

December 1, 2025

The Honorable Anneka P. Collins
Highland County Prosecuting Attorney
112 Governor Foraker Place
Hillsboro, Ohio 45133

SYLLABUS:

2025-024

A coroner may appoint a dentist as an investigator under R.C. 313.05. A dentist, however, is not a licensed physician or pathologist under the Revised Code and may not be appointed as deputy coroner under R.C. 313.05.



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OPINION NO. 2025-024

The Honorable Anneka P. Collins
Highland County Prosecuting Attorney
112 Governor Foraker Place
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Dear Prosecutor Collins:

You have requested an opinion regarding appointments in the coroner's office. Specifically, you ask:

1. May a county coroner appoint a dentist as an "investigator" under the Ohio Revised Code, specifically within the authority granted under R.C. 313.05?
2. If a dentist cannot be appointed as an "investigator," may a dentist be appointed as a deputy coroner under R.C. 313.05?
3. Does a dentist qualify as a "physician" as defined in R.C. 4731.053, R.C. 4731.34, and R.C. Chapter 4715?

A coroner may appoint a dentist as an investigator under R.C. 313.05. However, because a dentist is not a licensed physician or pathologist under the Revised Code, a dentist may not be appointed as deputy coroner under R.C. 313.05.

I

You have informed me that the Highland County Coroner employs a dentist as an investigator, and you asked whether Ohio law permits that. You also asked whether a dentist may be appointed deputy coroner. For the reasons that follow, the answer to the first question is “yes” and to the second question “no.”

The office of county coroner is defined by statute, principally R.C. Ch. 313. The coroner’s duties include identifying bodies (R.C. 313.09), determining the cause, manner, and mode of unexplained deaths in the county (R.C. 313.19), gathering information at the scene of an unexplained death (R.C. 313.12, 313.13, and 313.17) and coordinating with law enforcement officers and prosecutors to further investigate unexplained deaths (R.C. 313.09). To be eligible for the elected office, a person must be “a physician who is licensed under Chapter 4731 of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, and who is in good standing in the person's profession. For a county other than a charter county, the person also shall have been licensed under Chapter 4731 of the

Revised Code to practice medicine and surgery or osteopathic medicine and surgery for a period of at least two years immediately preceding election or appointment as coroner.” R.C. 313.02.

A

Your first question concerns the professional qualifications of a coroner’s investigator under R.C. 313.05(A)(3). That statute does not require any particular professional qualifications for a person to assist the coroner as an investigator. “The coroner’s investigators may undertake any appropriate investigatory tasks that are not limited to the authority of the coroner or the deputy coroner by R.C. 313.17 or another statute.” 1988 Ohio Atty.Gen.Ops. No. 88-035, at 2-162. For example, R.C. 313.05(B)(2) allows the county coroner to appoint a deputy sheriff or other law enforcement officer as an investigator. That provision is permissive in language and does not prevent coroners from appointing persons with other qualifications as investigators under R.C. 313.05(A)(3). In 1989 Ohio Atty.Gen.Ops. No. 89-037, one of my predecessors reviewed this statute and determined that a person whose only qualification was that of a bail bondsman could qualify as a coroner’s investigator. A dentist is a trained and licensed professional uniquely qualified to review dental records and, among other things, examine a decedent’s teeth or jaw for identification purposes. With no limiting language in the authorizing

statute, I conclude that a licensed dentist may serve as a coroner's investigator.

B

Your second and third questions are interrelated. I will address them jointly.

Whether a dentist may be appointed as a deputy coroner depends upon whether a dentist is considered a licensed physician under Ohio law. R.C. 313.05(A)(1) authorizes the coroner to appoint, in writing, deputy coroners, "who shall be *licensed physicians* of good standing in their profession, one of whom may be designated as the chief deputy coroner." (Emphasis added.) The deputy coroner's responsibility is to "aid the coroner in the execution of the coroner's powers and duties." R.C. 313.05(A)(1). "The coroner also may appoint pathologists as deputy coroners, who may perform autopsies, make pathological and chemical examinations, and perform other duties as directed by the coroner or recommended by the prosecuting attorney." R.C. 313.05(A)(1).

R.C. Chapter 4731 governs the licensure of physicians and the practice of medicine in Ohio. *See* 2012 Ohio Atty.Gen.Ops. No. 2012-021, at 2-179. R.C. 4731.053 requires the state medical board to adopt administrative rules for a physician's delegation of medical tasks. A "physician" is defined in that statute as "an

individual authorized by this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.” R.C. 4731.053(A). This same definition appears in other parts of R.C. Chapter 4731 regarding physicians. *See* R.C. 4731.052(A)(3), 4731.054(A)(7), 4731.055(A)(2), 4731.056(A)(3), and 4731.057. These statutes cover far-ranging topics involving physicians, such as pain clinics, controlled substances, and medical databases. Similar definitions appear outside of R.C. Chapter 4731. *See, e.g.*, R.C. 2108.01(U) (for purposes of anatomical gifts), R.C. 2305.113 (regarding medical malpractice claims), R.C. 4503.44(A)(4) (regarding the process for persons with disabilities to obtain special windshield placards, license plates, and parking cards).

A license holder from the state medical board issued pursuant to R.C. 4731.14 may use the title “physician.” R.C. 4731.14(C). Persons who do not hold a license from the state medical board are not physicians within the meaning of the statute. Consequently, such people are prohibited from holding themselves out as physicians. R.C. 4731.34 and 4731.341.

R.C. 4731.34(A) defines the practice of medicine for the purpose of prohibiting the unauthorized practice of medicine. This statute provides in relevant part:

A person shall be regarded as practicing
medicine and surgery, osteopathic

medicine and surgery, or podiatric medicine and surgery, within the meaning of this chapter, who does any of the following:

(1) Uses the words or letters, “Dr.,” “Doctor,” “M.D.,” “physician,” “D.O.,” “D.P.M.,” or any other title in connection with the person’s name in any way that represents the person as engaged in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches;

(2) Advertises, solicits, or represents in any way that the person is practicing medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches;

(3) In person or, regardless of the person's location, through the use of any communication, including oral, written, or electronic communication, does any of the following:

(a) Examines or diagnoses for compensation of any kind, direct or indirect;

(b) Prescribes, advises, recommends, administers, or dispenses for compensation of any kind, direct or indirect, a drug or medicine, appliance, mold or cast, application, operation, or treatment, of whatever nature, for the cure or relief of a wound, fracture or bodily injury, infirmity, or disease.

The licensure of dentists and the practice of dentistry in Ohio are governed by R.C. Chapter 4715. A dentist is licensed by the state dental board and not by the state medical board. *See* R.C. 4715.12. The practice of dentistry includes managing a site for performing dental operations, teaching dentistry, and diagnosing or treating “diseases or lesions of human teeth or jaws.” R.C. 4715.01; *see also J.M. McFadden v. W.A. McFadden*, 1981 WL 3369 (10th Dist. July 28, 1981).

“A licensed dentist” is further defined in the state dental board’s administrative rules as “a graduate of an accredited or a foreign dental school who has successfully passed all examinations, completed all application requirements for licensure in Ohio as set forth in section 4715.10 of the Revised Code and the agency rules of this board, and holds a current license to practice dentistry in Ohio which is not suspended or revoked by board action.” Adm.Code 4715-3-01(D)(1); *see also* R.C. 4715.01 and 4715.36(D).

Physicians are trained to diagnose and treat general health conditions of the entire body. Dentists focus on oral health, which includes the teeth, gums and the structure of the mouth. Dentists are doctors, typically having the DDS (Doctor of Dental Surgery) or DMD (Doctor of Medicine in Dentistry) designation. The laws governing dental licensure and practice “do not apply to a legally qualified physician or surgeon unless he practices dentistry as a specialty.” R.C. 4715.34. A person who holds a dental license from the state dental board is not a *licensed physician* as that term is defined in Ohio law. As just one example of the difference between the two professions, a physician can pronounce a person dead, but a dentist may not. Adm. Code 4731-14-01.

In sum, the practice of dentistry is distinct from the practice of medicine, and a dentist is not a licensed physician for purposes of Chapter 313. A dentist, therefore, may not be appointed deputy coroner under R.C. 313.05(A)(1) unless the person also holds a license to practice medicine issued by the state medical board.

Conclusion

Accordingly, it is my opinion, and you are hereby advised that:

A coroner may appoint a dentist as an investigator under the authority of R.C. 313.05. A

dentist, however, is not a licensed physician or pathologist under the Revised Code and may not be appointed as deputy coroner under R.C. 313.05.

Respectfully,

A handwritten signature in blue ink that reads "Dave Yost". The signature is written in a cursive style with a large, looping initial "D" and a long, sweeping tail on the "y".

DAVE YOST
Ohio Attorney General