

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF) PETITION FOR A
) DECLARATORY RULING
LURLEEN B. WALLACE COMMUNITY)
COLLEGE)
)

COMES NOW the Alabama Board of Nursing, by and through its Executive Officer, N. Genell Lee, MSN, RN, JD, and issues the following ruling:

QUESTION PRESENTED

Whether Lurleen B. Wallace Community College (Petitioner) should be permitted to hire Karen Walker and April Wise as full-time nursing instructors effective August 12, 2010, despite the fact that Walker and Wise are not due to receive their Masters in Nursing degrees until September 11, 2010.

FINDINGS OF FACT

1. In a letter dated May 24, 2010, Monica Cauley, Chair of the Health Science Division of Lurleen B. Wallace Community College, Opp, Alabama, requested a declaratory ruling seeking relief from the rule of the Alabama Board of Nursing which requires all nursing instructors to have a master's degree in nursing or a health-related field.
2. Petitioner provided the vitae of Walker and Wise, as well as statements from South University, Pittsburgh, Pennsylvania, indicating that Walker and Wise are expected to complete the Master of Science in Nursing program on September 11, 2010.
3. Petitioner has represented that the retirement of two of the five instructors from the Practical Nursing Program and the ADN mobility program has resulted in those programs being short two instructors. Allowing Petitioner to hire both nurses in August would permit continuity in its program due to the nurses' previous contact with Petitioner's students in both curricula.
4. A similar request was granted in a declaratory ruling issued to Monica Cauley on September 22, 2006.

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 applicability to any person or state of facts of any rule or statute enforceable by it. See also Alabama Board of Nursing Administrative Code § 610-X-1-.09. Petitioner has stated sufficient facts to show that it is substantially affected by the rule at issue.

CONCLUSIONS OF LAW

1. One of the minimum qualifications of nurse faculty is the requirement of "[a]n earned graduate degree in nursing or a related health field." Alabama Board of Nursing Administrative Code § 610-X-3-.02(6)(b).
2. Petitioner has presented sufficient facts with regard to the educational preparation of Walker and Wise to warrant relief from Alabama Board of Nursing Administrative Code § 610-X-3-.02(6)(b).

RULING

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

1. Petitioner is approved to hire Karen Walker and April Wise as nursing faculty members effective August 12, 2010.
2. No later than October 1, 2010, Petitioner must provide to the Alabama Board of Nursing proof of Walker's and Wise's completion of their Masters Degrees of Nursing. If said proof of completion is not provided by October 1, 2010, said approval shall expire. Said approval terminates October 1, 2010.

DONE and ORDERED on this the __15th__ day of July, 2010.

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