



State of Idaho
Division of Occupational and Professional Licenses
Board of Nursing

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Minutes of 4/13/2023

Board Members Present:	Deena Rauch, DNP, RN – Chair Jennifer Hines-Josephson, RN – Vice Chair Kristi Permann, RN Kara Mahannah, LPN, PRN-AC Chair Laura Pisca, RN Renée Watson, RN Christine Main, LPN Cindy Hone, Public Member	Division Staff:	Nicki Chopski, Executive Officer, Pharm D Yvonne Dunbar, General Counsel Russell Spencer, General Counsel Stephanie Lotridge, Licensing Program Manager Berk Fraser, Chief Investigator Mike Celeste, Investigations Supervisor Tyler Graves, Investigator Jan Arrasmith, Practice and Education Specialist Madyson Crea, Board Support Specialist Susan Villanueva, Board Support Specialist
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Others

Present: Joan Callahan, Board Prosecutor

The meeting was called to order at 8:30 AM by Dr. Deena Rauch, DNP, RN.

Approval of Minutes

A motion was made and seconded to approve the minutes from the Board's prior meeting. The motion carried.

DIVISION BUSINESS

Legislative Session Overview: Dr. Chopski briefed the Board on the 2023 Legislative Session and addressed the Board's questions. The legislature achieved sine die on April 6, 2023, and authorized the Board's rules, making them permanent.

H0004: This bill updates the Idaho Uniform Controlled Substance Act to align with the Drug Enforcement Administration's scheduling of new substances. It includes placing synthetic opioids in Schedule I, a substance to treat insomnia in Schedule IV, and an anticonvulsant in Schedule V. This was signed by the Governor on 3/6/23.

H0031: This legislation increases educational access to Medication Assistant-Certified (MA-C) programs. It allows accredited bodies to provide education and certification to certified nursing assistants (CNAs) who want to obtain their MA-C. It will also enable testing centers to offer the proctored MA-C test. Dr. Rauch asked if these were National or Regional Testing Centers. Dr. Chopski informed the Board that these could be either Nationally or Regionally recognized Testing Centers. This was signed by the Governor on 3/20/23.

H0061: This legislation amends Title 57 Chapter 54, Idaho Code, by adding a new section to allow Interstate Mental and Behavioral Telehealth. This was signed by the Governor on 3/27/23.

H0162: This legislation updates the Idaho Telehealth Access Care Act, Title 54 Chapter 57, Idaho Code, by changing the term “telehealth” to “virtual care” and clarifies virtual care practice requirements. This was signed by the Governor on 3/21/23. Dr. Chopski informed the Board that the Division will end its telehealth discretionary enforcement period once this bill goes into effect on July 1, 2023.

H0213: The rural nursing loan repayment program created by H0213 incentivizes nurses to pursue employment in rural areas with shortages of health professionals or critical access hospitals. This was signed by the Governor on 3/20/23.

H0193 and H0223: Dr. Chopski acknowledged that the Board was provided with information concerning these bills, which may influence patient care but do not substantially impact nursing practice.

Honoraria Policy: Mr. Spencer reviewed the honoraria policy with the Board and answered the Board’s questions.

Financial Update: The Board reviewed the financial report as of 4/10/2023, and Dr. Chopski addressed the Board’s questions.

BOARD BUSINESS

CSI PN Program Update: Tammy Pehrson, Practical Nurse (PN) Program Manager from the College of Southern Idaho (CSI), updated the Board that the current NCLEX pass rate is 92.86% for CSI’s PN program. Ms. Pehrson noted that the new faculty would continue to utilize the practices implemented to improve test scores. Ms. Hines-Josephson congratulated Ms. Pehrson on the pass rates. A motion was made and seconded to discontinue CSI’s mandatory updates to the Board. The motion carried.

Annual Nursing Program Survey Results: Dr. Rauch reviewed the National Council of State Boards of Nursing (NCSBN) report, and the Board discussed their concerns. Staff informed the Board that all Idaho nursing programs have met the criteria for approval by the Board. A motion was made and seconded to grant full, continued approval to all Idaho nursing programs and directed staff to distribute the survey results to the schools. The motion carried.

Dr. Chopski reminded the Board that Idaho nursing programs will be required to obtain national accreditation due to rule changes. Ms. Arrasmith is communicating with the schools regarding these rule changes.

Update Regarding Idaho Abortion Law: Mr. Spencer reviewed the impact of Idaho Code §§ 18-622 and 18-605 with the Board.

Expungement Request: Following the review of the expungement request, pursuant to Idaho Code § 67-9413, a motion was made and seconded to grant the request for expungement. The Chair requested a roll call vote. The vote was: Ms. Mahannah, aye; Ms. Pisca, aye; Ms. Watson, aye; Ms. Main, aye; Ms. Hone, aye; Ms. Permann, nay; Ms. Hines-Josephson nay; Dr. Rauch, nay. The motion carried.

Board of Nursing Policy Review: Dr. Rauch asked staff to review the recommended changes to board policies for licensure and complaint management. Staff reviewed changes to eight (8) licensure policies as follows:

VIII – Licensure – 1 and 9: Eliminate and implement as a Health Professions Bureau policy.

VIII – Licensure – 3a, 3b, and 5: Eliminate as they are duplicative of Rules 100.04.c, 100.05.c, 100.07, 100.08, and 100.07.a.iv.

VIII – Licensure – 7: Simplify for readability.

VIII – Licensure – 12: Eliminate; The policy is duplicative of Title 67 Chapter 26, Idaho Code.

VIII – Licensure – 16: Eliminate; This is an NCSBN policy.

VIII – Licensure – 18: Eliminate.

Additionally, it was recommended that policy V – Complaint Management be eliminated in its entirety as the various policies are duplicative of statute, rule, or superseded by division policy.

A motion was made and seconded to approve staff recommendations, revising the policies as presented. The motion carried.

Nurse Apprentice Update: At the request of Dr. Rauch, staff summarized the results from the Nurse Apprentice (NA) Facilities survey. The Board reviewed supplemental information provided by the facilities and survey results from NA Schools. Ms. Permann summarized three site visits, and Ms. Mahannah informed the Board of her discussion with St. Luke’s about their SNAP program compared to their NA program. The Board discussed the implication of increasing the NA’s scope of practice in relation to public safety and student nurse learning opportunities.

The Board Chair asked for public comment, which was offered by the following: Megan Boston, Reuben DeKastle, Maura Cash, and Jamie Johnson.

A motion was made and seconded to move forward under the current rule, which requires NAs to function as unlicensed assistive personnel. The Board directed staff to collect information on how other states handle this situation and to provide draft language for a pilot at the next board meeting. The motion carried.

Advisory Committee Appointments: After reviewing a letter of interest, a motion was made and seconded to reappoint Michael McGrane, RN, for continued service on the Emergency Medical Services Advisory Committee (EMSAC). The Board reviewed a letter of interest and resume for the Program for Recovering Nurses Advisory Committee (PRN-AC). Ms. Mahannah informed the Board that the PRN-AC also reviewed the application and approved the applicant. A motion was made and seconded to appoint Lorri Tretter, RN, to the PRN-AC.

Conference Attendance Request and Reports: The Board reviewed submitted travel reports and discussed attendance at upcoming conferences. A motion was made and seconded to approve upcoming Board travel as presented.

Public Comment:

Megan Boston encouraged the Board to look at Nurse Apprentice Programs in other states, and the Board requested that she forward the information she had collected to staff for review.

EXECUTIVE SESSION

A motion was made and seconded to enter Executive Session pursuant to Idaho Code § 74-206(1)(f) to discuss pending litigation with legal counsel and Idaho Code § 74-206(1)(d) to consider records related to a licensee's ability to retain a license, which is exempt from public disclosure. The vote was: Ms. Main, aye; Ms. Permann, aye; Ms. Mahannah, aye; Ms. Pisca, aye; Ms. Watson, aye; Ms. Hines-Josephson, aye; Dr. Rauch, aye. Ms. Hone was absent for the roll call vote. The motion carried.

A motion was made and seconded to exit Executive Session. The motion carried.

Discipline:

A motion was made and seconded to initiate a Corrective Action Plan for case number 2021060042. The motion carried.

A motion was made and seconded to enter a Stipulation and Order for case number 2790CS2209. The motion carried.

A motion was made and seconded to enter a Stipulation and Order to resolve case numbers 2021090035, 2022050034, 2022050036, and 2022080019. The motion carried.

A motion was made and seconded to close case number 2022070008 with a letter of concern. The motion carried.

Adjourn

A motion was made and seconded to adjourn at 3:02 PM. The motion carried.

The next meeting is on 7/26/2023.