

Dear Senators LODGE, Broadsword & Werk, and
Representatives BLOCK, Nielsen & Henbest:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Idaho Board of Nursing: IDAPA 23.01.01 - Rules of the Idaho Board of Nursing (Docket #23-0101-0801).

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 9-9-08. 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 10-7-08.

_____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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

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

FROM: Katharine Gerrity, Principal Legislative Research Analyst, LSO

DATE: August 19, 2008

SUBJECT: Idaho Board of Nursing

IDAPA 23.01.01 - Rules of the Idaho Board of Nursing (Docket #23-0101-0801)

The Idaho Board of Nursing submits notice of proposed rule at IDAPA 23.01.01 - Rules of the Idaho Board of Nursing. According to the Board, under existing law, nurses currently holding valid licenses in other jurisdictions that are seeking licensure in Idaho are required to meet mandated rigid academic and examination obligations. The Board states that in cases where nurses have been practicing safely for many years without any discipline in another jurisdiction, these rigid requirements may be an unnecessary artificial barrier to licensure in Idaho. The change, according to the Board, coupled with a corresponding statutory change and policy implementation, will permit the Board of Nursing to exercise sound discretion to waive strict adherence to these requirements where there is an adequate showing that the applying nurse is competent and has satisfied equivalency requirements set by the Board, and that public safety will not be compromised. The Board notes that the change would allow the Board to waive strict educational and examination requirements in appropriate and limited circumstances for nurses currently licensed in another jurisdiction who are applying for licensure in Idaho.

We contacted the Board regarding the anticipated proposed statutory changes as noted above. Despite the fact that the Board probably has the authority to provide waiver criteria pursuant to rule alone, the Board indicates that it intends to propose the provision of such criteria by statute. We have no further comments relating to this rule. The rule appears to be authorized by Sections 54-1404, Idaho Code.

cc: Idaho Board of Nursing
Sandra Evans

IDAPA 23 - BOARD OF NURSING

23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-0801

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, 2008.

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:

Under existing law, nurses currently holding valid licenses in other jurisdictions that are seeking licensure in Idaho are required to meet mandated rigid academic and examination obligations. While this is ordinarily very appropriate, in cases where nurses have been practicing safely for many years without any discipline in another jurisdiction, these rigid requirements may be an unnecessary artificial barrier to licensure in Idaho. The rule change, coupled with a corresponding statutory change and policy implementation, will permit the Board of Nursing to exercise sound discretion to waive strict adherence to these requirements where there is an adequate showing that the applying nurse is competent and has satisfied equivalency requirements set by the Board, and that the public safety will not be compromised. It is anticipated that this discretion will be exercised very sparingly. The rulemaking will permit the Board of Nursing to waive strict educational and examination requirements, in appropriate and very limited circumstances, for nurses currently licensed in another jurisdiction who are applying for licensure in Idaho.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

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: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Sandra Evans, Executive Director, (208) 334-3110 x26.

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, 2008.

DATED this 14th day of July, 2008.

Sandra Evans, MAEd., R.N.
Executive Director
Idaho Board of Nursing
280 N. 8th St., Ste. 210
P. O. Box 83720
Boise, ID 83720-0061
Phone: (208) 334-3110 x26
Fax: (208) 334-3262

THE FOLLOWING IS THE TEXT OF DOCKET NO. 23-0101-0801

240. QUALIFICATIONS FOR LICENSURE BY ENDORSEMENT.

An applicant for Idaho licensure by interstate endorsement must: (7-1-93)

01. Graduation Required. Be a graduate of a state approved/accredited practical or professional nursing education program that is substantially equivalent to Idaho's board-approved practical or professional nursing education program. Applicants for practical nurse licensure may also qualify under the provisions of Section 241 of these rules. (7-1-93)

032. Licensing Examination. Have taken the same licensing examination as that administered in Idaho and achieved scores established as passing for that examination by the Board, unless the applicant was licensed by examination prior to 1950. (6-11-93)

023. Minimum Requirements. In lieu of the requirements in Subsections 240.01 and 240.02 of this rule, # have qualifications that are substantially equivalent to Idaho's minimum requirements. (~~7-1-91~~)()

04. Current Practice Experience. Have actively practiced nursing at least eighty (80) hours within the preceding three (3) years. (3-30-07)

05. License from Another State or Territory. Hold a license in good standing from another state or territory of the United States. The license of any applicant subject to official investigation or disciplinary proceedings shall not be considered in good standing. (7-1-91)