

Osteopathic Physicians, Not Considered "Physicians" Within the Legal Definition of the Term. Physician and Surgeon, Definition of. Osteopathic Physicians, Not Entitled to Benefits of Chapter 114, Laws 1913.

The provisions of Chapter 114, Laws of 1913, do not apply to osteopathic physicians, but only to regularly licensed physicians and surgeons.

May 19th, 1913.

Dr. Asa Willard,  
Secretary Board of Osteopathic Examiners.  
Missoula, Montana.

Dear Sir:

Replying to your letter of the 15th instant, wherein you inquire

whether or not the provisions of Chap. 114, Session Laws of 1913, relating to discrimination between physicians or the patients or regularly licensed physicians, applies to what you term "osteopathic physicians." I have examined this measure very carefully, and find that it has application only to "regularly licensed physicians." An examination of Art. VI, Chap. 1, Part 3, Title 7, of the Revised Codes of Montana of 1907, being Secs. 1594 to 1606 inclusive, which sections prescribe the regulations of practice of osteopathy, discloses that osteopaths or persons practicing osteopathy are not considered physicians. Likewise, Sec. 1585 of said Code, relating to the practice of medicine, uses the word "physician" in the same sense that Secs. 1594 to 1606 inclusive uses the word "osteopath." The word "physician" is defined in Cyc. 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. The word in its popular sense means one who professes or practices medicine, or the healing art; a doctor of medicine. The term includes all who practice physic or surgery and is not limited to any one school of practitioners. It therefore includes a homeopath."

30 Cyc. 1554.

It is apparent, therefore, that the word "physician" has reference to the practice of medicine, and under the provisions of Sec. 1606, osteopathy is expressly declared not to be the practice of medicine or surgery, within the meaning of this code.

I think it is clear, therefore, that the provisions of the hospital bill have no relation to osteopaths or the practice of osteopathy.

Very truly yours,

D. M. KELLY,  
Attorney General.