

Opinion No. 375**Nurses, Qualifications of—Reciprocity
—State Board of Examiners
for Nurses.**

Held: Reciprocity with other states does not require the Board to recommend, for a certificate to practice nursing, an applicant whom they find to be unqualified under the Laws of Montana.

October 28, 1933

You inquire whether or not a nurse who has failed in an examination in Montana and has thereafter taken an examination and passed in the State of Washington, without establishing more than a temporary residence in Washington, must be admitted to practice in Montana.

Revised Codes 3211, as amended by Chapter 129 of the Laws of 1929, provides as follows: "The Governor shall issue a certificate of registration to any person registered under the laws of any other state having requirements for registration equivalent to those of Montana; the Board to be the sole judges thereof." There is plainly a discretionary power vested in your Board of Examiners. A communication from the Executive Secretary of the National League of Nursing Education states that it is her opinion that it is within your discretion to refuse to register the nurse in question. I am advised that a similar ruling has

been made by the Attorney General of Colorado.

In the case of *People v. McKelway*, 148 N. Y. S. 818, the laws of New York provided that an applicant for a license to practice medicine, examined and licensed by other state examining boards, registered by the regents as maintaining standards not lower than those provided by that act, may be registered without further examination. The regents had made a rule that all examinations must be passed in English. A resident of New York and a graduate of a medical school in Italy and unfamiliar with the English language passed an examination and received a license to practice medicine in the State of Michigan. The standards for the State of Michigan were as high as those of New York. It was held that the rule requiring the applicant to take an examination in English was a reasonable rule and that the State of New York was not bound to admit this applicant by reciprocity.

I therefore conclude that the decision of this case is in your discretion as to whether or not the applicant is qualified under the laws of the State of Montana.