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MEDICAL PRACTICE BOARD: Practice of Medicine.

WORDS AND PHRASES: Practice of Medicine.

The process of hair transplants by use of skin grafts to the scalp constitutes the practice of medicine.

Opinion No. 4837

February 26, 1975.

Medical Practice Board
1033 South Washington Avenue
Lansing, Michigan 48926

You have requested my opinion as to whether the performance of hair transplants would constitute the practice of medicine.

The process of hair transplantation involves the extracting of skin grafts or plugs containing living hair from the contributing section of the scalp, usually in the back of the head, and transplanting these plugs or grafts into small holes in the frontal section of the scalp. Multiple excisions of the full thickness of the skin occurs in the recipient and donor areas with the incised tissue cut free at the base with curved scissors. The plugs or grafts average 3.5 to 4 millimeters in size and an anesthetic is administered prior to their removal. There is the possibility of post-operative bleeding and infection. Science Digest, p 35 (May, 1971); 6A Whitmore, Courtroom Medicine, The Skin, § 61.40(1) *et seq* (1974).

In Black's Law Dictionary (Rev 4th ed), p 1612, "surgery" is defined as follows:

"SURGERY. The art or practice of healing by manual operation; that branch of medical science which treats of mechanical or operative measures for healing diseases, deformities or injuries. *State v. Eustace*, 117 Kan. 746, 233 P. 109, 110; *Maryland Casualty Co. v McCallum*, 200 Ala. 154, 75 So. 902, 904. Therapy of a distinctly operative kind, such as cutting operations, the reduction and putting up of fractures and dislocations and similar manual forms of treatment. *Napier v. Greenzweig*, C.C.A.N.Y., 256 F. 196, 197. . . ."

This process of transplanting hair and skin is a manual operation which clearly conforms to the general definition of surgery. It is a type of cosmetic surgery employed to relieve a human complaint or other condition.

The practice of medicine is defined in the Medical Practice Act, 1973 PA 185, § 2(g); MCLA 338.1802; MSA 14.542(2), as follows:

"'Practice of medicine' or 'to practice medicine' means to diagnose, treat, prevent, cure, or relieve a human disease, ailment, defect, complaint or other condition, whether physical or mental, by attendance or advice, or by a device, diagnostic test, or other means, or to offer, undertake, attempt to do, or hold oneself out as able to do any of these acts."

From this authoritative description of the process of hair transplantation, it is evident that it is a method of cosmetic surgery designed to relieve a

human complaint or other condition and thus constitutes the practice of medicine within the meaning of the above quoted section.

FRANK J. KELLEY,
Attorney General.

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TEACHERS: Conviction of felony involving moral turpitude.

LICENSING AND REGULATION: Effect of plea of nolo contendere.

WORDS AND PHRASES: "Moral Turpitude."

The willful making of a false statement for the purpose of influencing actions of the Department of Housing and Urban Development is a felony involving moral turpitude and a conviction thereof can serve as the basis for suspension or revocation of a teacher's certificate. The offense of taking indecent liberties with a child constitutes a felony involving moral turpitude and can serve as the basis for suspension or revocation of a teacher's certificate.

A felony conviction entered on a plea of nolo contendere can be the basis for the suspension or revocation of a teacher's certificate.

Procedures for revoking or suspending a teacher's certificate discussed.

Opinion No. 4861

February 26, 1975.

Dr. John W. Porter
Superintendent of Public Instruction
Department of Education
Lansing, Michigan

You have requested my opinion on several questions concerning Administrative Code 1973 AACCS (Supp No 74), R 390.1151(5). Your questions will be answered seriatim.

1. Does a conviction under 18 USC 1010 constitute a "felony involving moral turpitude"?

MCLA 388.1010; MSA 15.1023(10) gives the State Board of Education the full power of "[d]etermination of the requirements for, and the issuance of, all licenses and certificates for teachers . . . in the public schools. . . ." Pursuant to that authority, the State Board of Education promulgated R 390.1151(5), *supra*, which provides:

"An applicant convicted as an adult of an act of immoral conduct contributing to the delinquency of a child, or a felony involving moral turpitude, as determined by a court, shall be denied issuance of a certificate or license or shall be denied enrollment for student teaching or internship in a public or private school, or shall have his certificate suspended or revoked."