



ALABAMA STATE BOARD OF MEDICAL EXAMINERS

OFFICE OF THE GENERAL COUNSEL

848 WASHINGTON AVE.
MONTGOMERY, AL 36104

MAILING ADDRESS

P.O. BOX 946

MONTGOMERY, AL 36101-0946

WENDELL R. MORGAN
GENERAL COUNSEL
TEL. (334) 242-4739
FAX (334) 269-5200

PATRICIA E. SHANER
ASSOCIATE GENERAL COUNSEL
TEL. (334) 242-4116
FAX (334) 242-4155

June 23, 1998

RE: AlaCode §34-24-74

Dear Mr.

The Alabama Board of Medical Examiners has received your inquiry concerning Alabama Code §34-24-74. In your letter you have stated the following facts:

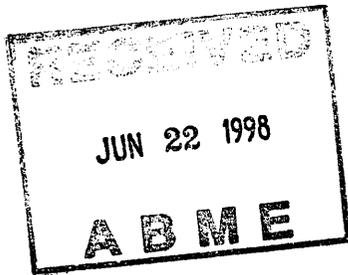
A physician licensed to practice medicine in another state who is not licensed to practice medicine in Alabama will visit the state of Alabama to perform independent medical examinations of Alabama residents. The independent medical examination will include a review of diagnostic test results, such tests having been previously administered by an Alabama licensed physician, as well as a physical examination of the Alabama residents. This physician will conduct the independent medical examinations in ten days or less.

Based on these facts as you have stated them in your June 18, 1998 letter, the situation would constitute the practice of medicine in the state of Alabama; however, if the out of state physician conducts the examinations in ten days or less in a calendar year, the physician's actions are covered under §34-24-74. This is an informal opinion rendered by counsel for the Alabama Board of Medical Examiners and does not purport to be an official opinion of the Board. If you have any questions please contact our office.

Sincerely,
Alabama Board of Medical Examiners

Patricia E. Shaner
Associate General Counsel

PES/mlm



June 18, 1998

VIA FACSIMILE AND U.S. MAIL

Patricia Shaner, Esq.
Alabama Board of Medical Examiners
Post Office Box 946
Montgomery, Alabama 36101-0946

RE: Alabama Code § 34-24-74

Dear Ms. Shaner:

Pursuant to sections 34-24-50 and 34-24-51 of the Alabama Code, a physician may not practice medicine in the State of Alabama without a license from the State. Section 34-24-74, however, appears to allow a physician licensed in another state to practice medicine in Alabama without obtaining an Alabama license in some circumstances. Please give your opinion on whether the following situation would constitute the unlicensed practice of medicine in the State of Alabama, or if it is covered under section 34-24-74.

We want a physician licensed to practice medicine in another state to visit Alabama to perform independent medical examinations (IME) of Alabama residents who are plaintiffs in lawsuits in other jurisdictions. The out-of-state physician's visit and examination of Alabama residents will not be for treatment, but rather to form an expert opinion to be used in the out-of-state litigation. The IME will include a review of diagnostic test results, such tests having been previously administered by an Alabama-licensed physician, as well as a physical examination of the Alabama residents. The out-of-state physician will conduct the IME's in ten days or less.

We appreciate your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

VPH/hc