

1980 S.C. Op. Atty. Gen. 133 (S.C.A.G.), 1980 S.C. Op. Atty. Gen. No. 80-83, 1980 WL 81965

Office of the Attorney General

State of South Carolina

Opinion No. 80-83

July 31, 1980

*1 The regulation of the Board of Education authorizing a L.P.N. to be employed as a school nurse does not conflict with the Nurse Practice Act.

TO: Ruth Q. Seigler
Executive Director
State Board of Nursing

QUESTION PRESENTED:

Does the regulation of the South Carolina Board of Education, which provides that a L.P.N. may be employed as a school nurse, conflict with the definition of licensed practical nursing in South Carolina.

STATUTES and REGULATIONS INVOLVED:

Section 44-33-10, et. seq. (The Nurse Practice Act), South Carolina Code of Laws (1976), as amended

[Regulation No. 43-205](#), State Board of Education

DISCUSSION:

The question is whether the regulation of the South Carolina Board of Education, which provides that a L.P.N. may be employed as a school nurse, conflicts with the definition of licensed practical nursing in South Carolina. Section 44-33-10(g) defines the practice of practical nursing as follows:

(g) The term 'practice of practical nursing' means the performance for compensation, under the direction of a registered nurse, licensed physician or licensed dentist, of acts in health care maintenance, care of the ill, injured and infirm, and in administering treatments and medications as authorized and prescribed by a licensed physician or licensed dentist, which acts require knowledge, judgment and skill as prerequisites to licensure under this chapter, and which shall not include acts of diagnosis or prescription of therapeutic or corrective measures. (emphasis added)

The regulations of the State Board of Education provide that a school nurse must be currently licensed as a L.P.N. or R.N.

A school nurse is clearly practicing nursing. The Nurse Practice Act does not prohibit the employment of a L.P.N. as a school nurse, but does dictate that a L.P.N. so employed be under the direction of a R.N., licensed physician or licensed dentist. This interpretation is consistent with the established principles of statutory construction and does not invalidate the regulation of the Board of Education but merely clarifies it.

CONCLUSION:

The regulation of the Board of Education authorizing a L.P.N. to be employed as a school nurse does not conflict with the Nurse Practice Act. However, it is clear that a L.P.N. so employed must be under the direct supervision of a R.N., licensed physician or licensed dentist.

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