



STATE OF KANSAS

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September 29, 1978

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ATTORNEY GENERAL OPINION NO. 78-309

Mr. Ray E. Showalter
Executive Administrator
Kansas State Board of Nursing
503 Kansas Avenue
Topeka, Kansas 66603

Re: Public Health--Examination, Licensure and Regulation
of Nursing--Exemption to Licensure Requirements

Synopsis: The Kansas Nurse Practice Act does not require the
licensure of individuals supplied by the American Na-
tional Red Cross who engage in nursing activities while
providing relief in mitigating the effects of a natural
disaster.

* * *

Dear Mr. Showalter:

You request the opinion of this office whether nurses provided
by the American National Red Cross to assist Kansas residents
during a disaster operation must be licensed by the Kansas Board
of Nursing prior to engaging in such activities.

The provisions of K.S.A. 1977 Supp. 65-1114 declare it unlawful
for any person to practice either professional or practical nurs-
ing as those terms are defined at K.S.A. 1977 Supp. 65-1113,
". . . unless such person has been duly licensed and registered
under the provisions of this act." K.S.A. 1977 Supp. 65-1124
provides exception to this licensure requirement under certain
circumstances. Of particular importance to the question here
presented is the exemption stated thus: "No provision of this
law shall be construed . . . as prohibiting nursing assistance
in the case of an emergency" K.S.A. 1977 Supp. 65-1124.
Thus a license would not be required where the nursing activity
was conducted in an emergency situation.

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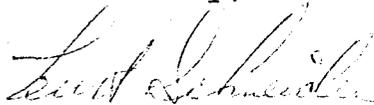
Thus the issue becomes that of determining whether a disaster situation falls within the purview of the term "emergency." The Act does not define "emergency." Absent such provision it has long been a rule of statutory construction in this jurisdiction that ". . . words in common use are to be given their natural and ordinary meaning" *Roda v. Williams*, 195 Kan. 507, 511, 407 P.2d 741 (1965); *State ex rel. v. City of Overland Park*, 215 Kan. 700, 712, 713, 527 P.2d 1340 (1974). See generally, 2A *Sutherland, Statutory Construction*, § 47.28 (4th ed. 1973). *Webster's New Third International Dictionary* (1966) defines "emergency" thus:

". . . an unforeseen combination of circumstances or the resulting state that calls for immediate action: . . . a usually distressing event or condition that can often be anticipated or prepared for but seldom exactly foreseen."

It appears reasonable to conclude that the legislature by employing the term "emergency" clearly intended to encompass such situations as would be considered natural disasters, e.g., earthquakes, floods, and tornadoes.

Accordingly, it is the opinion of this office that individuals provided by the American National Red Cross who otherwise practice professional nursing or practical nursing do not need to be licensed pursuant to the Kansas Nurse Practice Act where such activities are conducted as part of relief assistance given to help mitigate the effects of a natural disaster.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JPS:kj