

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:) **PETITION FOR A**
)
Margaret Howak Kornecki) **DECLARATORY RULING**
Endorsement Applicant)
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 was educated as a Registered Nurse (RN) in Poland from 1964 to 1969. The nursing school she attended no longer exists and petitioner has not been able to locate its records. She has been told that they may have been destroyed.
2. In 1989, petitioner met the requirements for licensure, which included providing an original transcript from her nursing school to CGFNS, took and passed the NCLEX-RN examination and was licensed as a RN by the Maryland Board of Nursing. The Maryland Board of Nursing has since destroyed petitioner's school transcript and CGFNS could not locate a file on petitioner.
3. The petitioner has also been licensed as a RN by the Oklahoma and Louisiana Board of Nursing.
4. The petitioner applied to the Alabama Board of Nursing for licensure as a RN by endorsement in April 2003. The petitioner was issued a temporary permit as a RN on August 15, 2003 with an expiration date of November 14, 2003.
5. It would be a substantial and significant cost for the petitioner to travel to Poland to attempt to locate her original transcript from her school of nursing and it is unlikely that such a trip would be fruitful as the school no longer exists and the records are believed to be destroyed.
6. Petitioner has filed a petition for a Declaratory Ruling seeking relief from the Alabama Board of Nursing Administrative Code, § 610-X-4-.05(7) which requires her to have a credentials evaluation from CGFNS. As stated, petitioner cannot produce an original transcript from her nursing school and CGFNS will not accept a copy that was returned to petitioner by the Maryland Board of Nursing after they evaluated her credentials in 1990.

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); § 34-21-21 and Alabama Board of Nursing Administrative Code § 610-X-1-.11.
8. The petitioner is substantially affected by Alabama Board of Nursing Administrative Code §

610-X-4-.05(7) in that she cannot reasonably meet the requirements for licensure by endorsement in Alabama.

9. Petitioner has been a RN for thirty-four (34) years, including twelve (12) years as a licensed RN in the United States of America.

RULING

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

DONE this 18th day of September 2003.

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