

## **Opinion No. 68-45**

April 30, 1969

**BY:** OPINION OF BOSTON E. WITT, Attorney General

**TO:** Morris Haas, President New Mexico State Board of Podiatry 121 Sycamore, N. E. Albuquerque, New Mexico

### **QUESTIONS**

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Is it legal under the laws of New Mexico for a Podiatrist to advertise as a foot clinic in a telephone book?

#### **CONCLUSION**

No.

### **OPINION**

#### **{\*77} ANALYSIS**

The practice of Podiatry in New Mexico is regulated by Chapter 67, Article 27 of the New Mexico Statutes Annotated, 1953 Compilation. Section 67-27-10, states in subsection I, that the "Use of advertising in any manner, except as permitted in Section 13 [§ 67-27-13] of this act" is held to be "unprofessional" or dishonest conduct" and would constitute the basis for revocation or suspension of the license to practice podiatry. Section 67-27-13, provides in part, as follows:

"A. It shall be considered improper solicitation of the public . . . to do any of the following: (2) Advertise in newspapers, periodicals, telephone books . . .

B. Nothing in the foregoing paragraphs, however shall be construed to prohibit the following acts:

(1) Publishing in ordinary type, as opposed to bold or display type, the name, address and telephone number of any practicing podiatrist in any telephone book; . . ."

The statute is very clear that in New Mexico a Podiatrist may not advertise. This does not prevent the Podiatrist from listing in a telephone book under his professional title in ordinary type his name, address and telephone number. The statute clearly does not allow the use of the term "foot clinic".

To further substantiate the conclusion that the term "foot clinic" may not be used, we direct your attention to the list of designations the legislature deemed appropriate when a Podiatrist announces the opening of a new practice. The designations are listed in Section 67-27-13 B. (3). The term "foot clinic" is not included therein.

We therefore conclude that a Podiatrist may not advertise in a telephone book as a "foot clinic".

By: Warren O. F. Harris

Assistant Attorney General