

File No. 5741 Continued.

CORRESPONDENCE.

we find that the physician who was in charge of the case has given as the cause of death Bronchitis, and when he has been asked whether there was any Tuberculosis present he has denied it. In such a case would the Commissioner of Health be justified in placing the people under arrest, if they refuse to have the premises fumigated?

I ask your opinion in this matter because until now I had been under the impression that no one was legally entitled to express an opinion as to what disease a citizen might be suffering with, save a legal practitioner of medicine. I have been informed, however, by members of the tuberculosis association of Baltimore City that such is not the case, and I refer the matter to you for your opinion.

Yours respectfully,

(Signed) James Bosley, M. D.

Commissioner of Health.

File No. 5741.

OPINION.

LAW DEPARTMENT.

Baltimore, January 14, 1907.

Hon. W. Cabell Bruce,
City Solicitor,
City.

Dear Sir:-

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As requested by you in your letter of January 14th, I have considered the matters referred to by Dr. Bosley in his letter of January 14th. Dr. Bosley desires to know whether, under the Act of 1904, Chapter 412, amending Article 43 of the Code, he is authorized to reach the conclusion that death has resulted from consumption upon the evidence or statement of anyone, other than the last attending physician.

Section 34J of said Act, which is quoted in Dr. Bosley's letter, makes it the duty of the Board of Health to disinfect the premises in which a death from consumption has occurred; the section then provides that "it shall be the duty of the householder, physician, or other person having knowledge of the facts, to notify the local Board of Health within forty-eight hours after the death or removal of a person affected with pulmonary or laryngeal tuberculosis", subject to a penalty.