



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
~~GENERAL COUNSEL~~  
ATTORNEY GENERAL

Honorable J. Stanley Wright, Member  
Texas Board of Chiropractic Examiners  
Littlefield Building  
Austin, Texas

Dear Sir:

Opinion No. 0-5967  
Re: Payment of per diem and  
release of members of the  
Board of Chiropractic Ex-  
aminers.

Your opinion request of April 14, 1944, reads as follows:

"The Comptroller's Department has advised our office that it cannot pay per diem and the traveling expenses provided for in the Chiropractic Bill to the Board Members for their time and expenses in attending certain Chiropractic meetings.

"To give you complete explanation, you are advised that for many years the Chiropractic profession has been divided into six geographical districts throughout the State and that each of these districts held periodical meetings at which matters of professional interest are discussed. The Board has been extremely busy in working out its policies, rules, regulations and Code of Ethics and has given several examinations and has licensed over one thousand Chiropractors in the past six months. Up until recently, the Board has had no time to work out measures of enforcement as provided in the Act, nor had it time to find and employ a suitable Supervisor of Chiropractic as provided in Section 1 (j) of the Act. As the Board contemplated it would take several months for a Supervisor to cover the entire state checking the Chiropractors, the Board took upon itself

Honorable J. Stanley Wright, page 2

to attend the various districts meetings and to advise the profession what the Board would expect. The Board deemed it not only within its authority to do this work which it considered supervisory work but believed it to be the Board's duty to give the profession an opportunity to know what would be required of it. The Board felt it could answer questions concerning Chiropractic at these meetings better than it could by letter or other means of communication.

"With the above in mind, several members of the Board have attended these district meetings during the past thirty days and have asked for their per diem and traveling expenses as provided for in Section 2 of the Act.

"Question: Are the Board Members entitled to pay for time and traveling expenses in the performance of the work above described?"

As we stated in our Opinion No. O-5781, the appropriation for the Board of Chiropractic Examiners is contained in Section 2 of Article 4512a, V. A. C. S., rather than in the regular appropriation bills. With respect to the purposes for which such appropriation may be used, this Section provides:

". . . The Treasurer shall keep the same in a separate fund to be used in paying the necessary expenses of the Board, which may include expenses incurred for the advancement and education of all licensees under this Act and enforcement by the Board of the provisions of this Act, the salary of the Executive Secretary, and a per diem of Ten Dollars (\$10) to each member of the Board for such time as is actually spent in the discharge of official duties, plus traveling expenses of Ten Cents (10¢) per mile . . ."

Under the Chiropractic Act the Board is entrusted with the duty of carrying out the provisions of the Act, and, in Section 1(g) thereof, is given the power to prescribe rules, regulations and bylaws for this purpose. As we understand the facts stated in your letter, the members of the Board have attended several local meetings of chiropractors for the purpose

Hon. J. Stanley Wright, page 3

of acquainting the members of your profession with their duties, powers and privileges under the Act.

Since your appropriation is not contained in the departmental appropriation bill, the general rider which prohibits the payment of expenses incurred at a "convention" is inapplicable to your situation, and your question must be answered by considering whether or not the attendance of the members of the Board at these meetings was in the discharge of their official duties. Among other things, the Board is charged with the duties of examining and licensing chiropractors, approving and classifying their educational institutions, revoking licenses for violations of the Act, and initiating criminal prosecutions under such Act. Implicit throughout this legislation is a recognition that the Board is charged with the duties of ascertaining whether the members of the profession are conforming to the terms of the Act and of seeing that the members do so conform. Members of the Board can claim per diem pay and mileage for attendance at the meetings in question only if such attendance bears a reasonable, substantial and direct relation to the discharge of these duties. We feel that this requirement has been met. For the Act to operate in a proper fashion, it is necessary that the members of the profession be acquainted both with the specific terms of the Act and with the policies, rules and regulations which the Board has adopted under such Act. The dissemination of such information would seem to fall well within the duties of the Board. In view of the newness of the Chiropractic Act, the large number of practitioners who must be acquainted with its provisions and with the rules and regulations of the Board, and the manifest advantages of imparting such information and discussing it at meetings of members of the profession, we feel that the attendance of members of the Board at such meetings for the purposes stated in your letter is a reasonable method of discharging a portion of the duties of the Board and that such method contributes substantially and directly to the discharge of such duties. Your question is therefore answered in the affirmative.

Trusting that the foregoing fully answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (s) R. Dean Moorhead  
Assistant