

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:

BONNIE KEMBLE

Petitioner.

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DECLARATORY RULING

COMES NOW the Alabama Board of Nursing, by and through its Executive Officer, N. Genell Lee, RN, MSN, JD, and issues the following declaratory ruling:

FINDINGS OF FACT

1. On or about March 28, 2011, Kemble submitted to the Alabama Board of Nursing an online application for licensure as a registered nurse by endorsement. In October 2006, Kemble earned an Associate Degree in Nursing from Regents/Excelsior College (Excelsior). The Excelsior Associate Degree in Nursing program does not include clinical learning experiences, but rather offers a Clinical Performance in Nursing Examination. Prior to enrolling with Excelsior, Kemble had received an Associate Degree in Applied Science from the Air University – Community College of the Air Force. This degree program is not a Licensed Practical Nurse Program; however, based on the Community College of the Air Force degree, Kemble was permitted to challenge the Licensed Practical Nurse boards in New York State. Kemble was licensed as an LPN in New York. Following completion of her ADN from Excelsior, Kemble was licensed as an RN by the New York State Education Department, Division of Professional Licensing Services on January 12, 2007. Kemble is currently working toward a BSN from Excelsior.
2. By letter of June 17, 2011, Kemble was informed that she did not meet the requirements for licensure in Alabama because she did not have both theory and clinical in the areas of adult, maternal-infant, pediatric and psychiatric nursing. She was informed that the clinical performance evaluation used by Excelsior is not clinical for purposes of a pre-licensure program. Kemble was informed that she could petition the Board for a declaratory ruling exempting him from the rules that govern licensure and nursing education.
3. On December 14, 2011, the Board received Kemble's petition for a declaratory ruling seeking relief from the Board's rules (Alabama Board of Nursing Administrative Code §§ 610-X-4-.07(1)(c) and 610-X-3-.02(10)(e)) on the grounds of family hardship, and her assertion that her "military training and life experiences at least meet" the Board's practical nursing program requirements.
4. In support of her petition, Kemble indicates that she obtained 11 credit hours of clinical practicums in the Community College of the Air Force. Her transcript from the Community

College of the Air Force shows under "Apprentice Medical Service Spec - Clinic" the following courses: NUR1328 Intro Clinical Practicum, NUR 1329 Medical Unit Practicum, NUR 1330 Surgical Unit Practicum, NUR1331 Obstetrical Unit Practicum, and NUR 1332 Emergency Dept Practicum. She also described having nine years' experience as an LPN on medical/surgical, cardiac step-down units, orthopedic and hospice units, and having six years' experience working as an RN in a community emergency room, during which she has provided care to all ages with various ailments. She described additional training from the Air Force in mass casualty incidents, including search and extraction following terrorist attacks or natural disaster and HAZMAT incidents. Since applying for licensure by endorsement in Alabama, Kemble has also completed the United States Air Force Flight Nurse Course. She also has a letter of support from Excelsior.

CONCLUSIONS OF LAW

1. Kemble is substantially affected by the rules at issue; thus, the Board has jurisdiction to consider the petition for declaratory ruling pursuant to Code of Alabama (1975) § 41-22-11 and Alabama Board of Nursing Administrative Code § 610-X-1-.09.
2. Nursing education programs approved by the Alabama Board of Nursing are required to "provide theoretical and clinical experiences specific to the expected scope of practice of graduates from each type of entry level nursing education program." Alabama Board of Nursing Administrative Code § 610-X-3-.02(10)(d). Programs must provide "[t]heory and clinical learning experiences in the areas of adult, maternal, child, and psychiatric/mental health nursing that includes any form of simulation, laboratory time and direct patient care." Alabama Board of Nursing Administrative Code § 610-X-3-.02(10)(e)(v). Board rules further provide that "nursing programs that offer only simulations or clinical testing do not meet the requirements for providing clinical learning experiences for nursing students." Alabama Board of Nursing Administrative Code § 610-X-3-.02(13).
3. To be eligible for licensure as a registered nurse in Alabama, applicants must have "graduated or successfully completed all requirements for graduation from an approved registered nursing program in Alabama, or an approved registered nursing program located in another jurisdiction or territory that substantially meets the same educational criteria as Alabama programs. Licensure by equivalency does not meet the requirement." Alabama Board of Nursing Administrative Code § 610-X-4-.02(1)(c). See also Code of Alabama (1975) § 34-21-21. Endorsement applicants must "[s]ubmit official evidence of completion of a nursing education program that included theory and clinical experience appropriate to the type program. If the nursing education program did not include clinical experience, the applicant's continuing education and work experience in nursing may be considered at the discretion of the Board." Alabama Board of Nursing Administrative Code § 610-X-4-.07(1)(c).
4. Kemble has not submitted evidence that she graduated from a registered nursing program that substantially meets the same educational criteria as Alabama programs. Specifically, Kemble has not provided evidence that her nursing education program included


clinical learning experiences in the areas of adult, maternal, child, and psychiatric/mental health nursing. The clinical testing that Kemble underwent as a part of her registered nursing education program does not meet Board requirements for clinical learning experiences for nursing students.

5. Although Kemble's Associate Degree in Nursing education program did not include clinical experience, the Board, at its discretion, may consider Kemble's continuing education and work experience in nursing. Having considered the information provided by Kemble, the Board finds that Kemble has failed to demonstrate that she has sufficient clinical experience in the areas of adult, maternal, child, and psychiatric/mental health nursing.

RULING

Kemble's Petition for Declaratory Ruling is denied. Should Kimble submit sufficient evidence of clinical education from an approved school of nursing in the areas of adult, maternal, child, and psychiatric/mental health nursing, her application will be considered.

DONE and ORDERED this the 15th day of December, 2011.

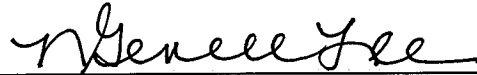


N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER

CERTIFICATE OF SERVICE

I hereby certify that on this the 20th day of December, 2011, a true and correct copy of the foregoing Declaratory Ruling has been served by placing same in First Class United States Mail, postage prepaid and properly addressed, to the following:

Bonnie Kemble
334 Foothill Rd
Winfield AL 35594

A handwritten signature in cursive script, reading "N. Genell Lee", written over a horizontal line.

N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER