

1975 S.C. Op. Atty. Gen. 83 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4011, 1975 WL 22309

Office of the Attorney General

State of South Carolina

Opinion No. 4011

April 7, 1975

*1 Miss Hazel M. Peeples, R.N.

Executive Director

State Board of Nursing

Suite 202–1777 St. Julian Place

Columbia, South Carolina 29204

Dear Miss Peeples:

You have requested an opinion regarding the Board's authority to issue, by endorsement, a license to practice as a licensed practical nurse to an applicant who was originally licensed by waiver in another state.

Section 56–995 of the Code of Laws of South Carolina, 1962, as amended, authorizes the Board, in its discretion, to issue a license to practice as a licensed practical nurse without examination to any applicant duly licensed as a licensed practical nurse or otherwise entitled to perform similar services under the laws of another jurisdiction:

if, in the opinion of the Board, the applicant meets the requirements for licensed practical nurses in this State . . .

Section 56–993 sets forth the qualifications of applicants for a license to practice as a licensed practical nurse in South Carolina and Section 56–992 requires that the Board examine all candidates for licensing as licensed practical nurses. When these two latter provisions are read together, the conclusion reached is that the phrase, 'requirements for licensed practical nurses in this State,' found in Section 56–995 includes the qualifications specified in Section 56–993 as well as the successful completion of an examination equivalent to that conducted by the South Carolina Board. Indeed, the Board's own rules and regulations adopted pursuant to Section 56–967 indicate the same intent. See, Regulation No. 10, State Board of Nursing, Code of Laws of South Carolina, 1962, as amended, Vol. XVII at 340.

If, therefore, an applicant for licensure as a licensed practical nurse by endorsement holds the license of another jurisdiction issued by waiver of an examination, that applicant would not, in our opinion, be eligible for licensure by endorsement in South Carolina. See, Regulation No. 12.1(i), State Board of Nursing, Code of Laws of South Carolina, 1962, as amended, Vol. XVII at 463 (Cum. Supp.).

With kindest regards,

Karen LeCraft Henderson

Assistant Attorney General

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