

1981 WL 157855 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 7, 1981

*1 Honorable John T. Campbell
Secretary of State
Wade Hampton Office Building
Columbia, South Carolina 29201

Dear Mr. Campbell:

You have requested an opinion from this Office whether an association of chiropractors would be permitted to incorporate under the general corporate statutes of this State. It is the opinion of this Office that chiropractors are not permitted to incorporate under the existing law of this State.

Under the law of this State '[a] corporation may be formed and do business under the provisions of [the general corporate statutes] for any lawful business purpose or purposes.' § 33-3-10, S.C. Code, 1976. As a matter of general law, it is not within the power of a corporation to engage in the practice of one of the learned professions, including medicine. 19 C.J.S. 'Corporations,' § 956; see [Johnson v. Stumbo](#), 277 Ky. 301, 126 S.W.2d 165 (1938). This rule has been extended in South Carolina to apply to the health care field of optometry. [Ezell v. Ritholz](#), 188 S.C. 39, 198 S.E. 419 (1938). The rationale of that decision by the South Carolina Supreme Court was that if a group of opticians were permitted to incorporate, that would result in a lessening of the personal or individual responsibility of the health care practitioner to his patient. This would further result in the lowering of professional standards to the public detriment. This rationale is equally applicable to the health care field of chiropractic in that the Supreme Court has held, at least in dicta, that the practice of chiropractic is a branch of medicine. [Williams v. Capital Life and Health Insurance, Co.](#), 209 S.C. 512, 41 S.E.2d 209 (1947).

For these reasons, it is the opinion of this office that an association of chiropractors may not be incorporated under the laws of this State to engage in the practice of chiropractic. However, a group of chiropractors may, of course, form a professional association pursuant to § 33-51-10, *et seq.*, S.C. Code, 1976.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

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