

Opinion No. 50

Medicine and Surgery—Board of Medical Examiners—Certificates or Licenses to Practice Medicine and Surgery—Qualifications of Applicants for Certificates to Practice Medicine and Surgery—Licensure by Reciprocity

- Held:** 1. A certificate to practice medicine and surgery can only be granted to citizens of the United States or subjects of the Dominion of Canada who have filed their declaration of intention to become United States citizens.
2. The proviso to Section 66-1003, RCM, 1947, regarding the issuance of certificates to practice medicine and surgery without examination, requires that reciprocity exist between the sister-state or the province of Canada from which the certificate to be honored has issued, and the state of Montana.
3. The requirement of reciprocity is confined to those cases in which a certificate is issued without examination, and has no application to those cases in which the applicant intends to obtain a certificate through examination by the Board of Medical Examiners.

April 10, 1958

Thos. L. Hawkins, M. D.
Secretary
State Board of Medical Examiners
Helena, Montana

Dear Dr. Hawkins:

You asked whether the reciprocity requirements of Section 66-1003, RCM, 1947, as amended by Chapter 119, Laws of 1957, apply to the granting of a certificate to practice medicine and surgery in the case in which the applicant obtains this certificate through examination.

Section 66-1003 (supra) provides that **every person** who is an applicant to practice medicine and surgery in the state of Montana must apply and receive from the board of medical examiners a certificate so to do. The certificate will be issued upon the successful completion of an examination by the applicant. As a prerequisite to this examination the applicant must present certain credentials to the board which shall indicate certain qualifications regarding his or her education and training. A further limitation upon the applicant is that he or she must be a citizen of the United States or subject of the Dominion of Canada who has filed a declaration of intention to become a United States citizen.

Inserted as a proviso to Section 66-1003 (supra) is a provision under which applicants holding certificates from sister-states and provinces of the Dominion of Canada may receive a certificate to practice in Montana without being required to take an examination. This

proviso has the effect of excepting these applicants from the requirements of the statute relating to licensure by examination. (*Great Western Sugar Co. v. Mitchell*, 119 Mont. 328, 174 Pac. (2d) 817.)

Before the applicant can come within this proviso it is necessary that certain facts must exist in regard to the certificate to practice which the applicant seeks to have honored. Among these is the requirement that reciprocity exist between the sister-state or the province of Canada from which such certificate has issued, and the state of Montana. That is to say, that the sister-state or province must recognize certificates or licenses issued by the Board of Medical Examiners of the State of Montana.

This reciprocity requirement is limited to the subject to which it relates, (*State ex rel. Bowler vs. Board of Commissioners of Daniels County*, 106 Mont. 251, 76 Pac. (2d) 648) and so is confined to those cases in which a certificate is issued without examination under the **proviso** to Section 66-1003, RCM, 1947. It follows, that the reciprocity requirement has no application to those cases in which the applicant intends to obtain a certificate to practice medicine and surgery through examination by the Board of Medical Examiners.

Very truly yours,
FORREST H. ANDERSON
Attorney General