

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:) PETITION FOR
) DECLARATORY RULING
Kimberly Ann Hassler DeVilbiss)
MSN, RN, CNS)
)
License No. 1-063802)
)
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. Pursuant to *Alabama Board of Nursing Administrative Code*, § 610-X-9-.07(1)(c) effective January 1, 2005, qualifications for approval to practice as a Clinical Nurse Specialist (CNS) requires certification by a national certifying agency recognized by the Board.
2. The American Association of Critical Care Nurses, (AACN), is a national certifying agency recognized by the Board for CNS certification. The AACN requires 500 supervised clinical hours in a graduate program prior to examination. The Petitioner will not meet the requirements for qualifications to sit for examination by the national certifying body by the January 1, 2007 deadline.
3. On December 31, 2006, Petitioner's approval to practice as a CNS will lapse.
4. On October 26, 2006, the Petitioner, Kimberly Ann Hassler DeVilbiss, MSN, RN, CNS, submitted to the Alabama Board of Nursing a request for a declaratory ruling seeking relief from the Board's qualifications for approval to practice as a Clinical Nurse Specialist.
5. Specifically, Petitioner seeks an extension of time to obtain 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.

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 Petitioner is substantially affected by *Alabama Board of Nursing Administrative Code*, § 610-X-9-.07(1)(c), which effective January 1, 2007, would deem Kimberly Ann Hassler DeVilbiss, MSN, RN, CNS, unqualified for approval to practice as a CNS.
3. The Petitioner requires a ruling from the Alabama Board of Nursing as to Kimberly Ann Hassler DeVilbiss, MSN, RN, CNS, to extend the time to meet the requirement for national certification.

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 Petition for a Declaratory Ruling is hereby granted until June 1, 2007. The Petitioner may use the designation of CNS until June 1, 2007 at which time Petitioner must establish proof of national certification.

**N. GENELL LEE, RN, MSN, JD
Executive Officer**