

**Note from the Attorney General's Office:**

1979 Op. Att'y Gen. No. 79-007 was expanded  
by 1996 Op. Att'y Gen. No. 96-039.

1979 Op. Att'y Gen. No. 79-007 was overruled  
by 1999 Op. Att'y Gen. No. 99-052.

## OPINION NO. 79-007

**Syllabus:**

A person who does not hold a master's degree in public health, and is neither a licensed physician, dentist, nor veterinarian, may not be appointed to the position of commissioner of a general health district under R.C. 3709.11

**To: Michael DeWine, Greene County Pros. Atty., Xenia, Ohio**  
**By: William J. Brown, Attorney General, March 12, 1979**

I have before me your request for my opinion which concerns the qualifications for the position of commissioner of a general health district. Specifically, you have asked whether a person who holds a master's degree in public administration can qualify for that position under R.C. 3709.11.

R.C. 3709.11 provides, in pertinent part, as follows:

The board [of health] shall appoint a health commissioner upon such terms, and for such period of time . . . as may be prescribed by the board. Said appointee shall be a licensed physician, licensed dentist, a licensed veterinarian, or the holder of a master's degree in public health. . . . (Emphasis added.)

Since the person involved is neither a licensed physician, dentist, nor veterinarian, the issue which your question raises is whether a master's degree in public administration is equivalent to a master's degree in public health for purposes of R.C. 3709.11.

There can be little serious question that the portion of R.C. 3709.11 which establishes minimum qualifications for the position of health commissioner was enacted to insure that appointees are equipped to execute the duties of the position with competence. As the position is created by the General Assembly, the qualifications would seem to be properly the subject of legislative action. Statutes should be "construed according to the rules of . . . common usage." R.C. 1.42. The language of the statute is plain and unambiguous. It must be presumed, therefore, that the General Assembly drafted this section of the Revised Code with care. Had the legislature intended a degree in public administration to be sufficient

qualification for the position, it could have so drafted the statute. Indeed, had it intended that a person holding a master's degree in public health, "or its equivalent," to be sufficiently qualified to act as commissioner of a general health district, it could have drafted the section accordingly. That the section does not so provide implies the exclusion of an "equivalent" degree. To graft such a provision into the statute by liberal interpretation would be a usurpation of the legislative function. Therefore, I must conclude that only licensed physicians, dentists, and veterinarians, and holders of a master's degree in public health may be appointed to the position of commissioner of general health district under R.C. 3709.11.

In deciding this issue, I am not unmindful of the information which you have supplied to the effect that the particular individual in question took many graduate courses required for a master's degree in public health. Nor am I unaware that there are apparently no universities in this state which offer a master's degree in public health. However, it must be presumed that the General Assembly was also aware of these facts when R.C. 3709.11 was enacted. That the General Assembly allowed only for a "master's degree in public health," and not for a "master's degree in public health or its equivalent," forecloses the need to compare degree programs.

In conclusion, it is my opinion, and you are so advised, that:

A person who does not hold a master's degree in public health, and is neither a licensed physician, dentist, nor veterinarian, may not be appointed to the position of commissioner of a general health district under R.C. 3709.11.