

**BEFORE THE ALABAMA BOARD OF NURSING**

**IN THE MATTER OF** )  
 ) **PETITION FOR**  
**MONICA CAULEY, RN, MSN** ) **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 September 1, 2006, the Petitioner, Monica Cauley, Chair of the Health Science Division of the Lurleen B. Wallace Community College, submitted to the Alabama Board of Nursing a request for a declaratory ruling seeking relief from the Board's rule requiring nursing faculty to have a master's degree in nursing or other health related field.
  
2. The Petitioner seeks to employ Joy Butler, RN, BSN, as a nursing faculty member. Ms. Butler lacks two courses in her master's in nursing program. Ms. Butler filed her notice of intent to graduate at Troy University in May 2006. Ms. Butler's anticipated graduation date is May 2007.
  
3. Pursuant to *Alabama Board of Nursing Administrative Code*, § 610-X-3-.01(5)(c), faculty in a nursing education program shall have a graduate degree in nursing or other health-related field no later than January 1, 2005.

**CONCLUSIONS OF LAW**

1. The Alabama Board of Nursing has the authority to issue this 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-3-.01(5)(c), which could deem Joy Butler, RN, BSN, as unqualified to teach in a nursing program in the State of Alabama since she does not yet have a graduate degree in nursing.
  
3. The Petitioner requires a ruling from the Alabama Board of Nursing as to whether Joy Butler, RN, BSN, can be employed as a nursing faculty member from September 2006 through May 2007.

**RULING**

The Alabama Board of Nursing 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.

Lurleen B. Wallace Community College, Opp, Alabama, has presented sufficient facts with regard to the educational preparation of Joy Butler so as to warrant relief from § 610-X-3-.01(5)(c).

Lurleen B. Wallace Community College may employ Joy Butler, RN, BSN, from September 2006 through May 2007. Proof of Joy Butler's completion of the graduate program in nursing is required no later than June 1, 2007. Failure to provide proof of completion of the graduate program shall result in expiration of this approval. This approval shall terminate on June 1, 2007.

**DONE and ORDERED** this the 22nd day of September 2006.  
**ALABAMA BOARD OF NURSING**

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