

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:) **PETITION FOR A**
)
KIMBERLY ANNE DICKIE JONES) **DECLARATORY RULING**
)
License No. 1-096026 (Lapsed))
)
Petitioner.)

ORDER

Comes now the Alabama Board of Nursing, by and through its Executive Officer, N. Genell Lee, RN, MSN, JD, and following consideration of petitioner's Petition For a Declaratory Ruling, issues the following:

FINDINGS OF FACT

1. The petitioner applied to the Alabama Board of Nursing for licensure as a RN by endorsement in July 2001. The petitioner was issued a Registered Nurse (RN) license by endorsement on October 4, 2001 with an expiration date of December 31, 2002. At the time of licensure, petitioner was informed that she would need thirteen (13) contact hours of continuing education in order to renew her license. Correspondence mailed from the Alabama Board of Nursing to petitioner did not specify a deadline for the earning of the continuing education.
2. A renewal application was mailed to petitioner's address of record in September of 2002 and contained the question, "Did you obtain the thirteen (13) continuing education hours between October 1, 2000 and September 30, 2002 required for active renewal?"
3. The petitioner failed to obtain her 13 hours continuing education until December 2002. Since she did not earn the contact hours within the earning period of October 1, 2000 – September 30, 2002, as specified in § 610-X-2-.10, she was not eligible to renew when she attempted to do so on December 16, 2002.
4. On December 31, 2002, the petitioner's RN license lapsed. In order to reinstate, she will be required to provide evidence of twenty-four (24) contact hours (a maximum of 12 hours can be independent study) earned within twenty-four (24) months of the date the application is received in the Board office. She will also be required to pay the reinstatement fee of \$100 plus the renewal fee of \$60.
5. The petitioner's position is that she should have been allowed to renew her license in December of 2002 due to the Board's failure to tell her about the earning period for continuing education contact hours as set forth in the Alabama Board of Nursing Administrative Code.
6. The Alabama Board of Nursing published this information in its newsletters (two since petitioner was licensed) and on its web site (in the Administrative Code which is on the web site in its entirety and in a section titled *News & Updates*).

CONCLUSIONS OF LAW

7. The Alabama Board of Nursing has jurisdiction over the Petitioner pursuant to Code of Alabama, 1975, § 34-21-2(1)(6); § 34-21-23.

8. The petitioner is substantially affected by Alabama Board of Nursing Administrative Code § 610-X-4-.08 and § 610-X-2-.10 in that her license lapsed due to her failure to obtain continuing education hours within the specified earning period.

9. The Board has the authority, pursuant to Alabama Board of Nursing Administrative Code § 610-X-1-.11, 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.

10. The petitioner has failed to present sufficient evidence so as to justify the granting of relief from enforcement of the Board's rules to her licensure status.

RULING

THEREFORE, IT IS **ORDERED** and **ADJUDGED** that petitioner's Petition for a Declaratory Ruling is denied.

DONE this 17th day of January 2003.

N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER
ALABAMA BOARD OF NURSING