

State Board of Examiners, for Nurses. Nurses, State Board of. Witness Fees, Expenses of Members of the State Board of Nurses. Non-Graduate Nurses, Examination for Nurses.

A member of a Board attending as witness is entitled to witness fees and mileage the same as any other witness.

No direct authority of law exists for allowing per diem or expenses to a nurse attending a convention, but conditions may justify such payment.

A non-graduate nurse is not entitled as such to take examination after the expiration of two years from the enactment of Chapter 10, Laws 1913.

December 30, 1914.

Florence Ames,
Secretary State Board Examiners for Nurses.

Dear Miss Ames:

I am in receipt of your letter submitting certain questions relating to construction of Chapter 50 laws of 1913, creating a board of examiners for Nurses.

Questions 1 and 2 relate to witness fees.

Where a member of the board is required to attend as a witness in any court she is entitled to the same witness fees and mileage as any other witness and no more. This in courts of record (District Court) is \$3.00 per day, and in courts not of record (Justice Courts) \$1.50 and mileage in each court at ten cents per mile.

3. May members of said board receive any per diem, or expenses while in attendance upon conventions of Nurses, or at other educational meetings?

The statute is wholly silent on this subject. I cannot say as a matter of law that such expenses may be properly allowed, nor can I say that it would be improper to allow them in any case. It is probable that the exigency of the case and the facts and circumstances attending the meeting would have a material bearing upon the question as to whether the expenses or per diem should be allowed. In view of there being no statutory direction it would require a judgment of court in each particular case to determine the question. I can only advise caution.

4. Under the provisions of Sec. 10, Chap. 50, Laws of 1913, may a non-graduate nurse be permitted to take examination after two years following the passage of the Act?

The answer to this question must be in the negative. The period of two years named in Sec. 10 of the Act is exclusive, and this time will expire on March 3, 1915.

In meetings held by the Board a majority vote of those present should govern.

In accordance with your request this opinion is forwarded to Miss M. M. Hughes, 801 Broadway, Helena, Montana.

Yours very truly,

D. M. KELLY,
Attorney General.