

Opinion No. 21-2869

March 30, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Dr. C. E. Waller, Director, Department of Health, Santa Fe, New Mexico.

Mission Teachers May Give Free Medical Advice and Remedies Without Physician's License.

OPINION

{*35} In reply to your letter of the 23rd instant requesting a ruling relative to the legality of activities of certain mission teachers in New Mexico in connection with the Medical Practice Act, I would advise you as follows:

Your letter states that certain mission teachers are giving free medical advice to those who apply for same and are supplying such medicines as may be needed at actual cost.

"Practice of medicine" as contemplated by the Medical Practice Act, is defined by Section 4589, Code 1915. In order to contravene the provisions of the act, it is necessary that the services performed must contemplate the receiving of compensation, gift or bonus therefor. Since no such compensation is received or charged by the mission teachers, there is no violation of the act in that respect; nor do I find anything in the act which prohibits the furnishing of medicines at actual cost by the teachers or any person who prescribes for people who are ill.

I do not consider that the persons mentioned in your letter are in any way violating the Medical Practice Act.