

**BOARD OF NURSING**  
**Division of Occupational and Professional Licenses**  
11351 W. Chinden Blvd., Bldg #6  
Boise, ID 83714

**Board Meeting Minutes of 05/24/2022**

Convened: Dr. Deena Rauch called the meeting to order at 8:31 AM MT.

**BOARD MEMBERS PRESENT:** Deena Rauch, DNP, RN – Chair  
Jennifer Hines-Josephson, RN – Vice Chair  
Kara Mahannah, LPN, PRN Chair  
Kristi Permann, RN  
Laura Pisca, RN  
Renée Watson, RN  
Christine Main, LPN  
Cindy Hone, Public Member

**BOARD MEMBERS ABSENT:** Clayton Sanders, RN, APRN, CRNA

**DIVISION STAFF:** Nicki Chopski, PharmD, Executive Officer  
Katie Stuart, Board Services Program Manager  
Stephanie Lotridge, Licensing and Registrations  
Program Manager  
Yvonne Dunbar, General Counsel  
Lea Kear, Legal Counsel  
Berk Fraser, RPh, Chief Investigator, Health Professions  
Mike Celeste, Investigations Supervisor  
Frutoso Gonzalez, Medical Investigator  
Jan Arrasmith, Education & Practice Specialist  
Bob McLaughlin, Public Information Officer  
Madyson Crea, Customer Service Representative  
Matthew Post, Administrative Assistant for Investigations  
Pam Rebolo, Board Support Supervisor  
Susan Cassell, Board Support Specialist  
Susan Villanueva, Board Support Specialist

**OTHER ATTENDEES:** Randall Hudspeth, PhD, APRN – Idaho Center for Nursing  
Tammy Pehrson, MS, RN – College of Southern Idaho  
Members of the Public

**OPENING STATEMENT AND INTRODUCTIONS**

After reading the opening statement, Dr. Rauch led introductions of the Board, welcoming Christine Main to the Board of Nursing. Dr. Chopski introduced the Division of Occupational and Professional Licenses (DOPL) staff.

## **APPROVAL OF MINUTES**

Ms. Mahannah made a motion to approve the minutes of February 3, 2022 as written. Ms. Permann seconded. Motion carried. Ms. Watson made a motion to approve the minutes of March 24, 2022, as written. Ms. Pisca seconded. Motion Carried.

## **DIVISION BUSINESS**

### **DIVISION UPDATE**

Dr. Chopski informed the Board that the move into Building 4 at Chinden will start on June 15<sup>th</sup> and will be staggered by department.

Dr. Chopski informed the Board members that there is an open investigator position, while one had been recently filled. The remaining position had been posted with a preference for an RN or APRN; nurse clinical investigators from the Board of Medicine have assisted as needed.

Mr. Fraser shared that there are 111 open or pending cases; 95 are open and going through the review process. Investigators are working on new cases and resolving all cases. There are 10 cases with the Health Professions prosecutor and three cases have been resolved with delegated authority. The Board had questions about public safety and was assured by Mr. Fraser that cases are closely monitored, and any practice concerns will be addressed.

### **LEGISLATIVE UPDATE**

Dr. Chopski stated that 25 bills affecting Health Professions passed the Legislature.

S1368 removes any “moral character” requirements, including letters of reference for nursing applications.

Currently, there is a CNA Advisory Committee within Health and Welfare; Idaho Center for Nursing is involved, and DOPL will be looking at education and regulation. Dr. Chopski briefed the Board that DOPL staff will collaborate with outside research agencies and completing their own data gathering to better inform the conversation.

H612 creates a pathway for disciplinary expungement. A licensee will have to request expungement in writing. Expungement of most matters is discretionary for Boards. The bill creates mandatory expungement of discipline related to timely license renewal and continuing education.

Dr. Chopski shared a draft document for Bureau Grounds for Discipline as there is a range of discipline for each individual Board; new legislation will allow for alignment of DOPL procedures. Nursing-specific language can be retained in the Nurse Practice Act.

### **FINANCIAL UPDATE**

Dr. Chopski presented a financial overview compiled by DOPL’s fiscal officer; the DOPL financial team worked diligently on uniform financial reporting and coding across DOPL. Members of the Board requested ongoing reports.

## **BOARD BUSINESS**

### **IDAHO CENTER FOR NURSING**

Dr. Randall Hudspeth gave updates from the Idaho Center for Nursing (ICN) on policy and future legislation. After a discussion of the parameters for the ICN Nurse Refresher program, Dr. Hudspeth clarified that the course is for RNs and LPNs who have not been out of practice for more than five years and that there are concerns about scope of practice and preceptorships for nurses who have been out of practice for over 20 years. Dr. Hudspeth requested the Board's assistance in reviewing policies.

Dr. Hudspeth's presentation contained information about the nurse compact and the financial implications for the Board of Nursing if neighboring states join. Dr. Hudspeth reviewed the Robert Wood Johnson grant opportunities with ICN and the seven business streams that fund ICN programs. Dr. Hudspeth shared statistics on nurse staffing levels and the percentage of the population obtaining primary care from APRNs in Idaho; he also covered the role of the Legislature in creating nursing educational opportunities and the demographics of Idaho's nursing workforce. ICN's Nursing Workforce Report will be available on their website on June 15.

### **COLLEGE OF SOUTHERN IDAHO PRESENTATION**

Tammy Pehrson, PN Program Manager from the College of Southern Idaho (CSI), spoke about the NCLEX pass rate for the PN program at CSI and the plan to increase student success. CSI is currently marketing the PN program to raise enrollment levels. The Board had questions about CSI's plan and additional requirements for students, including a mental health course and an NCLEX prep course. Ms. Mahannah made a motion to accept the plan from CSI and grant full approval, and Ms. Pisca seconded. Motion carried. CSI will be monitored by the Board for the next year, allowing students to participate in the remediation plan, and will receive quarterly progress reports.

### **LICENSING APPEARANCES**

Applicant #123703 presented supporting materials to reinstate her Idaho RN license following discipline in Wyoming. Ms. Mahannah made a motion to table this case pending additional information until July 14, 2002, and Ms. Watson seconded. Ms. Hone abstained. Motion carries.

Applicant #115173 provided requested information about an outstanding LPN license order that was incomplete and impacting her RN application. This applicant has not practiced as an RN after completing an RN program in 2014 and successfully passing the NCLEX in 2022. The Board discussed conditions for granting a restricted RN license for one year, including an RN refresher course, supervised practice hours, and other conditions that mirrored her LPN license order. Ms. Mahannah made a motion to grant a restricted license. Ms. Hines-Josephson seconded. Ms. Watson voted opposed; all others voted in favor. Motion carries.

### **BOARD OF NURSING RULE CHAPTER 24.34.01**

The Board of Nursing Rules chapters will be submitted as presented to the legislature for reauthorization. Zero Based Regulation topics discussed were temporary licenses, licensure by endorsement, direct supervision definitions, technologist duties, nurse apprenticeships, unlicensed

assistive personnel (UAP), discipline, and administrative suspensions. Legal counsel is reviewing the rules of 101 and 132.

Dr Chopski highlighted the following:

Rule 42.02 suggested edits to align with Idaho Code 67-94-09. Rule 60 streamlines section 63 and 64 for clarity.

Rule 76 is persons exempted by board, lacks statutory authority. 02 & 03 are enforcement discretion and unnecessary. 04 is nurse apprentice and their role as UAP.

Rule 100 – Grounds for discipline; included sections that were duplicative of statute or prohibited by new bills.

Rule 101 – Standards of conduct; under further legal review, some elements to be included into statute proposal for discipline.

Rule 101.02 – may not be necessary.

Rules 101.03, 101.04, and 101.05 – under further legal review.

Rule 132 – restricted under further legal review.

### **CULTURE OF SAFETY**

The Board discussed patient safety and the administration of medication in the context of a recent court case that received national attention. Dr. Chopski Board's policy on discipline that is posted on the Board of Nursing website. This is a good topic for discussion with regulatory panels and at future interprofessional Board meetings and retreats. Dr. Rauch suggested utilizing the Tri-Council concept for ongoing discussions.

### **BOARD TRAINING**

Board training will be conducted by the legal team in July, with recommendations to watch the Idaho Attorney General's presentation on Open Meeting Law prior to training.

Ms. Kear presented a brief overview of rules vs. statutes, which are pertinent to ZBR.

### **PRN ADVISORY COMMITTEE UPDATE AND NEW MEMBER APPOINTMENT**

Ms. Mahannah presented the PRN Advisory Committee (PRN-AC) Report for the 3<sup>rd</sup> quarter and submitted a letter of interest from a nurse for the open committee seat. Ms. Watson made a motion to appoint Allison Livingston, RN. Ms. Pisca seconded. Motion carried. Ms. Stuart will contact the nurse to onboard to the committee.

### **PUBLIC COMMENTS**

Annette Rousseau called to provide information about the pandemic.

### **CONSENT AGENDA – DELEGATED AUTHORITY**

## **DELEGATED AUTHORITY**

Dr. Chopski informed the Board of staff use of delegated authority. Three revocation cases were reviewed, BON-19-205, BON-21-168, and BPM-21-29, following receipt of voluntary surrender of licenses by licensees.

## **CONSENT AGENDA**

The Board was informed that no action is required to accept the Consent Agenda; no discussion is needed.

## **ADJOURN**

There being no further business, the meeting was adjourned by general consent at 3:03 PM MT on May 24, 2022.

The next Idaho Board of Nursing meeting will be July 14th, 2022, at 8:30 AM.