

Medical Examiners, Authority Of. State Board Medical Examiners, Authority Of. Board of Medical Examiners, Power Of. Medical Colleges, Classification Of. Classification, of Medical Colleges.

Pursuant to the provisions of Sec. 1585 et seq., Revised Codes, it is the duty of the State Board of Medical Examiners to ascertain whether or not a medical school from which an applicant for a license is a graduate is a legally organized medical school and one in good standing. In ascertaining this fact the Board may take into consideration the classification of Medical Colleges made by the American Medical Association.

November 12, 1912.

Dr. W. C. Riddell,  
Sec'y State Board of Medical Examiners,  
Helena, Montana.

Dear Sir:

I acknowledge receipt of your communication of the 2nd inst.,

but owing to the stress of business in the office I have been unable to reply to your letter prior to this date.

With your communication you inclose a "classification of Medical Colleges of the United States" prepared by the American Medical Association, together with a communication from the Council of Medical Education of the American Medical Association, and you ask my opinion.

"As to whether or not this Board (the Board of Medical Examiners of the State of Montana) has authority under the law to take action in refusing to recognize diplomas granted by schools in Class "C" of the enclosed list?"

Section 1585 et seq., Revised Codes of 1907, contain the provisions of law relative to the practice of medicine in this state. Provision is made therein for your Board, and by the provisions of Sec. 1587 it is made the duty of the Board of Examiners to determine whether or not a Medical School from which an applicant for a license is a graduate, is a legally organized Medical School and one in good standing and one whose teachers are graduates of a legally organized school.

As stated above, this Section makes it the duty of your Board to determine these facts, but it does not make provision for the method by which those facts are to be determined. The mere action of the American Medical Association could not of itself take the place of and be substituted for the action of your Board, but the State Board of Medical Examiners of Montana could determine these facts by any evidence or means it saw fit, so long as it determined the fact fairly, honestly and impartially. And I can see no reason why in determining the facts required by Sec. 1587 your Board in the exercise of the discretion in it by law vested could not be governed to a large extent by the action of the American Medical Association in its classification of Medical Colleges of the United States.

It is my opinion, therefore, that your Board would have no authority to be bound by the action of the American Medical Association as such Board are required to make separate and independent investigation concerning the standing of the Medical Schools whose graduates you are dealing with, but that in determining the standing of such Medical Schools you may take into consideration the action of the American Medical Association in classifying such Schools, together with such other facts and evidence as you may be able to gather.

Yours very truly,

ALBERT J. GALEN,

Attorney General.