114.

LIMITED PRACTITIONER—CHIROPRACTOR AND ELECTROTHERAPIST—MAY NOT PROCURE BLOOD SAMPLE FOR WASSERMAN TEST.

*SYLLABUS:*

*A limited practitioner licensed by The State Medical Board as a chiropractor and electrotherapist is not authorized under the law or under the rules of The State Medical Board, pursuant to Section 1274-1, General Code, to procure a sample of blood for a Wasserman test.*

COLUMBUS, OHIO, February 23, 1929.

*The State Medical Board, Columbus, Ohio.*

GENTLEMEN:—This is to acknowledge receipt of your letter of recent date requesting my opinion as to the right of a chiropractor to procure a sample of blood for analysis at the laboratories of the State Department of Health and enclo ing letter from the Director of Health which is as follows:

> "We have received at our laboratories from a chiropractor a sample of blood on which a Wasserman examination is requested. It is our interpretation of the law that a chiropractor is prohibited from treating veneral disease. We also believe a practitioner would not be authorized by law to collect a sample of blood for examination for veneral disease, or any other purpose where it is necessary that blood be secured by the puncture method.
>
> I shall be glad to have from your Board a statement as to the right of a chiropractor to secure a specimen of blood for examination to determine the existence of veneral disease."

It appears that the chiropractor who has submitted this sample of blood is duly licensed as a chiropractor and also as an electrotherapist. The State Medical Board under the authority given in Section 1274-1, General Code, has established rules and regulations governing limited practitioners as therein defined. Such rules as applicable in the present case are as follows:

> (a) Chiropractic is hereby understood to be "the detecting and adjusting by hand only, of vertebral subluxations."
>
> (d) Electrotherapy is hereby understood to be the use of electricity for therapeutic purposes.

It is noted that the rules and regulations governing the practice of chiropractors and electrotherapists do not contain any reference whatsoever to surgery or to any treatment involving the making of an incision or puncture, such as would be necessary to procure a sample of blood. Section 1274-3 of the General Code, in providing for the issuance of a certificate to limited practitioners by the State Medical Board, after passing an examination, expressly states that such certificate shall authorize the holder thereof to practice such limited branch or branches of medicine or surgery as may be specified therein and it expressly states that such certificate shall not permit a limited practitioner to treat infections, contagious or veneral diseases. It has been held by this department that one not qualified to treat a disease would not be qualified to diagnose the same. See Opinions of the Attorney General, 1921, Vol. II, page 950. The question here is, perhaps, not exactly a parallel one, in that it might be held that the chiropractor is not making a diagnoses but is taking a sample of blood which has been referred to the laboratory of the State Department of Health for examination; however, the procuring of a sample of blood for such test is, in my opinion, a part of the acts necessary to make such a diagnosis.

Section 1261-27 of the General Code provides for the establishment of district laboratories under the supervision of the State Department of Health and Section 1261-28, General Code, provides for the free treatment of certain venereal diseases by district boards of health. The question here considered is not whether the laboratory of the State Department of Health is justified in considering who took the sample of blood, but whether or not a chiropractor and electrotherapist is authorized to take such sample himself by making an incision or puncture. In view of these provisions for the treatment of such diseases; in view of the fact that the rules governing chiropractors and electrotherapists established by the State Medical Board limits such practitioners exclusively to external treatments; in view of the fact that limited practitioners are expressly prohibited from treatment of venereal diseases; and in view of the opinion of this department referred to above, holding that a limited practitioner may not diagnose a disease that he is prohibited from treating, I am of the opinion that chiropractors and electrotherapists are not authorized to take a sample of blood for a Wasserman test.

Respectfully,
GILBERT BETTMAN,
*Attorney General.*

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115.

MUNICIPALITIES—NOT CHARTERED—NO AUTHORITY TO PROVIDE INSURANCE AGAINST FORGERY OF WARRANTS.

*SYLLABUS:*

*Municipalities operating under the general laws relating to municipal corporations in Ohio are not authorized to provide against loss occasioned by forgeries and "raised" municipal warrants by effecting insurance against the same.*

COLUMBUS, OHIO, February 23, 1929.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—This will acknowledge receipt of your request for my opinion in answer to the following question:

> "May a city legally pay from public funds premiums for insurance against forgery and raised warrants?"

Aside from the Home Rule powers of a municipal corporation in Ohio, it is generally recognized that it is within the powers of such a corporation to provide for protection against loss caused by fire by contracting for fire insurance on its public buildings. This power is said to be incident to or implied from the power to own and maintain such buildings. McQuillan on Municipal Corporations, Second Edition, Section 1228; Davidson vs. Baltimore, 96 Md. 509; French vs. Melville, 66 N. J. L. 392.

After citing with approval the case of French vs. Melville, supra, and reasoning by analogy therefrom, the Supreme Court of Ohio in the case of Traveler's Insurance Company vs. Village of Wadsworth, 109 O. S. 440, held that a municipal corporation is empowered to provide by means of liability insurance against liability for judgments for personal injuries which might grow out of the operation of its municipally owned electric light and power plant. In this connection Judge Allen, speaking for the court, after noting the holding in the case of French vs. Melville, supra, said: