

**BEFORE THE ALABAMA BOARD OF NURSING**

**IN THE MATTER OF:** ) **PETITION FOR**  
 ) **DECLARATORY RULING**  
**MICHAEL CARMINE BUFFALO,** )  
**RN, MSN** )  
 )  
**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 July 19, 2001, the Petitioner submitted an application for licensure to practice as a Registered Nurse (RN) by endorsement from Texas. On January 22, 2002, the Petitioner was issued an Alabama RN license. On October 7, 2002, the Petitioner submitted an application for approval as a Certified Registered Nurse Practitioner (CRNP) in collaborative practice with Dr. Robert L. McCauley, a plastic surgeon.
2. The Petitioner is approved to practice as a CRNP in Texas and Louisiana by their respective boards of nursing. His transcript from the University of Texas Medical Branch, Galveston, Texas, reflects course work in the Acute Care Pediatric Nurse Practitioner curriculum
3. The Petitioner stated in his application that, if granted approval by the Alabama Board of Nursing, he would travel to Alabama twice a year with Dr. McCauley to perform follow up care on pediatric burn patients who had been treated at the Shriners Hospital for Children in Galveston, Texas.
4. Alabama Board of Nursing Administrative Code § 610-X-9-.09(1)(b) requires a CRNP in collaborative practice in Alabama to have national certification from the appropriate specialty certifying agency.
5. There is currently no national certifying examination for an Acute Care Pediatric Nurse Practitioner.
6. On November 4, 2002, the Petitioner filed with the Alabama Board of Nursing a petition for a Declaratory Ruling pursuant to Alabama Board of Nursing Administrative Code § 610-X-1-.11 requesting relief from § 610-X-9-.09(1)(b) alleging that, although there is no national certifying examination for an Acute Care Pediatric Nurse Practitioner, he is prepared and qualified by education and practice for approval to practice in such a setting.

**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 Alabama Board of Nursing Administrative Code § 610-X-9-.09(1)(b) in that he is ineligible for approval as a CRNP in an acute care pediatric setting due to his failure to be certified by a national certifying body in that specialty.

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 presented sufficient documentation of qualifications for approval as a Certified Registered Nurse Practitioner (CRNP) in the outlined collaborative practice agreement.

### **RULING**

The Petition for a Declaratory Ruling is hereby provisionally granted until such time as a nurse practitioner examination in pediatric acute care is offered by a national certifying body. Respondent's provisional approval will expire one year from the date the examination is first offered. This does not relieve Petitioner from compliance with all other requirements and regulations regarding renewal of licensure and CRNP approval.

**DONE** and **ORDERED** this 14<sup>th</sup> day of November, 2002.  
**ALABAMA BOARD OF NURSING**

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