

**Opinion No. 55-6174**

June 1, 1955

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Gerald R. Clark, M.D., Director, Department of Public Health, Santa Fe, New Mexico

You have inquired whether it is legal for the New Mexico Department of Public Health to employ dentists to operate mobile dental units to furnish dental service to indigent children in remote areas of the State who are not licensed in New Mexico, but are licensed in other states and who submit proof that they have received a notification by the Dental Examining Board of this State that they possess the necessary character and professional qualifications.

The pertinent statute is § 67-4-14, N.M.S.A., 1953 Compilation, and Subparagraph (c) thereof reads as follows:

"(c) Nothing in this act shall be construed to prohibit any dentist who has been lawfully licensed to practice in another state from entering into a contract with the following named state institutions: Insane Asylums, orphans' home and industrial school; penitentiary; reform school; girls' welfare home; school for the deaf; school for the blind; institution of the department of public welfare; Carrie Tingley Hospital; Miner's Hospital and other similar charitable state institutions for the care of the aged, indigent or feeble-minded, to serve as a member of their medical staff exclusively, who submits proof that he has received, in writing a notification by the dental examining board of the state of New Mexico that he possesses the necessary character and professional qualifications."

The question is whether the New Mexico Department of Public Health could be considered as falling within the above named state institution. If it does, it must do so under the classification "similar charitable state institutions for the care of the aged, indigent or feeble-minded."

In view of the fact that the type of work outlined in your request is of a charitable nature it is the opinion of this office that the Legislature intended that activities such as those performed by your department should be included.

By: Jack A. Smith

Assistant Attorney General