INDIANA STATE BOARD OF EXAMINATION AND REGISTRATION OF NURSES: Whether schools of nursing in Indiana may participate in Federal grants as provided in the act of Congress known as the Bolton Act; also, whether State Board may issue licenses to persons completing the course prescribed by the Federal agents; also, duty of Board to issue license to nurses who have served as such in the Army or Navy of the United States.

July 7, 1943.

Mrs. Opal Gilbert, R. N.,
Secretary Indiana State Board of Examination and Registration of Nurses,
State House,
Indianapolis, Indiana.

Dear Mrs. Gilbert:

This will acknowledge receipt of your letter dated July 2nd, 1943, containing a copy of the Bolton Bill, H. R. 2664, enacted by the United States Congress, which provides for the training of nurses for the armed forces, governmental and civilian hospitals, health agencies, and war industries, through grants to institutions providing such training, and for other purposes.

Your letter states that the State Board of Examination and Registration of Nurses wishes to know whether, in my opinion, the schools of nursing in Indiana may participate in the federal grant provided for by the Federal Act and comply with the rules and regulations promulgated by the Surgeon General of the United States Public Health Service, without conflict with the laws of the state of Indiana, concerning the examination and registration of nurses.

In answering your question, I beg to advise that a thorough search of the Indiana statutes discloses no statute in Indiana which expressly authorizes the Indiana State Board of Examination and Registration of Nurses to participate in federal grants as proposed by the Federal Act. Neither does such research disclose any statute which expressly forbids such participation either by the Indiana State Board of Examination and Registration of Nurses or Indiana schools of nursing.
The Indiana State Board of Examination and Registration of Nurses is a statutory board created by the Legislature, and it is firmly established that such a board has and possesses only such powers and authority as are expressly conferred upon it by the statute creating such board, and such power and authority as are incidentally connected with the express power and authority so granted.

After due consideration, it is my opinion that if any of the Indiana schools of nursing can qualify under the requirements and regulations established by the Surgeon General of Public Health Service to participate in the federal program, there is no legal barrier in Indiana to prevent such arrangement, although in any such participation the Indiana schools of nursing would be acting under and pursuant to the arrangements made with the United States Public Health Service and not under any Indiana statute.

With reference to the right of the Indiana State Board of Examination and Registration of Nurses to issue licenses to any person completing the course of study prescribed by the federal agency, I beg to advise that it is my opinion that the Indiana statutes, Burns' R. S. 1933, Sections 63-905 to 63-907, expressly prescribe the qualifications of all applicants for a license issued by the Indiana State Board of Examination and Registration of Nurses and the limitations under which such licenses may be issued, and the Indiana State Board of Examination and Registration of Nurses has no power or authority to suspend or deviate from the requirements prescribed by the Indiana statutes in the matter of issuing licenses.

I call your attention to the provisions of Burns' R. S. 1933, Section 63-913, which reads as follows:

"All nurses who have served as such in the army or navy of the United States and have been honorably discharged shall be entitled to be registered without examination."

Under the provisions of this statute the board would have a right to issue an Indiana license, without examination, to any nurse who has served in the United States armed forces and has been honorably discharged, but it is obvious that this cannot be done until after the person has served as a
nurse in either the army or navy and has been discharged, and would not apply to a person who has completed her training in a nurses’ training school under a program established under and pursuant to the Federal Act, unless such applicant met the requirements of the Indiana statutes above mentioned.

DEPARTMENT OF PUBLIC INSTRUCTION: Chapter 171 of the Acts of 1943, whether said Chapter is constitutional.  

July 8, 1943.

Hon. Clement T. Malan,  
State Superintendent of Public Instruction,  
State House,  
Indianapolis, Indiana.

Dear Dr. Malan:

This will acknowledge receipt of your letter dated July 3rd, 1943, requesting my opinion upon the following question:

“Does Section 1, House Bill 208 come within its title and is it valid?”

House Bill 208 referred to in your letter, which will be Chapter 171 of the Acts of 1943, has the following title, to-wit:

“A Bill for an Act to amend section one of an act entitled ‘An act concerning transfer tuition for public school children in hospitals for tuberculosis treatment, setting forth the amount of transfer tuition to be paid, providing for its payment, assigning powers and duties to school authorities, repealing all laws in conflict herewith and declaring an emergency.’ Approved March 4, 1941.”

Section 1 of said Act reads as follows:

“Section 1. Be it enacted by the General Assembly of the State of Indiana, That the school corporation wherein shall reside a person seven to thirty years of age who shall be a patient in a sanatorium maintained