

1155.

STATE BOARD OF OPTOMETRY—HOLDER OF CERTIFICATE DOES NOT CONFER ON HOLDER TITLE OF "DOCTOR"—SECTIONS 1295-21 ET SEQ. G. C. and 1286 G. C. CONSIDERED.

Sections 1295-21, et seq. G. C. (considered with section 1286) do not confer on the holder of a certificate of licensure issued by the state board of optometry the title of "Doctor" and the use of that title by such holder in connection with an announcement or advertisement is not permitted.

COLUMBUS, OHIO, April 16, 1920.

HON. P. C. HARRIS, *The Ohio State Board of Optometry*, 136 North High street, Columbus, Ohio.

DEAR SIR:—Acknowledgment is made of the receipt of your recent request for the opinion of this department as follows:

"Enclosed please find letter from _____, in regard to the use of the title of 'Doctor' in connection with his practice in optometry.

Similar cases come to our attention daily, and we refer section 13 of the optometry law (House Bill No. 240) to you for a ruling on whether a man is permitted to use the title conferred upon him by an incorporated and lawfully chartered school of any state."

The letter from Mr. _____, to which you refer, is as follows:

"Being a consulting, practicing optometrist, I am desirous of knowing whether I am entitled to use term 'Doctor' when I have the degree 'Doctor of Optometry' granted by an incorporated and lawfully chartered school in the state of Missouri.

This institution of learning has the regular two year course as demanded by our state law. An early reply will be much appreciated."

The state optometry act is House Bill No. 240 and is found in 108 O. L. 73, where it has been sectionally numbered 1295-21 and 1295-35, et seq., and some general consideration of the purpose and terms of this act may be advisable.

The first section defines the practice of optometry to be:

"The application of the optical principles, through technical methods and devices in the examination of human eyes for the purpose of ascertaining departures from the normal, measuring their functional powers and adapting optical accessories for the aid thereof."

Section 1295-22 makes it a misdemeanor to practice optometry without receiving a license from the state board, the appointment of which is provided for in the succeeding section.

Enough has been referred to of the act to show its general provisions, but section 1295-33 clearly embraces the limitations placed upon the certificate of licensure granted under the act. It is in part as follows:

"Nothing in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board *the title of doctor* * * *

or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery, or the treatment or the diagnosis of diseases of, or injuries to, the human eye, or the right to use drugs or medicines in any form for the treatment or examination of the human eye."

We might inquire at this point, would the use of the word "Doctor," as contemplated in your inquiry, be a violation of this provision of the act and would it conflict with the statutes defining and regulating the practice of medicine and surgery?

Before citing and considering the pertinent section of the state medical board act, it is to be noted that this section expressly provides that the granting of a certificate does not confer "on the holder * * * the title of doctor."

Section 1286 of the state medical board act defines the practice of medicine and surgery and in part provides :

"A person shall be regarded as practicing medicine * * * within the meaning of this chapter, who uses the words or letters 'Dr.' * * * or any other title in connection with his name which in any way represents him as engaged in the practice of medicine, surgery * * * in any of its branches."

It is to be noted here that this section defines the use of the word "doctor" to be practicing medicine as understood in that act. This part of the section is followed by words further defining the practice of medicine and surgery, which represents the person as being engaged in the practice of medicine. Similar provision in the state dental board act, section 1329, defining dentistry, indicates that the use of the word "Dentist" or the letters "D. D. S." of themselves import and constitute the practice of dentistry as understood in the state dental board act.

This provision in section 1286, supra, considered in connection with section 1295-33 of the optometry act, which refers specifically to the title of "Doctor," seems to indicate a recognition of the fact that the term "Doctor," by force of usage and association with one engaged in the healing art, used as an announcement or advertisement, of itself suggests the practice of medicine or surgery as generally understood.

Consistent with this conclusion it is the opinion of the attorney-general that sections 1295-21, et seq. G. C. (considered with section 1286) do not confer on the holder of a certificate of licensure issued by the state board of optometry the title of "Doctor" and the use of that title by such holder in connection with an announcement or advertisement is not permitted.

Respectfully,

JOHN G. PRICE,
Attorney-General.