

Secretary State Board of Medical Examiners, May Conduct Examination for License to Practice Medicine. Examination, for License to Practice Medicine. License to Practice Medicine, Examination for.

After the questions upon which applicants for license to practice medicine are to be examined have been prepared by the state board of medical examiners, they may be given and the examination conducted by the secretary of said board and without the presence of the whole board at the examination; provided, that the whole board meets to decide upon the qualifications of the applicants after the examination of their answers to the questions.

April 29th, 1913.

Dr. William C. Riddell,
Secretary of State Board of Medical Examiners,
Helena, Montana.

Dear Sir:

I beg to acknowledge receipt of your favor of the 14th instant, asking my opinion as to whether it will fulfill the letter and spirit of the medical practice act to have the examinations for admission to practice medicine, given to candidates for certificates, by the secretary of said board, and to be marked and graded by the board as a whole after the examination is concluded. The code provisions regulating the admission of doctors to practice medicine are found in Secs. 1587 and 1588 of the Revised Codes. Sec. 1587 requires that:

"Said applicant shall submit to an examination in the following branches:" (Naming them.)

Sec. 1588 prescribes that:

"No person not heretofore licensed to do so shall be permitted to practice medicine in the State of Montana unless he shall have first been subjected to a thorough examination as to his qualifications, learning and professional skill by the state board of medical examiners."

There is nothing in either of these sections that would seem to require the personal attendance of all the members of the board

during the course of such examinations. Their functions seem mainly to be that of preparing the questions and deciding the fitness of the applicants after the questions have been answered by them, and in as much as Sec. 1587 provides that:

“Such examination may be conducted in the presence of the dean of any medical school, or the president of any medical society in this state,”

I think that it would be within the power of the board to delegate the conduct of the examination to the secretary of their board, if they so saw fit.

It is therefore my opinion that after the questions, upon which the applicants for license to practice medicine are to be examined, are prepared by the state board of medical examiners, they may be given, and the examination upon them conducted by the secretary of the said board, without the presence of the whole board at the examination, provided, of course, that the board meets to decide upon the qualifications of the applicants after an examination of their answers to the questions.

Very truly yours,

D. M. KELLY,
Attorney General.