

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:)	
)	
AMY THERESA PFEIL NEIMKIN)	PETITION FOR
)	DECLARATORY RULING
ABN LICENSE NO. 1-044084; CRNA)	
)	
Petitioner.)	

DECLARATORY RULING

COMES NOW the Alabama Board of Nursing (Board), by and through its Executive Officer, N. Genell Lee, MSN, RN, JD, and issues the following ruling:

QUESTION PRESENTED

Does Section 22-21-9(a) of the Code of Alabama sufficiently inform the public and promote patient safety, and is it valid for advanced practice registered nurses?

FINDINGS OF FACT

1. Neimkin was licensed by the Board as registered nurse by endorsement from the state of Massachusetts on May 23, 1983. Neimkin was awarded a certificate of qualification to engage in advanced practice nursing as a Certified Registered Nurse Anesthetist on May 23, 1985. Both her RN license and CRNA approval are active through December 31, 2014.
2. On September 17, 2013, the Board received a Petition for Declaratory Ruling (Petition) from Neimkin, wherein Neimkin asked whether Section 22-21-9(a) of the Code of Alabama is sufficient to inform the public and promote patient safety, and requested that the Board issue a declaratory ruling with respect to its validity for advanced practice registered nurses.
3. In her petition, Neimkin writes that University Hospital system in Birmingham, Alabama, has decided that all nurses, regardless of their advanced practice status, will have their first name in large letters in the middle of their identification badge, followed by "RN." Below this identification, in a much smaller font, will be the job title (CRNA, CRNP, etc.). Above will be the full name and any credentials. Neimkin asserts that this name badge format will misrepresent her education, training, and scope of practice, and potentially mislead and confuse the public and implicate patient safety concerns.

JURISDICTION

Pursuant to Section 41-22-11 of the Code of Alabama (1975), the Alabama Board of Nursing has jurisdiction to issue declaratory rulings with respect to the validity of a rule, with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by it, or with respect to the meaning and scope of any order of the agency, if a written petition for declaratory ruling is filed by a person who states with specificity the reason why the person is substantially affected by the rule at issue. (emphasis added); see also Alabama Board of Nursing Administrative Code § 610-X-1-.09.

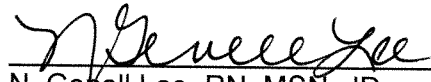
Section 22-21-9(a) of the Code of Alabama (1975) states: "Each healthcare provider and facility in Alabama which employs or contracts for the employment of one or more registered nurses shall require each registered nurse to wear a name tag, badge, or pin with the letters "R.N." printed on the name tag, badge, or pin while the nurse is providing direct patient care." This section places the burden on the "healthcare provider and facility in Alabama which employs or contracts for the employment of one or more registered nurses." The Board does not have jurisdiction over healthcare providers and facilities; rather, the Board's enforcement authority is limited to licensees of the Board and nursing education programs. Thus, it is not within the jurisdiction of the Board to issue a declaratory ruling regarding the applicability of this statute to advanced practice registered nurses.

RULING

Because the Board lacks jurisdiction over this matter, Neimkin's petition for declaratory ruling is denied.

DONE and ORDERED on this the 19th day of September, 2013.

ALABAMA BOARD OF NURSING



N. Genell Lee, RN, MSN, JD