

**BEFORE THE ALABAMA BOARD OF NURSING**

**IN THE MATTER OF:** ) **PETITION FOR**  
 )  
**Mary Haynes, RN** ) **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 February 14, 2005, Petitioner, Mary Haynes, RN, submitted to the Alabama Board of Nursing a request for a written determination on whether or not the activities required by OSHA's Respiratory Protection Standard, 29 CFR 1910.134, fall within the scope of nursing practice and if so, which level of nursing practice.
2. Pursuant to Alabama Board of Nursing Administrative Code § 610-X-6-.02 (2) licensed nurses are required to function within their legal scope of nursing practice.

**CONCLUSIONS OF LAW**

1. The Alabama Board of Nursing has the authority to issue a declaratory ruling pursuant to Alabama Board of Nursing Administrative Code § 610-X-1-.11.
2. The petitioner is substantially affected by Alabama Board of Nursing Administrative Code § 610-X-.03 (3) and § 610-X-.04 (3) which, although set forth criteria for determining the scope of an individual nurse's level of practice, does not address the specific issues presented by petitioner

**RULING**

Registered Nurses (RNs) and Certified Registered Nurse Practitioners (CRNPs) may administer the OSHA Respiratory Standard Medical questionnaire within their legal scope of practice.

Registered Nurses (RNs) and Certified Registered Nurse Practitioners (CRNPs) may refer the employee for a medical examination based upon the employee's responses to the medical questionnaire and evaluation of these responses. CRNPs may perform the medical examination if appropriate for their area of practice.

Any employer who is interested in having a LPN administer the medical questionnaire and evaluate the employee's responses there to shall request such approval pursuant to the standardized procedure section of Alabama Board of Nursing Administrative Code , § 610-X-6-.05.

**DONE and ORDERED** this 19th day of May, 2005.  
**ALABAMA BOARD OF NURSING**

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**N. GENELL LEE, RN, MSN, JD**  
**EXECUTIVE OFFICER**