

STATE BOARD OF HEALTH - Compensation and license fees for  
certificates.

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x-17  
August 10th, 1934



Honorable Forrest Smith  
State Auditor  
Jefferson City, Missouri

Dear Sir:

Your request of July 25, 1934 for an opinion  
is as follows:

"I would like an opinion from your  
office as to whether the State Board  
of Health has the right to charge a  
per diem for grading papers, or so  
much per certificate for signing  
medical licenses, midwife and chiropody  
certificates.

If so, how much per certificate are  
they entitled to charge?"

We shall subdivide the opinion, for convenience,  
into the following divisions:

- I. Compensation of State Board of Health.
- II. License fees which may be charged  
for medical licenses and certificates  
of midwifery and chiropody.

I.

Compensation of State Board of Health

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Section 9020, Laws Mo. 1931, p. 259, relating to the compensation to be paid members of the Board of Health, is as follows:

" \* \* members of the board shall receive no compensation for their services, but their traveling and other expenses while employed on the business of the board shall be paid. \* \* "

It is now well settled in this state that a public officer is presumed to render his services gratuitously unless some specific statutory authorization is made for the payment for such services. King v. Riverland Levy District, 279 S. W. 195, l.c. 196 (1926). We have been unable to find any statutory authority authorizing the State Board of Health to charge a per diem for grading papers.

It is, therefore, the opinion of this office that the State Board of Health is without authority to charge a per diem for such services.

## II.

License fees which may be charged for  
medical licenses and certificates of midwifery and  
chiroprody.

Section 9119, relating to the examination of persons applying for a license to practice medicine in this state, is in part as follows:

" \* \* said board shall charge each person applying to and appearing before it for examination for a license to practice medicine and surgery a fee of fifteen dollars, \* \* "

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For those asking for a license to practice midwifery, Section 9123, R. S. Mo. 1929 provides:

" \* Every person desiring to practice midwifery as a profession shall make application to the state board of health for examination and pay a fee of five dollars. \* \* "

Those desiring to engage in the practice of chiropody, under the provisions of Section 9077, R. S. Mo. 1929,

" \* \* shall, upon payment of fee of fifteen dollars, be examined, and if found qualified, shall be registered, and shall receive in testimony thereof a certificate signed by the chairman and secretary of the board."

We have been unable to find any statutory authority authorizing the Board of Health to make a charge for issuing a certificate to successful applicants who have applied for and taken the examinations given in medicine and surgery, midwifery and chiropody.

In the absence of such statutory authorization, it is the opinion of this office that the State Board of Health is without authority to make a charge for such service.

Respectfully submitted,

FRANKLIN E. REAGAN  
Assistant Attorney General

APPROVED:

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ROY McKITTRICK  
Attorney General

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