

Opinion No. 12

CHIROPRACTORS: Examination of; applicant must have educational requirements provided for by statute—CHIROPRACTORS; Exemption privilege; applicant for licensure by reciprocity does not have to have statutory educational requirements—Sections 66-504, 66-505 and 66-515, Revised Codes of Montana, 1947—Chapter 178, Laws of 1959.

- Held:**
1. Applicants for licensure, by examination to the practice of chiropractic in this state must have the academic and professional training as established by Section 66-505, RCM, 1947.
 2. Applicants for licensure, by reciprocity, to the practice of chiropractic in this state need not have the educational requirements as established by Section 66-505, RCM, 1947, if they have practiced in, and have been licensed by, a state which has educational admission standards equal to the State of Montana's.

May 17, 1961

M. J. Klette, D. C.
Secretary-Treasurer
State Board of Chiropractic Examiners
Box 709
Havre, Montana.

Dear Dr. Klette:

You have requested my opinion concerning the following question:

Must every applicant for a license to practice chiropractic present evidence showing completion of two full academic years of college or university work from an institution acceptable to the Montana State Board of Education in addition to his chiropractic training?

The power of the state to enact statutes regulating the admission to, and practice of, the various professions is unquestioned, *State v. Bays*, 100 Mont. 125, 127, 47 Pac. 2d 50. Regulation of this nature is based upon the state's inherent power to protect its citizens from incompetent persons who otherwise would infiltrate professional ranks and perpetrate a fraud upon the public. The chiropractic profession has been so regulated in Montana by an initiative measure of November, 1918, now Chapter 5, Title 66, RCM 1947. Section 66-504, RCM, 1947, provides in part:

"It shall be unlawful for any person to practice chiropractic in this state without first obtaining a license as provided in this act; . . ."

The act provides that chiropractic licenses may be obtained by examination or by reciprocity. The examination provisions are set forth in Section 66-505, RCM, 1947, as amended by Chapter 178, Laws of 1959, which provides in part:

"**Any person** wishing to practice chiropractic in this state shall after March 5, 1951, make application to said board of chiropractic examiners through the secretary-treasurer thereof, and upon such form and in such manner as may be prescribed and directed by the board, at least fifteen (15) days prior to any meeting of said board. **Each applicant** shall be a graduate of a college of chiropractic approved by said board of chiropractic examiners in which he shall have attended a course of study of four (4) school years of not less than nine (9) months each, and after March 15, 1959, shall present evidence showing completion of two (2) full academic years of college or university work from an institution acceptable to the Montana State Board of Education; . . ." (Emphasis added)

Admission by reciprocity is provided by Section 66-515, RCM, 1947, which provides:

"Persons licensed to practice chiropractic **under the laws of any other state having chiropractic educational requirements equal to this act**, may, in the discretion of the board, be issued a license to practice in this state without examination, upon payment of the fee of twenty-five dollars as herein provided." (Emphasis added)

The legal question presented by this request is what effect did the 1959 amendment to Section 66-505, RCM, 1947, have on Section 66-515, RCM, 1947. The 1959 amendment did not contain a repealing clause, nor did it indicate any intent by the Legislature to amend or revoke any other provision of the law relating to chiropractic practice. It is a judicial presumption in this state that legislation is enacted with knowledge of the existing law at the time of the enactment, *In re Wilson's Estate*, 102 Mont. 178, 56 Pac. 2d 733. It should be presumed that our Legislature knew of the existence of Section 66-515, RCM, 1947, when Chapter 178, Laws of 1959, was enacted. As the restriction pro-

vided in Section 66-515, RCM, 1947, is concerned with the educational standards of the state from which an applicant seeks admission by reciprocity, and the educational standards of Section 66-505, RCM, 1947, is directed to the qualifications of the individual applicant, these sections are not in conflict. It is apparent therefore, that the Legislature only intended to change the educational standards in regard to admission by examination. Our Supreme Court has determined that statutes which are not inconsistent with one another, and which relate to the same subject matter, are **pari materia** and should be construed together, and effect given to both if possible to do so, State ex rel. Riley v. District Court, 103 Mont. 576, 64 Pac. 2d 115.

Therefore, it is my opinion that applicants for licensure, by examination, to the practice of chiropractic in this state must have the academic and professional training as established by Section 66-505, RCM, 1947. I am further of the opinion that, applicants for licensure, by reciprocity, to the practice of chiropractic in this state need not have the educational requirements as established by Section 66-505, RCM, 1947, as long as the state in which they are licensed and have practiced has educational admission standards equal to those established by Montana.

Very truly yours,
FORREST H. ANDERSON
Attorney General