

Dear Senators HEIDER, Nuxoll, Schmidt, and
Representatives WOOD, Packer, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Board of Nursing:

IDAPA 23.01.01 - Rules of the Idaho Board of Nursing - Proposed Rule (Docket No. 23-0101-1501);
IDAPA 23.01.01 - Rules of the Idaho Board of Nursing - Proposed Rule (Docket No. 23-0101-1503).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/22/2015. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/19/2015.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Legislative Research Analyst - Elizabeth Bowen

DATE: October 02, 2015

SUBJECT: Board of Nursing

IDAPA 23.01.01 - Rules of the Idaho Board of Nursing - Proposed Rule (Docket No. 23-0101-1501)

IDAPA 23.01.01 - Rules of the Idaho Board of Nursing - Proposed Rule (Docket No. 23-0101-1503)

The Board of Nursing submits notice of two proposed rules at IDAPA 23.01.01.

The **first proposed rule** establishes standards and criteria to demonstrate competence for nurses seeking to renew their licenses. These standards and criteria include requirements for:

- Professional practice;
- Continuing education; and
- Professional engagement, such as research, teaching, or volunteer activities related to nursing.

Negotiated rulemaking was conducted. There is no negative fiscal impact on the state general fund. The Board states that this rulemaking is authorized pursuant to Section 54-1404, Idaho Code.

The **second proposed rule** updates and clarifies provisions relating to registered nurses with a nursing specialty, such as emergency nursing, orthopedic nursing, or pediatric nursing. These provisions help to define the functions that such nurses may carry out and also prescribe the conditions under which nurses may carry out specialty functions.

Negotiated rulemaking was conducted. There is no negative fiscal impact on the state general fund. The Board states that this rulemaking is authorized pursuant to Section 54-1404, Idaho Code.

cc: Board of Nursing
Sandra Evans, M.A. Ed., R.N.

IDAPA 23 - BOARD OF NURSING

23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1404, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Statute authorizes the Board of Nursing to develop standards and criteria to evaluate the continued competency of licensed nurses. This rulemaking establishes those standards and criteria. For public safety, the rulemaking will require registered and licensed practical nurses seeking to renew their licenses to demonstrate their continued competence to practice nursing in Idaho. The rule establishes several methods for nurses to comply with this obligation.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2015 Idaho Administrative Bulletin, [Vol. 15-6, page 52](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Sandra Evans, Executive Director, at (208) 334-3110.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 2nd Day of September, 2015.

Sandra Evans, M.A. Ed., R.N., Executive Director
Board of Nursing
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P. O. Box 83720
Boise, ID 83720-0061
Phone: (208) 334-3110 ext. 2476
Fax: (208) 334-3262

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 23-0101-1501
(Only Those Sections With Amendments Are Shown.)

061. CONTINUED COMPETENCE REQUIREMENTS FOR RENEWAL OF AN ACTIVE LICENSE.

01. Learning Activities. In order to renew an LPN or RN license, a licensee shall complete or comply with at least two (2) of any of the learning activities listed below in Paragraphs 061.01.a., b., or c. within the two (2)-year renewal period:

a. Practice:

i. Current nursing specialty certification as defined in Section 402 of these rules; or

ii. One hundred (100) hours of practice or simulation practice, paid or unpaid, in which the nurse applies knowledge or clinical judgment in a way that influences patients, families, nurses, or organizations;

b. Education, Continuing Education, E-learning, and In-service:

i. Fifteen (15) contact hours of continuing education, e-learning, academic courses, nursing-related in-service offered by an accredited educational institution, healthcare institution, or organization (a contact hour equals not less than fifty (50) minutes); or

ii. Completion of a minimum of one (1) semester credit hour of post-licensure academic education relevant to nursing practice, offered by a college or university accredited by an organization recognized by the U.S. Department of Education; or

iii. Completion of a Board-recognized refresher course in nursing or nurse residency program; or

iv. Participation in or presentation of a workshop, seminar, conference, or course relevant to the practice of nursing and approved by an organization recognized by the Board to include, but not limited to:

(1) A nationally recognized nursing organization;

(2) An accredited academic institution;

(3) A provider of continuing education recognized by another board of nursing;

(4) A provider of continuing education recognized by a regulatory board of another discipline; or

(5) A program that meets criteria established by the Board;

c. Professional Engagement:

i. Acknowledged contributor to a published nursing-related article or manuscript; or

ii. Teaching or developing a nursing-related course of instruction; or

iii. Participation in related professional activities including, but not limited to, research, published professional materials, nursing-related volunteer work, teaching (if not licensee's primary employment), peer reviewing, precepting, professional auditing, and service on nursing or healthcare related boards, organizations, associations or committees.

02. APRN Continued Competence Requirements. Registered nurses who also hold an active license as an APRN shall only meet the requirements of Section 300 of these rules.

03. First Renewal Exemption. A licensee is exempt from the continued competence requirement for the first renewal following initial licensure by examination. ()

04. Extension. The Board may grant an extension for good cause for up to one (1) year for the completion of continuing competence requirements. Such extension shall not relieve the licensee of the continuing competence requirements. ()

05. Beyond the Control of Licensee Exemption. The Board may, in the exercise of its sound discretion, grant an exemption for all or part of the continuing competence requirements due to circumstances beyond the control of the licensee. ()

06. Disciplinary Proceeding. Continued competence activities or courses required by Board order in a disciplinary proceeding shall not be counted as meeting the requirements for licensure renewal. ()

07. Compliance Effective Dates. Compliance with the continuing competence requirements of Sections 061 and 062 will be necessary to renew an LPN license beginning with 2018 renewals and an RN license beginning with 2019 renewals. ()

062. DOCUMENTING COMPLIANCE WITH CONTINUED COMPETENCE REQUIREMENTS.

01. Retention of Original Documentation. All licensees are required to maintain original documentation of completion for a period of two (2) years following renewal and to provide such documentation within thirty (30) days of a request from the Board for proof of compliance. ()

02. Documentation of Compliance. Documentation of compliance shall be as follows: ()

a. Evidence of national certification shall include a copy of a certificate that includes the name of licensee, name of certifying body, date of certification, and date of certification expiration. Certification shall be initially attained during the licensure period, have been in effect during the entire licensure period, or have been recertified during the licensure period. ()

b. Evidence of post-licensure academic education shall include a copy of the transcript with the name of the licensee, name of educational institution, date(s) of attendance, name of course, and number of credit hours received. ()

c. Evidence of completion of a Board-recognized refresher course shall include certificate or written correspondence from the provider with the name of the licensee, name of provider, and verification of successful completion of the course. ()

d. Evidence of completion of research or a nursing project shall include an abstract or summary, the name of the licensee, role of the licensee as principal or contributing investigator, date of completion, statement of the problem, research or project objectives, methods used, and summary of findings. ()

e. Evidence of contributing to a published nursing-related article, manuscript, paper, book, or book chapter shall include a copy of the publication to include the name of the licensee and publication date. ()

f. Evidence of teaching a course for college credit shall include documentation of the course offering indicating instructor, course title, course syllabus, and the number of credit hours. Teaching a particular course may only be used once to satisfy the continued competence requirement unless the course offering and syllabus has changed in a material or significant fashion. ()

g. Evidence of teaching a course for continuing education credit shall include a written attestation from the director of the program or authorizing entity including the date(s) of the course and the number of hours awarded. ()

h. Evidence of hours of continuing learning activities or courses shall include the name of the

licensee, title of activity, name of provider, number of hours, and date of activity. ()

i. Evidence of one hundred (100) hours of practice in nursing shall include the name of the licensee and documentation satisfactory to the Board of the number of hours worked during review period validated by the employer/recipient agency. If self-employed, hours worked may be validated through other methods such as tax records or other business records. If practice is of a volunteer or gratuitous nature, hours worked may be validated by the recipient agency. ()

06~~4~~3. LICENSE REINSTATEMENT (NON-DISCIPLINE).

01. Within One Year. A person whose license has lapsed for failure to pay the renewal fee by the specified date may apply for reinstatement within one (1) year by: (3-30-07)

- a. Filing a completed renewal application; and (3-30-01)
- b. Payment of the verification of records fee and the renewal fee as prescribed in Subsection 900.05 of these rules. (4-2-03)

02. After One Year. After one (1) year, but less than three (3) years, a person whose license has lapsed for failure to pay the renewal fee by the specified date may apply for reinstatement by: (3-30-07)

- a. Filing a completed reinstatement application; and (3-30-01)
- b. Payment of the fees prescribed in Subsection 900.05 of these rules; and (3-30-07)
- c. Providing evidence satisfactory to the Board of the applicant's ability to practice safely and competently. (3-30-01)
- d. Causing the submission of a current fingerprint-based criminal history check as set forth in Section 54-1401(3), Idaho Code. (4-7-11)

03. After Three Years. After three (3) years, a person whose license has lapsed for failure to timely pay the renewal fee may apply for reinstatement by: (3-30-07)

- a. Filing a completed reinstatement application; and (3-30-07)
- b. Payment of the fees prescribed in Subsection 900.05 of these rules; and (3-30-07)
- c. Payment of the temporary license fee prescribed in Subsection 901.07 of these rules, if required; and (4-2-03)
- d. Providing evidence, satisfactory to the Board, of the applicant's ability to practice safely and competently. (3-30-07)
- e. Causing the submission of a current fingerprint-based criminal history check as set forth in Section 54-1401(3), Idaho Code. (4-7-11)

04. Reinstatement of Emeritus License to Current Status. A person who holds a current emeritus license in good standing may apply for reinstatement of the license to active and unrestricted status by: (4-2-03)

- a. Submitting a completed application for reinstatement; and (4-2-03)
- b. Payment of the fees prescribed in Subsection 900.05 of these rules; and (3-30-07)
- c. Providing evidence, satisfactory to the Board, of the applicant's current competency to practice. (3-30-07)

0624. REINSTATEMENT AFTER DISCIPLINE.

- 01. Submission of Application Materials.** A person whose license has been subject to disciplinary action by the Board may apply for reinstatement of the license to active and unrestricted status by: (4-7-11)
- a.** Submitting a completed application for reinstatement; and (4-7-11)
 - b.** Payment of the fees prescribed in Subsection 900.05 of these rules; and (4-7-11)
 - c.** Documenting compliance with any term and restrictions set forth in any order as a condition of reinstatement; and (4-7-11)
 - d.** Providing evidence, satisfactory to the Board, of the applicant's ability to practice safely and competently. (4-7-11)
 - e.** Causing the submission of a current fingerprint-based criminal history check as set forth in Section 54-1401(3), Idaho Code. (4-7-11)
- 02. Appearance Before Board.** Applicants for reinstatement may be required to appear before the Board. (3-15-02)
- 03. Evaluation of Applications.** In considering applications for reinstatement, the Board will evaluate: (3-15-02)
- a.** The nature and severity of the act which resulted in discipline; (4-7-11)
 - b.** The conduct of the applicant subsequent to the discipline; (4-7-11)
 - c.** The lapse of time since discipline; (4-7-11)
 - d.** The degree of compliance with all terms and conditions the Board may have set forth as a prerequisite for reinstatement; (3-15-02)
 - e.** Any intervening circumstances that may have altered the need for compliance; (3-15-02)
 - f.** The degree of rehabilitation attained by the applicant as evidenced by statements sent directly to the Board from qualified people who have professional knowledge of the applicant; (11-28-84)
 - g.** The applicant's adherence to or violation of any applicable law or rule regulating the practice of nursing; and (4-6-05)
 - h.** The applicant's criminal background information as evidenced by a current fingerprint based criminal history check as set forth in Section 54-1401(3), Idaho Code. (4-6-05)
- 04. Board Action Possible.** After evaluation, the Board may deny a reinstatement, grant a reinstatement, or issue a license permitting the applicant to practice nursing under specified terms and conditions. (3-15-02)
- 05. Assessment of Costs.** As a condition of withdrawing, reversing, modifying, or amending a prior disciplinary order, the applicant may be required to pay all or any part of the costs incurred by the Board in the proceedings in which the order was entered. (4-7-11)
- 06. Application for Reinstatement After Revocation.** Unless otherwise provided in the order of revocation, applicants for reinstatement of revoked licenses may not apply for reinstatement for a period of two (2) years after entry of the order. (3-15-02)

0635. -- 075. (RESERVED)

IDAPA 23 - BOARD OF NURSING

23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-1503

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1404, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The existing Board of Nursing rule on specialized practice is inadequate and the Board has received requests to update the rule. This rulemaking amends Board of Nursing Rule 402 (IDAPA 23.01.01.402) to update and clarify provisions regarding registered nurses functioning in a specialty area of nursing.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2015 Idaho Administrative Bulletin, [Vol. 15-6, page 54](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Sandra Evans, Executive Director, at (208) 334-3110.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 2nd Day of September, 2015.

Sandra Evans, M.A. Ed., R.N., Executive Director
Board of Nursing
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 23-0101-1503
(Only Those Sections With Amendments Are Shown.)

402. LICENSED REGISTERED NURSE FUNCTIONING IN SPECIALITY AREAS.

01. Extended Functions. A licensed registered nurse may carry out functions beyond the basic educational preparation described in Sections 600 through 681 of these rules under certain conditions. ~~(7-1-96)~~()

012. Conditions for Licensed Registered Nurses Functioning in Specialty Practice Areas. A licensed registered nurse may carry out functions ~~beyond the educational preparation described in Sections 600 through 681 of these rules~~ defined within parameters of a nursing specialty that meets criteria approved by the American Board of Nursing Specialties (ABNS) or the National Commission for Certifying Agencies (NCCA) of the National Organization for Competency Assurance (NOCA) when the nurse: ~~(3-30-07)~~()

a. ~~In addition to~~ Can document successful completion of ~~the curriculum requirements~~ additional education through an organized program of study including supervised clinical experience or equivalent demonstrated competence consistent with provisions of Sections ~~600 through 681~~ 400 of these rules, ~~has completed any specific education, training, and supervised practice as may be required in the Nursing Practice Act or rules;~~ and ~~(3-30-07)~~()

b. Conforms to recognized nursing specialty practice parameters, characters, and standards for practice of the specialty. ~~and~~ ~~(5-3-03)~~()

~~c. Follows written protocols approved by medical staff, nursing administration, and the employing agency administration. (5-3-03)~~

02. Recognized Specialty Practice Areas. Additional education, training, and practice: (5-3-03)

~~a. Flight/Transport Nurse. A flight/transport nurse is a licensed registered nurse who provides critical care services with a duly licensed transporting agency. (5-3-03)~~

~~i. Basic qualifications include at least two (2) years (four thousand (4,000) hours) of critical care nursing experience in the specialty area pertinent to the type of service being provided. (5-3-03)~~

~~ii. Licensed registered nurses who regularly provide care in the pre-hospital setting must maintain emergency medical technician credentialing. (5-3-03)~~

~~iii. Individual educational requirements commensurate with the specialty care being provided may include, but are not limited to: Neonatal Resuscitation Program ("NRP"), Advanced Cardiac Life Support (ACLS), Pediatric Advanced Life Support (PALS), Trauma Nurse Core Curriculum (TNCC) or Flight Nurse Advanced Trauma Course (FNATC) and radio communications. (5-3-03)~~

~~iv. Flight nurses must also have course work in flight physiology, aircraft safety and survival. (5-3-03)~~

~~v. A flight/transport nurse must have received a minimum of forty (40) hours of supervised clinical experience before functioning independently. (5-3-03)~~

~~b. Surgical First Assistants. A surgical first assistant is a licensed registered nurse who, under direct supervision, assists the operating surgeon. (5-3-03)~~

~~i. Nurses acting as surgical first assistants may not concurrently serve as scrub or instrument nurses. (5-3-03)~~

~~ii. A licensed registered nurse surgical first assistant in cardiovascular surgery may harvest saphenous veins after completing additional educational instruction acceptable to the Board and supervised practice under direct supervision of the operating physician. (5-3-03)~~