

Attorney General

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Robert H. Corbin

September 6, 1988

Douglas N. Cerf, Executive Director
Arizona Board of Medical Examiners
2001 West Camelback Road, Suite 300
Phoenix, AZ 85015

Re: 188-092 (R88-096)

Dear Mr. Cerf:

You have inquired regarding the scope of practice by a medical doctor who teaches at a school of medicine and holds a "teaching certificate" which exempts him from licensure pursuant to A.R.S. § 32-1421(B). Specifically, you have asked whether a doctor exempt from licensure may offer services such as writing orders, supervising care, and performing surgery outside the direct course of instruction. We conclude that the answer is no.

The licensing and regulation of doctors of medicine by the Arizona Board of Medical Examiners are governed by Title 32, Chapter 13 of the Arizona Revised Statutes. A "doctor of medicine" is defined in A.R.S. § 32-1401(6) as a "natural person holding a license to practice medicine" pursuant to Chapter 13. The "practice of medicine" is defined in A.R.S. § 32-1401(10) as the

diagnosis of, the treatment or the correction of or the attempt or the holding of oneself out as being able to diagnose, treat or correct any and all human diseases, injuries, ailments, infirmities, deformities, physical or mental, real or imaginary, by any means, methods, devices or instrumentalities. . . .

Article 2 of Chapter 13 addresses the requirement that a medical doctor be licensed by the State of Arizona in order to practice medicine. Included among the provisions of Article 2

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is A.R.S. § 32-1421, which creates exemptions from this requirement. Subsection (B) of the statute provides, in pertinent part:

This article does not apply to any doctor of medicine residing in another state, federal jurisdiction or country who is authorized to practice medicine in such jurisdiction, . . . if the doctor of medicine is invited to this state by an approved school of medicine for the sole purpose of promoting professional education through lectures, clinics or demonstrations, so long as the doctor of medicine does not open an office or designate a place to meet patients or receive calls relating to the practice of medicine in this state outside the facilities and programs of the approved school of medicine.¹

(Emphasis added.)

Further restrictions upon the practice of a doctor exempt from licensure under A.R.S. § 32-1421(B) are imposed in A.R.S. § 32-1432(B):

A person seeking exemption from licensure as required in this article by reason of the fact that such person is teaching at an approved school of medicine as provided in § 32-1421, subsection B shall annually register with the board and pay the applicable annual registration fee. An exemption granted pursuant to this subsection shall be limited to a period of one year except that this exemption may be renewed for a period of not to exceed one additional year on petition by the approved school of medicine. This exemption shall not operate to exempt the holder of a teaching certificate from an approved school of medicine from article 3 of this chapter.

¹A.R.S. § 32-1401(4) defines an "approved school of medicine" as

any school or college offering a course of study which, upon successful completion, results in the degree of doctor of medicine and whose course of study has been approved or accredited by an educational or professional association, recognized by the Board. . . .

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(Emphasis added.) Article 3 of Chapter 13 concerns chiefly the regulation of licensed physicians, and authorizes the Board to take disciplinary action for unprofessional or incompetent practice. A.R.S. §§ 32-1451, 32-1452.

We therefore conclude that under the express terms of A.R.S. § 32-1421(B) the scope of practice of a medical doctor exempt from licensure is limited to activities performed within the direct course of providing instruction at an approved school of medicine.

Sincerely,



BOB CORBIN
Attorney General

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