

**BOARD OF NURSING**  
**Division of Occupational and Professional Licenses**  
11341 W. Chinden Blvd., Bldg #4  
Boise, ID 83714

**Board Meeting Minutes of 8/11/2022**

Convened: Dr. Deena Rauch called the meeting to order at 8:32 AM MT.

**BOARD MEMBERS PRESENT:** Deena Rauch, DNP, RN – Chair  
Jennifer Hines-Josephson, RN – Vice Chair  
Kara Mahannah, LPN, PRN Chair  
Clayton Sanders, RN, APRN, CRNA  
Kristi Permann, RN  
Laura Pisca, RN  
Renée Watson, RN  
Christine Main, LPN

**BOARD MEMBERS ABSENT:** Cindy Hone, Public Member

**DIVISION STAFF:** Nicki Chopski, PharmD, Executive Officer  
Katie Stuart, Board Services Program Manager  
Stephanie Lotridge, Licensing and Registrations  
Program Manager  
Lea Kear, Legal Counsel  
Berk Fraser, RPh, Chief Investigator, Health Professions  
Mike Celeste, Investigations Supervisor  
Frutoso Gonzalez, Medical Investigator  
Jason Weaver, Medical Investigator  
Shaun Eichman, Medical Investigator  
Tyler Elison, Medical Investigator  
Matthew Post, Administrative Assistant for Investigations  
William Long, Investigations Support Specialist  
Jan Arrasmith, Education & Practice Specialist  
Bob McLaughlin, Public Information Officer  
Susan Cassell, Board Support Specialist  
Susan Villanueva, Board Support Specialist

**OTHER ATTENDEES:** Josh Scholer, DFM  
Steven Olsen, Division Chief, Office of the Attorney General  
Randall Hudspeth, PhD, APRN – Idaho Center for Nursing  
Tammy Pehrson, MS, RN – College of Southern Idaho  
Keegan Hahn, Prosecutor  
Members of the Public

**OPENING STATEMENT**

Following roll call, Dr. Rauch read the opening statement

**APPROVAL OF MINUTES**

Ms. Hines-Josephson made a motion to approve the minutes of May 24, 2022, as amended. Mr. Sanders seconded. Motion carried. Ms. Hines-Josephson made a motion to approve the minutes of July 14, 2022, as written. Mr. Sanders seconded. Motion carried.

## **DIVISION BUSINESS**

### **DIVISION UPDATE**

Dr. Chopski informed the Board that all staff members in the Division of Occupational and Professional Licenses (DOPL) have moved into Building 4 at the Chinden Campus. The Board of Nursing will be holding most meetings in the Thunderbolt Room in the future.

### **FINANCIAL UPDATE**

Dr. Chopski did not have a formal report to present, the finance team will attend a future meeting to update the Board.

### **BOARD MEETING EVALUATIONS**

Dr. Chopski stated that DOPL Administrator Russell Barron plans to utilize the longstanding process the Board of Nursing had established to pilot a bureau-wide meeting evaluation form that will be used across all health professions. Once streamlined, the process will be shared Division-wide. We will implement it following this meeting.

### **BOARD BUSINESS**

#### **BOARD ELECTIONS**

Ms. Watson nominated Dr. Rauch to continue as Board Chair. Dr. Rauch accepted the nomination. Ms. Hines-Josephson seconded. Motion carried.

#### **COLLEGE OF SOUTHERN IDAHO UPDATE**

Tammy Pehrson, PN Program Manager from the College of Southern Idaho (CSI), updated the Board about the summer NCLEX pass rate for the PN program at CSI, following a new NCLEX prep course. The PN program has raised its fall cohort enrollment levels and added new faculty to the program for nursing fundamentals, lab skills, and teacher mentoring. The community has provided many clinical sites and opportunities for students during the spring semester. The Board Chair commended Ms. Pehrson for the incredible amount of work that has been done so far; Ms. Pehrson will continue to provide quarterly updates.

#### **CNA WORK REPORT**

Dr. Chopski informed the Board that they have a seat at the table for the Idaho CNA Advisory Committee. Dr. Chopski discussed the Committee's work thus far. There was some concern from Board members about the possibility of transitioning the CNA back to the Board of Nursing.

#### **IDAHO CENTER FOR NURSING**

Dr. Hudspeth proposed policy updates to the Nurse Refresher Course with updated guidance, including revised amounts of time that a nurse can be out of work and still qualify for the course. The Board would like to review applications when nurses have been out of practice for extended periods of time and appreciated the suggested updates to the policy, which aims to protect the public. Ms. Watson moved to accept the policy changes. Ms. Pisca seconded. Motion carried.

#### **ZERO BASED REGULATION (ZBR)**

Dr. Chopski presented a rough draft of revised rule chapters that have been reviewed by the Board; while revisiting a few rules and providing additional information from legal.

Rule 061, Continued Competence Requirements, Ms. Kear prepared a Prospective Analysis of surrounding states to assist with aligning Idaho with less restrictive states. Ms. Hines-Josephson wondered how nurses would obtain hours if they are not practicing, as most training is provided by employers; Ms. Mahannah inquired about options for educators. Dr. Chopski explained that audits for 35,000 nurses is a complex process and professional engagement is difficult to measure, but that any shortfalls could be covered by the discipline process. The Board discussed allowing 100 practice hours or 15 Continuing Education (CE)

hours. Dr. Rauch reminded the Board of their duty to protect the public. Mr. Sanders made a motion to strike all Continued Competence requirements for Registered Nurses and Licensed Practical Nurses, including CE. Ms. Permann seconded. A roll call vote was taken, with Ms. Mahannah and Ms. Pisca voting nay. Motion carried. Stakeholders and the public will have opportunities to provide feedback before the final rule chapters are sent to the legislature.

Advanced Practice Registered Nurses requirements are unchanged.

Rule 062, Documenting Compliance with Continued Competence Requirements, depending on the outcome of Rule 061.

Rule 076.04, Nurse Apprentice. Ms. Kear provided a Prospective Analysis and stated that nurse apprentices are rare in other jurisdictions. Dr. Chopski reviewed that employment and clinicals vary in scope for students in different health professions, while the Board discussed that practicing to their education and training levels puts a great deal of pressure on students to hold boundaries with their employers related to their appropriate tasks. The Board had concerns about the ramifications of nurse apprentices practicing under supervising nurses' licenses. The Board agreed to remove 'recent graduate' from the language as there is a temporary license for graduates awaiting testing.

Rule 132, Restricted Licenses, Ms. Kear presented a Prospective Analysis on surrounding states. There is a statute for state peer assistance. The language presented was in alignment with the statute.

Rule 132.04 Disability Due to Substance Use or Mental Health Disorder has been simplified. Ms. Kear asked the Board for input as to a reasonable time to convene for an emergency proceeding. The Board inquired whether it was necessary to state a specific number of days in rule, or whether language such as "reasonable" could be used instead. Ms. Kear stated that she would conduct legal research and report back at the following Board meeting.

Rule 133, Emergency Action, has been reworded and will remain in Rules.

Rule 600, Nursing Education for Registered and Practical Nurses, will not be needed with the introduction of Rule 602, Nursing Educational Programs. Nursing education is shifting to a requirement of national accreditation as a condition for Board approval of programs.

Rule 603, Continuance of Full Approval of Education Program, has been reworked and streamlined.

#### **DELEGATED AUTHORITY REPORT**

Dr. Chopski discussed the Executive Order 2020-02 that requires guidance documents to be posted publicly. Dr. Chopski presented the Board with a Delegated Authority document for review and approval. Ms. Hines Josephson moved to continue staff use of Delegated Authority. Ms. Mahannah seconded. Motion carried.

#### **ANNUAL LICENSURE REPORT**

Ms. Chopski provided a licensing report for Fiscal Year 2022. Reports will be provided annually moving forward. The Board of Nursing website shows monthly licensure updates and is available to the public. The Board would like a previous year comparison of license counts at the next meeting.

#### **BOARD TRAINING**

Ms. Kear provided a powerpoint presentation on Open Meeting Laws and encouraged the Board to utilize the manual and videos available on the Attorney General's website for further information or to call DOPL with specific questions.

## **INVESTIGATIVE PROCESS UPDATE**

Mr. Fraser presented a memo to the Board detailing the new investigative process that adds new tools to the Board of Nursing toolbelt concerning discipline. Cases can be prosecuted, or the board can hear a case informally in Executive Session, with multiple methods of closing that case. Investigators are working to close all older cases, and prosecutors are working through a number of cases; new cases will be presented at future meetings.

## **PUBLIC COMMENTS**

Dr. Chopski presented the Board with minutes from stakeholder Negotiated Rulemaking sessions from June 13, 2022, and July 11, 2022. These minutes are available on the Board of Nursing website. Dr. Chopski met with Nurse Practitioners of Idaho (NPI) and Idaho Association of Nurse Anesthetists (IDANA), many of those attendees also participated in the Negotiated Rulemaking sessions.

Public comments were offered regarding Certified Registered Nurse Anesthetist and the use of the title Certified Registered Nurse Anesthesiologist as an alternative rather than a replacement.

Annette Rousseau called to provide information about the pandemic.

## **EXECUTIVE SESSION**

Ms. Hines-Josephson moved, and Ms. Watson seconded, to enter Executive Session pursuant to Idaho Code § 74-206(1)(f)] to discuss litigation with legal counsel. Following the roll call vote, the motion carried unanimously. The Board entered Executive Session at 11:33 AM.

Ms. Hines-Josephson moved to exit Executive Session at 11:58 AM. Ms. Mahannah seconded. Motion carried unanimously.

## **CONSENT AGENDA**

The Board was apprised of recent staff and Board member travel, and given a written update from Ms. Arrasmith, Practice and Education Specialist. Ms. Hines-Josephson moved to accept the consent agenda. Ms. Permann seconded. Motion carried.

## **ADJOURN**

There being no further business, the meeting was adjourned by general consent at 1:59 PM MT on August 11, 2022.

The next Idaho Board of Nursing meeting will be November 3, 2022, at 8:30 AM.