

1974 WL 27686 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 27, 1974

*1 The Honorable Lachlan L. Hyatt
Chairman
South Carolina Department of Health and Environmental Control
Post Office Box 4088
Spartanburg, South Carolina 29303

Dear Mr. Hyatt:

Thank you for your letter of March 22, 1974, concerning R-949, which is an Act amending Section 56-983 of the Code of Laws for South Carolina, so as to delete the requirement that applicants for registration as nurses be United States citizens or legally declare their intention of becoming citizens.

R-949 has the effect of making any applicant, whether a citizen of the United States or not, eligible to be licensed as a nurse, provided they have completed a course of study in an accredited school of nursing and shall meet such other preliminary qualification requirements as the Board may prescribe.

Section 56-986 of the Code of Laws, as amended, provides:

‘The Board shall issue certificates of registration without examination to nurses registered in other states, territories, the District of Columbia, or foreign countries, provided the individual qualifications of the nurse meet the requirements of this chapter and the Board and the required fee is paid.’

Until 1969, the Board was merely authorized to issue certificates of registration to such individuals, but since the amendment of 1969, the word ‘shall’ has been substituted for ‘may’.

The individual qualifications of nurses are set forth in Section 56-983, which refers to minimum age of applicants, moral character, physical and mental health, the completion of four years work in a high school accredited by the State Board of Education in the state in which such school is located, or the equivalent of such work, and the completion of a course of study in an accredited school of nursing, and such other preliminary qualification requirements as the Board may prescribe. The State Board of Nursing has promulgated regulations concerning preliminary qualifications other than those detailed in the statute. These regulations concern photographs, verification of authorization to practice as a registered nurse in the foreign jurisdiction, and facility in reading, writing, and speaking the English language, plus requirements of skill and knowledge in current concepts and practices of nursing. Regulation 12.2, Vol. 17, Supp., Code of Laws, Pg. 427.

Act No. R-949 merely eliminates the requirement that nurses in South Carolina, before being licensed, must be citizens of the United States or must declare their intention to become such. Present law, as set forth in Section 56-986, requires that nurses registered in foreign countries shall be registered without examination, it only being necessary that they meet the individual qualifications of nurses imposed by the law or by the Board and pay the required fee. Therefore, it is my opinion that nurses registered in a foreign country must be licensed if they demonstrate satisfactory evidence that they have completed a course of study in an accredited school of nursing, and meet the preliminary qualifications imposed by the requirements of Section 56-983 and any other preliminary qualifications as the Board of Nursing may prescribe.

Very truly yours,

*2 Daniel R. McLeod
Attorney General

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