District Second Floor, Court House

*{*436}* Receipt is acknowledged of your letter dated June 19 in which you request an opinion as to whether or not a person, who has discovered certain minerals to which arthritic sufferers may be exposed under certain conditions and obtain relief from their suffering, may provide this service. This person is inquiring of you as to whether he would be in violation of Section 51-508, N.M.S.A., 1941 Comp., p.s., and Section 51-102, N.M.S.A., 1941 Comp.

This man proposes to provide surroundings and necessary facilities where people suffering from arthritis may come in contact with these minerals which he has discovered and for which he proposes to charge a fee for the use of same. You state that he does not expect to diagnose, nor to prescribe, nor to suggest, nor to offer treatment of any kind, other than to afford facilities by which those desiring to do so may have whatever benefit may be derived from exposure to the minerals.

The hereinbefore cited sections of the law, which define "healing art" and the "practice of medicine", are very broad, and as long as this man *{*437}* does not specifically advertise, recommend, suggest, diagnose or prescribe, he would not be violating the hereinbefore cited statutes. However, this man will have to be very careful in how he starts this business so as not to violate these two statutes hereinbefore mentioned.

It is, therefore, the opinion of this office that the setting up of facilities by this man for the cure of people afflicted with arthritis will not violate Section 51-102, N.M.S.A., 1941 Comp., or Section 51-508, N.M.S.A., 1941 Comp., p.s., as long as he does not specifically advertise, suggest, prescribe or diagnose, or by any other words or means advertise a cure-all for all comers.

Trusting that this fully answers your inquiry, I remain

By: Hilario Rubio

Assist. Attorney General