

June 15, 1962



Mr. John A. Hailey, Executive Secretary
State Board of Registration
for the Healing Arts
Jefferson City, Missouri

Dear Mr. Hailey:

This is in response to your request for advice as to whether persons falling into the following categories may practice medicine in this state without having been licensed by the State Board of Registration for the Healing Arts:

1. Interns in hospitals;
2. Residents in hospitals;
3. Preceptors working under the guidance and supervision of a licensed physician.

In view of the very clear provisions of Section 334.010, we must answer each of the inquiries in the negative. It is of no legal import that a person holds the status of intern, resident, or preceptor: if he is not licensed by the State Board of Registration for the Healing Arts, he may not practice medicine in this state. This and closely related questions were given rather detailed attention in an opinion of this office issued at your request on March 29, 1955. We believe that opinion correctly states the applicable law and attach a copy of it herewith.

We are aware that internship, residency, and preceptorship are traditional teaching tools of the medical profession. The highly competent physicians who practice in this state are living proof of the efficacy of these programs. We have no wish to take the position that such programs need be curtailed in any way and, indeed, do not so hold.

All three of the conditions mentioned above are positions wherein the person concerned learns from practical experience under the supervision of one or more qualified and licensed practitioners. As long as the emphasis remains on the teacher-student relationship rather than on the physician-patient relationship, the resident, intern, or preceptor is not practicing medicine without a license. That is to say that where the student makes his diagnosis and embarks on a course of treatment under the direct guidance and supervision of a duly licensed physician, there is no violation of the licensing law for the student's acts are, in effect, the acts of the teacher. It is only where the student independently undertakes to diagnose or treat that he enters into the practice of medicine which is forbidden to all except those who are admitted to licensure in accordance with the laws of this state.

We have not undertaken herein to approve or disapprove of what the general practice is in hospitals as to the degree of supervision exercised over interns and residents; nor have we considered the standard of supervision as exercised over preceptors. Only the general rule is stated that non-licensed persons may not practice medicine. Residents, interns, and preceptors may participate in diagnosing and treating but only where they act under the immediate supervision and with the consent of a licensed physician.

We sincerely hope that the foregoing will be of assistance to you and to the Board.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

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