

**Nurses — Examinations — Certificates of Registration —  
Qualifications—Illness.**

Lack of good health is not legal ground for refusing an applicant an examination for certificate as registered nurse unless it is such as would warrant revocation of certificate issued.

Miss Edith Brown,  
Director of Nursing Education,  
State Board of Health,  
Helena, Montana.

June 1, 1931.

My dear Miss Brown:

You request an opinion of this office as to the eligibility of Miss May Voight, of Missoula, Montana, who has made application to take the Montana examinations for a registered nurse registration. The facts are that Miss Voight was graduated and has her diploma from the Tacoma General Hospital, state of Washington, and you state, and the correspondence shows, that she did not put in full three years in the hospital in question, but notwithstanding such facts, by a reasonably substantial course of study there she was given a diploma from that institution. She is now suffering from sleeping sickness and probably unable to discharge the duties of a registered nurse at this time. You request an opinion as to her right to take the examinations.

You are advised that by the provisions of chapter 129, laws of 1929, it is provided as follows:

“Applications for registration under the provisions of this Act shall furnish satisfactory evidence that he or she is at least twenty-one years of age, of good moral character, and has been graduated from a training school of nurses connected with a general hospital, approved by the Board, where a systematic course of at least three years instruction is given, except in the cases hereinafter provided for; provided that the Board may grant proper credit upon such three year period to any student for previous training and study under such rules and regulations as the Board may prescribe.

“No training school for nurses shall accept students under eighteen years of age, nor students who have not had a preliminary education of two years of high school, with credits for said work, signed by the principal of an accredited high school on entrance.”

There appear to be no other qualifications required of an applicant. The act provides that she furnish satisfactory evidence that she has been graduated from a training school for nurses, etc., and approved by the board. So far as any provision of law is concerned Miss Voight is entitled to take the examinations. The fact that some member of the hospital staff now seeks to impeach the action of the board of that hospital in granting Miss Voight a diploma cannot be considered by you as a nullification of the action of the board of that hospital or training school.

The legal qualifications do not require any specific standards as to health, and since such standards are not provided by the legislature you are advised that under the existing state of law the lack of health cannot be raised as a legal ground for refusing her an examination, unless your board, in the exercise of its professional judgment, believes her physical condition is such that she would be incompetent to the extent that would justify revocation of the registration under section 3216, R.C.M. 1921.

Again, if the law did prescribe that the applicant must have attended school for a specific number of months or weeks the fact that she had not met that test in acquiring her diploma might be urged as a nullification of her diploma credentials.

You are advised that this office sees no impediment to Miss Voight taking the examinations, except as above stated.

Very truly yours,

L. A. FOOT,

Attorney General.