

Opinion No. 43-4341

July 22, 1943

BY: EDWARD P. CHASE, Attorney General

TO: James R. Scott, M. D., Director, Department of Public Health, Santa Fe, New Mexico

In your letter dated July 21, 1943, you ask three questions, as follows:

"(1) Under the laws of New Mexico, are there any groups legally practicing obstetrics for fee other than regular medical doctors, osteopaths and chiropractors?"

"(2) Does the Attorney General's office interpret the New Mexico laws of 1921 establishing licensure of chiropractors to include the privilege of all types of obstetrical delivery and care based on interpretation of Chapter 110, Section 4, paragraph 3?"

"(3) Has there been any revision of this law to change the status of chiropractors to permit them any privileges not contained in the above mentioned section?"

I shall answer your questions in the reverse order in which they were asked.

Relative to question No. 3, Chapter 110, Section 4, Laws of 1921, which is Section 51-304 of the 1941 Compilation, has not been amended, and the status of chiropractors remains unchanged insofar as limitations upon their practice may be concerned.

Answering question No. 2, the section above mentioned provides that applicants for license to practice as chiropractors shall be examined in the following subjects; chiropractic principles, anatomy, histology, physiology, systematology, bacteriology, chemistry, diagnosis, hygiene, pathology, public health service and adjustology. It is significant, perhaps, that chiropractors are not required to complete a course in obstetrics or take an examination on this subject, as is required in the case of medical doctors and osteopaths; however, the Legislature did not prohibit chiropractors from practicing obstetrics except that, under this section, chiropractors are prohibited from using drugs or medicinal preparations, or in any manner severing or penetrating any of the tissues of the human body, known as surgery. If it is possible to practice obstetrics within these limitations, then there is nothing under the law to prohibit chiropractors from so doing.

The term "obstetrics" has been defined by the courts as follows:

"Obstetrics is the branch of medical science which has to do with the care of women during pregnancy and parturition."

Stoike v. Weseman 208 N. W. 993, 166 Minn. 266.

Within the legal limitation chiropractors may care for women during pregnancy provided the use of drugs or medicine is not required; however, I am unable to see how a chiropractor can complete delivery without violating the limitations prescribed by law, since in some instances surgical operations are required and, invariably, severing or penetrating of the tissues of the human body is necessary. For these reasons a chiropractor could only practice obstetrics in a limited manner.

Answering your question No. 1, I know of no other groups aside from medical doctors, osteopaths and chiropractors who, under their license, may practice obstetrics for a fee, unless it be women acting as midwives under the rules and regulations of the State Department of Public Health.

By C. C. McCULLOH

First Asst. Atty. Gen.