

Opinion No. 43-4307

June 2, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Sister Remy, President, New Mexico State Board of Nurse Examiners, Regina School of Nursing, St. Joseph Hospital, Albuquerque, New Mexico

We are in receipt of your request of recent date concerning various questions relating to the Nurses Practice Act of New Mexico, being Sections 51-601 to 51-614 of the 1941 Compilation.

1. You state that student nurses in New Mexico will graduate at various times all through the year. In the light of these facts you ask whether or not it is permissible for the Board of Nurse Examiners to give the examination provided in Section 51-605 to a student who has not completed her course, provided that her license is not issued until she has completed such course. Section 51-605 provides for the filing of application for examination, payment of the fee, and then recites as follows:

"The applicant shall furnish evidence satisfactory to the board that he or she is 21 years of age, is of good moral character, has graduated from a school of nursing."

This statute does not specify whether the evidence above referred to is set forth as a pre-requisite to the taking of an examination or the issuance of a license.

In view of these facts, and since the statute would be substantially complied with if the applicant furnished evidence of graduation as well as of the other matters, it is my opinion that when the license is finally issued no one could question the validity of such license, even though the person had not graduated from the nursing school on the date upon which she took the examination.

2. You ask whether an applicant may be permitted to take the State Board examination if the school where she took her training admitted her when she was 17 1/2 years of age, if the license is not issued to her before she is 21 years of age.

There is no provision in our statutes as to the age a person must be before becoming a student at a nursing school. The only requirement is that the person must furnish evidence that she is 21 years of age on the date when she takes the examination or when the license is issued.

3. You ask whether or not the Board can accept an applicant who has attended a nursing school which, while it requires three years of training in a hospital, does not require that all three years of training be completed in the same hospital wherein the school is located, prior to graduation.

In connection with this question you state that the Bolton bill, now before Congress, provides for the rendering of help to student nurses. It further provides that after a student has completed a major portion of her course she may be transferred to some hospital other than that in which the school is located to assist in the war emergency.

Section 51-605 provides, in part, that applicant shall furnish evidence satisfactory to the Board that she * * * "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 years of training in a hospital is required."

It is therefore my opinion that such applicant meets the qualifications set forth by the statute.

4. This is the same question as question 3, except that you state that some nursing schools give various students who have taken college work credit upon the time spent in the school, inasmuch as certain of the work taken in the nursing school is the same as that taken in a college or university.

In view of what has been said before, it is my opinion that if the school from which the applicant graduated requires three years of training, such applicant would be qualified under our statute, even though she had been given credit on her time of attendance by the nursing school for her college work.

5. You ask whether a nurse who is qualified by registration in other states and who, in the opinion of the Board of Nurse Examiners, meets the New Mexico requirements, except for the three years training in a hospital, may be licensed in New Mexico.

Section 51-608 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."

It is noted that the requirements of this statute are that the applicant be a registered nurse from a state where the laws relating to professional nursing are equal to those of the State of New Mexico and that she be a graduate nurse of an accredited school of nursing, the standard and instruction of which meet the requirements of the said Board of Nurse Examiners as provided in this act.

The only authority the State Board of Nurse Examiners is given to set up requirements is in Section 51-605, which provides:

"A school of nursing * * * where systematic courses of instruction are given under such reasonable educational rules and regulations as the board may prescribe from time to time."

It is noted that the board may prescribe only reasonable educational rules as to the courses of instruction. Thus it is seen that under Section 51-608, if the other requirements are met, the fact that the nurse did not receive three years of training in a hospital, would not prevent her from being given a license in New Mexico.

Trusting that the foregoing sufficiently answers your inquiry, I am

By ROBERT W. WARD,

Asst. Atty. General