

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:) PETITION FOR
)
JENNIFER)
BONDURANT, RN, MSN) DECLARATORY RULING
License No. 1-078522,)

and

HOLLY CALE, RN
License No. 1-057555,

Petitioners.)

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 June 1, 2007 and June 19, 2007, pursuant to *Alabama Board of Nursing Administrative Code*, § 610-X-1-.09, the Petitioners, Jennifer Bondurant, RN, MSN, and Holly Cale, RN, filed petitions for a declaratory ruling from the Alabama Board of Nursing.
2. The petitions submitted to the Alabama Board of Nursing requested clarification with respect to the scope of practice of a Registered Nurse.
3. The Petitioners submitted that the new Centers for Medicare/Medicaid Services (CMS) federal regulations state the following: " we have revised the regulatory language to broaden the types of practitioners who may conduct the one-hour, face-to-face evaluation to include a trained RN or PA unless superseded by State law."
4. The specific question is: whether it is within the scope of practice for a Registered Nurse licensed in Alabama to perform the one-hour, face-to-face evaluation for patients placed in restraint and/or seclusion?
5. *Alabama Board of Nursing Administrative Code*, § 610-X-6-.03(3)(c) and (d) provides that: "The scope of an individual Registered Nurse’s level of practice includes but is not limited to state and federal statutes and regulations and state and national standards appropriate to the type of practice."

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. Petitioners may be substantially affected by the new regulation if they perform evaluations contrary to state law § 610-X-6-.03(3)(c)(d).

RULING

The Petition for a Declaratory Ruling is hereby granted as to clarification of the scope of practice as follows. The Alabama Board of Nursing hereby rules that it is within the scope of practice for a Registered Nurse to perform the one-hour, face-to-face evaluation for patients placed in restraint and/or seclusion as it is not contrary to state law.

**DONE and ORDERED this the 12th day of July 2007.
ALABAMA BOARD OF NURSING**

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