

MAINE STATE LEGISLATURE

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January 31, 1964

Peter W. Bowman, M.D. Superintendent

Pineland Hospital and Training Center

Courtland B. Perry, Asst. Atty. Gen'l.

Mental Health and Corrections

Doctor of Chiropractic as Signatory to Medical Certificates in Instances of
Employee Sick Leave.

FACTS:

Under a policy established at the Pineland Hospital and Training Center, whereby employees absent from duty longer than two days are required to furnish medical certificates, "sick slips"; such slips, from time to time, are submitted under the signatures of Doctors of Chiropractic.

QUESTION:

Are Doctors of Chiropractic qualified, in the State of Maine, to treat disease, and thereby qualified to be signatories to medical certificates, submitted pursuant to policy established under the Rules and Regulations of the Personnel Board.

ANSWER:

Yes, in certain instances.

OPINION:

R.S. 1954, c. 72, §12 provides:

"The system, method or science commonly known as chiropractic, or the practice of chiropractic, is defined to be the science of palpating and adjusting the segments and articulations of the human spinal column by hand and locating and correcting interference with nerve transmission and expression by hand or by electrical treatments, hydrotherapy and diet without the use of drugs or surgery, and any and all other methods are declared not to be chiropractic, and chiropractic is declared not to be the practice of medicine, surgery, dentistry or osteopathy."

Disease is generally defined as:

"In general, any departure from a state of health; as illness or a sickness. More specifically a definite morbid process having a characteristic train of symptoms. It may affect the whole body or any of its parts, and its etiology, pathology, and prognosis may be known or unknown."--The American Illustrated Medical Dictionary, 22nd Edition, Page 437.

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The policy cited in the above facts is presumably adopted under the Rules and Regulations of the Personnel Board, specifically, Rule 11.4, which reads in part as follows:

..... "Either the appointing authority or the director may require such medical examination or certificate as he deems necessary before approving the utilization of sick leave."

It is our opinion, that taking the term disease as generally defined, Doctors of Chiropractic, in the State of Maine, may treat disease, or better expressed for the purposes of this opinion, "departure from a state of health", in accordance with the practices sanctioned by the quoted statute. Therefore, if the disorder suffered by an employee at Pineland is treatable by, and is treated by, allowable methods employed by the Doctor of Chiropractic, such is the proper subject matter of a medical certificate, and in such instances, a Doctor of Chiropractic is a proper signatory thereto.

Courtland D. Perry
Assistant Attorney General

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