

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:) **PETITION FOR A**
)
Kirk Kevin Leopard) **DECLARATORY RULING**
)
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 June 14, 2004, the Alabama Board of Nursing received from Petitioner a Petition for a Declaratory Ruling seeking relief from Alabama Board of Nursing Administrative Code, § 610-X-4-.01(1)(d) and § 610-X-3-.01(9) which require as eligibility for licensure the following:

Chapter 610-X-4-.01(1)(d) Qualifications for Licensure:

For practical nurse licensure, have successfully completed an approved practical nursing program in Alabama, or an approved practical nursing program located in another jurisdiction or territory that substantially meets the same educational criteria as Alabama programs.

Chapter 610-X-3-.01(9) Standards for Approval (Nursing Education Programs):

The curriculum of a nursing program shall comply with the standards set forth in this section.

2. The Petitioner provided evidence that he has a Bachelor of Science in Healthcare Administration and sixteen (16) months training at the Naval School of Health Science in Connecticut and fourteen (14) months training at the Naval School of Health Science in California. Petitioner stated that he had been a Navy Corpsman for twenty-one years, the last twelve of which he has been an Independent Duty Corpsman on submarines. He stated that he was skilled in Emergency Medicine, Family Practice, Surgical Services, General Medicine and Hyperbaric Medicine. Petitioner requested that he be deemed eligible to sit for the NCLEX-PN Examination.

3. On March 18-19, 2004, the Alabama Board of Nursing voted to deny the request of the Navy Hospital Corpsman Program to consider its graduates eligible to take the NCLEX-PN. The basis for the Board's decision is that the Navy Hospital Corpsman Program fails to substantially meet the same educational criteria required by an approved Alabama Practical Nursing Program.

CONCLUSIONS OF LAW

4. The Alabama Board of Nursing has jurisdiction over the request pursuant to Code of Alabama, 1975, § 34-21-2 and the Alabama Board of Nursing Administrative Code § 610-X-1-.11.

5. The Petitioner is substantially affected by Alabama Board of Nursing Administrative Code § 610-X-4-.01(1)(d) and § 610-X-3-.01(9) as, pursuant to these rules, he is not eligible to attempt to gain licensure in Alabama.

RULING

The Board hereby affirms its decision of March 18-19, 2004 and denies the relief requested by this Petitioner.

DONE this 22nd day of July 2004.

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