

chiropractor to practice obstetrics in the State of Montana.

Sections 66-501 through 66-517, Revised Codes of Montana, 1947, prescribe the specific laws applicable to chiropractors and the practice of chiropractics.

Section 66-507 defines "chiropractic" as follows:

"Chiropractic is the science that teaches that disease results from anatomic disrelation, and teaches the art of restoring anatomic relation by a process of adjusting by the use of the hand.

No other means of securing health shall be construed to be chiropractic except the application of the inherent qualities at the time in the patient or appertaining to the chiropractor."

Section 66-509 prescribed the rights and limitations governing the practice of chiropractors, thus:

"Chiropractors licensed under this act shall have the right to practice that science defined as chiropractic under section 66-507, in accordance with the method, thought, and practice of chiropractors, and they shall be permitted the prefix of Dr. or Doctor as a title, but shall not in any way imply that they are regular physicians or surgeons. They shall not prescribe for or administer to an person any medicine or drugs, nor practice medicine or surgery, nor osteopathy except that the use of antiseptics for purposes of sanitation and hygiene, and to prevent infection and contagion shall be permitted." (Emphasis added)

Is the practice of obstetrics the practice of medicine or surgery? Obstetrics has been defined as the branch of medical science which has to do with the care of women during pregnancy and parturition (*Stoike v. Wereman*, 167 Minn. 266, 208 N.W. 993), and the branch of medicine which cares for women during pregnancy, labor and puerperium (*State v. Houck*, 32 Wash. (2d) 681, 203 Pac. (2d) 693). Obstetrics is defined in the American Illustrated Medical Dictionary (21st Ed.) as:

"The art of managing childbirth cases; that branch of surgery which deals with the management of pregnancy and labor."

Opinion No. 82

Chiropractics—Chiropractors—Medicine and Surgery—Licenses—Obstetrics—Midwifery.

Held: The practice of obstetrics is the practice of medicine and surgery.

A chiropractor may not legally represent himself under the law as being licensed to engage in the practice of obstetrics.

May 1, 1952.

Mr. Smith McNeill
County Attorney
Lincoln County
Libby, Montana

Dear Mr. McNeill:

You have requested my opinion concerning the propriety of a duly licensed

The general rule is that in the absence of a statute to the contrary a person practicing obstetrics or midwifery is within a statute requiring a license or certificate for practicing medicine or surgery. (70 C.J.S. § 10 h, Obstetrics and Midwifery, p. 844).

Chapter 10 of Title 66, Volume 4 of the Revised Codes of Montana, 1947, is concerned with the regulation of the practice of medicine and surgery in this state. Section 66-1006, contains an exception from the provisions of the act as applied to midwives of skill and experience, as to commissioned surgeons of the United States army and navy in the discharge of their official duties, and as to physicians and surgeons in actual consultation from other states and territories. No other exceptions are made nor may they be implied.

The legislature of Montana has grouped those practicing the healing art into three distinct classes (1) physicians and surgeons, (2) chiropractors, and (3) osteopaths, in effect recognizing that there is both a necessity and a merit in each of the distinct fields. However, the legislature made its intent clear in segregating and limiting the area of practice in each of these fields. Whereas, physicians and surgeons are permitted to practice medicine and surgery, the practice of medicine and surgery by chiropractors and osteopaths is forbidden.

The question remains as to whether a duly licensed chiropractor is permitted by statute to act as a midwife in obstetrical cases, in view of the exception made in Section 66-1006, Revised Codes of Montana, 1947, previously referred to. The legislature specifically set out the rights and limitations applicable to the practice of chiropractic (Section 66-509, supra), and expressly made it clear that chiropractors were not to practice medicine or surgery. Obstetrics has been defined as a branch of both medicine and surgery. There is no prohibition in the law against a person becoming a midwife, however, there is an implied prohibition against one professing to be licensed in the practice, where in fact he is not.

It is, therefore, my opinion that a chiropractor may not legally represent himself under the law as being licensed to engage in the practice of obstetrics. That where a chiropractor engages in

the practice of midwifery, it should be made imminently clear that he is not engaging in such practice under the cloak of his license to engage in chiropractics.

Nothing in this opinion should be construed to mean that any individual may not in an emergency assist in the delivery of a child.

Very truly yours,
ARNOLD H. OLSEN
Attorney General