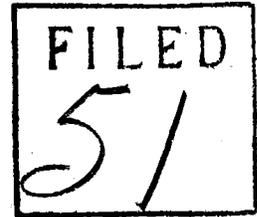


SCHOOLS: Paragraph 4, Section 10029, R. S. Mo. 1939, does not give the Board of Nurse Examiners any power or control
NURSES: over schools and classes of nursing not accredited or registered.

July 20, 1946



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

Dear Madam:

Receipt is acknowledged of your letter in which an official opinion was requested of the Attorney General. Your letter reads as follows:

"The State Board of Nurse Examiners desires the opinion of the Attorney-General on the interpretation of the Nurse Practice Act, June 9, 1939, Section 10029, Subdivision 4, Page 4,

"The Board is especially interested in Sub-division 4, Page 4 of the law as it pertains to the inspection of 'all schools and classes of nursing in the State' and the Board desires to know what powers it has to exercise over 'schools and classes of nursing in the State' which it does not accredit or register and whose curriculum and standards it does not outline and recommend."

The question contained in your request is: "What control does the State Board of Nurse Examiners have over schools and classes of nursing in the State which it does not accredit or register under the provisions of Paragraph 4, Section 10029, R. S. Mo. 1939?"

The Nurse Practice Act, incorporated as Chapter 61 in the Revised Statutes of Missouri, 1939, establishes a State Board of Nurse Examiners, and empowers that Board to accredit and register schools of nursing which apply for registration, adopt and appoint the curricula and standards to be followed by schools that the Board accredits and registers, and to examine and license applicants to practice as nurses who meet the prescribed qualifications.

Section 10029 sets out the powers and duties of the officers of the Board of Nurse Examiners. However, Paragraph 4 pertains to the powers and duties of the Board itself, and further, provides for the employment of an inspector and educational director, and prescribes her duties. Paragraph 4, Section 10029, reads as follows:

"4. The board shall outline and recommend curricula and standards to be followed by such schools of nursing as the board shall accredit and register; shall inspect all schools and classes of nursing in the State; shall advise with and make recommendations to the directors of schools of nursing conducting schools or classes in the State as to courses and methods of theoretical and practical instruction and standards; shall employ and fix the compensation of a qualified person licensed as a registered nurse under this article as inspector and educational director to act as chief examiner in the preparation of questions and grading of examination papers, and to inspect all schools and classes of nursing in the State, and to report to the board her findings and recommendations, such inspector to have no further authority except to report her findings to the board and to perform such other duties as may be provided by the provisions of this chapter not inconsistent with the general law." (Emphasis ours)

Under Paragraph 4, supra, certain functions of the Board are listed. It is stated that "the Board shall outline and recommend curricula and standards to be followed by such schools of nursing as the board shall accredit and register." This provision gives the Board considerable power to regulate the operation of certain schools by permitting it to prescribe the standards and establish the curricula for such schools. However, it is significant that such control is clearly limited to schools accredited and registered by the Board, and it appears that the legislature was silent in empowering the Board to exercise the same degree of control over other schools of nursing not accredited and registered by the Board.

In construing Section 10029, supra, it is necessary that we consider and give effect to other statutes relating to the same subject matter. *Whalen v. Buchanan County*, 111 S. W. (2d) 177, 342 Mo. 33.

Section 10028, R. S. Mo. 1939, which also pertains to the

duties of the Board of Nurse Examiners, in part, provides:

"The Board shall make rules and regulations not inconsistent with this chapter and the general laws that govern its proceedings; shall adopt a seal; shall establish a system of inspection of schools of nursing in Missouri; shall adopt and appoint curricula and standards to be followed by schools of nursing as shall wish to be accredited by and shall apply for registration with the board; shall register as accredited such schools as shall meet the requirements of board as to courses, standards and management and pay to the board an annual fee of fifteen dollars (\$15.00); * * * " (Emphasis ours)

Under this section the Board may require schools desiring to become accredited and registered to comply with the standards and curricula adopted and appointed by the Board. However, the Board's power over such schools is limited to denying them registration as an accredited school should they not possess the qualifications required by the Board. The Board, under this section, exercises no other control over the operation of schools not accredited or registered.

In connection with the two sections cited, attention is directed to Section 10034, R. S. Mo. 1939, which, in part, provides:

"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:

* * * * *

"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. * * * "

Under this section the only persons who are permitted to take the examination for a license to practice nursing are those possessing certain qualifications, among which they must have graduated from an accredited school of nursing. This could only mean schools which have been accredited and registered by the Board and which possess the standards and curricula adopted and appointed by the Board.

It, therefore, seems that the Board of Nurse Examiners should only be concerned with schools of nursing in the State which have been accredited and registered by the Board, or those which desire to become accredited and registered, and have submitted the necessary applications.

Section 10028, supra, further provides that the Board shall establish a system of inspection of schools of nursing in Missouri, and in this connection Section 10029, Par. 4, supra, further provides that the Board shall inspect schools and classes of nursing.

The word "inspect" is defined in Volume 44, C. J. S., p.395, as follows:

"A term in common use, having a well defined and generally understood meaning, and defined as to examine for the purpose of determining quality, detecting what is wrong, and the like; to examine, to view closely and critically, especially in order to ascertain quality and condition, to detect errors, etc.; * * *"

Since the Board is only empowered to adopt and appoint the standards and curricula of schools which it accredits and registers, and to require schools desiring to become accredited and registered to meet such standards and curricula, its authority to inspect schools must fall within the ambit of its power to control schools of nursing. Consequently, the Board of Nurse Examiners can only inspect schools of nursing within the State which it has accredited and registered, or which may desire to become accredited and registered, and have made proper application therefor.

There is no provision in the Nurse Practice Act which gives the Board of Nurse Examiners the right to adopt and appoint standards and curricula, inspect or in any way control the operations of schools of nursing in the State which it has not accredited and registered, or which have not applied for registration.

In the case of *Sayles v. Kansas City Structural Steel Co.*, 128 S. W. (2d) 1046, 344 Mo. 757, the court said at S. W. 1.c. 1051:

"Statutes are to be construed, if possible, so as to harmonize and give effect to all of their provisions, *Gasconade County v. Gordon*, 241 Mo. 569, 145 S. W. 1160, and provisions not therein found plainly written or necessarily implied from what is written will not be imparted or interpolated therein in order that the existence

of such right may be made to appear when otherwise, upon the face of said act, it would not appear.' * * *"

CONCLUSION

It is, therefore, the opinion of this department that under the provisions of Paragraph 4, Section 10029, Chapter 61, R. S. Mo. 1939, the State Board of Nurse Examiners is specifically limited in its power to adopt and appoint the standards and curricula of schools and classes of nursing to those which are accredited and registered by the Board. Under Section 10028, R. S. Mo. 1939, the Board may require schools and classes of nursing which have applied for registration to match the standards and curricula which it prescribes. The provision empowering the Board to inspect schools and classes of nursing is only applicable to schools and classes which it has accredited and registered, or which have made application for registration.

Respectfully submitted,

RICHARD F. THOMPSON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

RFT:DC