

Opinion No. 16-1881

October 11, 1916

BY: FRANK W. CLANCY, Attorney General

TO: Dr. W. E. Kaser, Secretary, New Mexico Board of Health and Medical Examiners, Las Vegas, New Mexico.

As to rule of State Board of Medical Examiners in regard to graduates of medical schools in foreign countries.

OPINION

{*429} I have this morning received your letter of yesterday setting out a copy of a resolution adopted by the State Board of Medical Examiners, which is to the effect that in case of applications by graduates of foreign schools, by which I understand is meant schools in foreign countries, the applicant must furnish evidence, not only that he is a lawful holder of a diploma or other credentials presented, but that the school {*430} of which he is a graduate, at the time of his graduation was of a standing equivalent to the requirements of the Association of American Medical Colleges at the same date, and that if such evidence is not presented or is not satisfactory to the Board, the applicant must take the examination required by the New Mexico statute. You say that the Board would be pleased to have an expression from me as to the legality of the rule thus adopted.

Our statute, in Section 4585 of the codification, provides that no college of any foreign country shall be recognized except to the same extent as such foreign country recognizes American colleges, and when said foreign college is of good standing under the laws of New Mexico. By the same section a medical college in good standing is defined to be one which has a standard as high as that required by the Association of American Medical Colleges and which has ample clinical facilities.

By Section 4593 the Board is authorized and empowered to make all necessary rules and regulations for carrying out the provisions of this article.

Owing to the practical difficulty of obtaining, from many foreign countries, information as to the laws of such countries and as to the standing of colleges therein, it appears to me quite clear that such a rule as the one which you have adopted is a reasonable and necessary rule and quite within the lawful authority of the Board. The only suggestion which occurs to my mind is as to whether it would be desirable to include in this new rule a requirement of the presentation of satisfactory proof upon the subject of the extent to which the foreign country recognizes American colleges, as that is part of the statutory provision in Section 4585, to which I have already referred. I believe that such a requirement would be proper, but it is for the Board to decide whether it is practically desirable or necessary.