

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:)	
)	
SARAH OWENS WATTS)	PETITION FOR
ABN LICENSE NO. 1-105715)	DECLARATORY RULING
)	
Petitioner.)	

DECLARATORY RULING

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

QUESTION PRESENTED

May Watts defer until completion of her doctoral degree the requirement of her scholarship agreement that she teach nursing as a full-time faculty member for at least one year in an Alabama college or university immediately following completion of the graduate program for which she received her scholarship?

FINDINGS OF FACT

1. Watts holds an active registered nurse license in the state of Alabama.
2. On October 13, 2010, Watts signed an Alabama Board of Nursing Scholarship to Educate Nursing Instructors Agreement (Agreement). Pursuant to this agreement, Watts was awarded a scholarship for her graduate study – specifically, her Masters of Science in Nursing at Samford University. This Agreement required that Watts “shall teach nursing as a Full Time Faculty Member for at least one year in an Alabama college or university immediately following completion of the graduate program and shall cause said Alabama college or university to verify such employment in writing to the Board.”
3. The Nurse Practice Act requires that nurses who receive a post-baccalaureate scholarship “practice professional nursing in the state of Alabama for at least one year after completing the course in graduate study.” Code of Alabama 1975, § 34-21-61. Because Watts received a scholarship from moneys expressly earmarked for scholarships for nurse educators, Watts’s practice requirement is specific to teaching in a nursing program.
4. In August 2012, Watts received her MSN from Samford University. That same month, Watts enrolled full-time in a Ph.D. in nursing program at Mercer University in Georgia. Watts expects to complete her Ph.D. in two to three years.
5. On November 8, 2012, the Board received a petition for a declaratory ruling from Watts, wherein she asks the Board to defer the requirement that she be employed immediately upon graduation as a full-time instructor in an Alabama nursing program for one year. Watts’s request is based upon her immediate enrollment in further graduate education in nursing.

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. See also Alabama Board of Nursing Administrative Code § 610-X-1-.09.

CONCLUSIONS OF LAW

1. A petition for declaratory ruling to the Alabama Board of Nursing should state the name and address of the petitioner, a statement of facts sufficient to show that the petitioner is substantially affected by the rule, and identification of the rule, statute or order and the reasons for the questions. Alabama Board of Nursing Administrative Code § 610-X-1-.09. Respondent has provided her name and address and a statement of facts showing she is substantially affected by the rule, and she has identified the rule as Alabama Board of Nursing Administrative Code § 610-X-11-.02.
2. Section 610-X-11-.02(1) of the Alabama Board of Nursing Administrative Code requires that a nurse receiving a post-baccalaureate scholarship practice nursing for at least one year in Alabama immediately following completion of the graduate program. Pursuant to the terms of her Agreement, Watts is required to practice specifically as a full-time faculty member at an Alabama nursing school.
3. Section 610-X-11-.02(3) of the Alabama Board of Nursing Administrative Code requires that a nurse receiving a scholarship complete the course of study for which the scholarship was approved within a reasonable length of time. Watts has completed the course of study for which the scholarship was approved.
4. Section 610-X-11-.02(6) of the Alabama Board of Nursing Administrative Code permits the Board to modify or extend the conditions on an individual basis.
5. Although Watts has completed the course of study for which her scholarship was awarded, the MSN is not a terminal degree. Watts has now enrolled in a terminal degree program – the Ph.D. in nursing program at Mercer University. This continued pursuit of a higher degree in nursing may be considered a continuation of her “graduate program.”

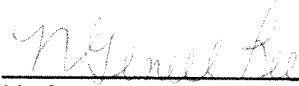
RULING

The Petition for a Declaratory Ruling is hereby granted, and the Alabama Board of Nursing hereby rules as follows:

Watts’s full-time enrollment in the Ph.D. in Nursing Program at Mercer University constitutes a continuation of the graduate program for which she was granted a nursing education post baccalaureate scholarship. Therefore, the requirement that Watts teach full-time in an Alabama nursing program for one year following completion of her graduate program may be deferred until either (1) she completes the Ph.D. program at Mercer University or (2) she ceases to be enrolled full-time in the Ph.D. program at Mercer University, whichever comes first.

DONE and **ORDERED** on this the 13th day of December, 2012.

ALABAMA BOARD OF NURSING

A handwritten signature in cursive script, appearing to read "N. Genell Lee", written in black ink.

N. Genell Lee, RN, MSN, JD