

Physician, License to Practice Surgery in Reclamation Service. License, Not Required of Physician to Practice Surgery in Reclamation Service.

Physicians in the employ of the federal reclamation service engaged upon projects in this state may treat employees engaged in construction work without a state license to practice medicine.

February 9th, 1914.

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

Dear Sir:

I am in receipt of your letter of the 23rd ultimo, as follows:

"Are physicians of the United States reclamation service exempt from the provisions of the law governing admission to practice medicine in this state, so long as their practice is confined to government employes? These physicians are employed by the interior department of the general government, having been certified by the civil service commission, after examination by that body. They are employed as sanitary officers, and to look after the sick and injured in the employment of the reclamation service engaged in projects in this state."

I am of the opinion that under the facts as stated in your letter, physicians in the employ of the interior department of the federal government in the capacity of sanitary officers, who also look after the sick and injured employes engaged upon projects in this state, under the reclamation service, are not required to secure certificates to practice medicine. The tenor of your letter suggests that such physicians are not engaged in the general practice of their profession. They do not hold themselves out to the general public as physicians, and do not practice for hire, nor do they prescribe generally for the public, but limit their activities to treating governmental employes, and do so merely as an incident to their employment, hence while so engaged they cannot be prosecuted under Sec. 1591 Revised Codes of Montana, 1907, for practicing medicine without certificates. This being true, it follows that their avocations in the respects indicated are lawful in this state.

Yours very truly,

D. M. KELLY,
Attorney General.