

Opinion No. 52-5527

April 9, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Charles J. McGoey, M.D. Secretary-Treasurer New Mexico Board of Medical Examiners Santa Fe, New Mexico

{*237} This is in reply to your letter of March 17, 1952, in which you requested an interpretation of Sec. 51-508 NMSA (Pocket Supplement). Specifically, you ask this question:

Is a physician who has been duly licensed to practice in another state, and who wishes to be employed at the Philmont Scout Ranch at Cimarron, New Mexico, during the summer months, eligible for a limited license from the Board of Medical Examiners under Sec. 51-508?

The pertinent portion of this statute reads as follows:

"51-508. 'PRACTICE OF MEDICINE' DEFINED -- EXCEPTIONS FROM ACT. --
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, or from entering into a contract with an employer for the treatment of its employees only, providing such employer maintains in this state a hospital for the benefit of its employees, and who submits proof that he has received, in writing, a notification by the medical examining board of the state of New Mexico that he possesses the necessary character and professional qualifications;"

You point out in your request that the ranch employs these doctors solely for the purpose of providing medical care for the Boy Scout campers, and that a camp hospital is likewise maintained for this purpose. The question resolves itself, therefore, to whether the Philmont Scout Ranch may be termed a "State Institution" or the administrative officials of the ranch may be considered as "employers" maintaining a hospital for the benefit of the "employees" within the purview of Sec. 51-508.

It is obvious, in my opinion, that the ranch is not a "State Institution", but is instead an establishment {*238} and activity of the Boy Scouts of America. Furthermore, it is equally obvious that the hospital will be maintained for the benefit of the campers, and that the ranch employees will benefit only incidentally from its establishment and maintenance. Certainly the hospital will not be maintained for the treatment of employees only.

Therefore, it is my opinion that any out-of-state doctor so employed by the Philmont Scout Ranch would not be eligible for a limited license from your Board under Sec. 51-508.

I trust that this opinion has answered fully your questions on this subject.