

OPINION NO. 1301

Syllabus:

A graduate of a fully accredited foreign medical school who is licensed by another state by oral examination or endorsement is "licensed by the licensing department of another state" within the meaning of Section 4731.29, Revised Code, and may be admitted to the practice of medicine in Ohio without examination.

To: H.M. Platter, State Medical Board, Columbus, Ohio
By: William B. Saxbe, Attorney General, August 18, 1964

I am in receipt of your two inquiries which state in essence:

1. May a graduate of a fully accredited foreign medical school who is licensed by the State of Pennsylvania by oral examination obtain a certificate to practice in Ohio without examination?
2. May a graduate of a fully accredited foreign medical school who has obtained a certificate to practice from the State of Vermont on the basis of endorsement obtain a certificate to practice in Ohio without examination?

By the provisions of Chapter 4731, et seq., Revised Code, the State Medical Board is the licensing authority for the Ohio medical profession. There are two sections of the Code that are relevant to your inquiries. The first is Section 4731.29, Revised Code. In material part that section provides:

"When a physician or surgeon licensed by the licensing department of another state, a territory, or the District of Columbia, or a diplomate of the national board of medical examiners or the national board of examiners

for osteopathic physicians and surgeons wishes to remove to this state to practice his profession, the state medical board may, in its discretion, issue to him a certificate to practice medicine or surgery, osteopathic medicine and surgery, or osteopathy without requiring the applicant to submit to examination, provided he meets the requirements for entrance as set forth in section 4731.09 of the Revised Code,
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"* * * * *"

Thus, the first requirement is that the physician or surgeon must be licensed by one of the foregoing authorities. You have indicated that if these two individuals are to be deemed as licensed under this section, it is by the state of Pennsylvania and Vermont, respectively. I have been informed that licensing requirements vary from state to state and that it is not uncommon for a physician or surgeon to be licensed by oral examination or by endorsement. However, the passing of a written examination is a requirement in the majority of jurisdictions. But, whatever the methods or requirements are for licensing in another state it is my opinion that a physician or surgeon who has duly met the requirements for admission to practice in another state and who has been granted the authority by that state to practice his profession is to be deemed "licensed" by that state as that term is used in Section 4731.29, Revised Code. However, admission to practice without examination is within the discretion of the board. Section 4731.29, Revised Code, also provides that in addition to the foregoing condition the out of state physician or surgeon must meet the requirements for entrance as set forth in Section 4731.09, Revised Code. That section provides in material part:

"The state medical board shall appoint an entrance examiner who shall not be directly or indirectly connected with a medical college and who shall determine the sufficiency of the preliminary education of an applicant for admission to the examination. The minimum requirement shall be two years of collegiate work in an approved college of arts and sciences in addition to high school graduation. Provided that students already matriculated and enrolled in their professional colleges shall not be required to have the two years of college work but shall comply only with the preliminary requirements as existing and in effect at the time of their enrollment in their said colleges. In the absence of the foregoing qualifications, the entrance examiner may examine the applicant to overcome deficiencies. When the entrance examiner finds the preliminary education of the applicant sufficient, he shall issue a certificate of preliminary examination upon the payment to the treasurer of the board of a fee of three dollars. Such certificate shall be attested by the secretary.

"The applicant must also produce a diploma from a medical institution in the United States in good standing as defined by the board at the time the diploma was issued or produce a diploma from a school or college of osteopathy in the United States in good standing at the time the diploma was issued as defined by a committee consisting of the superintendent of public instruction of the state, a member of the board who holds the degree of doctor of medicine and a member of the board who holds the degree of doctor of osteopathy, or a diploma or license approved by the board which conferred the full right to practice all branches of medicine or surgery in a foreign country.

"However, a person holding a diploma approved by the board which does not confer on him the full right to practice all branches of medicine or surgery in a foreign country may in the discretion of the board be admitted to the examination upon completion of a course of training approved by the board consisting of not less than twelve months of residency or internship in a hospital in the United States.

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(Emphasis added)

It is evident that a graduate of a board approved foreign medical school in order to receive a certificate to practice in Ohio must have "a diploma or license approved by the board which conferred the full right to practice all branches of medicine or surgery in a foreign country," if he only possesses a board approved diploma which does not confer upon him such right to practice all branches of medicine or surgery in a foreign country then he may be admitted to practice in Ohio at the board's discretion only "upon completion of a course of training approved by the board consisting of not less than twelve months of residency or internship in a hospital in the United States."

Therefore, it is my opinion and you are accordingly advised that:

A graduate of a fully accredited foreign medical school who is licensed by another state by oral examination or endorsement is "licensed by the licensing department of another state" within the meaning of Section 4731.29, Revised Code, and may be admitted to the practice of medicine in Ohio without examination.