

HEALTH:

DEFINITION OF **PUBLIC** HEALTH  
NURSE:

is one  
Public health nurse, who is licensed and  
registered as a nurse in Missouri and who  
aids in the promotion of wholesome,  
sanitary condition of community at large and  
who is paid compensation out of the public  
funds.

January 31, 1938

Mr. James S. Rollins,  
Director of Department of Public  
Health Education,  
Jefferson City, Missouri.

Dear Sir:

This will acknowledge receipt of your request dated  
January 22, 1938, for an official opinion from this department  
which is as follows:

"Will you kindly furnish this depart-  
ment with a definition of the term,  
"Public Health Nurse".

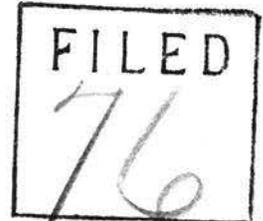
Under the provisions of Section 9039  
R.S. Missouri 1929, a county may secure  
a public health nurse by petition of  
250 taxpayers. Some counties are attempt-  
ing to evade the meaning of this Section  
by appointing nurses who are entirely un-  
qualified and who do not fit into the  
general plan of the public health pro-  
gram. Sections 13485 and 13488 give the  
necessary requirements for a graduate  
nurse. Under the requirements of the  
United States Public Health Department  
certain further courses are required.  
(See enclosed pamphlet)

The United States Public Health Service  
will educate any of these nurses along  
public health lines who is under thirty  
five years of age so it will not be any  
expense to them."

Your request involves the construction of certain statutes  
of Missouri pertaining to the health department of the state.  
Section 13485 R.S. Mo. 1929 is as follows:

"No graduate nurse shall practice pro-  
fessional nursing for hire, unless  
licensed by the board as hereinafter  
provided; except that no provision

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hereof shall be construed to prohibit gratuitous nursing, healing, or care of the sick by friends or members of the family or to prohibit nursing or care of the sick for hire, provided, that, said parties shall not in any way assume to be a registered nurse or attendance in the eleemosynary institutions of this state and of cities in this state now or hereafter having a population of 300,000 inhabitants or more; and except further that in the event of public emergency pronounced by the state board of health to exist in the state at large or any part thereof, unlicensed persons shall be permitted to nurse or care for the sick for hire during the continuance thereof. A person violating this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense."

Section 13486 R.S. Mo. 1929 provides as follows:

"The board shall issue a license to practice as a registered nurse or registered obstetrical nurse in the state of Missouri.

1. Any person who shall be admitted to and pass the board's examination therefor.

2. Any applicant of good character who prior to January 1, 1924, shall submit to the board satisfactory written evidence, verified by oath if required, of

a. The right to practice as a registered nurse in the state of Missouri at the time of the passage of this chapter and payment of a fee of (\$1.00); or

b. Residence in the state of Missouri at the time of the passage of this chapter, graduation prior thereto from a school of nursing giving a two-years' course acceptable to the board, and a payment of a fee of (\$15.00); or

c. Graduation prior to the passage of this chapter from a school of nursing, accredited with the board under this chapter and payment of a fee of (\$15.00).

3. Any applicant of good character from another state of a foreign country who shall pay a fee of (\$15.00) and submit to the board satisfactory evidence, verified by oath if required, of due registration, as a registered nurse by another state or country, if in the judgment of the board said applicant's individual qualification be the equivalent of those required by this chapter."

As to the qualifications for admission to the examination for a license, Section 13488 R.S. Mo. 1929 provides as follows:

"The board shall admit to examination for license to practice as a nurse any applicant who shall pay a fee of \$15, and shall submit to the board satisfactory written evidence, verified by oath, if required, that said applicant:

1. Is twenty-one years of age;
2. Is of good moral character;
3. Has completed at least at least one year's course of study in a high school, or its equivalent except as otherwise provided in section 13489 hereof; and
4. Has been graduated from an accredited school of nursing giving at least a two-years' course in which the theory taught shall be proportioned to practice in a hospital to the satisfaction of the board. An applicant failing (to) pass such examination shall be re-admitted to re-examination within one year thereafter without a payment of an additional fee."

and Section 13490 R.S. Mo. 1929 makes the following provision pertaining to the qualification of applicant to take the examinations which are as follows:

"In lieu of requirement of sections 13488 and 13489 hereof, the board shall, after July 1, 1925, accept the following as

satisfactory preliminary education of applicants for examination for license as nurses.

1. Until July 1, 1925, graduates from grammar school or its equivalent.

2. Thereafter the successful completion of one year high school or its equivalent. But no applicant for examination after July 1, 1925, shall be debarred from such examination because of insufficient preliminary examination provided such applicant shall have matriculated in a school for nurses prior to July 1, 1925."

By Section 13492 R.S. Mo. 1929 it provides for the registration of such parties who have been licensed by the state board with the county clerk and when the party has thus registered in the office of the county of the licensee's residence, she is issued a certificate of registration and then is duly registered nurse in such county of her residence. Section 9036 R.S. Mo. 1929 is as follows:

"Whenever the state board of health considers it necessary to secure the aid and services of a visiting public health nurse, or to disinfect any building, residence or room in any hotel or dormitory, or other place in such city or county infected with infectious or contagious diseases, such board shall make formal written report of such fact to the county court or mayor of any city of the second, third, or fourth class, or both such court and mayor, and therein recommend the course of action necessary and advisable to be taken in relation thereto to prevent the spread of such infectious or contagious diseases; and in case said report is made to the mayor of any city he shall lay the same before the city council at its next meeting, and the said city council and the said county court at its next meeting after said report has been made as aforesaid, shall consider said report and recommendation and act upon it, and such city council and county court shall each be authorized to employ, at a fixed monthly compensation, a public health nurse, qualified

for such service by registration as such according to the laws of this state, to visit any family, home, boarding house, dormitory or club in which is a member or members, a person or persons afflicted with a contagious or infectious disease, and upon the consent of such person or family or parent or guardian, if a minor, to assist in nursing said person and to advise such person and the persons or members of the family, boarding house, dormitory or club, as to the proper methods to be pursued to prevent the spread of such infectious or contagious disease, and also to authorize some other proper person or persons to visit and disinfect any building, residence, room in any hotel or dormitory or other place therein infected with such infectious or contagious disease upon the consent of the owner thereof."

The nurse who is employed by virtue by provisions of the foregoing section, must be a registered nurse and registered under the provisions of section 13492, supra, and such person cannot become a registered nurse unless they have the license required by provisions of Section 13486 R.S. Mo. 1929 and such person is not authorized to take the examination for the license until they possess the qualifications required by Sections 13486, 13488 and 13490, supra. Section 9039 R.S. Mo. 1929 provides as follows:

"In case a petition is signed by two hundred and fifty taxpayers and presented to any city council of the second, third or fourth class or any county court, asking for the appointment of a public health nurse or nurses or that any place infected with infectious or contagious disease be disinfected, as designated in section 9036, it shall be the duty of said city council or county court, as the case may be, to provide for the appointment of said nurse or nurses and for the disinfecting of any infected place and to pay for the same as provided for in section 9038 hereof."

The sections cited above set out the plan and system provided by the legislature for the registration of nurses and section 9036 R.S. Mo. 1929 provides that the county health nurse shall be qualified for such service by registration as such according to the laws of the state of Missouri. From a reading of sections 9036 and 9039, it is quite evident that section 9039 hinges on section 9036 and for that reason the two sections should be read together and the nurse who is employed by public officials by virtue of the provisions of section 9039 should have the qualifications of the nurse designated in section 9036 which are:

"Registration as such according to the laws of this state."

It is very evident that the legislature intended that no person should be employed as a public health nurse and paid out of public funds unless they have the proper license and have been registered in the county of their residence.

"Public health is defined as meaning the wholesome, sanitary condition of the community at large."  
State ex rel Pollock v. Becker, 289 Mo. 660.

By sections 9036 and 9039, supra, the way and means are provided by which a nurse may be obtained by a city or county for the general public health and section 9038 R.S. Mo. 1929 provides that such nurse may be paid out of the public funds.

#### CONCLUSION

It is, therefore, the opinion of this department that the definition of the term, "public health nurse" as applicable to the Missouri law is licensed and registered nurse under the laws of this state and who is employed to aid and promote the wholesome, sanitary condition of the community at large in which she is employed, and one who is paid compensation out of the public revenues.

It is also the opinion of this office, that by virtue of the provisions of sections 9036 and 9039, supra, the public

Mr. James S. Rollins

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health nurse must be qualified for such service by registering in the county of her residence according to the laws of the State of Missouri, especially section 13492 R.S. Mo. 1929.

Respectfully submitted,

TYRE W. BURTON  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

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