

**BEFORE THE ALABAMA BOARD OF NURSING**

IN THE MATTER OF: )  
 )  
 )  
**CYNTHIA BARGINERE, MSN, RN** )  
 )  
 )  
**Petitioner.** )

**PETITION FOR  
DECLARATORY RULING**

**ORDER**

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

**FINDINGS OF FACT**

1. On October 13, 2005, Petitioner, Cynthia Barginere, MSN, RN, Associate Vice President/Chief Nursing Officer, UAB Hospital, Birmingham, Alabama, submitted to the Alabama Board of Nursing a written request related to certification of clinical nurse specialists in the area of obstetrics. Specifically, an exemption or other relief from Alabama Board of Nursing Administrative Code § 610-X-9-.07 was requested in view of the fact that there is no certification examination for obstetrical clinical nurse specialists.

Pursuant to Alabama Board of Nursing Administrative Code § 610-X-9-.07(c), qualifications for approval to practice as a clinical nurse specialist include the following:

(c) Effective January 1, 2005, certification by a national certifying agency recognized by the Board in the clinical specialty consistent with educational preparation and appropriate to the area of practice.

Pursuant to Alabama Board of Nursing Administrative Code § 610-X-9-.08(3), the applicant for approval to practice as a clinical nurse specialist shall submit to the Board:

(3) Official evidence of current national certification as a clinical nurse specialist by a national certifying agency recognized by the Board.

Pursuant to Alabama Board of Nursing Administrative Code § 610-X-9-.09(2):

(2) Only those registered nurses whose credentials have been approved by the Board may hold themselves out to be clinical nurse specialists, use the designation "CNS" or use titles to imply that they are clinical nurse specialists

Pursuant to Alabama Board of Nursing Administrative Code § 610-X-9-.10. The clinical nurse specialist shall practice in accordance with the standards and functions identified by the appropriate specialty certifying body as recognized by the Board of Nursing and as congruent with Alabama law.

2. An appropriate clinical nurse specialist certification examination does not exist for obstetrical clinical nurse specialists. The Petitioner herein requests that obstetrical clinical nurse specialists not be required to take a national certification until such time an examination is available.

**CONCLUSIONS OF LAW**

3. The Alabama Board of Nursing has the authority to issue a declaratory ruling pursuant to Alabama Board of Nursing Administrative Code § 610-X-1-.11.

4. The Petitioner, as chief nursing officer of UAB Hospital, an employer of obstetrical clinical nurse specialists, is substantially affected by Alabama Board of Nursing Administrative Code § 610-X-9-.07(c), § 610-X-9-.08(3), § 610-X-9-.09(2), and § 610-X-9-.10.

### **RULING**

The Alabama Board of Nursing will grant relief from certification for those obstetrical clinical nurse specialists who make application, as long as they meet all other criteria of the Alabama Board of Nursing Administrative Code and until such time that a national certification examination is available.

**DONE** and **ORDERED** this the 19th day of November 2005.  
**ALABAMA BOARD OF NURSING**

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