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OFFICIAL OPINION NO. 29

December 1, 1966

**CHIROPRACTORS—PHYSICIANS AND SURGEONS—
State Employees—Sick Leave Excuses
Signed by Chiropractors.**

Opinion Requested by Hon. Roger D. Branigin, Governor.

Your letter of October 24, 1966, requests an opinion on the following questions:

- (1) May work excuses signed by chiropractors be accepted as evidence of authorized sick leaves of State employees as would those endorsed by registered physicians?
- (2) Assuming an affirmative reply to the above, may the Indiana Personnel Board, charged with the administration of the State Personnel Act, advise Appointing Authorities that such chiropractors' statements should be accepted in approving sick leaves?

The State Employees Act, Burns IND. STAT. ANN., § 60-1330, specifies that provisions for sick leave shall be outlined by the rule making power of the State Personnel Board.

Rule 11-5 of the Indiana Personnel Board contains the following definition:

“. . . Sick leave is defined as absence from duty of any employee because of personal illness, injury, or legal quarantine, and the Director may at any time demand of employees requesting pay for sick leave a medical certificate from the attending physician or a designated physician.”

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Of course, a physician is one who is engaged in the practice of medicine, as defined in Burns IND. STAT. ANN., § 63-1311 or "prescribes for, gives surgical assistance to, or to heal, cure or relieve, or to attempt to heal, cure or relieve those suffering from injury or deformity or disease of mind and body."

In my Official Opinion No. 30 at page 151, dated August 16, 1965, I discussed the chiropractic physician as he relates to the Coroners' Salary Act. A review of this opinion would be helpful in defining the extent of his practice.

A chiropractor is a person who is qualified by education to practice the science of "chiropractic" and that term is defined in § 63-1326 as:

"(1) . . . the separate and distinct science of locating and adjusting the articulations of the spinal column for the purpose of treating human ailments by the removal of nerve interference; . . ."

It follows therefore that a duly licensed chiropractor is included in the category of physicians in the broad or general sense.

If then, such a qualified chiropractor is treating a state employee, he would be the "attending physician" as specified in the Personnel Board Rule 11-5. If he were "designated" by a medical doctor or an Appointing Authority to treat a patient the chiropractor would also fall into this category. The answer to the first question raised in your letter is in the affirmative.

It would then follow, from the discussion above, that the State Personnel Board may advise Appointing Authorities that medical certificates from *duly licensed chiropractors in attendance on State employees* should be accepted in approving sick leaves. There appears to be no logical reason for refusing to accept such medical certificates subject to the distinction outlined above.