

NURSES' EXAMINATION: Statute does not require citizenship.

February 11, 1944

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Miss Laura Layher, R. N.  
Executive Secretary  
State Board of Nurse Examiners  
State Office Building  
Jefferson City, Missouri

Dear Miss Layher:

Under date of February 11, 1944, you wrote this office requesting an opinion, as follows:

"Enclosed is a copy of a letter the Board of Nurse Examiners received from Willys R. Peck, Special Assistant in the Division of Cultural Relations, Washington, D. C.

"The Board desires an opinion on whether it is permissible in Missouri for a Chinese National to receive a degree in nursing, and to practice.

"Would alien students be permitted to complete their nursing course in this state? If so, would they be admitted as immigrant students?

"Your opinion will be appreciated."

The statute controlling the admission to examination for license to practice as a registered nurse in this state is Section 10034, R. S. Missouri, 1939, as follows:

"The Board shall admit to examination for license to practice as a nurse any applicant who shall pay a fee of ten dollars (\$10.00) 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. Is a graduate of an accredited high school or has the equivalent in units of high school work to the satisfaction of the board.

"4. Has since the year 1927 graduated from an accredited school of nursing giving a three-year course of instruction, (or has graduated previous to 1927 from an accredited school of nursing giving at least a two-year course of instruction), in which course of instruction the theory taught shall have been proportioned to practice in a hospital to the satisfaction of the board. An applicant failing to pass such examination shall be re-admitted to examination within one year thereafter without the payment of an additional fee."

In considering a statute there are certain fundamental rules of statutory construction which must be borne in mind. The primary rule for construing a statute is to ascertain the lawmakers' intent and give the language honestly and faithfully its plain and rational meaning. *Cummins v. Kansas City Public Service Co.*, 66 S. W. (2d) 920, 334 Mo. 672. Another rule is that where statutory language is plain, the court should not read into the enactment words not found therein by express inclusion or fair implication. *Elsas v. Montgomery Elevator Co.*, 50 S. W. (2d) 130, 330 Mo. 596. Another rule is that where language of a statute is plain

and admits of but one meaning, there is no room for construction. *Cummins v. Kansas City Public Service Co.*, 66 S. W. (2d) 920, 334 Mo. 672.

There is nothing in Section 10034, herein set out, which would indicate the lawmakers had any intention of making citizenship or nationality a qualification for being admitted to examination for license to practice as a nurse.

CONCLUSION

It is the conclusion of the writer that there is nothing in the statutes of Missouri which would prevent a Chinese national from receiving a degree in nursing and a license to practice. However, it is desired to call to your attention that during the present war period there are a number of federal regulations concerning aliens, and all persons who are not citizens of this country are subject to those regulations.

Respectfully submitted

W. O. JACKSON  
Assistant Attorney General

APPROVED:

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ROY MCKITTRICK  
Attorney General

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