

"It would appear, therefore, that it was clearly intended that the detention home is to be a separate and distinct institution in charge of a superintendent and matron, and that there is no provision of law whereby the children's home, or a part thereof, can be utilized for the purpose of a detention home. The grounds within the enclosure surrounding a children's home are as much a part of the home as the building itself, and to place on the premises of a children's home a building to be used as a detention home, which detention home, of course, is used for detaining delinquents, dependent and neglected minors under the age of eighteen years while their cases are being investigated by and until they are disposed of by the juvenile court, would constitute a violation of section 3089 of the General Code \* \*."

After a careful analysis of the sections of the statutes bearing upon the question submitted by you, and the prior holdings of this department, you are advised that the board of education of a school district, in which is located a county detention home, established in conformity with section 1670 G. C., has authority to forbid the attendance of the inmates of the county detention home at the public schools of the district, since section 1670 G. C. provides that the superintendent and matron in a county detention home shall be persons "qualified as teachers of children".

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

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2493.

APPROVAL, BONDS OF UPPER SCIOTO DRAINAGE AND CONSERVATION DISTRICT IN AMOUNT OF \$266,900.

COLUMBUS, OHIO, October 22, 1921.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2494.

PHYSICIANS AND SURGEONS—OSTEOPATHIC PHYSICIANS AUTHORIZED TO SIGN DEATH CERTIFICATE—LIMITED PRACTITIONERS OF MEDICINE NOT AUTHORIZED TO SIGN DEATH CERTIFICATE.

1. *Osteopathic physicians who have met the educational requirements of statute are authorized to sign death certificates.*

2. *Limited practitioners of medicine are not authorized to sign death certificates under the provisions of General Code section 210.*

COLUMBUS, OHIO, October 24, 1921.

HON. HARRY H. SNIVELY, *Director of Health, Columbus, Ohio.*

DEAR SIR:—Your request of recent date received in which you ask the opinion of this department as follows:

"I should be glad to have an opinion from you as to the authority of an osteopath, chiropractor, or other person practicing a limited branch of medicine, to sign a medical certificate of death as required by sections 197-234, inclusive, of the General Code."

Section 210 G. C. designates by whom a death certificate shall be signed and is as follows:

"The personal and statistical particulars (items one to thirteen of the preceding section) shall be signed by the informant, who may be any competent person acquainted with the facts. The statement of facts relating to the disposition of the body shall be signed by the undertaker, or person acting as such. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall state the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. He shall further state the cause of death, so as to show the course of disease or sequence of causes, resulting in death, giving the primary cause, the contributory causes, if any, and the duration of each."

Section 211 G. C. states the requirements of the death certificate and is as follows:

"Indefinite and unsatisfactory terms as defined by the state registrar, indicating only symptoms of disease, or conditions resulting from disease, shall not be held sufficient for issuing a burial or removal permit, and a certificate containing only such terms shall be returned to the physician for correction and definition. Causes of death, which may be the result of either disease or violence shall be carefully defined; and, if from violence, its nature shall be stated, and whether (probably) accidental, suicidal, or homicidal. In case of death in a hospital, institution or away from home, the attending physician shall furnish the information required under this head (item nineteen), and shall state where, in his opinion, the disease was contracted."

To comply with this latter section the physician must of necessity be competent to diagnose the cause of death.

Section 212 G. C. provides for the executing of the death certificate in case there is no attending physician at the time of death. Section 212 is as follows:

"In case of death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and, when so notified, the registrar shall inform the local health officer, and refer the case to him for immediate investigation and certification, prior to issuing the permit. When the local health officer is not a qualified physician, or when there is no such official, and in such cases only, the registrar shall make the certificate and return from the statement of relatives or other persons, having adequate knowledge of the facts."

In each of the above sections, with the exception of section 212 wherein the registrar executes the death certificate, the physician is the only person

qualified to sign the death certificate. The question before us therefore resolves itself into this:

(1) Is an osteopathic physician qualified to sign a death certificate?

(2) Is one who is qualified to practice a limited branch of medicine also qualified to sign a death certificate?

The osteopathic physician who complies with the educational qualifications of General Code section 1289, which section requires of the osteopath a preliminary education "as is required by law of applicants for examination to practice medicine and surgery", and General Code section 1288, which enumerates the subjects in which he is examined by the state medical board, and who passes such examination, "receives a certificate from such board. Such certificate shall authorize the holder thereof to practice osteopathy and surgery in the state, but shall not permit him to prescribe or administer drugs, except anesthetics and antiseptics."

It will be noted that there is no limitation as to the diseases an osteopath may treat. Under section 1283 G. C. he takes the same examination in diagnosis as is taken by the physician for the practice of medicine. He is as fully equipped under the law for the diagnosing of any disease or ailment, if he meets the educational requirements outlined by statute, as any other person can be. He may be the last in attendance qualified to administer for any disease. General Code sections 210 et seq., above quoted, refer to physician. The present statutes relating to osteopathy refer to the practitioner thereof as a physician, the only qualification thereto being the term "osteopathic." It is reasonable to believe, and perhaps apparent, that the statute recognizes him as a physician and further uses the word "osteopathic" to designate the school to which he belongs in the same sense as "allopathic" physician is ordinarily distinguished from "homeopathic" physician, osteopathic indicating that the use of drugs is not permitted or desired, where allopathic and homeopathic prescribe drugs for the treatment of a patient, the distinction as between the last two being in the prescribing itself.

The purpose of the vital statistics act is to gain for the state a complete and reliable record. The record is based on the diagnosis of the cause of death of each particular person. From the above considerations no reason is apparent why the osteopathic physician is not included within the terms of section 210 G. C. He is qualified and the tendency of the law to recognize him as a physician is apparent. Indeed, section 1288 G. C. expressly exempts the osteopathic physician from the laws governing limited practitioners if he meets the educational requirements. Said section 1288 is as follows:

"The provisions of this chapter shall not apply to an osteopathic physician who passes an examination before the state medical board in the subjects of anatomy, physiology, obstetrics, surgery and diagnosis in the manner required by the board, receives a certificate from such board, and deposits it with the probate judge as required by law in the case of other certificates. Such certificate shall authorize the holder thereof to practice osteopathy and surgery in the state, but shall not permit him to prescribe or administer drugs, except anesthetics and antiseptics. No osteopathic physician holding a license to practice osteopathy at the time of the passage of this act, shall be permitted to practice major surgery, which shall be defined to mean the performance of those surgical operations attended by mortality from the use of the knife or other surgical instruments, until he shall have passed the examination in surgery given by the state medical board, but he may practice minor and orthopedic surgery, not in con-

flict with the definition of major surgery in this act. The certificate of an osteopathic physician may be refused, revoked or suspended as provided in section 1275 of the General Code of Ohio."

And further section 1274-1 G. C. expressly excepts osteopathy from limited branches of medicine and is as follows:

"The state medical board shall also examine and register persons desiring to practice any limited branch or branches of medicine or surgery, and shall establish rules and regulations governing such limited practice. Such limited branches of medicine or surgery shall include chiropractic, naprapathy, spondylotherapy, mechano-therapy, neuropathy, electrotherapy, hydro-therapy, suggestive-therapy, psycho-therapy, magnetic healing, chiropody, Swedish movements, massage, and such other branches of medicine or surgery as the same are defined in section 1286 of the General Code that may now or hereafter exist, except midwifery and osteopathy."

You are therefore advised that an osteopathic physician, who meets the educational requirements of the law, can properly sign a death certificate.

As to the limited branches of medicine, it is found on examination of the statutes that the field of operation of such limited practitioners is confined to certain ailments, or it is perhaps more correctly stated when it is said that certain diseases can not be treated by practitioners of limited branches. See General Code section 1274-3, which is as follows:

"For the purpose of conducting such examinations the state medical board shall call to its aid any person or persons of established reputation and known ability in the particular limited branch in which the examination is being held; and in the event that there is in existence a state association or society of practitioners of any such limited branch of medicine or surgery, such association or society, except a state association or society of chiropodists, shall recommend the person or persons to be designated for this service by the board. Any person called by the state medical board to its aid, as provided in this section, shall receive for his services not more than ten dollars per day and his actual and necessary expenses to be fixed and allowed by the state medical board.

If the applicant passes such examination and has paid the fee of twenty-five dollars as required by law, the state medical board shall issue its certificate to that effect. Such certificate shall authorize the holder thereof to practice such limited branch or branches of medicine or surgery as may be specified therein, but shall not permit him to practice any other branch or branches of medicine or surgery nor shall it permit him to treat infectious, contagious or venereal diseases, nor to prescribe or administer drugs, or to perform major surgery."

This clearly indicates the field of the limited practitioner. These limitations are apparently so placed for the reason that the preliminary educational qualifications of the limited practitioner are not sufficient to enable him to properly treat the diseases mentioned in the above quoted section 1274-3. This being true, it is assumed that one not qualified to treat a disease would not be qualified to diagnose the same. From this it can readily

be seen that the very purpose of the vital statistics act would be defeated in that such records would not be very apt to be correct and dependable. If they are not qualified to treat diseases generally, it does not seem possible that they can be physicians within the meaning of General Code section 210, above quoted, and further as a matter of fact the statutes of Ohio do not recognize them as physicians.

From these considerations and from the discussion of the osteopathic physician's power to sign a death certificate and the reasons therefor, it is the opinion of this department that those practicing a limited branch of medicine, as designated by statute, are not qualified to sign a death certificate.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

2495.

SCHOOLS—FREE TO ALL RESIDENT YOUTH OF DISTRICT BETWEEN AGES OF SIX AND TWENTY-ONE—MARRIED INFANT FEMALES UNDER AGE OF TWENTY-ONE MAY NOT BE COMPELLED TO ATTEND SCHOOLS OF DISTRICT UNDER COMPULSORY SCHOOL LAWS.

1. *Section 7681 G. C. provides that the schools of each district shall be free to all resident youth of the district between the ages of six and twenty-one, no distinction being made as to sex, nor as to graduation or other condition.*

2. *Married infant females under the age of twenty-one may attend the schools of the district of which they are residents, but may not be compelled to do so under compulsory school laws, though within compulsory school age.*

COLUMBUS, OHIO, October 24, 1921.

HON. VERNON M. RIEGEL, *Superintendent of Public Instruction as Director of Education, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your request for an opinion upon the following questions:

“(1) Is a board of education maintaining a first grade high school required to admit for further training graduates of such high school who desire to return in order to follow out a line of instruction which was not available before they completed their four years' work, such as commercial courses, for instance?

(2) Does section 7681 G. C. guarantee the right of admission to school of a girl of compulsory school age who is married?

(3) Can the compulsory school sections be enforced against a girl who, though married, is still of compulsory school age?”

Section 7681 G. C. reads, in part, as follows:

“The schools of each district shall be free to all youth between six and twenty-one years of age, who are children, wards or apprentices of actual residents of the district. \* \* \* But all youth of school age living apart from their parents or guardians and who