

Opinion No. 43-4328

July 1, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Dr. J. J. Clarke, Secretary, New Mexico Board of Dental Examiners, Hobbs, New Mexico

We are in receipt of your letter of June 28th, in which you ask an opinion of this office as to whether or not an osteopath licensed to practice in New Mexico enjoys the same right as do licensed physicians and surgeons, under the provisions of section 51-412 of the 1941 compilation. This provision, insofar as material is as follows:

"* * * Provided, that nothing in this act shall be so construed as to prevent regularly licensed physicians and surgeons from extracting teeth or treating any disease **coming within the province of the practice of medicine** * * *"

Section 51-812 provides, in part, as follows:

"Osteopathic physicians and surgeons licensed hereunder shall have the same general rights as physicians and surgeons of other schools of medicine with respect to the handling of cases, and including the right to register under the laws of the United States governing narcotics."

Inasmuch as osteopaths have the same general rights as physicians and surgeons of other schools of medicine, with respect to the handling of cases, and since physicians and surgeons have the right to extract teeth or treat diseases which come within the province of the practice of medicine, it is my opinion that osteopaths have this same right.

Attention is called, however, to the fact that physicians are not given the right to practice dentistry generally, but only where such practice comes within the province of the practice of medicine and then only to the extent of extracting teeth and treating diseases. It therefore follows that osteopaths are limited in the same manner.

Trusting the foregoing sufficiently answers your inquiry, I am

By ROBERT W. WARD

Asst. Atty. Gen.