



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

July 20, 1960

Mr. Lewis M. Hoppock, D.C.S.
Secretary-Treasurer
State Board of Chiropody Examiners
P. O. Box 3315
Temple, Texas

Opinion No. WW-885

Re: May an individual, licensed by the State Board of Chiropody Examiners legally use the word "podiatrist" following his name in connection with the professional use of his name on any sign, pamphlet, stationery, etc.

Dear Mr. Hoppock:

Your request for an opinion from this office involves two questions, the first of these is:

(1) Whether an individual licensed by the State Board of Chiropody Examiners may legally use the word "podiatrist" following his name in connection with the professional use of his name on any sign, pamphlet, stationery, letterhead, signature, office door, directories, etc.

Article 4567, Vernon's Civil Statutes, as amended by Acts 52nd Legislature, 1951, chapter 132, page 219, § 1, states that:

"Any person shall be regarded as practicing chiropody within the meaning of this law, and shall be deemed and construed to be a chiropodist, who shall treat or offer to treat any disease or disorder, physical injury or deformity, or ailment of the human foot by any system or method and charge

therefor, directly or indirectly, money or other compensation or who shall publicly profess or claim to be a chiropodist, podiatrist, pedicurist, foot specialist, doctor or use any title, degree, letter, syllable, word or words that would tend to lead the public to believe such person was a practitioner authorized to practice or assume the duties incident to the practice of chiropody."

Section 3, Article 4590e, Vernon's Civil Statutes, as amended Acts 52nd Legislature, 1951, chapter 154, page 254, provides in part as follows:

"Every person licensed to practice the healing art heretofore or hereafter by . . . the State Board of Chiropody Examiners . . . shall in the professional use of his name on any sign, pamphlet, stationery, letterhead, signature, or on any other such means of identification, written or printed, designate in the manner set forth in this Act the system of the healing art which he is by his license permitted to practice. The following are the legally required identifications, one of which must be used by practitioners of the healing art:

". . .

"(6) If licensed by the State Board of Chiropody Examiners; chiropodist; doctor, D.S.C.; doctor of surgical chiropody; D.S.C."

39 Tex. Jur. "Statutes", Section 90, Page 166, states as follows:

"The intention of the Legislature in enacting a law is the law itself, 'the essence of the law,' and 'the spirit which gives life' to the enactment. Hence, the aim and object of construction is to ascertain and enforce the legislative intent, and not to defeat, nullify or thwart it."

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It is settled that the statutes must be construed so as to give effect to the legislative intent.

In looking at the legislative history of Articles 4567 and 4590e (3) (6), it will be found that the Legislature amended Article 4567 and later enacted Article 4590e (3) (6).

"Where statutes relating to the same subject matter were enacted at the same session of the Legislature, it is presumed that they were actuated by the same policy and imbued with the same spirit, and in ascertaining legislative intent they will be read together as though they were embraced in one act . . ." Garrett v. Mercantile Nat. Bank at Dallas, et al, 140 Tex. 394, 168 S.W. 2d 636 (1943).

Further, it is a well settled rule that statutes relating to the same subject matter "should be construed together and when one statute deals with the subject in general terms and another deals with a part of the subject in a more detailed way" the latter will control. Culver, et al v. Miers, et al, 220 S.W. 2d 200 (Civ. App. 1949).

It is abundantly clear that the intention of the Legislature was to limit those licensed under Article 4590e (3) (6) to the use of one of the legally required identifications set out therein, and hence it is the opinion of this Department that an individual licensed by the State Board of Chiropody Examiners may not legally use the word "podiatrist" following his name in connection with the professional use of his name on any sign, pamphlet, stationery, etc.

Your second question involves:

(2) Whether the State Board of Chiropody Examiners has the authority to admit to its examination or to license an individual upon whom has been conferred a degree other than Doctor of Surgical Chiropody?

Article 4570 provides in part:

"All applicants for license to practice chiropody in this State, not otherwise

licensed under the provisions of law, . . . shall present satisfactory evidence of graduation from a bona fide reputable school of chiropody in the form of a diploma which has conferred the degree of Doctor of Surgical Chiropody. . . ."

39 Tex. Jur. "Statutes", Section 90, Page 168, states as follows:

"When the intent is plainly expressed in the language of a statute, it must be given effect without attempting to construe or interpret the law. . . ."

39 Tex. Jur. "Statutes", Section 17, Page 39, states as follows:

". . . A statute giving authority to do a particular thing, and prescribing the mode of doing it, is mandatory in the sense that all other modes are excluded. . . ."

It is our opinion that the State Board of Chiropody Examiners may only admit to examination or license an individual upon whom a degree has been conferred of Doctor of Surgical Chiropody from a bona fide reputable school of chiropody.

S U M M A R Y

- (1) The intention of the Legislature in enacting Article 4590e (3) (6) was to require those individuals licensed by the State Board of Chiropody Examiners to use one of the identifications set out therein, and the word "podiatrist" is not sufficient to meet the requirements of the statute.
- (2) The provisions of Article 4570 being mandatory, the State Board of Chiropody Examiners may only admit to examination or license an individual upon

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whom a degree has been conferred of Doctor
of Surgical Chiropody from a bona fide re-
putable school of Chiropody.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
Martha Joe Stroud
Assistant

MJS:mm

APPROVED:

OPINION COMMITTEE
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Joe Allen Osborn
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REVIEWED FOR THE ATTORNEY GENERAL

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