



# Texas State Board of Medical Examiners

1101 CAMINO LA COSTA, SUITE 201  
P.O. BOX 13562, CAPITOL STATION  
AUSTIN, TEXAS 78711

(512) 452-1078

IDA# 11601 JM

January 22, 1991

RQ-19

RECEIVED

JAN 31 91

The Honorable Dan Morales  
Attorney General of Texas  
P. O. Box 12548  
Austin, Texas 78711-2548

Opinion Committee

Dear General Morales:

cc: JM 1279

On behalf of the Texas State Board of Medical Examiners, may I ask that your office reconsider Opinion No. JM-1279, issued December 28, 1990. That opinion concludes that the Texas Board of Chiropractic Examiners may promulgate rules authorizing its licensees to use the term "chiropractic physician" if such phrase is employed in addition to one of the terms specified in Article 4590e V.T.C.S.

The Texas State Board of Medical Examiners urges reconsideration of Opinion No. JM-1279 because we believe the opinion fails to correctly interpret the Legislature's language and intent in the Healing Art Identification Act, Tex. Rev. Civ. Stat. Ann. art. 4590e, sec. 3(4) (Vernon 1976). We believe the Act's purpose was to avoid or reduce confusion in the minds of patients and the public concerning which practitioners of the healing arts are able to provide certain kinds of services by standardizing the designations which those practitioners must use when referring to themselves professionally. Toward that end, the Legislature adopted what clearly is an exclusive list of designations "one of which must be used..." by the various listed practitioners of the healing art.

Every practitioner of one of the several segments of the healing art who may otherwise correctly refer to himself or herself as "doctor" based upon the academic degree obtained is not thereby also a physician. Doctors of Philosophy (Ph.D.s), Doctors of Education (Ed.D.s), Doctors of Optometry (O.D.s), Doctors of Dental Surgery (D.D.S.s) Doctors of Podiatric Medicine (D.P.M.s), and Doctors of Naturopathy (N.D.s) are certainly not physicians in Texas. The terms "doctor" and "physician" are not synonymous and interchangeable.

The term "physician" as a permissible designation is listed in the Healing Art Identification Act as being available only for

The Honorable Dan Morales  
Page Two

licensees of the Texas State Board of Medical Examiners. Reference in JM-1279 at page 6864 to the ability of naturopaths to utilize the term "physician" pursuant to the Healing Art Identification Act is especially troubling because the State Board of Naturopathic Examiners was abolished by the Legislature in 1961, and thus there are no licensees of that Board in Texas today.

The Chiropractic Board's proposed rule, Section 80.2, which appeared in the February 13, 1990 issue of the Texas Register at page 756, would authorize use of "any derivative of the terms listed in paragraphs (1)-(4) of this section." Those terms include "chiropractor", "doctor of chiropractic", "chiropractic physician" and "D.C.". A derivative of "chiropractic physician" which would be permissible under the Chiropractic Board's proposed rule would logically include the single word "physician". No simple paring of that or a similar word choice with one of the designations listed in Section 3(4) of the Healing Art Identification Act would serve to alleviate the inevitable confusion that would result in the minds of the public.

For these reasons, I would reiterate that the conclusion of Opinion No. JM-1279 is not legally sound, would badly serve the citizens of this State, and should be reconsidered.

Thank you for your attention to this request.

Sincerely,



R.A.D. Morton, Jr., M.D.  
President, Texas State Board of  
Medical Examiners

RADM/MGY/pgr  
Corres 8.114/3