

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:)
)
MARY L. ROBINSON, RN)
)
Petitioner.)

PETITION FOR
DECLARATORY RULING

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. The Petitioner was licensed by the Alabama Board of Nursing (Board) on August 14, 1968 as a Registered Nurse (RN). The Petitioner attended the University of Alabama at Birmingham School of Nursing, Department of Continuing Education, and School of Medicine Department of Obstetrics-Gynecology from March 12, 1973 until August 31, 1973 and in September 19, 1973, received a certificate of completion of the Ob/Gyn Nurse Practitioner Program. In 1983, Petitioner was certified as an Ob/Gyn Nurse Practitioner by NAACOG Certification Corporation, subsequently known as National Certification Corporation (NCC). On December 20, 1983, Petitioner was approved as a Certified Registered Nurse Practitioner (CRNP) by the Board. In 1998, Petitioner's certification title was changed to Women's Health Care Nurse Practitioner by the NCC. Petitioner's certificate expired on March 31, 2001 and the Board has not received notification of recertification.

2. On November 21, 1996, the Petitioner was granted approval by the Board to enter into collaborative practice with prescriptive authority with Dr. Thomas M. Miller, an Ob/Gyn specialist.

3. On July 20, 1998, the Petitioner was granted approval by the Board to enter into a collaborative practice with prescriptive authority with Dr. Claude Quimet, a family practice physician. Petitioner was informed at this time that her practice was limited to the care of Ob/Gyn patients/clients.

4. On September 5, 2000, the Petitioner submitted an application for approval as a CRNP in collaborative practice with Dr. Michael G. Gibson, a specialist in physical medicine and pain management. On October 24, 2000, the Board requested additional information from Petitioner regarding the nature of her potential practice as a Women's Health Care Nurse Practitioner in collaboration with Dr. Gibson with a clinical focus on pain management intervention. No response was provided to that query.

5. On July 7, 2002, the Petitioner filed with the Board a Petition for A Declaratory Ruling pursuant to Alabama Board of Nursing Administrative Code § 610-X-1-.11 seeking relief from Alabama Board of Nursing Administrative Code § 610-X-9-.09(1)(d) on the grounds that her education as a Women's Health Care Nurse Practitioner and her on-the-job training in the office of the Birmingham Pain Center qualify her to practice as a CRNP in collaboration with a pain management specialist in the care of women and men.

CONCLUSIONS OF LAW

1. The Alabama Board of Nursing has jurisdiction over the Petitioner pursuant to Code of Alabama, 1975, § 34-21-84; § 34-21-90.
2. The Petitioner is substantially affected by § 610-X-9-.09(1)(d) in that she is ineligible for approval as a CRNP in collaboration with a pain management specialist in Alabama because she has been certified as a CRNP in Women's Health Care.
3. 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.
4. The Petitioner has failed to present sufficient evidence of a current application for approval as a CRNP and current certification as a Women's Health Care Nurse Practitioner. Further, the Petitioner has failed to provide sufficient documentation of educational preparation or qualifications to practice as a CRNP in a pain specialty practice.

RULING

The Petition for a Declaratory Ruling is denied.

DONE and ORDERED this 17th day of July, 2002.
ALABAMA BOARD OF NURSING

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