Hon. Robert W. Gordon 
Indiana House of Representatives 
2405 Virginia Avenue 
Connersville, Indiana 

Dear Representative Gordon:

This is in reply to your recent request for an Official Opinion which reads as follows:

"Please advise is a Chiropractic Physician duly licensed to practice as such in this state, entitled to a salary of one and one half times the base salary in our classification the same as a medical physician?"

Your question, in effect, asks whether a chiropractor licensed pursuant to the provisions of Ind. Acts 1955, ch. 42, Burns IND. STAT. ANN., §§ 63-1326—63-1337 or Ind. Acts 1927, ch. 248, Burns IND. STAT. ANN., §§ 63-1311—63-1314 is a "physician" within the meaning of Ind. Acts 1957, ch. 319, § 11, Burns IND. STAT. ANN., § 49-1063 (hereinafter referred to as the "Coroners' Salary Act"), which fixes the salary, in the various classes of counties, for a "county coroner who is not a licensed physician," and then provides:

"If the county coroner is a physician duly licensed to practice as such in this state, then his salary shall be one and one-half times the base salary as set out above."

It is the sense of the Coroners' Salary Act that persons having advanced training in the physical sciences are more qualified than laymen to meet the present day requirements of a complicated society in performing the duties of a coroner. It is my opinion that it was the obvious intention of the Legislature to attract people having such professional qualifications to seek the office of coroner, thereby greatly increasing the amount of scientific knowledge brought to that office. The Legislature obviously intended to reward the trained personnel who achieve this office by a salary greater than that of someone not so qualified. It might be argued that a police
officer trained to investigate crimes would also be well qualified to fill such a position. It might further be stated that the particular type of physician who is best qualified to be a coroner is one specializing in pathology. However, the Legislature did not include a specially trained police officer or designate a type of physician, but adopted instead the broad term "physician." Therefore, all duly licensed physicians who are recognized by the proper licensing authorities of the State of Indiana must be held to qualify for the extra pay provided in the Coroners' Salary Act.

The Coroners' Salary Act does not attempt to define "physician" or "licensed physician" or "physician duly licensed to practice as such." And there is no statute in Indiana which, by the exact words it uses, purports to provide for the licensing of a "physician," a "medical physician," or a "chiropractic physician."

In *William Laurie Co. v. McCullough*, 174 Ind. 477, 90 N.E. 1014 (1910), our Supreme Court defined the word physician as follows:

"The word "physician" is defined to mean a person who has received the degree of doctor of medicine from an incorporated institution; one lawfully engaged in the practice of medicine.' 30 Cyc. 1544." 174 Ind. at 488.

The word "physician" is defined in New College Standard Dictionary, Funk & Wagnalls (1947), as follows:

"1. One versed in or practicing the art of medicine, or healing bodily disease by the administration of remedies; specifically, one legally authorized to treat diseases; a doctor of medicine. 2. Any healer."

A number of statutes, including one concerning chiropractors, require the licensing of persons who practice such medical healing or arts that they may be "physicians" within the meaning of the Coroners' Salary Act.

Acts 1897, ch. 169, § 5, as last amended by Acts 1947, ch. 253, § 1, Burns IND. STAT. ANN., § 63-1306, provides for the issuance of licenses "to practice medicine, surgery and ob-
Persons who aspire to practice the science of osteopathy in this state must be professionally trained and must successfully pass a written examination to qualify to be licensed to practice "osteopathy, medicine, surgery and obstetrics." Ind. Acts of 1901, ch. 211, § 4, as last amended by Ind. Acts of 1945, ch. 44, § 1, as found in Burns IND. STAT. ANN., § 63-1316. Both of these last two mentioned statutes involve examination by the State Board of Medical Registration and Examination.

By Acts 1945, ch. 80, § 2, Burns IND. STAT. ANN., § 63-1305, that Board’s seven members are: "(a) Five reputable physicians [further defined as a Doctor of Medicine] . . . (b) One reputable osteopathic physician [further defined as a Doctor of Osteopathy] . . . (c) One reputable chiropractor who shall be a graduate of a school or college teaching said system or method of healing. . . ."

The science of podiatry is construed by the podiatrist's licensing law to mean the "diagnosis, medical, surgical and mechanical treatment of ailments of the human foot." Acts of 1925, ch. 8, § 1, as found in Burns IND. STAT. ANN., § 63-1401. Persons who seek to qualify to practice as podiatrists in this state must successfully pass an examination prescribed by the podiatry examiners. All applicants for a podiatrist's license shall be of good moral character, shall have received instructions in and be a graduate of some school of podiatry which is recognized as being in good standing by the State Board of Medical Registration and Examination. To be in good standing, the school must require for graduation a course of study of at least two (2) years. Ind. Acts of 1925, ch. 8, § 3, as found in Burns IND. STAT. ANN., § 63-1403.

"Practice of dentistry" includes diagnosis and treatment of diseases of the oral cavity, Ind. Acts 1913, ch. 188, § 20, as last amended by Ind. Acts 1963, ch. 151, § 13, Burns IND. STAT. ANN., § 63-523 (1965 Supp.). Persons who desire to practice the science of dentistry in this state must procure from the state board of dental examiners a certificate stating that such persons are entitled to practice dentistry. To procure such certificate the applicant shall submit to the State Board of Dental Examiners a diploma from a dental college recognized by the Board, or shall hold a license from the

Doctors of medicine, osteopaths, podiatrists and dentists all practice the healing arts. Each group must receive professional training and must be licensed by a professional board as a condition to practice its respective science. It is my opinion that doctors of medicine, osteopaths, podiatrists, and dentists are clearly "physicians" and qualify as such within the contemplation of the Coroners' Salary Act.

Ind. Acts 1927, ch. 248, § 2, Burns IND. STAT. ANN., § 63-1312 provides a means whereby an applicant can obtain a license "to practice chiropractic or any other system or method of healing in which drugs are not administered and which does not include surgery or obstetrics."

As noted above, one member of the Board of Medical Registration and Examination must be a chiropractor.

Ind. Acts of 1955, ch. 42, § 1, as found in Burns IND. STAT. ANN., § 63-1326, reads as follows:

"As used in this act the following terms shall have the following meaning:

"(1) 'Chiropractic' shall mean 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;

"(2) A 'chiropractor' shall mean any person who is qualified by education to practice the science of chiropractic; and

"(3) 'Board' shall mean the Board of Medical Registration and Examination of Indiana."

Ind. Acts of 1955, ch. 42, § 2, as found in Burns IND. STAT. ANN., § 63-1327, reads as follows:

"(a) From and after the effective date of this act [March 4, 1955] and until April 1, 1959, any person twenty-one years of age and of good moral character is eligible to be licensed to practice chiropractic in the
State of Indiana provided he is a graduate of an incorporated chiropractic school or college which is incorporated for the purpose of teaching the science of chiropractic. The school or college shall meet the requirements of the Board of Medical Registration and Examination of Indiana. The requirements for graduation from such school or college shall be at least four years' and four thousand hours of resident attendance instruction in said school or college. The board shall not discriminate against any chiropractic school or college which meets reasonable standards of qualifications.

“(b) From and after April 1, 1959, in addition to the requirements set forth in subsection (a) of this section, an applicant for a license to practice chiropractic shall have completed at least two years' (sixty semester hours) education in a college or university of learning accredited to grant a degree of bachelor of arts or bachelor of science, prior to his training and education in a school or college of chiropractic.”

Prior to the passage of Burns IND. STAT. ANN., §§ 63-1326 and 63-1327, supra, our Supreme Court held that the practice of chiropractic is the practice of medicine. State ex rel. Board of Medical Registration & Examination v. Goodman, 230 Ind. 38, 101 N.E.2d 421 (1951).

Chiropractors, like doctors of medicine, osteopaths, podiatrists and dentists, practice the healing arts, receive professional training and must be licensed by a professional board to practice their science. The professional board for their licensing is the State Board of Medical Registration and Examination, and one member of that Board must be a chiropractor, as noted above.

This Opinion is not concerned with the scope of a chiropractor’s license to perform the healing arts. However, after consideration of the statutes concerning the licensing of chiropractors, including their training requirements, and the intention of the legislature in passing the Coroners’ Salary Act, as set out above, it is my opinion that a chiropractor is a “physician” within the meaning of the Coroners’ Salary Act
and is entitled to one and one-half times the base salary for a county coroner when serving in such office.

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OFFICIAL OPINION NO. 31

August 17, 1965

Hon. William E. Wilson
Superintendent of Public Instruction
Room 227, State House
Indianapolis, Indiana

Dear Mr. Wilson:

Your letter of April 12, 1965, has been received and asks the following question concerning the final paragraph of Ind. Acts 1965, ch. 93, § 1, as found in Burns IND. STAT. ANN., § 28-4321 (1965 Supp.):

"1. Does this paragraph provide that all teachers, including those employed in township school systems, shall be included under the provisions of chapter 97 of the 1927 Acts beginning July 1, 1967?

"2. Does this paragraph also provide that all teachers who have been employed 5 years or more continuously in the same school system prior to July 1st, 1967, and who are given a contract for the 1967-68 school year are to be classified as tenure teachers and entitled to a permanent contract beginning July 1, 1967?"

Ind. Acts of 1965, ch. 93, § 1, amends Ind. Acts 1939, ch. 77, § 1, commonly known as the Teacher's Definite Contract Act. The original act and the act as amended provide for automatic renewal of teachers' contracts subject to this statute unless the contracts are canceled as specified in the act. The original enactment applied to "Every contract of employment hereafter made by and between a teacher and school corporation," with the exception of contracts with "permanent teachers" as defined in ch. 97 of Ind. Acts of 1927, Burns IND. STAT. ANN., § 28-4307, commonly known as the Teachers' Tenure Law. "Contracts wherein a township school