

**ORIGINAL**Decision No. 49705

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Amendment of	)	
Rule 7.06 of General Order 99 and	)	
Rule 12.06 of General Order 98 of	)	Application No. 34754
the Public Utilities Commission of	)	
the State of California.	)	

Henry C. Rohr, for California Osteopathic Association. G. W. Ballard, for the Brotherhood of Railroad Trainmen, interested party. Lynn E. Hull, for the Operations-Safety Section, Public Utilities Commission of the State of California.

O P I N I O N

The applicant, the California Osteopathic Association, is a corporation formed "to maintain the standard of education and to promote the welfare and influence of the profession of osteopathy."

In this application it is requested that Rule 7.06 of General Order No. 99 and Rule 12.06 of General Order No. 98 of this Commission be amended. The present wording of these two rules is as follows:

"7.06. Every carrier shall have in its files a certificate of physical examination signed by a qualified doctor of medicine, for every new driver entering its employ, certifying that said doctor has examined such driver and found him to meet satisfactorily the qualifications set forth in Sections 7.01 to 7.04, inclusive."

"12.06. On and after January 1, 1951, every passenger stage corporation and street railroad corporation shall have in their files a certificate of physical examination signed by a qualified doctor of medicine, for every new driver entering their employ, certifying that said doctor has examined such driver and found him to meet satisfactorily the qualifications set forth in Sections 12.01 to 12.04, inclusive."

The application requests that the words "a qualified doctor of medicine" in each of the above rules be changed to read "a duly licensed physician and surgeon", and that the words "said doctor" be changed to read "said physician and surgeon."

The phrases "a qualified doctor of medicine" and "said doctor" have been interpreted to mean doctors holding the degree of M.D. In support of the requested changes it is alleged that the Interstate Commerce Commission has made similar changes in its rules relating to physical examination of drivers, and it is further alleged that in the State of California there is now one license for physicians and surgeons, and that this license is issued to doctors of medicine and to osteopaths.

A public hearing was held in Los Angeles on December 18, 1953, before Examiner Syphers, at which time evidence was adduced and the matter submitted.

At the hearing notice was taken of the rules of the Interstate Commerce Commission which now permit the physical examinations of drivers of motor vehicles under the jurisdiction of that Commission to be made by "a licensed doctor of medicine or osteopathy." Also, it was testified that the rules of the

Railroad Retirement Board permit statements of sickness to be filed by "a doctor trained in medical and surgical diagnosis." A sample of the type of license issued to osteopaths in the State of California was received in evidence, and it was testified that this type of license is issued under the same provisions of the law as are licenses to medical doctors. The relevant provisions of the Business and Professions Code are as follows:

"2135. The board shall issue three forms of certificates under its seal and signed by the president and secretary-treasurer. These certificates shall be designated as:

- (a) Physician's and surgeon's certificate.
- (b) Drugless practitioner's certificate.
- (c) Certificate to practice chiropody.

These three forms may also be issued as reciprocity certificates."

"2005. The term 'board' refers to:

- (a) The Board of Medical Examiners of the State of California.
- (b) The Board of Osteopathic Examiners of the State of California, where the Board of Osteopathic Examiners of the State of California exercises the functions granted to it by the Osteopathic Act."

"2137. The physician's and surgeon's certificate authorizes the holder to use drugs or what are known as medical preparations in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions."

Additional requirements relative to the physicians and surgeons certificate are set out in Sections 2192 and 2288.

From an analysis of the testimony presented in this matter and the statutory law referred to above, it is apparent that the requirements for the holder of a certificate as a physician and surgeon are the same regardless of whether the holder is an osteopath or has the degree of Doctor of Medicine.

A representative of the Brotherhood of Railroad Trainmen appeared in support of the application.

After a full consideration of this record we find that the phrases "a qualified doctor of medicine", and "said doctor", as they now appear in Rule 7.06 of General Order No. 99 and Rule 12.06 of General Order No. 98 be changed to read "a duly licensed physician and surgeon", and "said physician and surgeon."

O R D E R

Application as above entitled having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and hereby finding it to be not adverse to the public interest,

IT IS ORDERED that Rule 7.06 of General Order No. 99 be, and it hereby is, amended to read as follows:

7.06. Every carrier shall have in its files a certificate of physical examination signed by a duly licensed physician and surgeon, for every new driver entering its employ, certifying that said physician and surgeon has examined such driver and found him to meet satisfactorily the qualifications set forth in Sections 7.01 to 7.04, inclusive.

IT IS FURTHER ORDERED that Rule 12.06 of General Order No. 98 be, and it hereby is, amended to read as follows:

12.06. On and after January 1, 1951, every passenger stage corporation and street railroad corporation shall have in their files a certificate of physical examination signed by a duly licensed physician and surgeon, for every new driver entering their employ, certifying that said physician and surgeon has examined such driver and found him to meet satisfactorily the qualifications set forth in Sections 12.01 to 12.04, inclusive.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23<sup>rd</sup> day of February, 1954.

[Signature]  
President

[Signature]

[Signature]

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Commissioners