



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

September 15, 1972

Honorable Margaret L. Canney
Executive Secretary
Board of Nurse Examiners
6225 U.S. Highway 290 East
Austin, Texas 78723

Opinion No. M-1217

Re: Whether a foreign registered nurse, not registered or holding a valid permit in the State of Texas, may use the initials "S.R.N.", "G.N." or the title "staff nurse" or "charge nurse" in connection with his or her name in the performance of nursing functions?

Dear Mrs. Canney:

In your recent letter to this office you asked our opinion on the following:

"Can a foreign registered nurse, not registered or holding a valid permit in the State of Texas, use the initials 'S.R.N.', 'G.N.', or the title 'staff nurse' or 'charge nurse' in connection with his or her name in the performance of any type of nursing function?"

The nursing profession is affected with a public interest and it is regulated by the State of Texas through the Board of Nurse Examiners for the State of Texas.

In Article 4527a, Section 3, Vernon's Civil Statutes, the following language is found:

"Sec. 3. No person, unless he is licensed under this chapter, may use in connection with his name the abbreviation 'R.N.' or any designation tending to imply that he is a licensed registered nurse."

This section prohibits actions by persons unlicensed by the State that would indicate to the public that such persons were, in fact, licensed. The purpose of the prohibition is to prevent the public from being misled by the use by non-licensed

persons of abbreviations or designations as "S.R.N." or the abbreviation "R.N." in combination with any other letters that would tend to indicate to the general public that such person is a licensed registered nurse.

In our opinion, the use of "G.N.", "staff nurse", "charge nurse" or other such abbreviations, which leave some reasonable doubt or ambiguity that the label tends to imply that the wearer is a licensed registered nurse, is insufficient in law in and of itself to support a penal conviction under the penalty provisions of Article 4527b, Vernon's Civil Statutes. Statutes that are penal in nature are strictly construed, and any reasonable doubt in their construction or interpretation is resolved in favor of the accused and against the State. 53 Tex.Jur.2d 304, Statutes, Sec. 198; 16 Tex.Jur.2d 114, Criminal Law, Sec. 17. A penal statute must be sufficiently definite, clear, and unambiguous that those subject thereto may know with reasonable certainty what it means. Eubanks v. State, 203 S.W.2d 339 (Tex.Civ.App. 1947, error ref.). Penal statutes making the criminality of an act depend largely on the subjective vision or interpretation of another have been held invalid for indefiniteness, and in any event they will be construed against the State in any case of uncertainty or indefiniteness. 16 Tex.Jur.2d 100, Criminal Law, Sec. 7, and cases cited.

It is our opinion that one who is not a licensed registered nurse under the laws of Texas but uses abbreviations or designations which include the letters "R.N." and which clearly tend to imply that he or she is a licensed registered nurse is in violation of Article 4527a, Sec. 3, and is subject to the penalties provided by Article 4527b, Vernon's Civil Statutes.

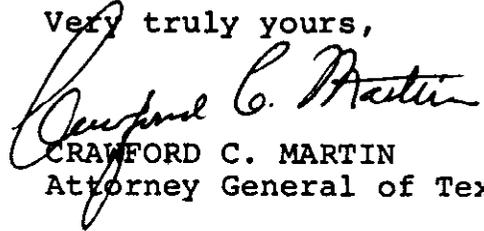
S U M M A R Y

One who is not a licensed registered nurse but uses any abbreviations or designations such as "S.R.N." or the letters "R.N." in combination with any other letters and which clearly tend to imply that he or she is a licensed registered nurse is in violation of Article 4527a, Section 3, V.C.S., and is subject to the penalties provided by Article 4527b. Other abbreviations without the use of the letters "R.N.", which leave a doubt whether they tend to imply that the user is a licensed registered nurse, are insufficient in law to support a penal conviction under Article 4527b, V.C.S.

Mrs. Margaret L. Canney, page 3

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Very truly yours,

A handwritten signature in cursive script that reads "Crawford C. Martin".

CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by Linda Neeley
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

Kerns Taylor, Chairman
W. E. Allen, Co-Chairman
Sam Jones
James Quick
John Banks
William Craig

SAMUEL D. McDANIEL
Staff Legal Assistant

ALFRED WALKER
Executive Assistant

NOLA WHITE
First Assistant