

**OPINION**  
**59-221**

April 23, 1959 (OPINION)

OCCUPATIONS AND PROFESSIONS

RE: Professional Nurses - Scholarships Qualification of Candidates

I have received your letter of April 14, 1959, in which you state that at a recent meeting of the North Dakota Nursing Scholarship Committee the question was raised as to whether or not the Committee could require a nursing scholarship recipient to be employed in only one hospital or institution in North Dakota when fulfilling her obligation to the state of North Dakota.

It is my understanding of your letter that you refer to section 43-1228 of the 1957 Supplement to the N.D.R.C. of 1943, entitled "Qualifications of Candidates", which reads as follows:

A person shall not be selected as a candidate for a scholarship unless such applicant be at least eighteen years of age. In selecting candidates for scholarships, consideration shall be given to:

1. Adaptability to nursing.
2. Health,
3. Character,
4. Personal-social characteristics,
6. Capacity and willingness upon graduation to nurse in a hospital or institution in North Dakota for one year."

You refer particularly to subsection 6 of the above-quoted section, which refers to the capacity and willingness upon graduation to nurse in a hospital or institution in North Dakota for one year.

You further state that the Committee would like to require that the candidates remain in the same hospital or institution for that one year as frequent switching from one hospital to another makes it difficult for the Committee to keep track of these people. You ask whether or not the Committee could make this ruling and still be in conformity with the scholarship law.

I believe that it is within the province of your Committee to make such ruling, the reason being that it makes for a more practical and satisfactory administration of the law. It seems to me that the Committee is, by implication at least, authorized to employ sound discretion in the dispatch of its duties and, if it is the experience of the Committee that such policy is advisable, I believe the Committee would be justified in carrying it out. Of course, it could be that some candidate would challenge this authority and in that event the Committee would have to defend its position. However,

until such time you would have the benefit of what you believe to be the wiser and sounder policy in administering the law.

LESLIE R. BURGUM

Attorney General