

Dear Senators HEIDER, Nuxoll, Bock, and  
Representatives WOOD, Perry, Rusche:

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

IDAPA 23.01.01 - Rules Pertaining To The Idaho Board of Nursing - Proposed Rule (Docket No.  
23-0101-1401);

IDAPA 23.01.01 - Rules Pertaining To The Idaho Board of Nursing - Proposed Rule (Docket No.  
23-0101-1402).

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 09/23/2014. 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 10/22/2014.

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.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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*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:** September 04, 2014  
**SUBJECT:** Board of Nursing

IDAPA 23.01.01 - Rules Pertaining To The Idaho Board of Nursing - Proposed Rule (Docket No. 23-0101-1401)

IDAPA 23.01.01 - Rules Pertaining To The Idaho Board of Nursing - Proposed Rule (Docket No. 23-0101-1402)

The Board of Nursing submits notice of proposed rulemaking at IDAPA 23.01.01. The first proposed rule defines the terms "sexual conduct" and "sexual exploitation" and clarifies prohibited sexual conduct in accordance with Section 54-1413, Idaho Code. The second proposed rule establishes standards and criteria to evaluate the continued competency of licensed nurses.

There is no negative fiscal impact on the state general fund. Negotiated rulemaking was conducted. The rules are consistent with the Board's authority under 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. 23-0101-1401

#### 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 September 17, 2014.

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 2014 Legislature amended the Board of Nursing's disciplinary statute to provide that sexual conduct or sexual exploitation by a nurse of a current or, in certain situations, a former patient constitutes grounds for discipline. The rulemaking is intended to define the terms sexual conduct and sexual exploitation, clarify the prohibited conduct, and otherwise implement the statutory amendment.

**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 4, 2014 Idaho Administrative Bulletin, [Vol. 14-6, page 69](#).

**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, M.A. Ed., R.N., Executive Director, (208) 334-3110 ext. 2476.

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 September 24, 2014.

DATED this 7th day of August, 2014.

Sandra Evans, M.A. Ed., R.N., Executive Director  
Board of Nursing  
280 N. 8th St. (8th & Bannock), Ste. 210  
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. 23-0101-1401**  
**(Only those Sections being amended are shown.)**

**101. STANDARDS OF CONDUCT.**

**01. Violations.** Any violation of these Standards of Conduct shall be grounds for disciplinary action in accordance with Section 54-1413(1), Idaho Code, of the Idaho Nursing Practice Act and Section 090 or 100 of these rules. (3-30-07)

**02. Classification.** For purposes of convenience only, the standards of conduct are grouped generally into one (1) of three (3) categories: license, practice, and professional responsibility. The fact that any particular standard is so classified in any particular category will not be relevant for any purpose other than ease of use. (3-15-02)

**03. License.** (3-15-02)

**a. Period of Practice.** The nurse shall practice registered or practical nursing in Idaho only with a current Idaho license or during the period of valid temporary licensure or as otherwise allowed by law. (3-15-02)

**b. Aiding in Violation of Law.** The nurse shall not aid, abet, or assist any other person to violate or circumvent laws or rules pertaining to the conduct and practice of nursing. (11-28-84)

**c. Reporting Grossly Negligent or Reckless Practice.** The nurse shall report to the Board any licensed nurse who is grossly negligent or reckless in performing nursing functions or who otherwise violates the Nursing Practice Act or the Board rules. (7-1-93)

**d. Unlawful Use of License.** The nurse shall not permit his license to be used by another person for any purpose or permit unlicensed persons under his jurisdiction or supervision to indicate in any way that they are licensed to perform functions restricted to licensed persons. (7-1-93)

**e. Impairment of Ability.** The nurse shall not practice nursing while the ability to practice is impaired by alcohol or drugs or physical, mental or emotional disability. (11-28-84)

**04. Practice.** (3-15-02)

**a. Perform Acts.** The nurse shall have knowledge of the statutes and rules governing nursing and shall function within the defined legal scope of nursing practice. The nurse shall not assume any duty or responsibility within the practice of nursing without adequate training or where competency has not been maintained. (3-15-02)

**b. Delegating Activities to Others.** The nurse shall delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities and shall not delegate to non-licensed persons functions that are to be performed only by licensed nurses. (4-4-13)

**c. Supervision.** The nurse delegating functions shall supervise the persons to whom the functions have been assigned or delegated. (11-28-84)

**d. Safeguarding Patient.** The nurse shall act to safeguard the patient from the incompetent practice, verbal or physical abusive acts or illegal practice of any person. (7-1-93)

**e. Prescription Drugs.** The nurse shall not obtain, possess, furnish or administer prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs. (11-28-84)

**f. Leaving Assignment.** The nurse shall not abandon patients in need of nursing care in a negligent or

wanton manner. The nurse shall leave a nursing assignment only after properly reporting and notifying appropriate personnel and shall transfer responsibilities to appropriate personnel or care giver when continued care is required by the patient's condition. (7-1-91)

**g.** Respecting Patient's Privacy. The nurse shall respect the patient's privacy. (7-1-91)

**h.** Confidentiality. The nurse shall not disseminate information about the patient to individuals not entitled to such information except where such information is required by law or for the protection of the patient. (7-1-91)

**i.** Observe and Report. The nurse shall observe the condition and signs and symptoms of a patient, record the information, and report to appropriate persons any significant changes. (7-1-91)

**j.** Collaboration. The nurse shall function as a member of the health team and shall collaborate with other health team members as necessary to meet the patient's health needs. (7-1-91)

**k.** Universal Standards. The nurse shall adhere to universal standards and carry out principles of asepsis and infection control and shall not place the patient, the patient's family or the nurse's coworkers at risk for the transmission of infectious diseases. (3-15-02)

**05. Professional Responsibility.** (3-15-02)

**a.** Disclosing Contents of Licensing Examination. The nurse shall not disclose contents of any licensing examination, or solicit, accept, or compile information regarding the contents of any examination before, during, or after its administration. (11-28-84)

**b.** Considerations in Providing Care. In providing nursing care, the nurse shall respect and consider the individual's human dignity, health problems, personal attributes, national origin, and handicaps and shall not discriminate on the basis of age, sex, race, religion, economic or social status or sexual preferences in the rendering of nursing services. (11-28-84)

**c.** Responsibility and Accountability Assumed. The nurse shall be responsible and accountable for his nursing judgments, actions and competence. (7-1-93)

**d.** Witnessing Wastage of Controlled Substances Medication. Controlled substances may not be wasted without witnesses. The nurse shall not sign any record as a witness attesting to the wastage of controlled substance medications unless the wastage was personally witnessed. The nurse shall not solicit the signatures on any record of a person as a witness to the wastage of a controlled substance when that person did not witness the wastage. The nurse shall solicit signatures of individuals who witnessed the wastage in a timely manner. (3-30-07)

**e.** Record-keeping. The nurse shall make or keep accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into patients' records or employer or employee records. (11-28-84)

**f.** Diverting or Soliciting. The nurse shall respect the property of the patient and employer and shall not take or divert equipment, materials, property, or drugs without prior consent or authorization, nor shall the nurse solicit or borrow money, materials or property from patients. (3-15-02)

**g.** Exploit, Solicit, or Receive Fees. The nurse shall not exploit the patient or the patient's family for personal or financial gain or offer, give, solicit, or receive any fee or other consideration for the referral of a patient or client. (3-15-02)

**h.** Professionalism. The nurse must not abuse the patient's trust. The nurse shall respect the dignity of the profession and maintain appropriate professional boundaries with respect to patients, the patients' families, and the nurse's coworkers. The nurse will not engage in [sexual misconduct or](#) violent, threatening or abusive behavior towards patients, patients' families or the nurse's coworkers. The nurse must be aware of the potential imbalance of power in professional relationships with patients, based on their need for care, assistance, guidance, and support, and

ensure that all aspects of that relationship focus exclusively upon the needs of the patient. ~~(3-15-02)~~( )

i. For purposes of this rule and Section 54-1413, Idaho Code, sexual misconduct violations include, but are not limited to: ( )

(1) Engaging in or soliciting any type of sexual conduct with a patient; ( )

(2) Using the nurse-patient relationship, trust and confidence of the patient derived from the nurse-patient relationship, or any information obtained as a result of the nurse-patient relationship, to solicit, suggest or discuss dating or a romantic or sexual relationship with a patient; ( )

(3) Using confidential information obtained during the course of the nurse-patient relationship to solicit, suggest or discuss dating or a romantic relationship, or engaged in sexual conduct with a patient, former patient, colleague, or member of the public; and ( )

(4) Engaging in or attempting to engage in sexual exploitation or criminal sexual misconduct directed at patients, former patients, colleagues, or members of the public, whether within or outside the workplace. ( )

ii. For purposes of this rule: ( )

(1) Consent of a patient shall not be a defense. In the case of sexual exploitation or criminal sexual misconduct, consent of the victim shall not be a defense. ( )

(2) A patient ceases to be a patient thirty (30) days after receiving the final nursing services, or final reasonably anticipated nursing services from a nurse, unless the patient is determined by the Board to be particularly vulnerable by his minority; known mental, emotional, or physical disability; known alcohol or drug dependency; or other circumstance. A patient that is deemed particularly vulnerable ceases to be a patient one (1) year after receiving the final nursing services, or final reasonably anticipated nursing services from a nurse. ( )

(3) It is not a violation of this rule for a nurse to continue a sexual relationship with a spouse or individual of majority if a consensual sexual relationship existed prior to the establishment of the nurse-patient relationship. ( )

iii. The following definitions apply to this rule: ( )

(1) "Sexual conduct" means any behavior that might reasonably be interpreted as being designed or intended to arouse or gratify the sexual desires of an individual. This includes, but is not limited to, physical touching of breasts, buttocks or sexual organs, creation or use of pornographic images, discussion about sexual topics unrelated to the patient's care, intentional exposure of genitals, and not allowing a patient privacy, except as may be medically necessary. ( )

(2) "Sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual conduct of another, or withholding or threatening to withhold care, medication, food or other services to coerce sexual conduct. ( )

(3) "Criminal sexual misconduct" means any sexual conduct that, if proven, would constitute a felony or misdemeanor under state or federal law. ( )

## IDAPA 23 - BOARD OF NURSING

### 23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-1402

#### 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 September 17, 2014.

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:

Current 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 4, 2014 Idaho Administrative Bulletin, [Vol. 14-6, page 70](#).

**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, M.A. Ed., R.N., Executive Director, (208) 334-3110 ext. 2476.

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 September 24, 2014.

DATED this 7th day of August, 2014.

Sandra Evans, M.A. Ed., R.N., Executive Director  
Board of Nursing  
280 N. 8th St. (8th & Bannock), Ste. 210  
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Boise, ID 83720-0061  
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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 23-0101-1402**  
**(Only those Sections being amended are shown.)**

**061. CONTINUED COMPETENCY REQUIREMENTS FOR RENEWAL OF AN ACTIVE LICENSE.**

**01. Learning Activities or Courses.** In order to renew an active LPN or RN license, a licensee shall complete or comply with at least two (2) of the following learning activities or courses within the renewal period: ( )

- a.** Current specialty certification by a national certifying organization recognized by the Board:( )
- b.** Completion of a minimum of two (2) semester credit hours 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; ( )
- c.** A Board-approved refresher course in nursing; ( )
- d.** Completion of nursing-related publication as the author or co-author during a renewal cycle;( )
- e.** Teaching or developing a nursing-related course resulting in no less than two (2) semester hours of college credit, a fifteen-week course, or specialty certification; ( )
- f.** Teaching or developing nursing-related continuing education course(s) for up to thirty (30) contact hours; ( )
- g.** Two hundred (200) hours of active practice as a nurse; ( )
- h.** Participation in or presentation of thirty (30) hours of workshops, seminars, conferences, or courses relevant to the practice of nursing and approved by an organization recognized by the Board to include, but not limited to: ( )
  - i.** A nationally recognized nursing organization; ( )
  - ii.** An accredited academic institution; ( )
  - iii.** A provider of continuing education recognized by another board of nursing; ( )
  - iv.** A provider of continuing education recognized by a regulatory board of another discipline; or ( )
  - v.** A program that meets criteria established by the Board; ( )
  - i.** Thirty (30) hours of participation in related professional activities including, but not limited to, research, published professional materials, 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 Competency 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 competency requirement for the first renewal following initial licensure by examination or endorsement. ( )



04. Extension. The Board may grant an extension for good cause for up to one (1) year for the completion of continuing competency requirements upon written request from the licensee at least sixty (60) days prior to the renewal date. Such extension shall not relieve the licensee of the continuing competency requirements. ( )

05. Beyond the Control of Licensee Exemption. The Board may grant an exemption for all or part of the continuing competency requirements due to circumstances beyond the control of the licensee such as temporary disability, mandatory military service, or officially declared disasters. ( )

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

**062. DOCUMENTING COMPLIANCE WITH CONTINUED COMPETENCY 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 of attendance, name of course with grade, and number of credit hours received. ( )

c. Evidence of completion of a Board-approved refresher course shall include 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 a nursing project or research shall include an abstract or summary, the name of the licensee, role of the licensee as principal or co-principal investigator, date of completion, statement of the problem, research or project objectives, methods used, and summary of findings. ( )

e. Evidence of authoring or co-authoring a published nursing-related article, 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 competency requirement unless the course offering and syllabus has changed. ( )

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. If the total number of hours totals less than thirty (30), the licensee shall obtain additional hours in continuing learning activities or courses. ( )

h. Evidence of hours of continuing learning activities or courses shall include the name of the licensee, title of educational activity, name of the provider, number of hours, and date of activity. ( )

i. Evidence of two hundred (200) hours of active practice in nursing shall include documentation satisfactory to the Board of the name of the licensee, number of hours worked during review period, name and address of employer, and signature of supervisor. If self-employed, hours worked may be validated through other methods such as tax records or other business records. If active practice is of a volunteer or gratuitous nature, hours

worked may be validated by the recipient agency.

( )

**06~~3~~4. 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)

**06~~2~~4. 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)**