

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 of the Idaho Board of Nursing (Docket No. 23-0101-1302) – **Temporary and Proposed.**

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 10/21/2013. 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 11/19/2013.

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 334-4845, or send a written request to the address on the memorandum attached below.



Jeff Youtz
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: Principal Legislative Research Analyst - Brooke Brouman
DATE: October 01, 2013
SUBJECT: Board of Nursing

IDAPA 23.01.01 - Rules of the Idaho Board of Nursing (Docket No. 23-0101-1302) -- **Temporary and Proposed**

The Board of Nursing submits temporary and proposed rulemaking, which increases the period of time in which a nurse who has moved to Idaho may practice on the privilege granted by his or her existing license in another Compact state while his or her Idaho licensure application is processing. The time period will be increased from 30 days to 90 days. The Board states that this rule change is necessitated by a change in Nurse Licensure Compact Model Rules.

The Board states that the Governor has found that temporary adoption of the rule is appropriate because Idaho is a participating state in the Nurse Multistate Licensing Compact. The Compact administrators have agreed to increase a uniform time period applicable to licensing decisions. This increase will benefit nurses moving to Idaho from other Compact states.

The Board's temporary and proposed rule is authorized pursuant to the provisions of Section 54-1404, Idaho Code.

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

IDAPA 23 - BOARD OF NURSING

23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-1302

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2013.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. 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 16, 2013.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

A change in Nurse Licensure Compact Model Rules necessitates a similar change in a Board rule. The amendment will increase from thirty (30) to ninety (90) days the period a nurse moving to Idaho may practice on the privilege granted by his/her existing license in another Compact state while his/her application for new residency is processed.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Idaho is a participating state in the Nurse Multistate Licensing Compact. The Compact administrators have agreed to increase a uniform time-period applicable to licensing decisions. This increase will benefit nurses moving to Idaho from another Compact state.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the wording of the rulemaking is mandatory in compliance with uniform licensing requirements of the Nurse Multistate Licensing Compact.

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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Sandra Evans, M.A. Ed., R.N., Executive Director, (208) 334-3110 ext. 2476.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED this 30th day of August, 2013.

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: 334-3110 ext. 2476
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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT OF
DOCKET NO. 23-0101-1301**

077. MULTISTATE LICENSURE.

- 01. Definitions.** In Section 077, the following terms have the meanings indicated. (3-15-02)
- a.** Board means the regulatory body responsible for issuing nurse licenses. (3-15-02)
 - b.** Compact means the Nurse Multistate Licensing Compact. (3-15-02)
 - c.** Coordinated Licensure Information System (CLIS) means an integrated process for collecting, storing, and sharing information on nurse licensing and enforcement activities related to nurse licensing laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards. (3-15-02)
 - d.** Home state means the party state that is the nurse's primary state of residence. (3-15-02)
 - e.** Party state means a state that is a signatory on the compact. (3-15-02)
 - f.** Primary state of residence means the state of a person's declared fixed permanent and principal home for legal purposes; domicile. (3-29-10)
 - g.** Public means an individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc. (3-15-02)
- 02. Examination.** No applicant may be issued a compact license granting a multistate privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX (National Council Licensure Examination): (4-4-13)
- a.** NCLEX-RN for registered nursing; or (4-6-05)
 - b.** NCLEX-PN for practical nursing. (4-6-05)
- 03. Issuance of License in Compact Party State.** (3-15-02)
- a.** A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. This evidence shall include a declaration signed by the licensee. Further evidence that may be requested includes, but is not limited to: (3-15-02)
 - i.** Driver's license with a home address; (3-15-02)
 - ii.** Voter registration card displaying a home address; (3-29-10)

- iii. Federal income tax return declaring the primary state of residence; (3-29-10)
- iv. Military Form No. 2058 - state of legal residence certificate; or (3-29-10)
- v. W2 from U.S. Government or any bureau, division, or agency thereof, indicating the declared state of residence. (3-29-10)
- b.** A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state. (3-29-10)
- c.** A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license. (3-29-10)
- d.** When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e., a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance. (3-29-10)
- e.** A nurse changing primary state of residence, from one (1) party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed ~~thirty ninety~~ (390) days. ~~(3-15-02)~~(7-1-13)T
- f.** The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance, and the ~~thirty ninety~~ (390) day period in Paragraph 077.03.e. of these rules shall be stayed until resolution of the pending investigation. ~~(4-4-13)~~(7-1-13)T
- g.** The former home state license is not valid upon the issuance of a new home state license. (3-15-02)
- h.** If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days, and the former home state will take action in accordance with that state's laws and regulations. (3-15-02)
- 04. Multistate Licensure Privilege Limitations.** (3-15-02)
- a.** Home state boards shall include, in all disciplinary orders or agreements that limit practice or require monitoring, the requirement that the licensee subject to the order or agreement shall limit the licensee's practice to the home state during pendency of the disciplinary order or agreement. (3-15-02)
- b.** The requirement referred to in Paragraph 077.04.a. of these rules may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and other party state boards. (3-30-07)
- c.** An individual who had a license that was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary residence, may be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once eligible for licensure in the prior state(s), a multistate license may be issued. (3-29-10)
- 05. Information System.** (3-15-02)
- a.** Levels of Access. (3-15-02)
- i. Public access to nurse licensure information shall be limited to: (3-15-02)
- (1) The licensee's name; (3-15-02)
- (2) Jurisdictions of licensure; (3-15-02)

- (3) Licensure expiration date; (3-15-02)
- (4) Licensure classification and status; (3-15-02)
- (5) Public emergency, summary, and final disciplinary actions, as defined by contributing state authority; and (3-15-02)
- (6) The status of multistate licensure privileges. (3-15-02)
 - ii. Non-party state boards shall have access to all CLIS data except current significant investigative information and other information as limited by contributing party state authority. (3-15-02)
 - iii. Party state boards shall have access to all CLIS data contributed by the party states and other information as allowed by contributing non-party state authority. (3-15-02)
- b. Right to Review.** (3-15-02)
 - i. The licensee may request, in writing, to the home state board to review data relating to the licensee in the CLIS. (3-15-02)
 - ii. If a licensee asserts that any data relating to the licensee is inaccurate, the burden of proof is on the licensee to provide evidence substantiating that claim. (3-15-02)
 - iii. Within ten (10) business days, the Board shall correct information that it finds to be inaccurate in the CLIS. (3-15-02)
- c. Changes in Disciplinary Data.** (3-15-02)
 - i. Within ten (10) business days, the Board shall report to CLIS: (3-15-02)
 - (1) Disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring unless the agreement or order relating to participation in alternative programs is required to remain nonpublic by the contributing state authority; (3-15-02)
 - (2) Dismissal of the complaint; and (3-15-02)
 - (3) Changes in status of disciplinary action, or licensure encumbrance. (3-15-02)
 - ii. The Board shall delete current significant investigative information from the CLIS within ten (10) business days after: (3-15-02)
 - (1) A disciplinary action; (3-15-02)
 - (2) An agreement or order requiring participation in alternative programs; (3-15-02)
 - (3) An agreement or agreements, which limit practice or require monitoring; or (3-15-02)
 - (4) Dismissal of a complaint. (3-15-02)
 - iii. The CLIS administrator shall make changes to licensure information in the CLIS within ten (10) business days upon notification by a board. (3-15-02)