

Held: The Board of Chiropractic Examiners has the power to accept a General Equivalency Diploma or other satisfactory evidence of education equivalent to a four year high school course, in determining the qualifications of applicants for a license to practice chiropractic.

June 16, 1951.

Dr. L. R. Getchell, Secretary
Montana State Board of Chiropractic
Examiners
Livingston, Montana

Dear Dr. Getchell:

You have requested my opinion on a question that has arisen concerning the interpretation of Section 66-505, Revised Codes of Montana, 1947, relative to qualification of applicants for a license to practice chiropractic. The pertinent portion of the section provides as follows:

“*** Each applicant shall be a graduate of a chartered school of chiropractic, in which he actually attended a course of study of at least four school years of eight months each, preceded by a four years' high school course.***” (Emphasis sup-

. You inquire whether the above emphasized provision means a full four years high school course or whether the equivalency of a high school course is acceptable for qualification to take the examination.

What was the intent of the drafters of this section is not clear. The provision is part of the Chiropractic Licensing Act passed by the people by Initiative measure in 1918 and effective under the Governor's proclamation on December 28, 1918. The law does not require that a diploma from an accredited high school be first obtained.

In July, 1946, the State Board of Education of Montana, in accordance with its supervisory powers over the curricula and educational standards for the educational institutions of the State of Montana, adopted a resolution permitting the State Superintendent of Public Instruction to give general equivalency tests. These tests are authorized by the American Council of Education and most states have already recognized that a passing

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grade on these tests will entitle the examinee to a General Equivalency Diploma. In 1946 the Board of Education limited the applicants for these tests to veterans of the last war. However, in 1949, the Board of Education extended their regulation to include others. The various units of the University of Montana recognize a General Equivalency Diploma as a substitute for a regular high school diploma and admit the holder of these diplomas to all of the units of the University System. I am informed that the other colleges of the State of Montana also recognize these diplomas.

However, the regulations of the State Board of Education are not binding on the Board of Chiropractic Examiners. Section 66-503, Revised Codes of Montana, 1947, which sets forth the powers and duties of the Chiropractic Examining Board contains this provision:

“ . . . They (the Board shall adopt a seal, which shall be affixed to all licenses issued by them, and shall from time to time adopt such rules and regulations as they may deem proper and necessary for the performance of their duties, and they shall adopt a schedule of minimum educational requirements, not inconsistent with the provisions of this law, which shall be without prejudice, partiality or discrimination as to the different schools of chiropractic.” (Emphasis supplied)

In view of the powers vested in the Board of Chiropractic Examiners by the above quoted section it is my opinion that the Board may accept a General Equivalency Diploma or any other evidence that it may deem satisfactory which shows that the applicant has educational requirements equivalent to a four year high school course.

The theory that underlies all licensing of professions is the protection of the public from incompetents. Thus, I believe that it is unreasonable to assume that the people in enacting the Chiropractic law intended to bar an applicant merely because he had not completed a formal high school course, provided the applicant could supply satisfactory evidence of having an equivalent education.

Very truly yours,
ARNOLD H. OLSEN
Attorney General