

Meeting of the  
IDAHO BOARD OF NURSING  
Springhill Suites by Marriott  
425 East ParkCenter Blvd.  
Boise, ID

October 9-10, 2014

**MINUTES**

Time and Place A regular meeting of the Idaho Board of Nursing was held on October 9-10, 2014 in Boise, ID

Presiding Susan Odom, PhD, RN, Chairman

Call to Order The meeting was called to order at 9:10 a.m., Thursday, October 9, 2014 by Susan Odom, Chairman

Members Present Susan Odom, PhD, RN, Chairman, Moscow  
Vicki Allen, RN, Pocatello  
Jill Howell, RN, Jerome (Present October 10)  
Jan Moseley, RN, Coeur d'Alene (Present October 9)  
Carrie Nutsch, LPN, Jerome  
Rebecca Reese, LPN, Post Falls  
Clayton Sanders, APRN, CRNA, Boise  
Chris Jenkins, RN, Homedale

Members Absent Whitney Hunter, Consumer Member, Boise

Staff Present Sandra Evans, RN, Executive Director  
Judy Taylor, RN, Associate Director for Practice and Education  
Andrea Anzalone, RN, Associate Director for Investigation and Discipline  
Kathleen Pollard, RN, Associate Director for Alternative Programs  
Lyn Moore, Management Assistant  
Roger Gabel, General Counsel  
Shasta Kilminster-Hadley, Prosecutor (Present October 9)

Introductions and Welcome The Chair welcomed faculty and students from ITT Technical Institute nursing program and Ruby Jason, Executive Director, Oregon State Board of Nursing.

Correction of July 17-18, 2014 It was moved to correct the draft July 17-18, 2014 Minutes by adding Shasta Kilminster-Hadley as a member of the Sexual Misconduct Committee on

Minutes

page 5, under “Position Statements”, c. “Sexual Misconduct”. The motion carried.

Adoption of  
Consent Agenda  
Motion

Consent Agenda item III.B.5/Governance and Organization, “FY2015 Mid-Year Board Self-Assessment”, was removed from the Consent Agenda for discussion on the Business Agenda. The Consent Agenda was adopted as revised to include:

Approval of July  
17-18, 2014  
Minutes

A. Communication

1. Approval of July 17-18, 2014 Board meeting minutes as amended
2. 1<sup>st</sup> Quarter Environmental Scan

B. Governance/Organization

1. Reports of meeting attendance:

- a. Nurse Licensure Compact Administrators (NLCA) Meeting, July 15, 2014 by teleconference and August 12, 2014, Chicago, IL
- b. National Council of State Boards of Nursing (NCSBN) Annual Meeting/Delegate Assembly, August 13-15, 2014, Chicago, IL
- c. 2014 NCSBN NCLEX Conference, September 28-29, 2014, Charlotte, SC

2. Quarterly updates – 1<sup>st</sup> Quarter

- a. Special Projects Update
- b. NCSBN Update
- c. Nurse Licensure Compact Update

3. Board Development: “7 Elements of a Compelling Leadership Vision for Change”, Dan McCarthy.

4. FY2014 Board of Nursing Annual Performance Measurement Report

5. FY2014 Internal Controls Self-Audit Attestation Letter

6. Board Policies:

- a. Policy VIII-9, “Incomplete Applications”, as revised
- b. Policy VIII-10, “International Nurse Licensure Criteria”, adopted as revised
- c. Policy VIII-12, “Waiver of Fees for Military Personnel/POWs”, adopted as revised
- d. Policy VIII-17, “Temporary Licensure Pending Receipt of CBC Results”, adopted as revised
- e. Policy VIII-19, “Administrative Fining Authority and Assessment”, adopted as revised
- f. Policy VIII-21, “Duplicate License Certificate”, adopted as revised
- g. Policy VIII-22, “Use of Criminal History to Inform Licensure Decisions”, adopted as revised
- h. Policy VIII-24, “Determination of Eligibility for Licensure”, adopted as revised

8. 2014 LPN Renewal Report

C. Practice

(No items were presented)

Motion:

Adoption of Revised  
Policies

- D. Discipline/Alternatives to Discipline
  - 1. "Board of Nursing Disciplinary Options" and "Guidelines for the Disciplinary Process", references prepared by Board Counsel

- E. Licensure/Certification

- 1. Non-Routine Applications Report – 1<sup>st</sup> Quarter
- 2. Licensure by Equivalence
  - a. Report – 1<sup>st</sup> Quarter
  - b. Applications for Licensure by Equivalence

Motion:

RN-License by

Equivalence:

Julie M. Thomas, RN

Angela Harrison, RN

- 1. Julie Marie Thomas, RN, issued RN license by endorsement, valid only in Idaho
- 2. Angela Harrison, RN, issued RN license by endorsement valid only in Idaho

Motion:

RN License Renewal

Patrick McCormick, RN

Lic No. N-44945

- 3. Update on Non-Routine Licensure Case No. REN-PM0213 action to continue to renew RN license No. N-44945, valid only in Idaho

Motion:

Approval of Proposed

Program Changes

- F. Education

- 1. BYU-Idaho ADN Program Closure
- 2. Idaho State University Faculty Plan to Meet Qualifications
- 3. College of Southern Idaho LPN Curriculum Change

## NEW BUSINESS

### COMMUNICATION

Staff Report –  
Communication

The Executive Director presented the 1<sup>st</sup> Quarter Report (July 1 – Sept. 30, 2014) of staff activities related to Communication indicating progress toward established benchmarks.

Open Forum

Time for an open forum was provided at 9:15 a.m. on Friday October 10, 2014. Following discussion on multiple issues, the meeting continued as scheduled.

Public Meeting  
Proposed Rules

Time for a public hearing to receive comments on proposed rules was provided at 1:30 p.m. on Friday, October 10, 2014. The following people provided comments on proposed rule 23-0101-1402 – "Continued Competency Requirements for Renewal of an Active License":  
Dorothy Witmer, RN, Faith Community Nursing  
Margaret Leahy, RN, Faith Community Nursing  
Gina Schmidt, RN, Faith Community Nursing  
Holly Carlson, RN, Idaho Nurses Association  
Cari Moodie, RN, SARMC Faith Community Nurses

52 individuals attended the hearing. A list of those presenting verbal and written comments as well as the recorded proceedings of the hearing are available in the Board of Nursing office consistent with provisions of the Idaho Public Records Act, Idaho Code Sections 9-337 through 9-351, as well as Idaho Code Section 67-5225.

Public Meeting  
Motion

Following discussion on comments received during the hearing as well as written comments received prior to the hearing, it was moved to stop progress on Proposed Rule Docket 23-0101-1402 to allow further discussion and public input prior to future consideration of rule promulgation on continued competence for licensure renewal.

At the conclusion of the hearing, the Board meeting continued as scheduled.

### GOVERNANCE/ORGANIZATION

Staff Report-  
Governance and  
Organization

The Executive Director presented the 1<sup>st</sup> Quarter Report (July 1 – Sept. 30, 2014) of staff activities related to Governance and Organization indicating progress toward established benchmarks.

Executive Director  
Expense Report  
Motion

Rebecca Reese reported on Executive Director expenses for the 1<sup>st</sup> Quarter (July 1 – Sept. 30, 2014) indicating all expenses were in order. A motion was made and passed to accept the report.

Travel Approval  
Motion

Travel and related expenses were approved for:

1. NCSBN Institute of Regulatory Excellence (IRE), January 13-15, 2015, Charleston, SC. 2 Board Members and 3 Staff Members.
2. NLCA Mid-Year Meeting, March 15, 2015, Louisville, KY. 1 Board Member and 2 Staff Members.
3. NCSBN Mid-Year Meeting March 16-18, 2015, Louisville, KY. 4 Board Members and 4 Staff Members.
4. NOAP, March 17-20, 2015, West Palm Beach, FL. 1 Board Member, 1 Staff Member and 1 Contractor Representative.

APRNAC and  
PRNAC  
Appointments  
Motion

1. Ronald Miciak, MD, Twin Falls, was appointed to the APRN Advisory Committee, to a term ending June 30, 2017.
2. Alissa Miller, RN, Coeur d'Alene, was appointed to the PRN Advisory Committee to a term ending January 1, 2018.

Executive Session  
Motion

A motion was made and carried to enter into Executive Session pursuant to Idaho Code §67-2345(1)(b), to consider an employee complaint against another staff member. Members voting in the affirmative: Susan Odom,

Vicki Allen, Jan Moseley, Carrie Nutsch, Chris Jenkins, Clay Sanders, and Rebecca Reese. There were no opposing votes. Board members Jill Howell and Whitney Hunter were absent from the proceedings.

The Board entered into Executive Session at 11:30am (MT). The Executive Director and Board Counsel were present during the executive session.

The Board moved to return to Open Session at 12:25pm, MT, October 10, 2014.

Board Member  
Qualifications

Relative to previous discussion related to Board member qualifications, the Board discussed recent changes resulting from passage of Delaware House Bill No. 335 that became law in that state on June 29, 2014, effectively amending membership on the Delaware Board of Nursing to reduce LPN membership by two and replacing those members with an additional APRN and establish one member-at-large position to be held by either an RN or LPN.

The Board will continue this discussion at the 2015 Board Business Retreat.

FY2015 Business  
Retreat Planning

Members selected review of Mission, Vision and Values as the topic for the 2014 Board Business Retreat to be held May 29, 2015 in Boise.

Update on  
Rules

The Executive Director presented a progress update on proposed Administrative Rules Dockets 23-0101-1401 (Sexual Misconduct) and 23-0101-1402 (Continued Competency Requirement for License Renewal).

Requests for  
Rule Promulgation  
Motion

The Board recently received two separate petitions to change/adopt a rule:

- 1) Gwen Hoffman, RN, CDE, presented her request during the July 18, 2014 'Open Forum' as part of her presentation to the Board on the practice of Certified Diabetes Educators. Ms. Hoffman requested an addition to Administrative Rules of the Idaho Board of Nursing, IDAPA 23.01.01.402.02, Recognized Specialty Practice Areas, to include Certified Diabetes Educator as one of those specialty practice areas.
- 2) In an email dated August 7, 2014, Debby Ransom, Chief, Bureau of Facility Standards, Division of Medicaid, ID Dept. of Health and Welfare, asked if the Board considers active practice as being limited to those individuals working in clinical settings in supervisory or non-supervisory positions; and if the DON, nurse consultant, or health facility surveyor participate in "active" nursing practice; and if the Board would consider adding a definition of active practice, similar to administrative rule RCW 18.79.040 in Washington? The cited Washington Rule was provided as reference.

Motion was made and passed to investigate requested rulemaking for consideration in FY2016.

FY2011-13 Fiscal  
Audit  
Recommendations

The Executive Director reported the Legislative Services Office of the Idaho State Legislature completed their triennial management review/audit of the Board of Nursing for fiscal years 2011 through 2013. On August 11, 2014, the audit team met with staff to discuss findings and conclusions of the review. During that meeting, the audit team indicated their findings of a “clean” audit with no findings of weaknesses in internal controls or other significant operational deficiencies. Concerns were raised relative to the Board’s fund balance and recommendations for consideration provided to resolve these concerns. The final report has not yet been received.

FY2016 Proposed  
Budget

The Executive Director presented the Board’s FY2016 proposed budget for discussion. The proposed budget was submitted to the Division of Financial Management (DFM) and Legislative Services Office (LSO) on 8/29/14 in preparation for the 2016 Legislative Session.

**PRACTICE**

Staff Report -  
Practice

The Associate Director for Practice and Education presented the 1<sup>st</sup> Quarter Staff Report (July 1 – Sept. 30, 2014) related to Practice, indicating progress toward established benchmarks.

APRN Advisory  
Committee Report  
Motion

Cathy Arvidson, APRN, CNP, Chair, APRN Advisory Committee, reported on the Advisory Committee meeting held September 26, 2014. In response to the Committee’s request that a Board representative attend the next meeting to clarify the Committee’s role in review of discipline cases, Board Counsel referenced the Board’s written interpretation of Idaho Code §54-1417(3)(c), adopted 1/09/14 as clear on the process to be followed. The Board expressed appreciation of the committee’s suggestions/recommendations, but affirmed their current position. It was moved to accept the report with the modification to deny the recommendation to charge the Advisory Committee to review all APRN disciplinary cases prior to their presentation to the Board. Motion carried.

Results of the 2014 APRN license renewal audit and Discipline/Investigation statistics were provided to the Board for their review.

Practice  
Philosophy  
Workgroup Update

The workgroup charged to review/recommend revisions to the Board’s Practice Philosophy Statement (Susan Odom, Clay Sanders, and Chris Jenkins) presented draft revisions to the Philosophy of Nursing Practice for review and comments. The workgroup will make refinements to the

statement based on Board feedback and present an updated draft to the Board at the next meeting.

### **DISCIPLINE/ALTERNATIVES TO DISCIPLINE**

Staff Report -  
Discipline/Alter-  
natives to Discipline

The Associate Director for Investigation and Discipline presented the 1<sup>st</sup> Quarter Report (July 1, – Sept. 30, 2014) of staff activities related to discipline and alternatives to discipline, indicating progress toward established benchmarks.

PRN Advisory  
Committee Report

Jan Moseley, RN, Chair of the Program for Recovery Nurses Advisory Committee (PRNAC), updated the Board that the committee was unable to meet prior to the October Board meeting for lack of a quorum. The committee will meet on Nov. 14<sup>th</sup> and report to the Board at the January Board Meeting.

Voluntary  
Surrender -  
Troy Nesbitt, Lic  
No. N-33193.  
Case #12-095  
Motion – Revoke

Shasta Kilminster-Hadley, Board Prosecutor, presented Case No. 12-095, for consideration. The Board took action to adopt the Findings of Fact, Conclusions of Law and Final Order to revoke License No. N-33193, issued to Troy Nesbitt. Mr. Nesbitt may not apply for reinstatement for a period of two (2) years from entry of the Order, and after having met requirements set forth in the Order.

Alternative Program  
Non-Compliance  
ReBecka Tolliver,  
Lic No. N-42013,  
Case #12-134  
Motion – Revoke

Shasta Kilminster-Hadley, Board Prosecutor, presented Case No. 12-134, for consideration. The Board took action to adopt the Findings of Fact, Conclusions of Law and Final Order to revoke License No. N-42013, issued to ReBecka Tolliver. Ms. Tolliver may not apply for reinstatement for a period of two (2) years from entry of the Order, and after having met requirements set forth in the Order.

Request for  
Amendment to  
Original Order  
Marjorie D.  
Smith, LPN,  
Case #12-074 and  
Case #13-118  
Motion

The Associate Director for Alternative Programs presented a request for Amendment to Original Order for Case Nos. 12-074 and 13-118 for consideration. Action was taken to amend the original order to increase the total number of hours that may be worked in a given time period and to authorize staff, in consultation with the PRN Advisory Committee, to adjust prescribed terms and conditions on this and other similar Board orders in the future in cases where the licensee has demonstrated consistent compliance with terms and conditions for monitoring and where the adjustment will not present increased risk to the public.

Petition for  
Reconsideration

Shasta Kilminster-Hadley, Board Prosecutor, presented Case No. 11-098, for consideration. The Board denied the Petition for Reconsideration and upheld

RN, Casey  
St. Martin. Lic  
No. N-35756.  
Case #11-098  
Motion – Denied

the original Order to revoke License No. N-35756, issued to Casey St. Martin. Mr. St. Martin may not apply for reinstatement for a period of two (2) years from entry of the Order, and after having met requirement set forth in the Order.

Discipline  
In-Service

As requested by the Board for their ongoing development, Board Counsel facilitated discussion on 2 cases: “Jain v. Delaware Board of Nursing” and “Davis v. Indiana State Board of Nursing”.

### LICENSURE/CERTIFICATION

Staff Report -  
Licensure/  
Certification

The Executive Director presented the 1<sup>st</sup> Quarter Staff Report (July 1– Sept. 30, 2014) of activities related to licensure, indicating progress toward established benchmarks.

Petition for  
Reinstatement:  
Jan Sund, Lic No.  
N-15672.  
Case #09-052  
Motion-Denied

The Associate Director for Investigation and Discipline presented the petition for reinstatement of license submitted by Jan Sund. In her presentation, the AD provided information pertinent to Case No. 09-052 that resulted in previous action against License No. N-15672, issued to Ms. Sund. Ms. Sund, who was present in the audience, was allowed to provide clarification relative to her petition. Following discussion, it was moved to Deny the Petition for Reinstatement based on lack of conclusive evidence that Ms. Sund will not engage in future criminal behavior. The Board recommended that future consideration of licensure reinstatement be based on objective psychological assessment of Ms. Sund’s propensity to reoffend in addition to any other requirements of the Board.

### EDUCATION

Staff Report -  
Education

The Associate Director for Practice and Education presented the 1<sup>st</sup> Quarter Staff Report (July 1 – Sept. 30, 2014) of activities related to education, indicating progress toward established benchmarks.

BYU-Idaho  
Proposed  
Curriculum  
Change  
BSN Program  
Motion

Representatives from BYU-Idaho presented the institution’s notice of the intent to discontinue the Associate Degree nursing education program and requested approval of the proposed BSN program curriculum change, that, when implemented, will establish a generic pre-licensure BSN program. Motion to accept changes as presented passed.

Education  
Philosophy  
Workgroup Update

The workgroup charged to review/recommend revisions to the Board’s Education Philosophy Statement (Susan Odom, Clay Sanders, and Carrie Nutsch) presented draft revisions to the Philosophy on Nursing Education for review and comments. The workgroup will make refinements to the

statement based on Board feedback and present an updated draft to the Board at the next meeting.

Summary of  
Nursing  
Education  
Program  
Annual Reports

The Associate Director for Practice and Education presented the summary of nursing education program annual reports and NCLEX pass rates. Following discussion, the Board accepted the reports.

Summary of  
Approved CNA  
Program  
Annual Reports

The Associate Director for Practice and Education presented the summary of Nursing Assistant Training Program annual reports. Following discussion, the Board accepted the reports and recommended the approval process continue with no changes.

**OTHER BUSINESS**

FARB 2014  
Regulatory Law  
Seminar Report

The Board's attorneys reported on the Federation of Association of Regulatory Boards (FARB) 2014 Regulatory Law Seminar held October 3-5 in Annapolis, MD and thanked the Board for approving their attendance.

Governance  
Committee  
Meeting Report

The Governance Committee reported on their meeting held the afternoon of Thursday, October 9, 2014.

Next Meeting

January 8-9, 2015.

Adjournment

The meeting adjourned at 3:56 p.m. October 10, 2014.

  
Chairman

  
Vice-Chairman