

STATE BOARD OF NURSING: Students regularly enrolled in accredited  
NURSING: schools of professional nursing may be employed to perform professional nursing duties during vacation periods, days off, holidays and weekends.

March 4, 1959



Miss Catherine P. Geuss, R.N.  
Executive Secretary  
State Board of Nursing  
State Capitol Building  
Jefferson City, Missouri

Dear Miss Geuss:

Reference is made to your request for an official opinion, which request reads as follows:

"The Missouri Board of Nursing wishes an interpretation of the Nurse Practice Act, Chapter 335 - Sections 335.010 to 335.170 R.S. No. 1949 Repealed L 1953 S.B. 165 (Cumulative Supplement 1955), as it relates to the employment of students in Schools of Professional Nursing prior to completion of their program and licensure.

"Student nurses in Schools of Nursing wish to work in Hospitals giving nursing care to patients, during vacation, days off, holidays and week-ends, and would be paid by the Hospitals on an hourly basis. This request for employment has been prompted by shortage in securing sufficient licensed professional nurses and the need for some students to secure additional funds while in the School."

We understand from conversations with you that the question which you wish answered is whether "student" nurses regularly enrolled in accredited schools of nursing can be employed to perform professional nursing duties during vacation periods, days off, holidays and weekends.

Section 335.010, RSMo Cum. Supp. 1957, defines the practice of professional nursing as follows:

"2. A person practices professional nursing who for compensation or personal profit performs, under the supervision and direction

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of a practitioner authorized to sign birth and death certificates, any professional services requiring the application of principles of the biological, physical or social sciences and nursing skills in the care of the sick, in the prevention of disease or in the conservation of health."

Section 335.020 prohibits the practice of registered professional nursing without a license in the following language:

"It is unlawful for any person to practice or to offer to practice registered professional nursing or licensed practical nursing in this state for compensation or personal profit, or to use any title, sign, abbreviation, cards, or device to indicate that such person is practicing registered professional nursing or licensed practical nursing unless he has been duly licensed under this chapter."

Certain exceptions to the prohibition contained in Section 335.020 are created by Section 335.030. Said section reads in part as follows:

"No provision of this law shall be construed as prohibiting practical nursing so long as the parties so practicing do not hold themselves out to be licensed practical nurses; nor as prohibiting the service rendered by technicians, attendants, nurses aides, ward helpers or other auxiliary workers employed in hospitals, state or private; nor shall it apply to any person nursing the sick for hire who does not in any way assume the title of 'licensed practical nurse,' or 'obstetrical nurse,' or use the abbreviation 'L.P.N.,' and 'O.N.' No provision of this law shall be construed as prohibiting nursing care by friends or members of the family; nor as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers; nor as prohibiting nursing assistance in the case of emergency; nor shall it be construed as prohibiting the practice of nursing by students enrolled in accredited schools of professional nursing or in schools of practical nursing, nor by graduates of such schools or courses pending the results of the

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first licensing examination scheduled by the Board following such graduation; \* \* \*"  
(Emphasis supplied.)

We note that the provisions of Chapter 335 are not to be construed as prohibiting the practice of nursing by students enrolled in accredited schools of professional nursing. As noted in Section 335.010, supra, one of the requisites to the practice of professional nursing is that it shall be done for compensation or personal profit. In view of such fact, we do not believe that the exemption is limited to practice as a part of the curriculum of the school but is, in fact, broad enough to extend to the practice of professional nursing for compensation under circumstances such as you have described.

We wish to point out, however, that whereas we are of the opinion that students in accredited schools can undertake duties which would be included within the definition of the practice of professional nursing, such would not permit said students to use any title, sign, abbreviation, card or device to indicate that such person is practicing registered professional nursing.

#### CONCLUSION

Therefore, it is the opinion of this office that students regularly enrolled in accredited schools of professional nursing may be employed to perform professional nursing duties during vacation periods, days off, holidays and weekends.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Donal D. Guffey.

Very truly yours,

John M. Dalton  
Attorney General

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