day of their admission thereto until they are eighteen (18) years of age, or until they are discharged there-
from by the board. * * *"

It is clear that the purpose of said Act was to provide said children with the same kind of training and care enjoyed by other children in their own homes. It is common knowledge that like inducements are held out to children in their own homes, and that such a system causes a child to learn obedience, honesty and frugality, and tends to build character. It also teaches a child the use and value of a bank account.

It is, therefore, my opinion that the merit system set out in your letter is legal and is within the discretionary powers of the Board of Trustees of said Home in their training and educating the children entrusted to their care.

It is also my opinion that payments made to children under such plans do not constitute “payment of a salary or other compensation for personal services within the state service” as set out in Sec. 60-1332, Burns’ 1942 Supplement, being Acts of 1941, Ch. 139, Sec. 32, P. 387, and known as the “State Personnel Act.”

PUBLIC SAFETY, DIVISION OF: Whether a licensed osteopath is a physician within the intent of Chapter 71, Section 7 of Acts of 1937.

PHYSICIAN: Whether osteopath is a physician.

January 28, 1943.

Division of Public Safety of the State of Indiana,
Indianapolis, Indiana.

Attention: Mr. James C. Dunn, Executive Assistant

Dear Sir:

I have your letter of January 13, 1943, to wit:

“Under Chapter 71, section 7, acts of 1937, can the ‘report of the examining physician’ be given by an osteopath or must same be given by a physician.

“I would like a written opinion on this, since it is being questioned by the osteopaths.”
The Acts of 1937, Chapter 71, Section 7, subdivision (e) (being Section 47-438, Burns' (1933)), provides as follows:

“(e) Any person twenty-one (21) years of age or more who has operated a motor vehicle for more than two (2) years desiring to drive or operate a motor vehicle while in use as a school bus for the transportation of pupils to or from school or who desires to drive or operate a motor vehicle while in use as a public passenger-carrying vehicle, and who shall have satisfactorily passed the examination provided for in section nine (Sec. 47-440) of this act and who shall have satisfactorily passed a physical examination by a duly licensed and practicing physician of this state, or any person who is the holder of a chauffeur's license for any or all of the immediately preceding three (3) calendar years, and whose license as such chauffeur has not been revoked in the immediately preceding year, or any person who has been an operator of street and interurban electric cars for one (1) year next preceding the application for the license, and who shall have satisfactorily passed the examination provided for in section 9 (Sec. 47-440) of this act, and who shall have satisfactorily passed a physical examination by a duly licensed and practicing physician of this state, shall, upon application to the department upon a form to be prescribed by the commissioner and upon payment of the fee hereinafter provided be issued a public passenger chauffeur's license which shall entitle the applicant to operate any motor vehicle upon the highways of this state. (Acts 1937, ch. 71, Sec. 7, p. 372; 1939, ch. 58, Sec. 6, p. 386.)”

The sole question involved is whether or not a “duly licensed osteopath” is a “duly licensed and practicing physician” within the meaning of said act.

Section 63-1316, Burns' (1933), provides as follows:

“The said board shall grant certificates which shall authorize the proper clerk to issue to the holder thereof a license to practice osteopathy, surgery and obstetrics, as hereinafter provided. Such certificates shall be issued on the same terms and conditions as others,
except that the applicant therefor shall not be required
to pass an examination in materia medica, nor shall
the college from which he presents a diploma be re-
quired to conform to the standard fixed by the said
board as to instructions in materia medica, but such
college shall so conform in all other branches of in-
struction. The holder of such license when issued shall
have the right to practice osteopathy, surgery and
obstetrics and to administer anesthetics, antiseptics
and narcotics. Any person practicing osteopathy
in the state of Indiana under a license issued
prior to the taking effect of this act, and who desires
a license to practice osteopathy, surgery and obstetrics
under the provision of this act may, upon application
and the payment of one dollar ($1.00), obtain a cer-
tificate from the state board of medical registration
and examination that he is entitled to such license by
presenting to said board the said license possessed by
him at the time of the taking effect of this act together
with an affidavit that he is the legal possessor of such
license and is the person mentioned therein. Such
certificate when presented to the clerk of the proper
county shall entitle the holder thereof to a license to
practice osteopathy, surgery and obstetrics and such
license when issued shall entitle the holder thereof to
all of the rights provided in this section. (Acts 1901,
ch. 211, Sec. 4, p. 475; 1923, ch. 71, Sec. 1, p. 236.)”

In 1935 the Indiana Legislature enacted an act known as
the Uniform Narcotic Drug Act, Acts 1935, Chapter 280
(same being Burns’ (1933), Section 10-3519), and making
uniform the laws with reference thereto. The word “physi-
cian” is there defined by the Legislature as follows:

“(2) ‘Physician’ means a person authorized by law
to practice medicine in this state and any other person
authorized by law to treat sick and injured human
beings in this state and to use narcotic drugs in connec-
tion with such treatment.”

In 25 Am. Jur. 320, Health, Sec. 47, the following statement
is found:
"The question as to who is a physician or surgeon within the meaning of statutes providing for the registration of births and deaths depends principally upon the wording of the enactment in question. In most instances the judicial interpretations have concerned themselves with the status of osteopathic practitioners and Christian Scientists. It seems that a duly licensed and registered osteopath is to be considered a physician within the meaning of that term as used in vital statistics statutes, unless expressly excluded by the statute. * * *" (Citing Anno. 8 A. L. R. 1070 and the case of Keiningham v. Blake, 135 Md. 320, 109 A. 65.)

In written opinions by this office on other matters regarding osteopaths, rendered during the years 1935 and 1936, the following language is found:

"It is true that an osteopath is a physician, that is, he is entitled to practice surgery and obstetrics in addition to that of osteopathy. * * *" Opinions of Attorney General of Indiana, 1935, p. 223.

"* * * He (an osteopath) is properly designated as a physician licensed to practice his profession in all ways and methods used by a regular physician and surgeon with the exception that the applicant for an osteopathic license shall not be required to pass an examination before the State Board of Medical Registration and Examination in materia medica. * * *" Opinions of Attorney General of Indiana, 1936, p. 81.

It is, therefore, my opinion that an osteopath, duly licensed in Indiana under Section 63-1316, Burns' (1933), aforesaid, who is thereby licensed to practice osteopathy, surgery, and obstetrics, and who is practicing his profession, is a "duly licensed and practicing physician" within the meaning of Chapter 71, Section 7, of the Acts of 1937, supra.