



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

OSWALD C. MANN
Attorney General

June 7, 1939

Dr. T.J. Crowe, Secretary
Texas State Board of Medical Examiners
Mercantile Building
Dallas, Texas

Dear Sir:

Opinion No. 0-878
Re: Certain enumerated ques-
tions regarding the medi-
cal practice act.

This department has received your re-
quest of May 23, 1939, for an opinion on the
following questions:

"Under Article 4501 does the pre-
requisite of citizenship exclude aliens
from examination by the Board at this
time?"

"Does the lack of citizenship now
exclude aliens previously examined un-
der the former law from re-examination,
notwithstanding the previous acceptance
and examination?"

"Would the return of all appli-
cations from graduates of Chicago Medi-
cal School unless a recently adopted
adverses report thereon is of record
in the minutes of the Board involve
the Board in litigation?"

"Is the sixty (60) hours college
work required to be taken before the
medical training?"

Hon. T.J. Crowe, Secretary, June 7, 1939, Page 2

We answer your first question in the negative. We answered this question and gave the reasons therefor in our opinion No. O-866, dated June 1, 1939, a copy of which, was mailed to you on or about June 2, 1939.

Your second question is also answered in the negative. We answered that question in our opinion No. O-866, dated June 1, 1939, a copy of which, was mailed to you on or about June 2, 1939.

Your third question as to whether the actions of the Board in refusing to admit certain applicants to examination may involve the Board in litigation, unless the recent adverse report on the school from which the applicants came is of record in the minutes of the Board. We cannot advise you what action the applicants might take in the event they are rejected. In the event suit is brought to force the Board to admit these applicants to examination, the position of the Board might be embarrassing since the records of the Board do not disclose why the applicants were refused admission to the examination.

The question listed as number 4 in your request has been answered by this department in our opinions Nos: O-579 and O-866, dated May 10, 1939 and June 2, 1939 respectively. In each of those opinions this department held that the Article 4501, R.C.S., as now written, does not require that the sixty (60) hours college work shall be obtained before entrance to medical school, but requires only that it be acquired prior to application for admission to the examination of the Board.

Hon. Hubert Forman, May 22, 1939, Page 3

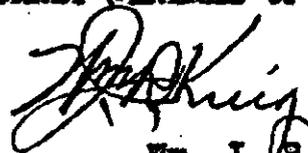
with the audit held be sufficient to create "an imperative public necessity" for a second or readit, same must be determined by the commissioners court.

It is, therefore, the opinion of this department that it is within the authority of the commissioners' court to determine whether or not "an imperative public necessity exists" for a county audit as contemplated within the provisions of Articles 1641 and 1646a Revised Civil Statutes, 1925 - there being no limit as to the number of audits that can be had so long as such reasons and necessity as enumerated in Article 1641, in the judgment of the commissioners' court creates such "imperative public necessity" therefor.

Yours very truly

ATTORNEY GENERAL OF TEXAS

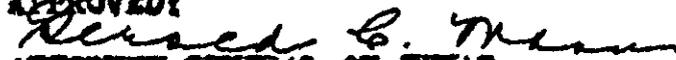
By



Wm. J. R. King
Assistant

WmK: ja

APPROVED:


ATTORNEY GENERAL OF TEXAS

