

Meeting of the
IDAHO BOARD OF NURSING

MEETING MINUTES

July 11 and 12, 2019

<u>Time and Place</u>	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.
<u>Presiding</u>	Judy Taylor, MSN, RN, Chair, Boise
<u>Call to Order</u>	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.
<u>Members Present</u>	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
<u>Members Absent</u>	Whitney Hunter, Consumer, Boise
<u>Staff Present</u>	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)
<u>Other Attendees</u>	Karen Sheehan, DAG, Board Counsel Robert Berry, DAG, Board Prosecutor (portions of the meeting)
<u>Welcome</u>	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.
<u>Motion to Amend the Agenda, Approved</u>	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:
 - a. 2019 Robert Wood Johnson Foundation “Healthcare 2020-2030: The Future of Nursing” Conference, August 7, 2019, Seattle, WA. Foundation will pay for this. Randy Hudspeth of ICN and Russ Barron of IBN.
 - b. 2019 Tri-Regulator Symposium, September 26 – 27, 2019, Frisco, TX. Russ Barron.
 - 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.

9. Board Development – Presentation: “Leveraging Members’ Perspectives for Effective Boards and Practical Executive Director Evaluation Tips”: Susan Buxton, Administrator, Idaho Division of Human Resources.

Summary of Recommendations to NCSBN 2019 Delegate Assembly

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.

Motion to go into Executive Session pursuant to Idaho Code §74-206(1)(f) to communicate with legal counsel regarding pending/imminently-likely litigation, Approved

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.

Motion to Exit Executive Session and Return to Regular Session, Approved

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.

Selection of 2020 Board Meeting Dates

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.

Motion to Approve Proposed Rule Changes and Delegate Authority for Continuing Rule Promulgation Process to Executive Director, Approved

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.

PRACTICE

Staff Report – Practice

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

Staff Report – 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.

Staff Report – Alternatives to Discipline

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.

Motion to adopt in full the Findings of Fact and Conclusions of Law and Final Order for Case No. 18-052, Cazier, Leon, License No. N-47327. Revocation, Approved

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.

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.

Motion to adopt in full 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

- 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.

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.

Motion to adopt in full the Findings of Fact and Conclusions of Law and Final Order for Case No. 15-009 & 14-026, Lancaster, Tesha, License No. N-24167. Revocation, Approved

- 2) The Board Prosecutor presented the Findings of Fact and Conclusions of Law and Final Order for Case No. 15-009 & 14-026, Lancaster, Tesha, License No. N-24167.

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

 1/30/2020

Vice Chair