

1979 WL 43170 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 14, 1979

\*1 The Honorable John G. Felder  
Representative  
District No. 93  
U.S. 601 North  
St. Matthews, South Carolina 29135

Dear Representative Felder:

You asked this Office to review a proposed amendment to S-274 which would place chiropractors on an equal footing with physicians and surgeons with respect to payment for their services through health insurance contracts. It is quite possible that the proposed language would not accomplish that purpose, in that [§ 40-47-40, Code of Laws of South Carolina](#), 1976, may not now include chiropractors as persons 'regarded as practicing medicine within the meaning of this article.'

Section 40-47-10, et seq., provides for the licensing of physicians and surgeons by the State Board of Medical Examiners. The South Carolina Supreme Court in 1922 did construe [§ 40-47-40, Id.](#), to include chiropractors. [State v. Barnes, 119 S.C. 213, 112 S.E. 62 \(1922\)](#). However, at that time there was another section in that article which expressly provided that chiropractors would be licensed by the State Board of Medical Examiners. § 2412 Civil Code of South Carolina, 1922. Therefore, the section now designated as [§ 40-47-40, Code of Laws of South Carolina](#), 1976, was intended to bring chiropractors under the jurisdiction of the Board of Medical Examiners for licensing purposes.

However, in 1932 a separate Board of Chiropractic Examiners was created to license chiropractors. Act No. 892, S.C. Acts, 1932. Clearly the General Assembly intended thereby to take chiropractors out from under the jurisdiction of the State Board of Medical Examiners, since a new provision was made to license them by a Board of Chiropractic Examiners.

If chiropractors were still to be included in [§ 40-17-40, Id.](#), then it would follow that they would still be licensed by the Board of Medical Examiners. However, the Board of Medical Examiners has not licensed or regulated chiropractors since the enactment of the 1932 Act. Therefore it seems clear from the interpretation placed on the statute by the Board of Medical Examiners that the General Assembly intended that the inclusion of chiropractors in [§ 40-47-40, Id.](#), was repealed.

For these reasons, it is most likely that chiropractors are not now included in [§ 40-47-40, Id.](#) Therefore, the proposed language of the amendment would likely not accomplish the intended purpose.

Sincerely yours,

David C. Eckstrom  
State Attorney

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