

## **Opinion No. 58-136**

June 23, 1958

**BY:** OPINION OF FRED M. STANDLEY, Attorney General Hilton A. Dickson, Jr.,  
Assistant Attorney General

**TO:** Hon. E. M. Barber, District Attorney, Seventh Judicial District, Truth or  
Consequences, New Mexico

### **QUESTION**

#### QUESTION

May the Board of Carrie Tingley Hospital enter into a contract of employment for professional services with a doctor (M.D.) who has presented to said Board credentials and evidences of his licensed status and authority to practice medicine in two other states but which evidences and presented licenses have not been passed upon nor verified as to present validity by the New Mexico Board of Medical Examiners?

#### CONCLUSION

No.

### **OPINION**

#### ANALYSIS

In keeping with the provisions of Article V, Chapter 67, New Mexico Statutes Annotated, 1953 Compilation, as amended, the practice of medicine as characterized by the art of diagnosing, administration and prescribing of drugs and medicines, surgery, psychiatric examination, analyzation and consultation is limited in the State of New Mexico to persons, as determined by the New Mexico Board of Medical Examiners, who are duly accredited graduates of approved medical schools, have successfully passed a written examination as provided for in § 67-5-5, N.M.S.A., 1953 Compilation, (p.s.), or who have been granted their licenses by way of endorsement from the officers of examining boards of other states or who have been certified to the New Mexico Board of Medical Examiners by the National Board of Medical Examiners of the United States of America

With regard to the question above put, specific reference is made to the last sentence of § 67-5-5. N.M.S.A., 1953 Compilation (p.s.) which provides as follows:

"Every applicant for a medical license by reciprocity, application for a license through endorsement, or reciprocity extended to the certificate of examination issued by the National Board of Medical examiners of the United States of America shall present itself to the board in person for an interview before being granted a license."

In the case of Doctors of Medicine there is provided by § 67-5-10, a specific exemption to this state's licensing requirements for persons found to be qualified and previously licensed in other states.

As cited in your letter of inquiry § 67-5-10, supra, declares by proviso:

"Provided, further, that nothing in this act shall be construed to prohibit any physician who has been lawfully licensed to practice in another state from entering into a contract with a state institution to serve as a member of their medical staff exclusively, . . ."

It would appear from the letter of inquiry that the Doctor being considered by the Board of the Carrie Tingley Hospital meets the requirements of the proviso last quoted. However, it must be pointed out that while no New Mexico license need be presented as a prerequisite to the employment considered still no Board or other duly provided for public administrative body other than the New Mexico Board of Medical Examiners has authority to determine the present standing or validity of a Doctor's credentials in other states.

Accordingly, it is our opinion that the Board of the Carrie Tingley Hospital should make reference of the considered Doctor's credentials to the New Mexico Board of Medical Examiners, in the event this has not already been done, and must be guided by this latter board's determination as to the present status of the applicant in those states of presented license standing.