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A CHIROPODIST IS NOT A PHYSICIAN SO AS TO PERMIT A BOARD OF EDUCATION TO EXPEND SCHOOL FUNDS TO EMPLOY HIM AS A SCHOOL PHYSICIAN—§3313.68, R.C.

SYLLABUS :

A chiropodist is not a physician so as to permit a board of education to expend school funds to employ him as a school physician pursuant to Section 3313.68, Revised Code.

Columbus, Ohio, March 27, 1961

Hon. James A. Rhodes, Auditor of State
State House, Columbus, Ohio

Dear Sir :

I have before me your request for my opinion. The specific question you ask reads as follows :

“Is a Doctor of Surgical Chiropody licensed to practice within the State of Ohio a physician within the purview of the limitations covering the appointment of physicians as set forth under the provisions of Section 3313.68, Revised Code?”

You have stated in your request that your examiners are concerned with a local school district board of education proposing to hire a chiropodist for the purpose of examining the feet of pupils of the school district and reporting the results of such examinations to the proper school personnel and parents.

Section 3313.68, Revised Code, authorizes a board of education to appoint one or more school physicians and dentists. This section reads, in part, as follows :

“The board of education of each city, exempted village, or local school district may appoint one or more school physicians and one or more school dentists. * * * Said school physician shall hold a license to practice medicine in Ohio, and each school dentist shall be licensed to practice in this state. * * *”

As there is no specific statute authorizing the employment of a chiropodist, the question then arises as to whether a chiropodist, licensed as such by the State Medical Board, is a physician licensed to practice medicine in Ohio. Sections 4731.13 and 4731.14, Revised Code, provide for examinations given by the State Medical Board to applicants for certificates to practice medicine or surgery or osteopathic medicine and surgery. Section 4731.15, Revised Code, authorizes the State Medical Board to examine persons in various limited branches of medicine or surgery, including *inter alia* chiropody. It appears, therefore, that chiropody is not the practice of medicine but is the practice of only a limited branch of medicine. Further conclusive evidence of this is found in Section 4731.56, Revised Code. This section reads, in part, as follows :

“A certificate authorizing the practice of chiropody (podiatry) does not permit the holder the use of the title “physician” or the use of the title “surgeon” unless the title “surgeon” is qualified by letters or words showing that the holder of the certificate is a practitioner of surgical chiropody (podiatry).”

Since this statute prohibits a chiropodist from using the term “physician” he could not hold himself out as a school physician and a board of education could not properly expend school funds to employ such chiropodist as the school physician.

It is my opinion, therefore, and you are accordingly advised that a chiropodist is not a physician so as to permit a board of education to expend school funds to employ him as a school physician pursuant to Section 3313.68, Revised Code.

Respectfully,
MARK McELROY
Attorney General