

Opinion No. 42-4087

May 13, 1942

BY: EDWARD P. CHASE, Attorney General

TO: Miss Teresa McMenamin Secretary-Treasurer New Mexico State Board of Nurse Examiners Albuquerque, New Mexico

{*195} This is in response to your letter of May 12, in which you request the opinion of this office on whether or not it would be legally permissible for the New Mexico State Board of Nurse Examiners to license a person to be a registered nurse in New Mexico without examination, when that person has completed a course in {*196} schools of nursing offering only a 24-30 months program of study and has become registered in the state in which he or she graduated.

Section 8, Chapter 200, Session Laws of 1937, provides:

"A registered nurse from any other State, where the laws with reference to professional nursing are equal to the standards of the laws of the State of New Mexico, who shall give evidence to the satisfaction of said board, filling in such blanks as provided by this board, that he or she is a graduate nurse of an accredited school of nursing, **the standard of instruction and training of which shall meet the requirements of the State board of nurse examiners as provided in this Act**, shall receive a certificate to practice professional nursing in this State upon payment or registration fee of fifteen (\$ 15.00) dollars."

Section 5 of Chapter 200, Session Laws of 1937, provides in part as follows:

"The applicant shall furnish evidence satisfactory to the board that he or she is twenty-one years of age, is of good moral character, has graduated from an accredited high school, or has the credits required for entrance to the University of New Mexico, and has graduated from a school of nursing connected with a general hospital maintaining the reasonable educational standards required by the board, and where at least three (3) years of training in a hospital is required and where systematic courses of instruction are given under such reasonable education rules and regulations as the board may prescribe from time to time."

In view of Section 8 and Section 5 of the above law, I am of the opinion that the New Mexico State Board of Nurse Examiners is without legal authority to license nurses without examination when those nurses have become registered in the states in which they graduated and have completed their course in school of nursing which offers **only a 24-30 months** program of study.

By WILLIAM R. FEDERICI

Asst. Atty. General