

Opinion No. 56-6552

December 4, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Patrick F. Hanagan, District Attorney Fifth Judicial District Roswell, New Mexico

We have your letter of September 18, 1956, in which you request an opinion from this office upon the following question:

Are licensed and practicing chiropractors practicing physicians so as to be entitled to initiate an exemption certificate for school children with reference to small pox vaccination and diphtheria immunization?

This question has been presented to this office on other occasions. In Opinions No. 294, dated October 14, 1931, and No. 3327, dated November 8, 1939, it was ruled that chiropractors could not sign exemption certificates. In Opinion No. 3441, dated February 23, 1940, it was ruled that chiropractors could sign the exemption certificates. It should be pointed out that this opinion did not mention the two former opinions.

In Opinion No. 3972, dated December 11, 1941, the question was again before the office, and this opinion overruled Opinion No. 3441 and affirmed the ruling of No. 294 and No. 3327.

It appears that in January, 1952, this office rendered an opinion which again authorized chiropractors to sign an exemption certificate. This opinion did not mention any of the former opinions.

It is our opinion that Opinion No. 3972 correctly states the rule for New Mexico with reference to the certificate authorized by § 12-3-1 (10), N.M.S.A., 1953. This section reads as follows:

"Any minor child, through its parent or guardian, may file with the health authority charged with the duty of enforcing the vaccination laws, the certificate of a duly licensed and practicing physician stating that the physical condition of such child is, at the time, such that vaccination would seriously endanger the life or health of such child, and thereupon such child shall be exempt from the provisions of subsections 8 and 9 of this section but shall not be exempt from the quarantine laws, rules and regulations."

We are, therefore, of the opinion that a chiropractor is not authorized to execute such certificate. All former opinions in conflict with this ruling are hereby overruled.

We are enclosing a copy of Opinion No. 3972.

Trusting we have answered your question, we remain

By Paul L. Billhymer

Assistant Attorney General