

VOLUME 35**Opinion No. 27**

NURSES, BOARD OF — Records are public records; PUBLIC RECORDS — Board of nurses, records are public records. Section 66-1223, R.C.M. 1947.

HELD: The board of nurses must issue lists of registered nurses and licensed practical nurses to members of the public who wish to purchase them.

September 21, 1973

Mrs. Gertrude Malone, R.N.
Executive Secretary
Montana State Board of Nursing
LaLonde Building
Helena, Montana 59601

Dear Mrs. Malone:

You have asked my opinion on the following question:

May the Montana State Board of Nurses deny the lists of registered nurses and licensed practical nurses to members of the public who wish to purchase those lists?

Section 66-1223, Revised Codes of Montana, 1947, creates the Board of Nurses, and provides in pertinent part:

The records and files of the board shall at all times be open to public inspection.

The intent of the legislature in this section is clear and unambiguous. The public is given the right to inspect the records and files of the board at all times.

Furthermore, section 93-1001-4, R.C.M. 1947, provides:

Every citizen has a right to inspect and take a copy of any public writings of this state, except as otherwise expressly provided by statute.

Section 93-1001-5, R.C.M. 1947, provides:

Every public officer having the custody of a public writing, which a citizen has a right to inspect, is bound to give him, on demand, a certified copy of it, on payment of the legal fees therefor, and such copy is admissible as evidence in like cases and with like effect as the original writing.

THEREFORE, IT IS MY OPINION:

The board of nurses cannot refuse to issue lists of registered nurses and licensed practical nurses to members of the public who wish to purchase those lists.

Very truly yours,

ROBERT L. WOODAHL
Attorney General