

**Board Medical Examiners—Power Of—Under Section 602  
Political Code as Amended.**

Under Section 602 Political Code as amended by laws of 1903, page 20, Board of Medical Examiners may determine from facts presented to them, whether the applicant for license to practice medicine has complied with the law requiring him to take four courses of lectures of six months each.

Helena, Montana, May 23, 1905.

Hon. W. C. Riddell, Secretary Board of Medical Examiners, Helena, Montana.

Dear Sir:—Your letter of May 21st, relating to the proposed application of Dr. Harry L. Jones to practice medicine in Montana, received.

Section 602 of the Political Code of Montana, as amended by laws of 1903, page 20, is a remedial and protective statute. Its purpose is obvious; however, certain discretionary powers are conferred upon the Board of Examiners. The Section provides two methods by which applicants may be licensed to practice medicine in Montana. The first is by examination, and a regular course of procedure is prescribed therefor; and the second is to admit any applicant who has been regularly licensed

by the State Board of Examiners of some other State, under the conditions prescribed in the Section. The procedure under examination is prescribed as follows:

1. The applicant must present a diploma from a medical school.
2. He must be examined in the branches named in the statute.
3. He must present evidence of attending four courses of lectures of at least six months each.

Whether the applicant has taken the four courses of lectures is a question which must be decided by the Board from the evidence then submitted. The law does not specifically say that these four courses of lectures must precede the granting of the diploma which is presented to the Board by the applicant. It only requires that he must have taken four courses of lectures prior to his admission to practice in this State.

The facts in this particular case appear to be that the applicant is a graduate of a college which requires a four years course; but before entering such college, he had graduated from another college, and that by reason of his former graduation, and by doing extra work, he was permitted to graduate in three years; that since graduation he has been employed as a physician in the public hospitals in the city of St. Louis. If the college from which the applicant was graduated, is up to the standard, which fact must be determined by the Board, it is within the discretionary power of the Board, under these circumstances, to say that the applicant has brought himself within the requirements of the State laws, requiring his attendance at lectures for twenty-four months. This discretionary power of the Board is apparent from the second division of the section as amended.

In considering this particular question, it would be proper for the Board to take into account the applicants graduation from the former college, though it were not a medical college, his graduation from the medical college, the character and standing of both colleges, the subsequent practice and study of the applicant, which may also have been under the guidance of some regularly practicing physician, and from all these facts the Board should determine whether the four year term prescribed in the statute has been complied with.

Respectfully submitted,

ALBERT J. GALEN,

Attorney General.