

**BEFORE THE ALABAMA BOARD OF NURSING**

<b>IN THE MATTER OF:</b>	)	<b>PETITION FOR A</b>
	)	
<b>STEPHANIE MITCHELL</b>	)	<b>DECLARATORY RULING</b>
<b>MSN, RN</b>	)	
	)	
<b>License No. 1-046546</b>	)	
<b>Petitioner.</b>	)	

**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 March 26, 2007, pursuant to *Alabama Board of Nursing Administrative Code*, § 610-X-1-.09, Stephanie C. Mitchell, as Director of the Nursing Program at Southern Community College (SCC), Tuskegee, Alabama, filed a petition for declaratory ruling from the Alabama Board of Nursing.
  
2. Pursuant to *Alabama Board of Nursing Administrative Code*, § 610-X-3-.01(2), Standards of Approval, effective August 26, 2002, the institution offering the nursing education program shall hold accreditation by a nationally recognized educational accrediting body.
  
3. Effective February 12, 2007, SCC was dropped from accredited status by the Council on Occupational Education (COE).
  
4. This request specifically seeks relief from the Board's requirement requiring that applicants for practical nurse licensure successfully complete an approved practical nursing program in Alabama that is accredited.
  
5. The March 26, 2007 petition submitted to the Alabama Board of Nursing specifically seeks relief from the Board to allow the 33 students who completed the LPN program at SCC on March 17, 2007 to take the National Council Licensure Examination (NCLEX-PN)®

**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-.09.
  
2. The Alabama Board of Nursing has jurisdiction over Southern Community College (SCC) Nursing Program pursuant to *Code of Alabama* § 34-21-2( c )(2), 1975.
  
3. The 33 students who graduated on March 17, 2007 from the LPN program are substantially affected by *Alabama Board of Nursing Administrative Code*, § 610-X-3-.01(2), which provides that the institution offering the nursing education program shall hold accreditation by a nationally recognized educational accrediting body.

## **RULING**

The Alabama Board of Nursing has the authority, pursuant to *Alabama Board of Nursing Administrative Code* § 610- X-1-.09 to issue a declaratory ruling with respect to the validity of a rule upon receipt of a petition with respect to the applicability of the rule to any person or particular fact situation.

The Petition for a Declaratory Ruling is hereby granted to allow the 33 students who graduated from Southern Community College on March 17, 2007 to take the National Council Licensure Examination (NCLEX-PN)®.

**DONE** and **ORDERED** this the 18th day of April 2007.

### **ALABAMA BOARD OF NURSING**

---

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

## **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 18<sup>th</sup> day of April 2007, a true and correct copy of the foregoing Declaratory Ruling was served by forwarding the same by United States mail, first class postage prepaid, and addressed as follows:

Stephanie C. Mitchell  
8600 Fairhaven Lane  
Montgomery, Alabama 36117

### **ALABAMA BOARD OF NURSING**

---

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

ADDRESS OF COUNSEL:  
RSA Plaza, Suite 250  
770 Washington Avenue  
Montgomery, Alabama 36104  
334-242-4341