



THE ATTORNEY GENERAL OF TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

AUSTIN 11, TEXAS

November 1, 1955

James A. Bethea, M. D.
Executive Director
Board for Texas State Hospitals
and Special Schools
Box S, Capitol Station
Austin, Texas

Letter Opinion No. MS-246

Re: Whether the word "physician"
includes "dentist" in the
general appropriation to the
Board for Texas State Hospitals
and Special Schools.

Dear Dr. Bethea:

You have requested an opinion concerning whether the provisions of Section 13a of the riders to the appropriation to the Board for Texas State Hospitals and Special Schools contained in House Bill 140, Acts of the 54th Legislature, Regular Session 1955, Chapter 519, Pages 1348, 1394, are applicable to dentists employed by the Board. Section 13a provides:

"Emoluments Relating to Hospital Board Personnel.

"Where housing is not available on the grounds of the institution for physicians, the Board for Texas State Hospitals and Special Schools is authorized to pay a cash allowance not to exceed One Hundred Dollars (\$100) per month for rent and Twenty-five Dollars (\$25) per month for utilities in lieu of housing on the grounds of the institution." (Emphasis ours.)

The term "physician" is not synonymous with dentists. Sec. 31, Art. XVI, Tex. Const., Art. 754a, V.P.C.; Arts. 4510, 4511, 4551a, 4551b, V.C.S.; Ex parte Halsted; 147 Tex. Cr. R. 453; 182 SW2d 479 (1944).

Article 4511, Vernon's Civil Statutes, provides:

"The terms, 'physician,' and 'surgeon' as used in this law, shall be construed as synonymous, and the terms, 'practitioners,' 'practitioners of medicine,' and, 'practice of medicine,' as used in this law, shall be construed to refer to and include physicians and surgeons."

Article 4551b provides:

"The definition of dentistry as contained in Chapter 9, of Title 71, of the Revised Civil Statutes of Texas as amended shall not apply to: . . . (4) physicians and surgeons legally authorized to practice medicine as defined by the law of this State, . . ."

In view of the foregoing, the term "physician" in Texas will not include persons not authorized to practice medicine in this State and there is nothing in the General Appropriation Act to show that the Legislature intended a broader definition of the term "physician". On the contrary, Section 2b of the appropriations to the Board for Texas State Hospitals and Special Schools authorize the Board to employ both physicians and dentists. You are therefore advised that the provisions of Section 13a do not apply to dentists employed by the Board.

APPROVED:

Yours very truly,

J. C. Davis, Jr.
County Affairs Division

JOHN BEN SHEPPERD
Attorney General

W. V. Geppert
Reviewer

By *John Reeves*
John Reeves
Assistant

J. A. Amis, Jr.
Reviewer

Will D. Davis
Special Reviewer

Davis Grant
First Assistant

John Ben Shepperd
Attorney General

JR:lm