

the Department of Commerce; (2) Office services duties involving equipment control and needs, telephone services, supplies, space and rental agreements, duplicating requirements, state-owned cars, identification cards, letterheads and filing procedures throughout the Department; (3) Maintenance services; (4) Work order exclusive of Aeronautics field development; (5) All insurance and bonding requirements except employee fringe benefits; (6) Supervision of all employees in office services section of General Services.

Budget Officer

Responsible to the Administrative Officer of General Services (1) preparation, interpretation and dissemination of Department Budget policy; (2) budget planning, preparation, submission, review with the Bureaus of the Budget, review with Legislative committee, appropriation analyses; (3) allocation planning, preparation and submission, and transfers; (4) control of authorized expenditures, receipts and encumbrances for operating and revolving fund accounts; (5) capital outlay financing, coordination of work order requests, analyses of expenditure authorizations; (6) preparation of comparative and analytical reports on financial matters; (7) administration and continued development of program budgeting to meet the goals and objectives of the Department; (8) review, analyze and recommend changes in Department program procedures; (9) development of and presentation of studies and reports, including conclusions and recommendations, relating to fiscal matters; (10) collating and maintaining current and anticipated data relative to the Department's involvement in Federal aid programs; (11) collating and maintaining current and anticipated data relative to the Department's aid to local government; (12) review of audits as they relate to performance within the Department policy; (13) review of legislation and development of financial analysis of legislation that has financial implications; and (14) advisory relationships as may be requested by the Department head.

CHIROPRACTORS:

The language of Act 108, PA 1939, as amended, in reference to "doctors of medicine," does not include doctors of chiropractic medicine.

No. 4640

January 13, 1969.

Honorable Raymond D. Dzendzel
The Senate
Lansing, Michigan

You have asked the following question concerning Act 108, P.A. 1939, as amended, being M.S.A. 1957 Rev. Vol. § 24.591 et seq.; M.C.L.A. § 550.301 et seq.; which provides for the incorporation of nonprofit medical care corporations:

"Does the language in Act 108, P.A. 1939 in reference to 'doctors of medicine,' include doctors of chiropractic medicine?"

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You have advised that Michigan Blue Shield, which is incorporated under this act, refuses to reimburse doctors of chiropractic medicine for services rendered to Michigan Blue Shield subscribers.

Section 12 of Act 108, P.A. 1939, as last amended by Act 346, P.A. 1965, being M.S.A. 1968 Cum. Supp. § 24.602; M.C.L.A. § 550.312; reads in part as follows:

“A nonprofit medical care corporation shall not furnish medical care otherwise than through doctors of medicine, or surgical chiropody or podiatry, licensed and registered under Act No. 237 of the Public Acts of 1899, as amended, or Act No. 115 of the Public Acts of 1915, as amended.”

This language of section 12 does not explicitly mention the furnishing of medical care through doctors of chiropractic medicine.

Where a statute's language is clear and unambiguous, there is no room for judicial construction, and the statute must be given effect according to the plain meaning of its words. *Romeo Homes, Inc., v. Commissioner of Revenue* (1960), 361 Mich. 128, 135.

A plain reading of the words in section 12 of Act 108, P.A. 1939, as amended by Act 346, P.A. 1965, supra, requires the conclusion that Michigan Blue Shield shall not furnish medical care otherwise than through doctors of medicine or surgical chiropody or podiatry.

In order to receive payments from Michigan Blue Shield for medical care rendered to its subscribers, doctors of chiropractic medicine would have to qualify as “doctors of medicine.”

Doctors of chiropractic medicine are not “doctors of medicine” within the meaning of section 12 of Act 108, P.A. 1939, as last amended by Act 346, P.A. 1965, supra. Chiropractors are not licensed under the medical practice act, Act 237, P.A. 1899, as amended, being M.S.A. 1956 Rev. Vol. § 14.531 et seq.; M.C.L.A. § 338.51 et seq., nor under Act 115, P.A. 1915, as amended, being M.S.A. 1956 Rev. Vol. § 14.661 et seq.; M.C.L.A. § 338.301 et seq. Instead, they are licensed under the chiropractic practice act, Act 145, P.A. 1933, as amended, M.S.A. 1956 Rev. Vol. § 14.591 et seq.; M.C.L.A. § 338.151 et seq.

Chiropractors were originally licensed under the medical practice act but were prohibited from using the title of “doctor”. *Erdman v. Great Northern Life Insurance Co.* (1931), 253 Mich. 579; *New York Life Insurance Co. v. Modzelewski* (1934), 267 Mich. 293. Upon enactment of the chiropractic practice act in 1933, chiropractors were licensed under that act and were no longer subject to the provisions of the medical practice act.¹

Because the language of section 12 of Act 108, P.A. 1939, as amended by Act 346, P.A. 1965, supra, speaks of “doctors of medicine . . . , licensed

¹ A recent opinion of the Attorney General reviewed several earlier opinions wherein the function of a chiropractor as a physician was discussed and concluded that a chiropractor is a physician only within the meaning and scope of the chiropractic practice act. O.A.G. 1961-1962, No. 4046, p. 452.

and registered under Act No. 237 of the Public Acts of 1899, as amended [the medical practice act], . . .", chiropractors cannot qualify as "doctors of medicine" within the meaning of this section.

The conclusion reached herein that doctors of chiropractic medicine are not "doctors of medicine" within the meaning of section 12 of Act 108, P.A. 1939, as last amended by Act 346, P.A. 1965, supra, is not changed by an informal letter opinion (No. 20,886) issued by this office to the Commissioner of Insurance on August 20, 1941. The Commissioner had asked whether medical care associations (Michigan Blue Shield), organized under Act 108, P.A. 1939, supra, could extend their subscriber benefits to include payment for emergency services of other medical practitioners than those licensed under Act 237, P.A. 1899, as amended. This letter opinion stated:

"We do not believe that it would be objectionable for such companies under the authority given to extend other benefits to subscribers to agree to pay others than allopathic physicians in cases of emergency, at least to the extent of giving first aid and the immediate care necessary."

This informal letter opinion cannot be considered to authorize Michigan Blue Shield to pay doctors of chiropractic medicine for furnishing services to subscribers on a nonemergency basis.²

In conclusion, the language of Act 108, P.A. 1939, as amended, in reference to "doctors of medicine," does not include doctors of chiropractic medicine.

FRANK J. KELLEY,
Attorney General.

² This informal opinion relied heavily upon section 2 of Act 108, P.A. 1939, supra, which authorizes a nonprofit medical care corporation to extend additional benefits to its subscribers with the approval of the Commissioner of Insurance. In the informal opinion the extended benefits for emergency services had been approved by Michigan Blue Shield prior to the Insurance Commissioner's request for an opinion of the Attorney General. In the present case you have advised that Michigan Blue Shield refuses to extend benefits for services rendered by doctors of chiropractic medicine. Thus, in the present case the criteria of section 2 of Act 108, P.A. 1939, as amended, supra, have not been satisfied, because the prior approval of Michigan Blue Shield for increasing benefits to subscribers by paying doctors of chiropractic medicine is totally lacking.