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JOHN A. LASOTA, JR.
ATTORNEY GENERAL

June 20, 1978

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Douglas N. Cerf
Associate Executive Director
Board of Medical Examiners
810 West Bethany Home Road
Phoenix, Arizona 85013

Re: 78-120 (R78-112)

Dear Mr. Cerf:

Through your letter of April 14, 1978, the Joint Board of Medical Examiners and Osteopathic Examiners in Medicine and Surgery has sought our opinion of the meaning of "employment" in Arizona Revised Statutes § 32-2503.2.

The Joint Board is charged with the responsibility to ". . . certify and regulate physician's assistants in order to encourage the more effective utilization of the skills of physicians by enabling them to delegate health care tasks to qualified physician's assistants. . . ." A.R.S. § 32-2502.B. In carrying out this responsibility, the Joint Board is directed to "[e]stablish requirements for the supervision or direction of physician's assistants by qualified physicians and to approve employment which meets such requirements." (Emphasis added.) A.R.S. § 32-2503.2.

Consistent with approved usage, the word employment in the above context refers to the relation of master and servant. See, 30 C.J.S., Employment (1965). It signifies a relationship having as its essence the right of control--control not only of the work to be performed but also of the manner in which it is to be executed. See, 53 Am.Jur.2d, Master and Servant, § 2 (1970).

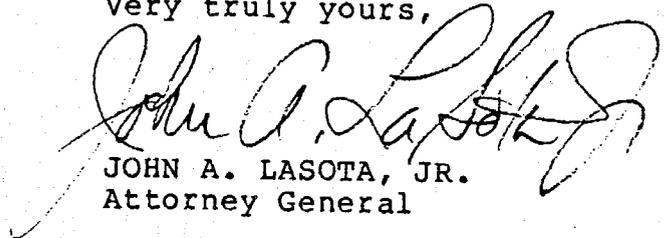
This is the clear and exclusive import of the questioned language. The further attributes of any employment relationship established pursuant to A.R.S. § 32-2503.2 will depend upon applicable rules and regulations, the provisions of the employment contract and the nature of the employment considered in light of the law of agency. See, 53 Am.Jur.2d, Master and Servant, §§ 97 and 121 (1970). At

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a minimum, in our view, A.R.S. § 32-2503.2 requires that an employer-employee relationship exist between the physician as employer and the physician's assistant as employee.

Very truly yours,



JOHN A. LASOTA, JR.
Attorney General

JAL:kk