

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:) **PETITION FOR**
)
SHERRY FOSTER, RN) **DECLARATORY RULING**
MELISSA HEARN, MSN, RN
MARIE LEPORE, RN)
DEBRA SHEW, RN)
Petitioner.)

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 December 12, 2006, pursuant to *Alabama Board of Nursing Administrative Code*, § 610-X-1-.09, the Petitioners, Sherry Foster, RN, DON of Traylor Retirement Community, Melissa Hearn, MSN, RN, LNHA, CQRMS of Limestone Health Facility, Marie Lepore, RN, DON of Elba General Hospital and Nursing Home and Debra Shew, RN, ADON of Gadsden Health & Rehab Center, filed separate petitions for declaratory rulings from the Alabama Board of Nursing. The requests sought relief from Rule § 610-X-6-.11 regarding IV therapy practice by a Licensed Practical Nurse (LPN).
2. The Petitioners seek relief from having a Registered Nurse (RN) present “at all times” twenty-four (24) hours per day for the administration of IV therapy. All of the Petitioners maintain that their residents require IV therapy for the purposes of hydration and antibiotic therapy and that it causes an undue hardship to have on site supervision by a RN at all times.
3. Pursuant to *Alabama Board of Nursing Administrative Code*, § 610-X-6-.11(2)(a), the minimum requirements for a licensed practical nurse to perform IV therapy includes on site supervision by a registered nurse at any time IV therapy is performed by a licensed practical nurse. The registered nurse is required to be physically present and immediately available in the facility.

CONCLUSIONS OF LAW

1. The Alabama Board of Nursing has the authority to issue this declaratory ruling pursuant to *Alabama Board of Nursing Administrative Code*, § 610-X-1-.09.
2. The Petitioners are substantially affected by *Alabama Board of Nursing Administrative Code*, § 610-X-6-.11(2)(a), which requires that a Registered Nurse to be physically present and immediately available in the facility at any time IV therapy is performed.
3. The Petitioners require a ruling from the Alabama Board of Nursing seeking relief from the requirements of the rule.
4. On January 18, 2007, the Alabama Board of Nursing amended the existing rule to provide that a Registered Nurse has to be present only when IV push therapy is provided by a LPN. The amended rule also provides that IV flush may be done without the presence of a Registered Nurse. Specifically, Heparin (10 units:1/ml) flush or Saline flush via a peripheral IV line is not prohibited by these rules.

RULING

The Alabama Board of Nursing has the authority, pursuant to *Alabama Board of Nursing Administrative Code* § 610- X-1-.09 to grant relief from a Board rule upon receipt of sufficient proof with respect to the applicability of the rule to any person or particular fact situation.

The Petitions for a Declaratory Ruling are hereby granted consistent with the amendments made to the LPN IV Therapy rules until such time as the rules become effective.

DONE and **ORDERED** this the 19th day of January 2007.
ALABAMA **BOARD** **OF** **NURSING**

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