

OFFICIAL OPINION NO. 78

December 29, 1947.

Miss Anne M. Dugan, R. N.,
Secretary, State Board of
Examination & Registration of Nurses,
638 K. of P. Building,
Indianapolis 4, Indiana.

Dear Miss Dugan:

Your letter of December 8, 1947, received as follows:

"Will you please give an opinion on the 'Trained Attendant' clause in the Indiana Laws concerning the Examination and Registration of Nurses?"

"Could this section of the law be administered in relation to persons now practicing as 'practical nurses' providing the candidates meet the requirement of the law and are given a so-called 'trained attendant license'?"

Section 63-906, Burns' 1933, being Section 5, Chapter 182, Acts of 1921, provides in part as follows:

"After the passage and approval of this act, any person being over the age of nineteen (19) years and of good moral character, holding a certificate as having completed the course from a school for training attendants connected with any hospital, giving a course of training for attendants of at least twelve (12) months, approved by the state board of examination and registration of nurses as maintaining in this course and other respects proper standards, all of which shall be determined by said state board, and who, after a practical examination, shall have received from said state board a certificate of his or her qualifications to care for the sick as a trained attendant, shall be styled and known as a "Trained Attendant," and no other person shall assume such title, or use the abbreviation "T. A." or any other words, letters or figures to indicate that the person using the same is

a "trained attendant." * * * This act shall not be construed to affect or apply to gratuitous nursing of the sick by friends or members of the family, and also it shall not apply to any person nursing the sick for hire who does not in any way assume to be a "trained attendant".'

The above statute requires that your Board first determine the standards for courses given in such schools and then recognize or approve such school meeting such standards. After this has been done, a person having a certificate showing the completion of such course may qualify for the practical examination by the Board and receive the Board's certificate as a "trained attendant." This, of course, would be available to practical nurses as well as any other person, but all must so qualify.

OFFICIAL OPINION NO. 79

December 31, 1947.

Mr. Edwin Steers, Sr., Member,
State Board of Election Commissioners,
108 East Washington Building,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of December 24, 1947, attaching a copy of letter received from the City Attorney of Noblesville, Indiana, which gives the facts of the situation. The facts as stated are that the gentleman who was elected mayor of the City of Noblesville, Indiana, at the past election died Sunday, December 21, and although elected he did not qualify as required by law. You request an official opinion: Does the present mayor hold over?

It has been repeatedly held by our Supreme Court that "The prescribed tenure of any office under the Constitution, or any law, other than a member of the General Assembly" shall be construed to mean that such officer shall hold his