

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:)
)
KHADIJA TRENT) **PETITION FOR**
) **DECLARATORY RULING**
RN EXAMINATION APPLICANT)
)
Petitioner.)

DECLARATORY RULING

COMES NOW the Alabama Board of Nursing (Board), by and through its Executive Officer, Peggy S. Benson, and issues the following ruling:

QUESTION PRESENTED

May Trent be made eligible to test for licensure as a RN in Alabama despite having graduated from a foreign nursing school and having not complied with the requirement of Alabama Board of Nursing Administrative Code § 610-X-4-.06(6) by providing certification from the Commission on Graduates of Foreign Nursing Schools (CGFNS)?

FINDINGS OF FACT

1. On May 1, 2017, Trent submitted an application for licensure as a RN by examination. On this application, Respondent listed her date of graduation as March 28, 2016, and her degree as Bachelor's Degree - Nursing. She further indicated that the program code for her school was 99-425, which is the NCLEX program code for programs in the Philippines. Trent further provided evidence that she is a United States citizen.
2. Trent has completed evaluations from the CGFNS for both her non-nursing and her nursing education. This includes a breakdown of coursework she completed at Far Eastern University from June 2012 through March 2016. This report was completed on April 24, 2017. Trent did not submit a CGFNS certificate.
3. Trent maintains that she is ineligible for licensure in the Philippines because she is not a citizen of the Philippines. She has provided a copy of Republic Act No. 9173, which provides that in order to be licensed to practice nursing in the Philippines, a person must be a "citizen of the Philippines, or a citizen or subject of a country which permits Filipino nurses to practice within its territorial limits on the same basis as the subject or citizen of such country: Provided, That the requirements for the registration or licensing of nurses in said country are substantially the same as those prescribed in this Act."
4. On July 20, 2017, Trent petitioned the Board for a declaratory ruling to request exemption from the CGFNS certificate requirement of ABN Administrative Code § 610-X-4-.06(7) based on her ineligibility for licensure in the jurisdiction in which she attended nursing school.

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. Trent has identified the rule at issue as Alabama Board of Nursing Administrative Code § 610-X-4-.06(7) and has identified the reasons why she is substantially affected by the rule.

CONCLUSIONS OF LAW

1. Applicants for licensure who are graduates of foreign nursing schools are required to pass the same licensure examination as applicants for licensure by examination in Alabama, be a graduate of a nursing education program approved by the proper authorities in the country where the program is located, meet the requirements for nursing program content employed as criteria for approval in Alabama at the time of the applicant's graduation, correct any educational deficiencies by taking additional courses, as directed by the Board, complete secondary school or its equivalent, provide certification from the CGFNS, which includes a certificate and a full course-by-course report, and submit an electronic completed application and required fees. 610-X-4-.06(1) through (7).

2. Trent has completed all of those items, with the exception of the Certificate from CGFNS, which she cannot obtain because she is ineligible for licensure by examination in the Philippines. Because of limitations in Filipino law, Trent cannot obtain a license to practice nursing in the Philippines without first applying for citizenship there, and Trent cannot obtain a CGFNS certificate without having a license in the Philippines.

RULING

Trent's petition for declaratory ruling is **GRANTED**, and Trent is **EXEMPT** from the requirement that she obtain a CGFNS certificate to be eligible to test for licensure as a RN by examination.

DONE and **ORDERED** on this the 21st day of July, 2017.

ALABAMA BOARD OF NURSING




PEGGY SELLERS BENSON, RN, MSHA, MSN, NE-BC
EXECUTIVE OFFICER
ALABAMA BOARD OF NURSING

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 21st day of July 2017, a true and correct copy of the foregoing Declaratory Ruling was served by forwarding the same by United States certified mail, postage prepaid, and addressed as follows:

Khadija Trent
PO Box 20572
Montgomery, AL 36120

ALABAMA BOARD OF NURSING



PEGGY S. BENSON
EXECUTIVE OFFICER

ADDRESS OF COUNSEL:

Alice Maples Henley
General Counsel
Alabama Board of Nursing
Post Office Box 303900
Montgomery, Alabama 36130-3900
334-293-5220 (Telephone)
334-293-5201 (Facsimile)