Meeting of the
IDAHO BOARD OF NURSING

MEETING MINUTES
July 11 and 12, 2019

Time and Place
A regular meeting of the Idaho Board of Nursing was held on July 11 and 12, 2019 at SpringHill Suites by Marriott, 424 E Parkcenter Blvd, Boise, Idaho.

Presiding
Judy Taylor, MSN, RN, Chair, Boise

Call to Order
The meeting was called to order at 9:00 a.m. MT on July 11, 2019 and at 8:30 a.m. MT on July 12, 2019, attendance was taken, and a quorum was declared on each day.

Members Present
Judy Taylor, RN, Boise, Chair
Jennifer Hines-Josephson, RN, Rathdrum
Jan Moseley, RN, Coeur d’Alene
Carrie Nutsch, LPN, Jerome, Vice Chair
Clayton Sanders, APRN-CRNA, Boise
Merrilee Stevenson, RN, Wendell
Renée Watson, RN, Boise

Members Absent
Whitney Hunter, Consumer, Boise

Staff Present
Russell Barron, MBA, Executive Director
Andrea Anzalone, RN, Associate Director, Investigation and Discipline
Katie Stuart, Associate Director, Alternative Programs
Sharon Matthies, Business Systems Manager
Mindy Diehl, Financial Technician (portions of the meeting)

Other Attendees
Karen Sheehan, DAG, Board Counsel
Robert Berry, DAG, Board Prosecutor (portions of the meeting)

Welcome
Judy Taylor, Board Chair, outlined the business for each day including appointments, introduced the security guard and security supervisor, and offered a reminder related to safety protocols, noting the various exit routes from the meeting room and hotel.

Motion to Amend the Agenda, Approved
A motion was made, seconded, and approved pursuant to Idaho Code 74-204, to amend the agenda as set out in the amended agenda posted on the website the night before the start of the meeting. The agenda had to be amended because the person responsible for gathering information for the agenda failed in her duties.
NEW BUSINESS

COMMUNICATION

**Staff Report - Communication**

1. Russ Barron, Executive Director, delivered the 4th quarter (April 1, 2019 to June 30, 2019) report providing information regarding Communication, indicating progress toward accomplishment of established benchmarks related to the Communication strategic goal and objectives including potentially new avenues for increasing communication with Idaho licensed nurses.

Open Forum

2. Time for an Open Forum was provided from 9:15am to 10:00am on Friday, July 12, 2019. Reuben DeKastle and Megan Boston of St. Luke’s requested discussion of practice scope for nurse apprentices. Sierra and Mike, both in the Student Nurse Apprentice Program (SNAP), shared perspectives about their experiences. Reuben requested this topic be added to the agenda for the next board meeting.

GOVERNANCE/ORGANIZATION

**Staff Report - Organization**

1. The Executive Director presented the 4th quarter (April 1, 2019 to June 30, 2019) report related to Organization.
   a. The Executive Director provided quarterly statistics indicating progress toward achievement of established benchmarks related to the Organization strategic goal. The new organization chart was distributed.
   b. Mindy Diehl, Financial Technician, presented the 4th Quarter Finance report. Discussion about fund balance included anticipated revenue reductions when additional states join the Nurse Licensure Compact (with Washington having the largest impact), anticipated expenditure increases such as the new 13th staffer and expansion of PRN monitoring contract, and the expected impact of the new “loser pays” legislation regarding lawsuits that was implemented July 1, 2019. The Board also may need to hire a SQL developer, potentially part-time year-round, to support the ORBS licensure database.

**Motion to Accept the Report on the Executive Director’s Expenses as Presented, Approved**

2. Merrilee Stevenson reviewed the Interim Executive Director’s and the new Executive Director’s P-Card expenses, reporting all charges were appropriate.

   A motion was made, seconded, and approved to accept the report as presented.

**Staff Report – Governance**

3. The Executive Director presented the 4th quarter (April 1, 2019 to June 30, 2019) report of staff activities related to Governance indicating progress toward accomplishment of established benchmarks related to the Governance strategic goal as well as the 4th quarter statistics of governance related activities.

   It was announced that Jim Puente, NCSBN Director of Nurse Licensure Compact, and Sue Tedford, Executive Director of the Arkansas Board of Nursing and Chair of the NLC Executive Committee, will visit Boise 7/25 & 7/26 to deliver all-staff training on the Nurse Licensure Compact (NLC).

**Advanced Practice Registered Nurse**

4. Cathy Arvidson, Chair, APRN Advisory Committee (APRN-AC), presented outcomes of the June 28, 2019 meeting.
Advisory Committee Report

The committee heard a presentation by Gus Powell about anesthesia provider titles.

The Associate Director for Investigation and Discipline presented on discipline. The committee finds the decisions are in agreement with how the committee would proceed, being in line with supporting both the nurse and the public.

Motion to Approve Out-of-State Travel
Approved

5. Registration, travel, and related expenses not paid by the National Council of State Boards of Nursing (NCSBN) were approved for:
   c. 2019 NCSBN Leadership and Public Policy, October 2 – 4, 2019, Atlanta, GA. Judy Taylor, Russ Barron.
   d. 2019 FARB Regulatory Law Seminar, October 3 – 6, 2019, St. Louis, MO. Karen Sheehan.

A motion was made, seconded, and passed to approve the out-of-state travel.

Staff Report – Business Systems

6. Sharon Matthies, Business Systems Manager, provided updates on the ORBS database, as well as Nursys.org and Nursys.com database changes, including the timing of anticipated ORBS 2.6.9 (autumn 2019) and 3.0 (spring / summer 2020) upgrades. Plans for website migration from current platform to WordPress were discussed; this will meet requirement that all agency websites must move to new state templates by January 22, 2021.

7. Dr. Randy Hudspeth presented staffing issues in the state regarding LPNs. Assisted living and long-term care facilities are resorting to employing travel LPNs at a high rate. One solution is to increase LPN student enrollment in Idaho nursing programs. There are challenges with clinical placements. Concurrently, there is a focus on increasing nursing faculty salaries around the state which should help reduce incredibly high churn rate.

The Nurse Refresher program has gone from 7 in January to 68 now enrolled.

RN Idaho publication has entered into a contract with Ubesco. Seven state newsletters in U.S. have applied because they meet criteria of peer review at national level.

This year marks 110th year of the Idaho Nurses Association, which will have a recognition event.

8. Board Elections. The board nominated and voted on each of the positions, unanimously electing:
   Chair: Judy Taylor
   Vice Chair: Jennifer Hines-Josephson
   Member at large on governance committee: Renée Watson
   PRN-AC Chair: Jan Moseley
   Reviewer for executive director’s expenses: Merrilee Stevenson

In the absence of an action indicator on the agenda, the board was unable to make a motion on this item; it will be made in the October board meeting.

10. Summary of Recommendations to the 2019 Delegate Assembly

The Board discussed resolutions to be considered by the NCSBN 2019 Delegate Assembly at their meeting in Chicago, IL in August 2019. The Board also discussed the proposed APRN compact text, including the concepts of supervised practice and at least 2,080 hours of practice, agreeing the text would be acceptable.

11. A motion was made to go into Executive Session pursuant to Idaho Code §74-206(1)(f) to communicate with legal counsel regarding pending/imminently-likely litigation. Roll was called by the Board assistant. The motion was unanimously approved. The Board went into Executive Session at 3:30 p.m. MT, 7/11/19.

A motion was made, seconded, and approved to exit Executive Session and return to regular session at 4:21 p.m. MT, 7/11/19.

12. Robert Berry, Board Prosecutor, provided oral presentation on the Discipline Case Management Conference, June 10-12, 2019 in Memphis, as well as new state legislation awarding attorney fees in lost lawsuits.

13. The Board discussed dates for board meetings in 2020, selecting Jan 30 & 31, April 23 & 24, and July 30 & 31 as the Board’s next meeting dates.

14. FY2019 Proposed Rules

Karen Sheehan, Board Counsel, provided an overview of the reauthorization of rules process for all agencies since the state legislature did not act to approve all rules at the end of the 2019 legislative session.

A public hearing was held on Friday, July 12, 2019 from 10:30 a.m. – 12:00 p.m. for public comment on Docket No. 23-0101-1901.

The Board discussed deleting rules for UAPs as part of a non-negotiated rulemaking docket.

A motion was made, seconded, and approved to approve the proposed rule changes to the rules of the Idaho Board of Nursing as discussed and modified during the negotiated rulemaking session and to delegate authority to the executive director to continue the rule promulgation process.
15. Andrea Anzalone, Associate Director for Investigation and Discipline, presented the 4th quarter (April 1, 2019 to June 30, 2019) report of activities related to Practice, reporting progress toward accomplishment of stated goals.

16. The Associate Director for Investigation and Discipline discussed the types of email and phone inquiries received pertaining to Practice, including review of the process directing the majority of inquiries to the Nurse Practice Act.

**DISCIPLINE/ALTERNATIVES TO DISCIPLINE**

1. Andrea Anzalone, Associate Director for Investigation and Discipline, presented the 4th quarter (April 1, 2019 to June 30, 2019) report on Discipline, indicating significant progress toward the accomplishment of Discipline and Alternatives to Discipline goals in the Board’s strategic plan.

2. Katie Stuart, Associate Director for Alternative Programs, presented the 4th quarter (April 1, 2019 to June 30, 2019) report on Discipline and Alternatives to Discipline, indicating significant progress toward the accomplishment of Discipline and Alternatives to Discipline goals in the Board’s strategic plan.

3. Contested Cases
   a. Default
      1) Robert Berry, Board Prosecutor, presented the Findings of Fact and Conclusions of Law and Final Order for Case No. 18-052, Cazier, Leon, License No. N-47327. Revocation, Approved
       After discussion, it was moved to adopt in full the Findings of Fact and Conclusions of Law and Final Order for Case No. 18-052, Cazier, Leon, and revoke RN License No. N-47327, to be considered for reinstatement after two (2) years and if all conditions stated in the Board order have been fulfilled. The motion was seconded and approved.

   c. Alternative Program Non-Compliance
      1) The Board Prosecutor presented the Findings of Fact and Conclusions of Law and Final Order for Case No. 12-050, Jones, Michelle A., License No. P-10937. Reinstatement Denied for Cause, Approved
       After discussion, it was moved to adopt in full the Findings of Fact and Conclusions of Law and Final Order for Case No. 12-050 and deny reinstatement for cause of License No. P-10937. Respondent may not apply for reinstatement in two (2) years. Conditions for reinstatement are stated in the final order and as required by board statute and rule. The motion was seconded and approved.

       After discussion, it was moved to adopt in full the Findings of Fact and Conclusions of Law and Final Order for Case No. 15-009 & 14-026 and revoke License No. N-24167 for two (2) years, to be considered for reinstatement after five (5) years and all conditions stated in the Board order have been fulfilled. The motion was seconded and approved.
LICENSURE/CERTIFICATION

Staff Report – Licensure/Certifications
1. The Executive Director and Business Systems Manager presented the 4th quarter (April 1, 2019 to June 30, 2019) report for licensure providing statistical information as well as progress toward established benchmarks related to the Licensure strategic goals.

EDUCATION

Staff Report
1. Andrea Anzalone, Associate Director for Investigation and Discipline, presented the 4th quarter (April 1, 2019 to June 30, 2019) report for Education indicating statistical information as well as progress toward established benchmarks related to the Education strategic goals.

2. The Associate Director for Investigation and Discipline reported the types of email and phone inquiries received pertaining to education.

Motion to Deny the Unitek Program Application for Approval to Plan, Approved
3. The Board discussed the Unitek (Eagle Gate) Program application for approval to plan.

   A motion was made, seconded, and approved to deny the application, sending back to staff and the company to resubmit the application for board approval.

Motion to Acknowledge New NIC Program Director, Approved
4. NIC: new Program Director, Erlene Pickett.

   A motion was made, seconded, and approved to acknowledge Erlene Pickett as the new program director at NIC.

OTHER BUSINESS

Governance Committee Report
1. Judy Taylor, Board Chair, reported outcomes of the Governance Committee meeting held April 25, 2019 and committee discussion regarding the charge of the committee.

   The Board considered revisiting a date for a board retreat prior to the May 2020 expected date, since the May 2019 retreat was replaced by hiring / selection committee meeting. A suggested topic is overall governing model for the Board.

   The Board also discussed the self-evaluation tool, requesting further discussion in the October 2019 board meeting.

ADJOURNMENT

Adjournment
The meeting Adjourned at 4:10 p.m.

MINUTES APPROVAL

Signatures:

Chair

Vice Chair