

**Opinion No. 37-1757**

September 14, 1937

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

**TO:** Dr. E. B. Godfrey Director of Public Health Santa Fe, New Mexico. Attention: Mr. Charles M. Cree

{\*156} I have your letter of September 12th wherein you make inquiry if it is permissible for chiropractors to take blood specimens for the purpose of a Wassermann Test.

You state that it is necessary for the purpose of the test to puncture the skin, insert a hypodermic needle into a vein and draw off the blood into a syringe.

{\*157} Section 23-104, New Mexico Statutes Annotated, 1929 Compilation, sets forth the subjects of which an applicant to practice chiropractic in this state shall be possessed of knowledge and upon satisfactory completion of the examination a license shall be granted by the Board of Chiropractic Examiners, which shall entitle a holder, among other things, to diagnose and treat diseases, injuries, deformities, or other physical or mental conditions by the use of any or all methods as herein provided, such as palpating, diagnosing, adjusting and treating diseases, injuries and defects of human beings by the application of manipulative, manual and mechanical means, including all natural agencies imbued with the healing art such as food, water, heat, cold, electricity, vacuum cupping and drugless appliances without the use of drugs, or what are commonly known as medicinal preparations, **or in any manner severing or penetrating any of the tissues of the human body known as surgery.**

It will be noted that the foregoing applies to diagnosis and treatment of disease and I am unable to see how a mere taking of blood from the vein for purposes of a blood test would necessarily constitute either a diagnosis or a treatment.

I am also unable to see how such insertion of a hypodermic needle into the blood vein would constitute surgery under the generally accepted term.

It is my understanding that many of these blood specimens are taken in the hospitals by nurses, girls in training, etc., and I do not believe it was the intention of the legislature that all of such specimens be taken by licensed physicians and surgeons.

From the foregoing it is my opinion that a chiropractor may take specimens for blood test purposes.

I make no comment, however, as to the right of the chiropractor to analyze the blood and make the test when such specimen is taken, but my remarks, on the other hand, are confined merely to the taking of the specimen.