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THE CODE DOES NOT AUTHORIZE THE CERTIFICATION OF REGISTERED NURSES EMPLOYED AS SCHOOL NURSES AS PUPIL-PERSONNEL WORKERS—§§3319.22, 3313.68, 4723.06, R.C., OPINION 900 OAG 1959.

SYLLABUS:

Section 3319.22 (K), Revised Code, does not authorize the certification of registered nurses employed as school nurses under Section 3313.68, Revised Code, as pupil-personnel workers. (Opinion No. 900, Opinions of the Attorney General for 1959, page 613, approved and followed.)

Columbus, Ohio, May 15, 1962

Hon. James A. Rhodes, Auditor of State
State House, Columbus, Ohio

Dear Sir:

Your request for my opinion reads:

“An inquiry has been received in this office relative to the certification of school nurses under the provisions of Paragraph K of Section 3319.22, Revised Code.

“Under date of October 28, 1959, Attorney General’s Opinion No. 900 was issued, wherein it was concluded that a school nurse employed by a board of education under Section 3313.68, Revised Code, is not eligible, as such, for certification as a pupil personnel worker under the provisions of Section 3319.22, Revised Code.

“Since the date of that Opinion, it is noted that Section 3313.68, Revised Code, was amended by the 104th General Assembly, authorizing boards of education to employ ‘registered nurses’ instead of ‘trained nurses’. This section was also amended

As you note, in Opinion No. 900, Opinions of the Attorney General for 1959, page 613, I rendered my opinion on the same question that is presented here; the syllabus of that opinion reads:

“A school nurse employed under Section 3313.68, Revised Code, is not eligible, as such, for certification as a pupil-personnel worker under the provision of Section 3319.22, Revised Code.”

My reasoning then was this: Section 3313.68, *supra*, provides authority for hiring physicians, dentists, and nurses. That section and Section 3313.69, Revised Code, together call for the school physician and school dentist to examine pupils for dental, visual, hearing, and other physical defects. Accordingly, it was my opinion that the duties of the school nurse were to aid the school physician and school dentist in their duties. It did not appear to me that these duties could be said to fall under the statutory definition of pupil-personnel worker contained in Section 3319.22 (K), *supra*. The question arising therefore is whether the 1961 amendment to Section 3313.68, *supra*, should change my earlier opinion.

The present version of Section 3313.68, *supra*, substitutes The phrase “*** registered nurses as defined in Section 4723.06, Revised Code” the phrase “trained nurses”.

Section 4723.06, Revised Code, in defining registered nurses, reads:

“A registered nurse is one who has been authorized by the state to perform any professional service requiring the application of principles of nursing based on biological, physical, and social sciences, such as responsible supervision of a patient requiring skill in observation of symptoms and reactions and the accurate recording of same, and execution of treatments and medications as prescribed by a licensed physician, and the application of such nursing procedures as involve understanding of cause and effect in order to safe-guard life and health, and the instruction, supervision of nurses, and the administration of nursing services in institutions and health agencies.

“A ‘registered nurse’, or person using the initials ‘R.N.’, is one who has met all the legal requirements by registration and who practices or holds a position by virtue of his professional knowledge and legal status.”

Thus, a registered nurse is a person who has been specifically authorized by the state to perform her profession; the profession itself is described in terms which restrict it to the fields of medicine and health.

The second pertinent change is the addition of the phrase “* * * and to aid in the conduct of the school health program”. This merely strengthens my prior opinion, that is to say, the function of the school nurse is to aid the physicians and dentists in their examinations of school pupils.

Section 3319.22 (K), *supra*, under which authority to certify school nurses is sought, is by its own terms grounds for this conclusion. Though its meaning is not overly clear to one not familiar with school terms, nevertheless I venture to state that it authorizes the state board of education to grant a certificate to pupil-personnel workers, and that it defines such persons as personnel workers who help the pupils make adjustments to the facilities available for the pupil's *education*. Nurses, on the other hand, are engaged in helping persons adjust to good health, and in preventing the spread of ill health between persons. This is far different from “adjustment of pupils to facilities available for their education.”

Finally, it should be noted that the profession of nursing is regulated in its own right under Chapter 4723., Revised Code, by a state nursing board. Thus, a certified teacher and a registered nurse are like in that the competence of each is certified to by a state agency; more particularly, the certification is made by an agency competent to act in the particular field under its jurisdiction.

In passing, I call your attention to a sentence in my prior opinion reading (at page 616) :

“Nothing in this opinion should be construed, however, as preventing a board of education from hiring a school nurse on a part-time basis, and also from retaining the same person as a part-time pupil-personnel worker, provided, such person can otherwise meet the requirements established by the state board of education for certification for such position.”

Accordingly, it is my opinion and you are advised that Section 3319.22 (K), Revised Code, does not authorize the certification of registered nurses employed as school nurses under Section 3313.68, Revised Code, as pupil-personnel workers. (Opinion No. 900, Opinions of the Attorney General for 1959, page 613, approved and followed.)

Respectfully,
MARK McELROY
Attorney General