



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

April 12, 1965

Hon. Harvey H. Kennedy, D.C., President
Texas Board of Chiropractic Examiners
Sam Houston Building
Austin, Texas

Opinion No. C-420

Re: Whether the Board of Chiropractic Examiners has the authority to determine the schools and state associations whose programs of refresher work will be acceptable to the Board as meeting the annual renewal requirements.

Dear Mr. Kennedy:

You have requested the opinion of this office regarding the above-stated question, based upon the requirements of the Texas Chiropractic Act, Article 4512b, Vernon's Civil Statutes.

The particular section of the Texas Chiropractic Act that is involved in your question is Section 8b of Article 4512b. This section is quoted in part as follows:

". . . Provided, however, that as a prerequisite to the annual registration or renewal and before such chiropractic registration or renewal may be issued, the licensee shall present to the Board (a) satisfactory evidence that in the year preceding the application for renewal said licensee attended two (2) days of seminar, educational lectures, post-graduate course, or annual convention of any State Association or Society, or regular organized (recognized) Chiropractic College, or (b) satisfactory evidence that

he was unavoidably prevented by sickness or otherwise attending such educational or post-graduate program, together with a recommendation of two (2) reputable licensed Texas Chiropractors who personally know the licensee and vouch for his good standing in the profession; provided that new licenses. . ."

Pursuant to the requirement of a minimum of two days of refresher training as established above, you advise that the Texas Board of Chiropractic Examiners has passed a motion as follows:

"The Texas State Chiropractic Association be named as the official State Chiropractic Association and that the Texas State Chiropractic Association Convention, Texas Chiropractic College Homecoming Convention and Texas Chiropractic College Fall Seminar be the Texas refresher courses recognized by the Board for renewal of licenses. Various seminars; such as: Parker, Rich Courses, T.S.C.A. Insurance seminar, T.S.C.A. X-ray seminar, County Societies, Science Clubs and other small organizations are not acceptable for license renewal."

It is clear that the refresher requirements established by the motion are no stricter than the requirements made in the statute. The primary difference between the motion and the statute is that the motion particularly names the various professional meetings that will be recognized as fulfilling the refresher requirements of the statute.

Section 4a of the Texas Chiropractic Act empowers the Board "to make such rules and regulations not inconsistent with this law as may be necessary for the performance of its duties, the regulation of the practice of chiropractic, and the enforcement of this Act." Under this provision, it is incumbent upon the Board to determine that the refresher course requirements are met by attendance at bona fide educational events contemplated by the statute. The Board could not reach out and create new refresher course requirements, for such action would be outside its statutory authority. But here, the

Board, in the exercise of its sound discretion, has determined that certain state associations fulfill the requirements of offering bona fide refresher courses to practicing chiropractors, and has determined that certain others do not meet those requirements. It is the opinion of this office that the Board has the duty and the power to make such determinations. See Kee vs. Baber, 157 Tex. 387, 303 S.W.2d 376 (1957); Texas State Board of Examiners in Optometry vs. Carp, No. A-10258, not yet reported.

SUMMARY

The Texas Board of Chiropractic Examiners, in fulfilling its duty to regulate the profession, has the power and duty to designate the particular state associations whose educational offerings shall be acceptable in satisfying the refresher requirements of Section 8b of Article 4512b, V.C.S.

Yours very truly,

WAGGONER CARR
Attorney General

By 
Malcolm L. Quick
Assistant

MLQ:ms:cg

APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman
Pat Bailey
John Fainter
Bob Flowers
Arthur Sandlin

APPROVED FOR THE ATTORNEY GENERAL

BY: Stanton Stone