

**Opinion No. 37-1534**

February 18, 1937

**BY:** FRANK H. PATTON, Attorney General

**TO:** Dr. J. Rosslyn Earp Director, Bureau of Public Health Santa Fe, New Mexico

{\*52} Your letter of February 16th refers to a case of removal of tonsils by a chiropractor by electro-coagulation and you wish to know if this is a violation of that portion of Sec-23-104 of the 1929 Compilation, which provides that licenses granted to chiropractors shall "entitle the holder thereof to diagnose and treat disease \* \* \* \* without \* \* \* \* in any manner severing or penetrating any of the tissues of the human body known as surgery."

I am not familiar with the process known as electro-coagulation and I think your question is dependent upon the fact of whether or not tissues of the human body were severed or penetrated.

If the process of electro-coagulation does not sever or penetrate any of the tissues then I doubt very seriously if a prosecution could be had under this section.

I suggest, however, that this matter be referred to the District Attorney of the district wherein the violation is alleged to have occurred.