

**Montana State Board of Examiners for Nurses, Examination by. Examination for Registered Nurses, Who Must Take. Nurses, Examination for.**

Under the terms of Chapter 50, Session Laws of the Thirteenth Legislative Assembly, persons not coming within the classification named in Section 10, must take an examination before being registered. The authority given the governor to issue certificates to persons registered under the law, of other states will expire July 1, 1917. After July 1, 1917, all applicants will be required to conform to the requirements of Section 9. The enforcement of the provisions of this law are left in the hands of the ordinary prosecuting officers.

August 11, 1915.

Miss M. M. Hughes, R. N.,

President Montana State Board of Examiners for Nurses,  
Helena, Montana.

Dear Miss Hughes:

I am in receipt of your communication under date the 10th instant, submitting the following questions relative to the interpretation of Chapter 50 of the Session Laws of the Thirteenth Legislative Assembly:

1. Under what conditions may graduates of non-accredited Montana training schools be registered?
2. Is the last paragraph of Section 10, giving power to the Governor to grant certificates to registered nurses from other states, an exception to Section 12?
3. Does the term "all applicants," as used in Section 12, have the same meaning as used in Section 9?
4. Does Section 12 mean that after 1917, only graduates of approved training schools will be eligible to examination?
5. What are the duties of the Board relative to violations of the Act under Section 13, and what is the proper procedure in such cases?

1. The only persons exempt from examination are those named in Section 10; that is persons "who shall have graduated prior to July 1, 1917, and after January 1, 1890, from reputable training schools for nurses, etc." Persons not coming within this classification must take an examination before being registered. Therefore, graduates of non-accredited Montana training schools cannot be registered before taking

an examination. In this connection, see Volume 5, Opinions Attorney General, page 383.

2. Section 12 of the Act reads as follows:

"On and after July 1, 1917, all applicants for certificates of registration under the provisions of this Act, shall pass the examination required by the Board before receiving a certificate of registration",

and the last paragraph of Section 10 reads as follows:

"The Governor may issue a certificate to any person registered under the law of any State having the requirements equivalent to those of Montana, the Board and the Governor to be the sole judges thereof."

Nothing is said in the first portion of Section 10 as to registered nurses from other states, and this part of the section is evidently intended to cover such persons, and to be an examination for their benefit. There is nothing in this portion of Section 10, however, indicating that it is intended to extend the power granted to the Governor to any particular date, or beyond July 1, 1917. On the other hand, Section 12 is specific as to date, and very inclusive as to persons covered by its terms. Being so, it must be held to govern, and therefore limit the exercise of the authority granted to the Governor in Section 10, and the period of time previous to July 1, 1917. The last paragraph of Section 10 cannot, therefore, be construed to be an exception to Section 12.

3. The only exceptions to the requirements stated in Section 9 are those named in Section 10, and as we have pointed out above, these exceptions will apply only until July 1, 1917. All applicants after this date will be required to conform to the requirements of Section 9 and be graduates of a training school of the character therein named.

4. Question 4 is answered by the answer given to question 3.

5. Section 13 makes certain practices unlawful, and prescribes penalties for violation of the law, but the law nowhere directly puts upon the Board the authority or duty to see that offenders are punished.

The enforcement thereof seems to be left to the ordinary process of law, and the officers charged with that duty. The proper course to pursue in such cases is to have the persons knowing of the law's violation to lay the facts before the county attorney of the county in which such violation takes place in the form of a complaint:

Yours very truly,

J. B. POINDEXTER,

Attorney General.