DECEMBER 21, 1953.

DR. E. S. HALLINGER, *Secretary,*
State Board of Medical Examiners,
28 West State Street,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 55.

DEAR DR. HALLINGER:

This will acknowledge your request for an opinion as to the powers of the State Board of Medical Examiners in regard to the internship requirements under Chapter 363 of the Laws of 1953 (Assembly Bill 120) allocated to Revised Statutes of New Jersey, as Section 45:9–8.2.

Specifically, the inquiry as contained in your request for opinion is as follows:

> "Do the provisions of the Medical Practice Act relating to internship apply to Chapter 363, P. L. 1953 (A–120)?"

It is our opinion that the provisions of the Medical Practice Act relating to internship do not apply to Chapter 363 of the Laws of 1953.

Section 45:9–8 of the Revised Statutes of New Jersey which sets forth generally the requirements of internship of applicants for admission to the examination for a license to practice medicine and surgery, in the part pertinent to this opinion, provides as follows:

> "And such applicant, if he has graduated from a professional school or college after July first, one thousand nine hundred and sixteen, shall further prove to the board that, after receiving such diploma or license, he has completed an internship acceptable to the board for at least one year in a hospital approved by the board, or *in lieu thereof* he has completed one year of post-graduate work acceptable to the board in a school or hospital approved by the board; *provided*, however, that the board may in its discretion, during the present war between the United States, Germany, Italy, and Japan and for a period of three months after the cessation of the same, admit an applicant to examination for a license to practice medicine and surgery who has completed not less than nine months of an internship acceptable to the board in a hospital approved by the board." (Italics provided.)

Chapter 363 of the Laws of 1953, allocated as Section 45:9–8.2 of the Revised Statutes as aforesaid, does not amend the existing section of the statute just recited but merely supplements the Medical Practice Act. It applies only to certain residents of New Jersey who make application for admission to the examination, and provides that any such resident who makes application shall prove to the State Board of Medical Examiners that he has, among other things, "completed an internship, acceptable to the board, of at least one year in a hospital approved by the board."

Examination of the respective sections of the statute, aforesaid, indicates that Section 45:9–8, which governs applicants generally, provides for an alternate manner in which the internship requirement can be satisfied, to wit, completion of one year

of post-graduate work. This section further contains the proviso that the board may in its discretion, admit an applicant to examination who has completed not less than nine months of internship. Section 45:9–8.2, however, contains no alternate manner in which the internship requirement can be satisfied, nor does it contain a proviso whereby the board can admit an applicant who has completed less than one year of internship.

While Section 45:9–8 contains the general requirements for applicants, Section 45:9–8.2 contains specific provisions for certain applicants only. As a matter of statutory construction where there is a conflict between specific provisions and the general language of a statute, the specific provisions will control (*United States* vs. *Jackson,* 143 Fed. 783, 75 C. C. A. 41).

In determining the meaning of statutes, it is presumed that the Legislature intended to enact a valid, sensible, and just law (*Lake Shore & M. S. Ry. Co.* vs. *Cincinnati, W. & M. Ry. Co.,* 116 Ind. 578, 19 N. E. 440). It is further presumed that the lawmakers, in enacting a statute, had knowledge and took cognizance of existing laws on the same subject or relating thereto. (Matter of Simmons, 130 App. Div. 350, affirmed 195 N. Y. 573.)

Nor must we overlook the Doctrine of Literalness which is fundamental in the interpretation of statutes. It is presumed that the intent of the makers of a law, is to be sought, first of all in the words of the act itself. Where the language employed by the Legislature to express its will is plain and unambiguous and expresses a meaning that is single and sensible, the presumption becomes conclusive and that meaning is the legislative intention (*People* vs. *Long Island RR.,* 194 N. Y., 130). In such a case, the statute must be given a literal interpretation, that is, it must be interpreted to mean exactly what it says.

The language employed in Section 45:9–8.2 which requires that the applicant "has completed an internship acceptable to the board of at least one year in a hospital approved by the board," is plain and unambiguous and must be interpreted to mean exactly what it says, and no more!

Under the circumstances, we are constrained to advise that any candidate who makes application pursuant to the provisions of Section 45:9–8.2 must have completed an internship of at least one year in an approved hospital and that the alternative provisions in lieu of internship as contained in Section 45:9–8 are not available to him. Section 45:9–8.2 covers the whole subject-matter with reference to internship as to applicants thereunder and was intended as a substitute for Section 45:9–8. A statute which is complete in itself should not be compared with other acts relating to the same subject for the purpose of construction. (*City of Brooklyn* vs. *Long Island Water Supply Co.,* 148 N. Y. 107.)

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: FREDERIC G. WEBER,
Deputy Attorney General.