

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:)
)
CORAZON ALVARADO) **PETITION FOR**
) **DECLARATORY RULING**
RN ENDORSEMENT APPLICANT)
)
Petitioner.)

DECLARATORY RULING

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

QUESTION PRESENTED

May Alvarado be licensed as a registered nurse by endorsement from the state of New Jersey despite having graduated from a foreign nursing school and having not complied with the requirement of Alabama Board of Nursing Administrative Code § 610-X-4-.06(6) by providing certification from the Commission on Graduates of Foreign Nursing Schools (CGFNS)?

FINDINGS OF FACT

1. On August 25, 2013, Alvarado submitted an application for licensure by endorsement. On this application, Respondent listed her date of graduation as May 5, 1973 and her degree as Bachelor's Degree. She further indicated that the program code for her school was 99-425, which is the NCLEX program code for programs in the Philippines.
2. Alvarado has provided educational transcripts demonstrating that she earned a Bachelor of Science in Nursing from the University of the Philippines on May 16, 1973, and a Masters of Arts in Nursing with a specialization in Teaching of Nursing from New York University on February 25, 1980. She also has additional course work from Rutgers University (formerly University of Medicine and Dentistry of New Jersey). Alvarado has also represented that she passed her certification examination from ANCC in 1996, and has practiced as an advanced practice nurse in New Jersey since 1996.
3. Alvarado has not submitted a certification from CGFNS, but she has represented in writing to Board staff that she completed the CGFNS process prior to her entry into the Master's Program at New York University.
4. On October 24, 2013, the Board received a petition for declaratory ruling from Alvarado, pursuant to which she requested that the Board waive the requirement that Alvarado provide a certificate from CGFNS due to the expense and delay in licensure associated with obtaining the certificate.
5. Alvarado asserts that the CGFNS requirement should be waived because she has passed NCLEX, has practiced as a RN in the United States since 1975, has completed a Masters in Nursing from NYU and post master's degree education from UMDNJ/Rutgers, has received a MBA from Walden University, has passed certification for advanced practice nursing through ANCC in 1996, and has functioned as a board certified advanced practice nurse since 1996 in New Jersey.

JURISDICTION

Pursuant to Section 41-22-11 of the Code of Alabama (1975), the Alabama Board of Nursing has jurisdiction to issue declaratory rulings with respect to the validity of a rule, with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by it, or with respect to the meaning and scope of any order of the agency, if a written petition for declaratory ruling is filed by a person who states with specificity the reason why the person is substantially affected by the rule at issue. See also Alabama Board of Nursing Administrative Code § 610-X-1-.09. Alvarado has identified the rule at issue as Alabama Board of Nursing Administrative Code § 610-X-4-.06 and has identified the reasons why she is substantially affected by the rule.

CONCLUSIONS OF LAW

1. Applicants for licensure who are graduates of foreign nursing schools are required to pass the same licensure examination as applicants for licensure by examination in Alabama, be a graduate of a nursing education program approved by the proper authorities in the country where the program is located, meet the requirements for nursing program content employed as criteria for approval in Alabama at the time of the applicant's graduation, correct any educational deficiencies by taking additional courses, as directed by the Board, complete secondary school or its equivalent, provide certification from the CGFNS, which includes a certificate and a full course-by-course report, and submit an electronic completed application and required fees. 610-X-4-.06(1) through (7).

2. Alvarado's passage of NCLEX, licensure in New Jersey for more than 30 years, receipt of an advanced degree from a university in the United States, Board certification from ANCC, and more than 15 years of practice as a board-certified advanced practice nurse in New Jersey, combined with her representation that she completed the CGFNS process prior to her admission to NYU, indicate that Alvarado has substantially complied with the Board's requirements for licensure of persons who have graduated from foreign nursing schools.

RULING

Alvarado's petition for declaratory ruling is **GRANTED**, and Alvarado is **EXEMPT** from the requirement that she obtain a CGFNS certificate and full course-by-course report in order to be eligible for licensure as a RN by endorsement.

DONE and **ORDERED** on this the 14th day of November, 2013.

ALABAMA BOARD OF NURSING

*Original Signed and On
File*

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