



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

September 21, 1950

Hon. Clifford H. Robinson, President
Texas State Board of Chiropractic Examiners
Fort Worth, Texas

Opinion No. V-1108

Re: The legality of chiropracticians administering, prescribing, and dispensing narcotic drugs.

Dear Dr. Robinson:

Your request for an opinion presents the following question:

"Is a Texas licensed chiropractician, under Article 4567 R.C.S. (1925), in good faith and in the course of his professional practice only, entitled to administer, prescribe, and dispense Narcotic drugs, or cause the same to be administered by a nurse or interne under his direction and supervision?"

Article 4567, V.C.S., provides:

"'Chiropracticy' means the diagnosis, medical and surgical treatment of the human foot. A chiropractician is one who practices chiropracticy."

Article 725b, V.P.C., provides:

". . .

"(2) 'Physician' means a person authorized by law to practice medicine in this State and any other person authorized by law to treat sick and injured human beings in this State and to use narcotic drugs in connection with such treatment.

". . .

"Sec. 2A. It shall not be unlawful to manufacture, possess, have, control, sell, prescribe, administer, dispense, or compound

any narcotic drug where same is authorized under the terms of this Act.

" . . .

"Sec. 7. (1) (Physicians and Dentists). A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision."

The question presented for our determination is whether a chiropracist is a physician within the meaning of the Narcotic Drug Law (Art. 725b, V.P.C.).

In Guy v. State, 116 Tex.Crim. 392, 32 S.W.2d 460 (1930), the court said:

"The definition of 'physician' as 'one authorized to prescribe remedies for and treat diseases, a doctor of medicine,' is approved in Prowitt v. Denver, 11 Colo.App. 70, 52 P. 286, and Castner v. Sliker, 33 N.J. Law 507, in which latter case appears the statement that a physician in common parlance is one skilled in both medicine and surgery. In Harrison v. State, 102 Ala. 170, 15 So. 563, the word 'physician' is defined as one who has received a degree of M.D.; one who lawfully practices medicine; one who professes or practices medicine for the healing art."

See also Commonwealth v. Cohen, 142 Pa. Super. 199, 15 A. 2d 730 (1940); Williams v. Capital Life & Health Ins. Co., 209 S.C. 512, 41 S.E.2d 208 (1947).

Article 4510, V.C.S., provides:

"Any person shall be regarded as practicing medicine within the meaning of this law:

"(1) Who shall publicly profess to be a physician or surgeon and shall treat, or offer to treat, any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect

cures thereof; (2) or who shall treat or offer to treat any disease or disorder, mental or physical or any physical deformity or injury by any system or method and to effect cures thereof and charge therefor directly or indirectly, money or other compensation; provided, however, that the provisions of this Article shall be construed with and in view of Article 740, Penal Code of Texas, and Article 4504, Revised Civil Statutes of Texas as contained in this Act."

In view of the foregoing, it is our opinion that a chiropodist is a physician within the meaning of the Narcotic Drug Law (Art. 725b, V.P.C.) and is authorized to administer, prescribe, and dispense narcotic drugs or cause the same to be administered by a nurse or interne under his direction and supervision. A registered chiropodist is authorized to use a local anaesthetic in the practice of his profession. Art. 779, V.P.C. "Local anesthesia" is defined as "affecting a limited part, . . . by injecting that part with a locally active agent like cocaine." Webster's New International Dictionary (Second Edition, 1938). Cocaine is obtained from cocoa leaves and the definition of "Narcotic Drugs" contained in Article 725b, Vernon's Penal Code, includes cocoa leaves. (Emphasis added.)

SUMMARY

A licensed Texas chiropodist is authorized to administer, prescribe, and dispense narcotic drugs.

APPROVED:

J. C. Davis, Jr.
County Affairs Division

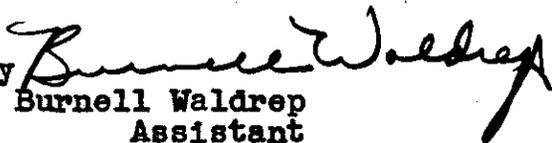
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Yours very truly,

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Attorney General

By 
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