

1977 S.C. Op. Atty. Gen. 225 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-295, 1977 WL 24635

Office of the Attorney General

State of South Carolina

Opinion No. 77-295

September 20, 1977

*1 TO: R. C. Mooneyham, D.C.
Clerk
South Carolina Board of Chiropractic Examiners

QUESTION

Can a chiropractor, pursuant to [21 C.F.R. §§ 801.421](#) issue a written statement stating that a patient's hearing loss has been medically evaluated and stating that a patient may be considered a candidate for a hearing aid thereby permitting a hearing aid dispenser to sell a hearing aid to such a patient?

STATUTES AND CASES

[21 C.F.R. §§ 801.420](#) and [801.421](#) (1977);

Code of Laws of South Carolina § 40–47–40 (1976);

59 Acts and Joint Resolutions 2208 (Act No. 795) (1976);

[Williams v. Capital Life and Health Insurance Company](#), 209 S.C. 512, 41 S.E.2d 208 (1947).

DISCUSSION

[21 C.F.R. § 801.421\(a\)\(1\)](#) establishes the requirement, with exceptions that are not relevant to this inquiry, that a prospective user of a hearing device present to a hearing aid dispenser a ‘written statement signed by a licensed physician that states that the patient's hearing loss has been medically evaluated and that the patient may be considered a candidate for a hearing aid.’ It is the opinion of this Office that a chiropractor in South Carolina is not permitted to medically evaluate the need for a hearing aid. The practice of a chiropractor has been defined as the spinal analysis of any interference with normal nerve transmission and expression and the adjustments to the articulations of the vertebral column and its immediate articulation. 59 Acts and Joint Resolution 2208 § (2)(b).

Although a chiropractor is recognized in South Carolina as a practitioner of medicine (Code of Laws of South Carolina §§ 40–47–40), he is a practitioner only to the extent that the practice is defined by 59 Acts and Joint Resolution 2208 § (2)(b). As was stated in [Williams v. Capital Life and Health Insurance Company](#), 209 S.C. 512, 41 S.E.2d 208 (1947):

Anyone engaged in the practice of any such branch of medicine, stands for all purposes in the position of a physician in the orthodox field of medicine, at least to the extent that he limits his activities to the recognized scope of his particular profession.

The recognized scope of the chiropractic profession is limited to the ‘spinal analysis of any interference with normal nerve transmission and expression’ and ‘adjustments to the articulations of the vertebral column and its immediate articulations.’ In

no instance can authority be found to indicate that that specialty includes dealing with hearing problems remediable by the use of a hearing aid.

CONCLUSION

A chiropractor is not such a licensed physician that can issue written statements that a patient's hearing loss has been evaluated and that the patient may be considered a candidate for a hearing aid.

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