

1974 WL 27742 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
May 8, 1974

**\*1 RE: Foreign nurses**

Mr. Lachlan L. Hyatt  
Chairman  
Health Policy and Planning Council  
S. C. Department of Health and Environmental Control  
P. O. Box 4088  
Spartanburg, S. C. 29303

Dear Mr. Hyatt:

In line with our telephone conversation today, I enclose two copies of the Nurse Practice Act, as amended. Copy #1 is a complete copy and is unmarked. Copy #2 contains only those sections amended since 1962 and I have marked it to indicate in Section 56-983 the 1974 change in citizenship requirement (and also a textual printer's error). Additionally, I have marked Section 56-986 to indicate the change in the reciprocity licensure requirement. The change in language from 'may' to shall has resulted in a situation where the State Board of Nursing no longer has discretionary authority to require written examinations of foreign applicants, but rather must issue them licenses without examination if they meet other prerequisites specified in Section 56-983. It is Section 56-986 which I believe needs amending so as to return to the Board the authority to test by written examination nursing applicants from foreign countries. This is needed because the State Board Test Pool Licensing Examination is presently the only effective way of assuring that licensed nurses in South Carolina are professionally qualified.

Nevertheless, there remains another problem which also must be considered, assuming that foreign nurses might be required in the future to stand and pass a written examination. This second problem concerns the conditions under which the U. S. Immigration Service will permit a foreigner to come into this court, so as to be able to take a nursing examination. I have not personally discussed this problem with the Board but will do so in the immediate future and I will let you know the Board's general feelings regarding temporary permits for foreign nurse applicants wishing to come to South Carolina to take the licensing examination.

With best wishes, I am  
Very truly yours,

John B. Grimball  
Assistant Attorney General

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