

Opinion No. 76**Nurses—Enrolled Student—Practice in Institutions Other Than Where
Enrolled—Section 66-1242, RCM, 1947**

Held: An enrolled student is one in actual attendance at an approved school of nursing. A student of an approved school of nursing cannot practice nursing in any institution not under the supervision of the school in which the student is registered.

September 30, 1958

Miss Anna T. Beckwith, R.N.
Montana State Board of Nursing
Executive Secretary
1411 Helena Avenue
Helena, Montana

Dear Miss Beckwith:

You have requested my opinion whether a student enrolled in an approved school of nursing may practice nursing while not in attendance at the school. Particularly, you ask whether the student nurse may practice nursing during vacation periods.

Section 66-1226, RCM, 1947, provides in part:

" . . . The board under each nursing administration shall prescribe such curricula and standards for schools and courses preparing persons for registration and licensure under this act . . . It shall approve such schools and courses as meet the requirements of this act and of the board . . ."

Section 66-1238, RCM, 1947, provides in part:

"An institution desiring to conduct a school of professional or practical nursing shall apply to the board under the appropriate administration, and submit evidence that:

"(1) It is prepared to carry out the prescribed basic professional nursing curriculum or the prescribed curriculum for practical nursing, as the case may be . . ."

Traditionally the student enrolled in the school of nursing provided nursing service to the hospital and the hospital reciprocated with living expenses and education to the student. However, the nursing program has changed and the training of professional nurses is conducted along lines more akin to college attendance. The direction of the courses is under the supervision of nurse educators, more time is spent in classroom work and the experience in caring for patients is selected, assigned and supervised by instructors. The new education of nurses is therefore consonant with the provisions of Sections 66-1226 and 66-1238, *supra*, in establishing approved schools of nursing.

Section 66-1242, RCM, 1947, excepts certain persons from the provisions of the act. The exception involved states:

"No provisions of this law . . . shall be construed as prohibiting the practice of nursing by students enrolled in approved schools of nursing or approved courses . . ."

The inquiry of this opinion is therefore concerned with the meaning of "enrolled." Is a student nurse in an approved school "enrolled" so that she can practice nursing when not in attendance at the school?

The meaning of enrolled can only be determined from the purpose in establishing approved schools. Such schools maintain definite standards and continued supervision of those under their control. A student who is employed at an institution during vacation periods is primarily concerned with monetary return. Conversely, the institution employing the student is interested in securing professional work. A student so employed would not receive supervision and but for her student status could not practice nursing without a license. See, Section 66-1243 (3), RCM, 1947. The obvious intent of this exception is to enable students to practice nursing while in attendance at the approved school.

Therefore, it is my opinion that an enrolled student is a student in actual attendance at an approved school of nursing. A student of an approved school of nursing cannot practice nursing in any institution not under the supervision of the school in which the student is registered.

Very truly yours,
FORREST H. ANDERSON
Attorney General