

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:) PETITION FOR
JENNIFER GODWIN, LICENSE NO. 1-097197) DECLARATORY RULING
Petitioner.)

DECLARATORY RULING

COMES NOW the Alabama Board of Nursing, by and through its Executive Officer Peggy Sellers Benson, RN, MSHA, MSN, NE-BC, and issues the following ruling:

QUESTION PRESENTED

Pursuant to Alabama Board of Nursing Administrative Code § 610-X-9-.07 and 610-X-9-.09, may Godwin be granted relief from certification for Maternal-Infant clinical nurse specialist until such time as a national certification examination is available and be authorized to use the designation "CNS" to imply that Godwin is a clinical nurse specialist?

FINDINGS OF FACT

1. By petition dated November 5, 2018, Jennifer Godwin, a licensed registered nurse in Alabama, submitted a petition for declaratory ruling.
2. Godwin seeks a declaratory ruling that she be allowed to utilize the CNS credential without having obtained a CNS certification because no CNS certification examination exists for Maternal Infant Clinical Nurse Specialist.
3. In 2010, Godwin was awarded a Masters of Science in Nursing (MSN) - Maternal Infant from Troy University, following the Clinical Nurse Specialist track, with a clinical major of Maternal Infant Health Nursing and a role option of Educator. Godwin completed 705 clinical hours in a variety of settings including antepartum unit, labor and delivery, post-anesthesia care unit, postpartum, well-baby nursery, and intensive care nursery.
4. Godwin is currently enrolled in a Doctor of Nursing Practice program at Troy University, Montgomery, Alabama, with an anticipated completion date of 2019. She has been employed as a Clinical Instructor with Troy University in the areas of Pediatrics and Maternal-Infant since 2017. From 2006 to the present she has been employed as an Instructor and/or Clinical Instructor at Wallace Community College, teaching adult health nursing, high risk obstetrics, health assessment, and maternal and infant nursing. From 2002-2009, she was employed at a medical center, where she became proficient in labor and delivery, well-baby and intensive care nursery, postpartum, and high-risk obstetric transport.

5. She holds, or has held, certifications as a Certified Lactation Counselor and Lamaze Certified Childbirth Educator. She has completed courses on Breastfeeding Educator Workshop (2009, 2012) and AWHON Intermediate Fetal Monitoring course (2016). She is a member of the Association of Women's Health, Obstetric and Neonatal Nursing (AWHONN).
6. No Maternal-Infant Clinical Nurse Specialist national certification exists.

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. Godwin is substantially affected by the Board's rule regarding Clinical Nurse Specialist practice.

CONCLUSIONS OF LAW

1. A petition for declaratory ruling to the Alabama Board of Nursing should state the name and address of the petitioner, a statement of facts sufficient to show that the petitioner is substantially affected by the rule, and identification of the rule, statute or order and the reasons for the questions. Alabama Board of Nursing Administrative Code § 610-X-1-.09. Petitioner has satisfied these requirements.
2. Section 34-21-81(4)(d) of the Code of Alabama (1975) provides:

(4) **ADVANCED PRACTICE NURSING.** The delivery of health care services by registered nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that prepares nurses for advanced practice roles as certified registered nurse practitioners, certified nurse midwives, certified nurse anesthetists, and clinical nurse specialists:

d. Practice of clinical nurse specialist (CNS) nursing means the performance of nursing skills by a registered nurse who, through study and supervised practice at the graduate level and as evidenced by certification, has advanced knowledge and practice skills in a specialized area of practice, except that a clinical nurse specialist may not do any of the following:

1. Perform delegated medical acts or engage in collaborative practice as described in this article.
2. Perform any of the functions of a certified registered nurse practitioner or a certified nurse midwife as described in this article and the regulations adopted under this article, whether or not performed within a collaborative practice relationship.

3. Prescribe drugs of any type. A clinical nurse specialist may perform nursing services permitted under this subdivision as an independent contractor.

Section 610-X-9-.07 of the ABN Administrative Code sets forth the following qualifications for approval to practice as a Clinical Nurse Specialist.

- (1) An applicant for approval to practice as a clinical nurse specialist shall have:
 - (a) An active Alabama registered nurse license. Initial applicants shall have an unencumbered active Alabama registered nurse license unless authorized by the Board.
 - (b) A master's or higher degree, or post-master's certificate, in nursing from an accredited educational institution in a curriculum designed to prepare clinical nurse specialists.
 - (c) 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.

Section 610-X-9-.09 of the ABN Administrative Code states:

- (1) The Board of Nursing may grant approval for advanced practice nursing as a clinical nurse specialist to applicants who meet the requirements of Chapter 610-X-9-.07 and .08.
- (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.

Section 610-X-9-.07(2) of the ABN Administrative Code provides further that "[t]he registered nurse seeking approval as a clinical nurse specialist in a specialty for which no national certification examination is available may petition the Board for a declaratory ruling pursuant to Rule 610-X-1-.09."

RULING

The Petition for a Declaratory Ruling is hereby granted, and the Alabama Board of Nursing hereby rules as follows:

1. Godwin has an active, unencumbered Alabama RN license and a Master's degree in nursing from an accredited educational institution in a curriculum designed to prepare clinical nurse specialists. No national certification examination currently exists for Maternal-Infant Clinical Nurse Specialist, which was the focus of Godwin's Master's degree.
2. Based on an individual review of Godwin's specific education and clinical experience, and because there is no CNS certification examination available, the ABN will permit Godwin to use the credential Clinical Nurse Specialist (CNS) – Maternal-Infant upon receipt of documentation that Godwin has obtained and continues to maintain certification from the National Certification Corporation in Inpatient Obstetric Nursing.
3. During her practice as a CNS – Maternal-Infant based on the NCC Inpatient Obstetric Nursing certification, Godwin will be required to comply with all applicable standards and scope of practice, congruent with Alabama law, and additionally adhere (as congruent with Alabama law) to the AWHONN/National Association of Clinical Nurse Specialist

(NACNS) Women's Health CNS Competencies but with a scope of practice limited to childbearing, lactation and newborn/family adaptation.

4. In the event that a national certification examination in Maternal Infant CNS or a related focus for which Godwin would meet the eligibility criteria becomes available, Godwin will be required to obtain that certification, and her certificate of qualification to engage in practice as a CNS will not be further renewed based on the NCC Inpatient Obstetric Nursing certification.

DONE and **ORDERED** on this the 16th day of November, 2018.

ALABAMA BOARD OF NURSING



PEGGY SELLERS BENSON RN, MSHA, MSN, NE-BC
EXECUTIVE OFFICER