



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

September 30, 1968

Mrs. Marjorie Taber Ogle
Executive Secretary
Board of Vocational Nurse
Examiners
1008 Sam Houston Building
Austin, Texas 78701

Opinion No. M-283

Re: Manner of qualification
for vocational nurse
license under Section
5(b), Article 4528c,
V.C.S. (Vocational Nurse
Act).

Dear Mrs. Ogle:

You have requested the opinion of this office regarding the above question, which is stated more fully in your letter of request, quoted as follows:

"The Board of Vocational Nurse Examiners accepts the following preparation for vocational nurse license:

- (1) graduation from a year's approved vocational nurse school of Texas;
- (2) graduation from a year's approved vocational (practical) nurse program of another state;
- (3) completion of two years in an approved professional nurse program.

"Our question concerns the 3rd manner of qualifications which relates to Section 5-b of the Vocational Nurse Act (codified as Article 4528c of Vernon's Civil Statutes). It reads as follows:

"The Board in its discretion may waive the requirement in subdivision (a) of this Section for completion of a course in an accredited school for training Vocational Nurses upon presentation of satisfactory sworn evidence that the applicant is domiciled in this State and has completed at least two (2) years

of training in a nursing school accredited by the State Board of Nurse Examiners of Texas or in some other school of professional nurse training accredited by a similar board or licensing agency of another state of the United States.'"

"The Board of Vocational Nurse Examiners has maintained that all undergraduate professional nurse applicants must have completed two full calendar years (not semester years) in a school of professional nursing. Those who furnish proof of such time are eligible based upon theory and practice achieved during such training, or they are allowed to enroll in a vocational nurse program to make-up curriculum deficiencies. If the undergraduate can not evidence the two calendar years of professional training, then she must enroll for the full year in a vocational nurse school.

"No credit is extended in the vocational nurse program for any of the subjects or practice in the professional program. The undergraduate, therefore, must repeat training which she has already successfully completed. Her study in subjects perhaps has exceeded that in the vocational nurse curriculum.

"Could an undergraduate professional nurse applicant having less than the two years schooling obtain credit in a vocational nurse program for subjects and practice previously completed in an approved professional nursing school? Could 'time in program' of one type of training apply to the other?"

You are advised that in our view the requirements of Section 5(b), Article 4528c, Vernon's Civil Statutes, quoted supra, are clear, and that the present Board procedure is within the discretion of the Board. It is our understanding that the programs of the various professional nurse training institutions vary considerably, some of them being on a calendar year basis, some on quarters, some on a two-semester basis, and some may be using trimesters. In this situation, the Board must exercise its discretion in determining whether the applicant for vocational nurse licensing has effectively completed at least two (2) years

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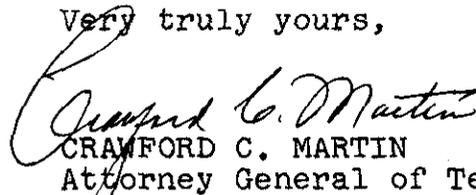
of professional nurse training as required by Section 5(b). However, the statute does not give the Board the option of giving credit for less than two years of professional nurse training, and then permitting an applicant to make up deficient credits by taking particular courses in an abbreviated vocational nurse curriculum for qualification under Section 5(b).

However, it is the opinion of this office that the Board could, by the promulgation of appropriate rules or regulations, permit schools of vocational nurse training to accept credits obtained in professional nurse programs and apply these credits toward graduation.

S U M M A R Y

Section 5(b), Article 4528c, V.C.S., provides a procedure whereby, in the discretion of the Board of Vocational Nurse Examiners, an applicant who has completed at least two years in a professional nursing program may be accepted for licensing as a vocational nurse. The Board could, by promulgating appropriate rules or regulations, permit schools of vocational nurse training to accept credits obtained in professional nurse programs and apply these credits toward graduation.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

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APPROVED:
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