

1606.

STATE DEPARTMENT OF HEALTH—HEALTH COMMISSIONER OF
CITY HEALTH DISTRICT NOT REQUIRED TO BE LICENSED PHY-
SICIAN—SEE HUGHES-GRISWOLD ACT.

Under the Hughes-Griswold acts there is no requirement that the health commissioner of a city health district be a licensed physician.

COLUMBUS, OHIO, October 4, 1920.

The State Department of Health, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of the receipt of your request for the opinion of this department, as follows:

“Section 4408 G. C., as amended (O. L. 108, 1085) requires the board of health of a city health district to appoint for whole or part-time service a health commissioner. No qualifications are fixed by law for a health commissioner so appointed. In a number of cities persons not physicians have been appointed and among the physicians appointed some few were not licensed to practice medicine in the state of Ohio at the time of appointment. A question has been raised as to whether or not a physician serving as a city health commissioner must be licensed to practice medicine in the state of Ohio in order that he be legally qualified to perform the duties of his office. On this question I should be glad to have your opinion.

In considering this matter I shall be glad to have you note that the duties required of a city health commissioner do not require that he individually shall treat persons afflicted with a communicable disease, as the statutes would plainly provide that a health commissioner must be a physician if he is to perform such service. The above query can only apply to a physician devoting his entire time to his work as health commissioner, as no question can be raised as to the necessity of license where a physician serves as health commissioner on a part-time basis and also engages in the practice of medicine.”

Section 4408, as amended in 108 O. L., Part II, page 1085, provides that the city health district “shall appoint, for whole or part time service, a health commissioner and may appoint such public health nurses, clerks, physicians and other persons as they may deem necessary.”

In the same act provision was made for the appointment of a health officer for the general health district, as to whose qualifications section 1261-19 in part provided:

“Said appointee shall be a licensed physician.”

It is noted that section 4408, in sharp contrast to the other section just quoted, makes no express requirement that the appointee shall be a physician.

Examination of the Hughes-Griswold acts, so-called, as found in 108 O. L., as above cited, and also at page 236, Part I, does not indicate any such qualification by implication, and your question is therefore answered in the negative.

Respectfully,

JOHN G. PRICE,

Attorney-General.