

NURSES:

Not unlawful for one person to represent to the public that another person is a registered or graduate nurse.

July 15, 1943

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Miss Mary E. Stebbins, R. N.
Executive Secretary,
Missouri State Nurses' Association,
1512 Waldheim Building,
Kansas City, Missouri

Dear Madam:

This will acknowledge receipt of your letter of July 8th, presenting for our opinion the following question:

"Is it unlawful under Section 10031, R. S. Mo. 1939, for a person to knowingly employ and put on duty as a registered nurse persons registered in other states, but who are not registered in Missouri?"

Section 10031 above referred to provides as follows:

"It shall be unlawful for any person not legally licensed as such to take, use or exhibit the title of 'registered nurse' or 'graduate nurse' or the abbreviation thereof as set forth in Section 10036 of this chapter and it shall be unlawful for any person not so legally licensed to hold himself or herself out as or represent that he or she is a registered nurse or graduate nurse unless duly licensed as such under the provisions of this chapter, and any person who shall violate the provisions of this section or any prohibition contained in 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; * * * "

Analysis of this section shows that it is directed at a person not licensed as a nurse holding himself and herself out

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as such. That fact is to be gleaned from that portion of the statute making it "* * unlawful for any person not so legally licensed to hold himself or herself out as or represent that he or she is a registered nurse or graduate nurse * *". This law clearly restricts the crime there defined to the unlicensed individual and does not make it a misdemeanor for some other person to hold out that an unlicensed individual is a registered nurse.

An examination of Chapter 61, R. S. Mo. 1939, relating to the licensing and registration of nurses does not disclose a single provision which will reach or make unlawful the type of activity presented in your opinion request.

CONCLUSION

It therefore is our opinion that Section 10031, R. S. Mo. 1939, does not make it unlawful for an individual to hold out or represent that another person is a registered or graduate nurse.

Respectfully submitted,

LAWRENCE L. BRADLEY
Assistant Attorney General

APPROVED:

ROY MCKITTRICK
Attorney General

LLB:jn