

Opinion No. 14-1185

April 9, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Professor J. O. Ehter, Waco, Texas.

MESSAGE.

Treatment by massage might be considered practice of medicine under Section 7, Chapter 34 of the laws of 1907.

OPINION

{*42} I have received your letter of the 6th inst., in which you ask me to advise you if New Mexico is open to the practice of massage, saying that you use no medicine, only vapor baths and massage and vibratory massage.

As to whether you can administer massage to persons in New Mexico might depend, it appears to me, upon the method employed in doing business. Section 7 of Chapter 34 of the laws of 1907, which act as the one regulating the practice of medicine, declares that the words "practice of medicine" means "to open an office for such purpose or to announce to the public or any individual, in any way, a desire or willingness or readiness to treat the sick or afflicted, or to investigate or to diagnose, or offer to investigate, or diagnose, any physical or mental ailment or disease of any person, or to suggest, recommend, prescribe or direct, for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture or bodily injury or deformity, after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift or compensation."

It seems that if you intend to go into the business of general treatment of the sick by your methods, you would come within the meaning of this statute and could not practice without having a license from the State Board of Health. In such a case, it is almost certain that you would come in conflict with that board and with the law and might be prosecuted. The best physicians today recognize the great value of massage treatment and would undoubtedly send patients to a person skilled in that art whenever they thought any advantage could be derived from it, and the only entirely safe method for you to pursue would be to act in conjunction with, and in subordination to, regular practitioners of medicine.