

**BEFORE THE ALABAMA BOARD OF NURSING**

**IN THE MATTER OF:** ) **PETITION FOR**  
 )  
**JAMES NOLAND** ) **DECLARATORY RULING**  
**RN, MSN, CEN** )  
 )  
**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 May 10, 2007, pursuant to *Alabama Board of Nursing Administrative Code*, § 610-X-1-.09, the Petitioner, James Noland, RN, MSN, CEN, filed a petition for a declaratory ruling from the Alabama Board of Nursing.
- 2. The May 10, 2007 petition submitted to the Alabama Board of Nursing requested clarification with respect to the applicability of the following rule: Rule 610-X-6-.03 (2) (e) of the *Administrative Code* Standards of Practice, Practice of Professional Nursing.

**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. Petitioner is substantially affected by *Alabama Board of Nursing Administrative Code*, § 610-X-6-.03(2)(e) which serves to provide direction to registered nurses regarding delegation of selected nursing functions to unlicensed assistive personnel. Petitioner is a registered nurse practicing as an educator in an emergency department setting and requires a ruling from the Alabama Board of Nursing as to the interpretation of relevant Alabama law regarding his practice as it relates to delegation of the act of peripheral venous phlebotomy to unlicensed assistive personnel who had successfully completed an established curriculum of instruction that included both classroom and clinical instruction specific to the act of peripheral venous phlebotomy.
- 3. The Petitioner cited *Alabama Board of Nursing Administrative Code*, § 610-X-6-.03 (2) (e), which provides that “Competence in the practice of nursing by a registered nurse shall include, but is not limited to: delegation of selected nursing functions to others in accordance with the education and demonstrated competence of the persons. Tasks delegated to unlicensed assistive personnel shall not require the exercise of independent nursing judgment or intervention. Selected nursing functions that may not be delegated include but are not limited to performance of invasive or sterile procedures or administration of medications except as provided in § 610-X-6-.06-.07.”
- 4. The specific question is: whether the delegation of peripheral venous phlebotomy, which is an invasive procedure that does not require the use of sterile technique, to unlicensed assistive personnel is in violation of *Alabama Board of Nursing Administrative Code*, § 610-X-6-.03 (2)(e).

**RULING**

The Petition for a Declaratory Ruling is hereby granted as to clarification of the rule as follows. The Alabama Board of Nursing hereby rules that a licensed nurse would not be in violation of Rule 610-X-6-.03(2) (e) if the licensed nurse delegated the act of peripheral venous phlebotomy for laboratory analysis to unlicensed assistive personnel who had successfully completed an established curriculum of instruction that included both classroom and clinical instruction.

**DONE** and **ORDERED** this the 10th day of May 2007.  
**ALABAMA BOARD OF NURSING**

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