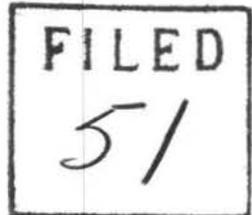


STATE BOARD OF NURSE EXAMINERS: Permits to practice nursing as provided by Section 10033, R. S. Mo., 1939, cannot be issued to any applicant under the age of 21 years.

August 27, 1942.

0 3



Miss Laura Layher, R. N.  
Executive Secretary  
Board of Nurses Examiners  
Jefferson City, Missouri

Dear Miss Layher:

The Attorney-General wishes to acknowledge receipt of your letter of August 26th requesting an opinion from this Department. Your letter, omitting caption and signature, is as follows:

"The Board desires an opinion on the possibility of the issuance of temporary permits to student nurses who are seeking enrollment in Medical Unit No. 70, which is about to be activated for military service. A number of the student nurses lack a month or two of attaining their twenty first birthday that would make them eligible for the State Board examination to be held September 17th and 18th.

"Section 10033 of our law refers to the issuance of temporary permits.

"Your opinion will be appreciated."

For the purpose of determining this question we would like to cite two sections of the statutes. The first provision we wish to call to your attention is Section 10033, Revised Statutes of Missouri for 1939, which reads as follows:

"The Board may in its discretion grant a temporary permit to practice as a registered nurse for a designated period

pending permanent licensing by examination or by reciprocity to an applicant who shall satisfy the Board as to character and professional qualifications and as to the need of such temporary permit upon the payment by such applicant therefor of a fee of two dollars (\$2.00) pending examination, or ten dollars (\$10.00) pending determination as to whether such person is entitled to a license by reciprocity, and such fee for such temporary permit shall be applied upon the fees payable upon the issuance of a permanent license to such person."

I also wish to call your attention to Section 10034, R. S. No. 1939, which provides as follows:

"The Board shall admit to examination for license to practice as a nurse any applicant who shall pay a fee of ten dollars (\$10.00) and shall submit to the Board satisfactory written evidence, verified by oath, if required, that said applicant:

- "1. Is twenty-one years of age;
- "2. Is of good moral character;

"3. Is a graduate of an accredited high school or has the equivalent in units of high school work to the satisfaction of the board.

"4. Has since the year 1927 graduated from an accredited school of nursing giving a three-year course of instruction, (or has graduated previous to 1927 from an accredited school of nursing giving at least a two-year course of instruction), in which course of instruction the theory taught shall have been proportioned to practice in a hospital to the satisfaction of the board. An applicant failing to pass such examination shall be re-admitted

to examination within one year thereafter without the payment of an additional fee."

This seems to be a question of the construction of the statutes with regard to temporary permits. As can be seen from Section 10033, cited above, the board may in its discretion issue a temporary permit to persons to practice as registered nurses for a designated period, even though such nurses have not had the opportunity of taking the examination as required by statute. However, as will be seen from reading the aforesaid section we see that the board may issue such permits "to an applicant who shall satisfy the Board as to character and professional qualifications." In other words, these permits may be issued if the persons applying for same are qualified both as to character and as to professional qualifications.

Granting for the purpose of this opinion that all applicants can satisfy the board as to their moral qualifications, the question seems to rest upon the interpretation of the term "professional qualifications." In order to arrive at a definition as to this term, it is necessary to look at Section 10034, cited above. The first qualification under this section of the statute is that a person be twenty-one years of age. In order for a person to take such examinations they must have this qualification and it is our opinion that in order for a permit to be issued to any applicant that they also must have such qualifications. As we view this matter the only purpose of a permit, as set out by Section 10033 aforesaid, is to allow applicants who have completed their term, who are of good moral character and who are of the age of twenty-one years, to practice as a registered nurse until they have an opportunity to take the examination as required by law. It is apparent that they are not permitted to take such examination until they are twenty-one years of age and we do not believe that they can be issued a permit until they have reached that age. If a person is twenty-one years of age and can meet the additional requirements as set out by statute, we are of the opinion that the Board of Nurse Examiners can issue a permit to them to practice for a designated time, which we interpret to be such time as they are able to take the examinations.

Conclusion

Therefore, it is the opinion of this Department that the permits to practice nursing as contemplated in Section 10033 of the Revised Statutes of Missouri for 1939, cannot be issued to any applicant who does not have the professional qualifications and that a permit cannot be issued to a person under the age of twenty-one years.

Respectfully submitted,

JOHN S. PHILLIPS  
Assistant Attorney-General

APPROVED:

---

ROY MCKITTRICK  
Attorney-General

JSP:EG