

Opinion No. 37-1551

March 10, 1937

BY: FRANK H. PATTON, Attorney General

TO: Dr. J. Rosslyn Earp Director, Bureau of Public Health Santa Fe, New Mexico

{*58} Your letter of March 9th refers to the Presbyterian and Methodist Sanatoria in Albuquerque which maintain stocks of narcotics for use in said hospitals for prescription of the visiting physician.

These stocks are in charge of a registered nurse and have been dispensed by such nurse only upon a physician's prescription and you desire to know if this procedure in any way conflicts with the provisions of Chapter 145 of the Session Laws of 1935.

Your attention is directed to the definition of the word physician, which appears in Section 2 of said Act, and by such definition it means a person duly registered and authorized by law to practice in this state and **any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.**

Section 11 provides, in part, that "a physician . . . may prescribe, administer and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision."

In view of these statutory provisions and considering them in connection with the entire intention of the Act, I wish to say that I am unable to see any legal objection to the procedure outlined in your letter and, in my opinion, same does not constitute a violation of the provisions of said Chapter 145, Laws of 1935.