



Policy Number: V - COMPLAINT MANAGEMENT - 1

Policy Name: **GUIDELINES FOR REPORTING MINOR VIOLATIONS**

Adoption Date: 8/11/94

Revision Date:

Review Date: 11/14/08

Purpose: To clarify what constitutes minor incidents that need not be reported to the Board when there are mechanisms in place in the employment setting to take corrective action and remediate deficits in practice.

Policy: A. "Minor incident" means conduct that does not indicate the nurse's continuing to practice poses a risk of injury or harm to the patient or to another person. Minor incidents need not be reported to the Board of Nursing if **all** the following factors are present:

1. potential risk of physical, emotional, or financial harm or injury to the patient due to the incident is very low; **and**
2. the incident is a one-time minor event with no pattern of poor practice; **and**
3. the nurse exhibits a conscientious approach to and accountability for his/her practice by following policies/procedures relative to the incident (i.e. notifying supervisor, calling physician, completing an incident report); **and**
4. the nurse appears to have the knowledge and skills to practice safely.

The presence of contributing or mitigating circumstances may be taken into consideration.

B. The Board recommends that:

1. An incident/variance report be completed for all minor incidents-to include a complete description of the incident, patient record number and witnesses; and
2. the nurse manager maintains the records of minor incidents and document the action taken to correct or remediate the problem; and
3. Three minor incidents in one year be evaluated by a peer review or administrative committee to determine if a report to the Board of Nursing is warranted.

Nothing in these Guidelines is intended to prevent or discourage direct reporting to the Board of Nursing.



Policy Number: V - COMPLAINT MANAGEMENT - 2

Policy Name: **INTAKE AND LOG-IN OF COMPLAINTS**

Adoption Date: 2/10/00

Revision Date:

Review Date: 11/14/08

Purpose: To establish the type, method, and disposition of complaints received by the Board of Nursing.

- Policy:
- A. All complaints received in writing will be reviewed within thirty (30) days for determination:
 - 1. Of legal authority of the Board to investigate the complaint;
 - 2. That the allegations, if substantiated, constitute statutory grounds for disciplinary action.
 - B. All complaints meeting criteria of '1' and '2' are "logged in" and prepared for investigation.
 - C. "Complaints received in writing" include but are not limited to:
 - 1. Complaints written on Board of Nursing "Report Form for Violation of the Nursing Practice Act";
 - 2. Complaints expressed in written or electronic correspondence to the Board of Nursing, either signed or unsigned;
 - 3. Legal documentation, media documentation and agency reports of the untoward actions of a nurse;
 - 4. Narrative summaries of interview between Board of Nursing staff and complainant which is signed by both the staff member and by the complainant;
 - 5. Written notice by the PRN coordinator and/or PRNAC of non-compliance with PRN monitoring conditions.
 - D. The identity of the complainant will remain confidential until such time as the Board of Nursing commences a "contested case" proceeding under the Idaho Administrative Procedures Act against the licensee or other person regulated by the Board.



Policy Number: V - COMPLAINT MANAGEMENT - 3

Policy Name: **PRIORITIZATION/RATING**

Adoption Date: 2/10/00

Revision Date:

Review Date: 11/14/08

Purpose: To establish guidelines for priority management of complaints based on risk to the public.

Policy: A. Complaints are considered in accordance with Guidelines for Priority Ratings, with those posing the greatest potential for public harm considered first and foremost. Each case is considered on an individual basis and on its own merits. The Guidelines do not restrict Board staff from discretionary decisions on a case-by-case basis.



Policy Number: V - COMPLAINT MANAGEMENT - 4

Policy Name: **INVESTIGATIVE PLAN**

Adoption Date: 2/10/00

Revision Date:

Review Date: 11/14/08

Purpose: To assure Board consistency in application of complaint investigation and disciplinary process.

Policy: A. Investigation is conducted according to procedures designed to provide for consistency, thoroughness, and efficiency. Staff conducts investigations, and in consultation with counsel, recommends remedial, informal, and formal action. All investigative information and evidence are summarized in the "Summary Report of Investigation", which is retained as part of the permanent complaint record.



Policy Number: V - COMPLAINT MANAGEMENT - 5

Policy Name: **DUE PROCESS**

Adoption Date: 10/17/99

Revision Date: 2/10/00

Review Date: 11/14/08

Purpose: To assure that all parties are afforded fair, prompt and just action during complaint, investigation, and disciplinary processes.

Policy: A. Disciplinary action may be either formal or informal. In any disciplinary investigation and subsequent action, the Board will strive to provide the licensee with all process that is due. This process will be in compliance with the substantive and procedural requirements of the Idaho Nursing Practice Act (Title 54, Chapter 14, Idaho Code), the Idaho Administrative Procedures Act (Title 52, Chapter 67) and the rules promulgated in accordance with those statutes.

1. Due process provisions during investigation and pre-disposition proceedings assure the licensee of:
 - a. A statement of the allegations.
 - b. The opportunity to appear and to respond to the allegations.
 - c. The opportunity to be represented by counsel.
 - d. The opportunity to request a hearing before the Board.
2. Due Process provisions during informal and formal disciplinary action proceedings assure the licensee of:
 - a. A statement of the time, place and general nature of the hearing;
 - b. A statement of the legal authority under which the hearing is to be held;
 - c. A statement of the allegation(s) against the licensee.
 - d. The opportunity to be represented by counsel.
 - e. The opportunity to hear and cross-examine witnesses who testify against the licensee;
 - f. The opportunity to produce witnesses on his/her behalf;
 - g. Full consideration and fair determination of the controversy by the properly authorized body, based on the evidence presented;
 - h. Access to judicial review and notice of the right to review;
 - i. A record of the proceedings (in the event of appeal).



Policy Number: V - COMPLAINT MANAGEMENT - 6

Policy Name: **SUMMARY SUSPENSION OF LICENSE**

Adoption Date: 2/10/00

Revision Date:

Review Date: 11/14/08

Purpose: To establish when immediate action is appropriate to protect the public from imminent harm.

Policy:

- A. Summary suspension of license is the immediate removal, on an emergency basis and prior to a hearing, of the authority to practice.
- B. Summary action is considered only when there is documented evidence of a significant, high potential for imminent harm to the public. The Executive Director in consultation with counsel initiates summary suspension.



Policy Number: V - COMPLAINT MANAGEMENT - 7

Policy Name: **LICENSURE DENIAL**

Adoption Date: 2/10/00

Revision Date:

Review Date: 11/14/08

Purpose: To establish a process for denial of application for licensure.

Policy:

- A. An application for licensure may be denied for failure to meet licensure requirements (non-disciplinary denial) or based on grounds for discipline as defined in Idaho Code 54-1413(1) (disciplinary denial).
- B. Denial for failure to meet licensure requirements is not considered disciplinary action, is not reportable and the application file is closed.
- C. Denial based on grounds for discipline as defined in Idaho Code is considered disciplinary action and is managed consistent with Disciplinary Policies.



Policy Number: V - COMPLAINT MANAGEMENT - 8

Policy Name: **RESTRICTED LICENSURE
NON-PRACTICING LICENSURE**

Adoption Date: 2/10/00

Revision Date:

Review Date: 11/14/08

Purpose: To establish a process for placing/withdrawing a non-practice restriction on the license of a nurse who is unable to safely practice nursing.

Policy:

- A. A restricted or non-practicing license may be issued to the nurse who is unable to practice the full scope of nursing practice due to acute or chronic illness or disability. The restricted or non-practicing license is issued until the time that the Board is confident of the licensee's ability to practice within the provisions of the law and accepted standards for practice.
- B. Consideration for a restricted or non-practicing license is contingent on documentation of the limitations as determined by a qualified health care provider using recognized diagnostic procedures and techniques.
- C. Removal of the restricted or non-practicing license shall be consistent with rules of the Board.



Policy Number: V - COMPLAINT MANAGEMENT - 9

Policy Name: **LIMITED LICENSURE WITH CONDITIONS**

Adoption Date: 2/10/00

Revision Date:

Review Date: 11/14/08

Purpose: To provide for licensure conditions and/or restrictions at the time of licensure reinstatement following disciplinary action.

Policy:

- A. Reinstatement of a license following disciplinary action will be under initial conditions of limited licensure for a period of time designated by the Board until the time that the Board is confident of the licensee's ability to practice within the provisions of the law and standards for practice. A limited license is "a license authorizing the practice of nursing with restrictions or monitoring requirements".
- B. The Executive Director may take summary action to withdraw the limited license for non-compliance with conditions or other violations consistent with Board rule.



Policy Number: V - COMPLAINT MANAGEMENT - 10

Policy Name: **NON-BOARD REFERRAL TO PRN**

Adoption Date: 2/10/00

Revision Date:

Reviewed: 11/14/08

Purpose: To describe circumstances under which a nurse may enroll in the Program for Recovering Nurses without voluntary surrender of licensure.

Policy:

- A. Under provisions in the Board's contract for the Program for Recovering Nurses, licensees may self-report and be monitored if related violations of the Nursing Practice Act have not been reported to the Board.
- B. For complaints that are received after the licensee has contacted the PRN, the investigation will be conducted and the results held as long as the licensee remains compliant with Contract requirements.



Policy Number: V - COMPLAINT MANAGEMENT - 11

Policy Name: **BOARD REFERRAL TO PRN**
(Temporary Voluntary Surrender)

Adoption Date: 2/10/00

Revision Date:

Review Date: 11/14/08

Purpose: To establish an alternative process to formal disciplinary action for those nurses whose practice may be impaired due to chemical dependence and/or mental conditions.

Policy: A. The Program for Recovering Nurses (PRN) is available as an alternative to disciplinary action for a qualified nurse who is willing to:

1. Admit in writing to a violation/violations of the Nursing Practice Act;
2. Temporarily voluntarily surrender his/her license; and
3. Agree to enter treatment and be monitored through the PRN.

B. Nursing Practice may be resumed only upon issuance of a limited license under specific monitoring conditions established by the program coordinator.

C. Following successful completion of the monitoring program, there will not be a record of formal disciplinary action in the nurse's record.



Policy Number: V - COMPLAINT MANAGEMENT - 12

Policy Name: **DISCIPLINE REPORTING**

Adoption Date: 2/10/00

Revision Date:

Reviewed: 11/14/08

Purpose: To assure public access to information related to Board action against a licensee.

Policy:

- A. Information related to formal disciplinary action against a license is available to the public, to Boards of Nursing in other jurisdictions, to NURSUS, National Databanks, and upon verbal or written request.
- B. Information about discipline related issues, processes and procedures is regularly published in written materials/publications and placed on the Website of the Board.



Policy Number: V - COMPLAINT MANAGEMENT - 13

Policy Name: **APPOINTMENT OF GENERAL COUNSEL AS HEARING OFFICER IN CONTESTED CASE PROCEEDINGS**

Adoption Date: 2/6/09

Revision Date:

Reviewed:

Purpose: To authorize Board counsel to manage preliminary and procedural matters related to evidentiary hearings in certain situations on behalf of the Board.

Policy: Administrative disciplinary proceedings against persons licensed by the Idaho Board of Nursing are subject to the Idaho Administrative Procedure Act (chapter 52, title 67, Idaho Code) and the Idaho Rules of Administrative Procedure of the Attorney General (IDAPA 04.11.01). The Board, acting through its authorized agent, may exercise the authority granted by IDAPA 04.11.01.424 to appoint the Deputy Attorney General assigned as its general or advisory counsel to serve as hearing officer in contested cases under the following conditions, terms and limitations.

- A. An appointment under this Policy shall be limited to preliminary or procedural matters that arise prior to the Board's consideration of the substance of the administrative complaint.
- B. An appointment under this Policy shall be made, in writing, on a case-by-case basis by the Board Chairman or Vice-Chairman; and a copy supplied to the parties or their legal counsel.
- C. Upon appointment, the scope of the hearing officer's authority shall be to:
 - 1. Schedule and conduct motion hearings and enter an appropriate order disposing of any pre-trial motions, including, but not limited to: motions on the admissibility of evidence, motions for continuance and motions to compel discovery.
 - 2. Schedule and conduct any pre-trial conference deemed necessary to fulfill the purposes set forth at IDAPA 04.11.01.510 and to enter appropriate follow-up orders carrying out those purposes.



3. Perform other duties as assigned by the Board in any supplemental written appointment.
- D. Decisions of the hearing officer are subject to review by the Board upon proper motion by any party.
 - E. The provisions of IDAPA 04.11.91.424 shall govern the hearing officer's discussions with the parties or the Board regarding the substance of the administrative Complaint.
 - F. An appointment under this Policy shall not prevent the Board from appointing another hearing officer to preside at the trial of the administrative Complaint.



Policy Number: V - DISCIPLINE -14

Policy Name: **LICENSE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT**

Adoption Date: May 3, 2013

Revision Date:

Review Date:

INTRODUCTION: Title 7, Chapter 14, Idaho Code grants authority to the Department of Health and Welfare ("Department") to suspend a nursing license when a parent or other person legally responsible for making child support payments (the "obligor") refuses or otherwise fails to make those payments. Under procedures contained in the statutes, the suspension order can be entered by the court, the Department, or the administrative agency issuing the license.

Purpose: To clarify the process by which the Board takes action to suspend a nursing license pursuant to provisions in Idaho Code §§ 7-1404-1412, "Family Law License Suspensions".

- Policy:**
- A. Upon receipt of a suspension order from the court or the Department of Health and Welfare, the Board shall summarily suspend the license(s) of a nurse effective the date the order becomes final without additional review or hearing, consistent with provisions in Idaho Code § 7-1412.
 - B. If the person does not hold a current license, the Board shall so notify the Department.
 - C. Under, Idaho Code §7-1417, license suspension orders issued by the Department become "final and conclusive between the parties unless an appeal to district court is filed within twenty-eight (28) days...". Board staff should check with the Department and the court to determine whether the nurse has filed an appeal by the twenty-eight (28) day deadline. If an appeal has been timely filed, the Board should refrain from entering the Order.
 - D. The summary suspension by the Board is reportable disciplinary action.

(NOTE: Refer to attached Sample Letter to the licensee who is the subject of summary suspension of license)