

**BEFORE THE ALABAMA BOARD OF NURSING**

**IN THE MATTER OF:** )  
 )  
**ALISON LARME JARTU SHERMAN** )  
 )  
**Petitioner.** )

**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 June 2, 2011, Sherman submitted to the Alabama Board of Nursing an online application for licensure as a practical nurse by endorsement. Sherman received a Practical Nurse Diploma from Professional Healthcare Inc. on December 14, 2007. At the time Sherman graduated from the program, the program was an approved program by the Virginia Board of Nursing. However, the school closed January 13, 2009. Professional Healthcare Inc., the diploma-awarding institution, was not accredited by an organization recognized by the U.S. Department of Education.
2. Sherman was informed by the Board on July 26, 2011, that until the Board received evidence of accreditation through the U.S. Department of Education, Sherman was not eligible for licensure in Alabama.
3. On November 28, 2011, the Board received Sherman's petition for declaratory ruling seeking exemption from the Board's rules requiring accreditation of the educational institution for licensure as an LPN (Alabama Board of Nursing Administrative Code §§ 610-X-4-.02 and 610-X-3-.02(2)(2)(a); see also Code of Alabama 1975, § 34-21-22(b)(2)).
4. In support of her petition, Sherman asserts that she has successfully passed the NCLEX-PN®, thus proving that she has enough training and knowledge for the profession. She also asserts that she has worked as an LPN for four years, and that she has "a college degree and still continuing to further [her] education."

**CONCLUSIONS OF LAW**

1. Sherman 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. To be eligible for licensure as a practical nurse by endorsement, a nurse must show that he/she has "graduated or successfully completed an approved practical nursing program in Alabama, or an approved practical nursing program located in another jurisdiction or territory that substantially meets the same educational criteria as Alabama program." Alabama Board of Nursing Administrative Code § 610-X-4-.02(1)(d). Further, the Alabama Nurse Practice Act provides that for licensure by endorsement, the Board may issue the license if "in the opinion of the board, such applicant meets the requirement for licensed practical nurse in this state at the time of his or her graduation." Code of Alabama 1975, § 34-21-22(b)(2). In order to be an approved nursing education program in Alabama, the program's governing institution must be "accredited by an organization recognized by the U.S. Department of Labor." Alabama Board of Nursing Administrative Code § 610-X-3-.02(2)(a).

3. Sherman has not submitted evidence that she has graduated from a licensed practical nursing program whose governing organization is accredited by an organization recognized by the U.S. Department of Education; however, her program was approved by the Virginia Board of Nursing at the time of her graduation from the program.

#### RULING

Sherman's Petition for Declaratory Ruling is approved and Sherman is permitted to apply for licensure as an LPN by endorsement.

DONE and ORDERED this the 15<sup>th</sup> day of December, 2011.



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

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 20<sup>th</sup> 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:

Alison Sherman  
4588 Lilly Ln  
Montgomery AL 36116



---

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