

Code, prior to the effective date of House Bill No. 67, to wit, the second day of January, 1928, the filing of such application constitutes a proceeding which is pending within the meaning of Section 26 of the General Code, so that in all instances where it is necessary to acquire right of way for a road improvement, it is the duty of the board of county commissioners to proceed under the provisions of former Section 1201, General Code, for the acquiring of the requisite right of way.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2111.

CHIROPRACTOR—CITY MAY PAY LICENSED CHIROPRACTOR FOR SERVICES RENDERED TO INDIGENT POOR—MAY NOT PAY UNLICENSED CHIROPRACTOR—SECTION 3480, GENERAL CODE, DISCUSSED.

SYLLABUS:

1. *A city may legally pay a licensed chiropractor for services rendered to indigent poor under the provisions of Section 3480, General Code, provided the services rendered fall within the limitations of the practice of such limited branch of medicine as prescribed by the General Code of Ohio.*

2. *A city may not legally pay a non-licensed chiropractor for rendering such services.*

COLUMBUS, OHIO, May 17, 1928.

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

GENTLEMEN:—Acknowledgment is made of the receipt of your recent communication, which reads as follows:

“Section 3480, G. C., authorizes the employment of a physician or surgeon in connection with the relief of indigent persons in a township or municipal corporation.

Question 1. May a city legally pay for services rendered to indigent (poor) by a licensed chiropractor?

Question 2. May a city legally pay for services rendered to indigent (poor) by a non-licensed chiropractor?”

Section 3480, General Code, to which you refer, provides:

“When a person in a township or municipal corporation requires public relief, or the services of a physician or surgeon, complaint thereof shall be forthwith made by a person having knowledge of the fact to the township trustees, or proper municipal officer. If medical services are required, and no physician or surgeon is regularly employed by contract to furnish medical attendance to such poor, the physician called or attending shall immediately notify such trustees or officer, in writing, that he is attending such person, and thereupon the township or municipal corporation shall be liable for relief and services thereafter rendered such person, in such amount as such trustees

or proper officers determine to be just and reasonable. If such notice be not given within three days after such relief is afforded or services begin, the township or municipal corporation shall be liable only for relief or services rendered after notice has been given. Such trustees or officer, at any time may order the discontinuance of such services, and shall not be liable for services or relief thereafter rendered."

While Section 3480, *supra*, uses the words "physician or surgeon," I am inclined to the opinion that their meaning should not be limited to a person holding a license from the State Medical Board to practice medicine or surgery in all of their respective branches, but may include a person licensed to practice a limited branch of medicine or surgery to the extent and in the respective branches to which such license applies.

Chiropractic is specifically mentioned in Section 1274-1, General Code, as one of the limited branches of medicine or surgery, and chiropractors are therefore limited practitioners of medicine or surgery. The provisions of law relative to the licensing of chiropractors are found in Chapter 20 of Title III, Division II, of the General Code, which chapter contains the statutes relative to the licensing of physicians and surgeons generally.

In this connection, however, I desire to call your attention to the fact that chiropractors and practitioners of other limited branches of medicine or surgery are not permitted to treat certain diseases or to administer drugs or perform major surgical operations.

Section 1274-3, General Code, provides, in part, as follows:

"If the applicant (for a license to practice a limited branch of medicine or surgery) 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."

It will be observed that under the provisions of Section 1274-3, *supra*, the medical services which a chiropractor is permitted to render are necessarily limited in their scope and do not extend to the treatment of all diseases.

In view of the foregoing, it is my opinion that a licensed chiropractor who has and is rendering medical services within the limits of his license to practice chiropractic, under the provisions of Section 3480, General Code, and who has complied with the provisions of that section, may legally be paid by a city for such services.

In your second question you inquire whether or not a city may legally pay for services rendered to indigent (poor) by a non-licensed chiropractor. A person who does not hold a license to practice either medicine or surgery in all of its branches or does not hold a license to practice a limited branch of medicine or surgery has, of course, no right to render the services contemplated by Section 3480, General Code. On the contrary, if such person assumes to render such services he is liable criminally therefor. It requires no discussion of the proposition that a person who is not licensed to practice medicine or surgery in all of its branches or a limited branch such as chiropractic and who is liable criminally if he assumes to engage in such practice, may not legally be paid by a city for such services rendered to indigent persons.

Respectfully,

EDWARD C. TURNER,
Attorney General.