

IN THE SENATE

SENATE BILL NO. 1273

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO NURSES; AMENDING SECTION 54-1401, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1402, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-1403, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1408, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1409, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE A QUALIFICATION FOR AN ADVANCED PRACTICE REGISTERED NURSING LICENSE; AMENDING SECTION 54-1410, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LICENSE RENEWAL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1417, IDAHO CODE, TO REVISE THE MEMBERSHIP OF AND TERM OF OFFICE FOR THE ADVISORY COMMITTEE TO THE BOARD, TO REVISE THE DUTIES OF THE ADVISORY COMMITTEE TO THE BOARD AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-1401, Idaho Code, be, and the same is hereby amended to read as follows:

54-1401. PURPOSE -- LICENSE REQUIRED -- REPRESENTATION TO THE PUBLIC. In order to safeguard the public health, safety and welfare, it is in the public interest to regulate and control nursing in the state of Idaho, to promote quality health care services, to prohibit unqualified and dishonest persons from practicing nursing, and to protect against acts or conduct which may endanger the health and safety of the public.

(1) License required. It shall be unlawful for any person to practice nursing or offer to practice nursing unless that person is duly licensed pursuant to this act.

(2) Representation to the public. Only a person who holds a valid and current license to practice ~~professional~~ registered nursing in this state or a party state pursuant to sections 54-1408 and 54-1418, Idaho Code, may use the title "nurse," "registered nurse," "graduate nurse" or "professional nurse" or the abbreviation "R.N." or any other designations, titles or abbreviations to indicate that the person is practicing nursing in this state. Only a person who holds a valid and current license to practice practical nursing in this state or a party state pursuant to sections 54-1407 and 54-1418, Idaho Code, may use the title "nurse," "licensed practical nurse," or the abbreviation "L.P.N." or any other designations, titles or abbreviations to indicate that the person is practicing nursing in this state.

(3) On and after July 1, 2005, all applicants for original licensure and for license reinstatement will be required to submit to a fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database. Each applicant for original licensure and for license reinstatement must submit a full set

of the applicant's fingerprints and any relevant fees directly to the Idaho state police and the federal bureau of investigation identification division for this purpose.

SECTION 2. That Section 54-1402, Idaho Code, be, and the same is hereby amended to read as follows:

54-1402. DEFINITIONS. As used in this act:

(1) "Advanced practice ~~professional~~ registered nurse" means a ~~professional registered~~ nurse licensed in this state who has gained additional specialized knowledge, skills and experience through a ~~nationally accredited~~ program of study ~~as recognized or defined herein and by the board.~~ An advanced practice registered nurse is authorized to perform advanced nursing practice, which may include the prescribing, administering and dispensing of therapeutic pharmacologic agents, as defined by board rules. An advanced practice professional registered nurse shall perform only those acts as provided herein by the board and for which the individual is educationally prepared. Advanced practice professional registered nurses shall include the following four (4) roles: certified nurse-midwives, midwife; clinical nurse specialists,; certified nurse practitioners,; and certified registered nurse anesthetists as defined in this subsection board rule. An advanced practice registered nurse collaborates with other health professionals in providing health care.

~~(a) "Certified nurse-midwife" means a licensed professional nurse who has graduated from a nationally accredited nurse-midwifery program, passed a qualifying examination recognized by the board, and has current initial certification or current recertification from a national organization recognized by the board. Certified nurse-midwives who meet these qualifying requirements and are licensed by the board, may manage women's health care, which may include pharmacologic and nonpharmacologic therapeutic and corrective measures which focus on pregnancy, childbirth, the postpartum period, care of the newborn, reproductive and gynecological needs of well women as defined by the rules of the board. The certified nurse midwife collaborates with other health professionals in providing health care.~~

~~(b) "Clinical nurse specialist" means a licensed professional nurse who has graduated from a nationally accredited graduate program in nursing with a clinical focus, passed a qualifying examination recognized by the board, and has current initial certification or current recertification from a national group recognized by the board. Clinical nurse specialists who meet these qualifying requirements and are licensed by the board may practice as expert clinicians in a particular specialty or subspecialty of nursing practice. The clinical nurse specialist provides direct client care, which may include assessing, diagnosing, planning, and prescribing pharmacologic and nonpharmacologic therapeutic and corrective measures, health promotion and preventive care within this specialized area of practice, as defined by rules of the board. The clinical nurse specialist collaborates with other health professionals in providing health care.~~

~~(c) "Nurse practitioner" means a licensed professional nurse who has graduated from a nationally accredited nurse practitioner program,~~

passed a qualifying examination recognized by the board, and has current initial certification or current recertification from a national group recognized by the board. Any person authorized by the board to practice nursing as a nurse practitioner in this state as of July 1, 1998, shall be licensed as a nurse practitioner under the provisions of this act and shall be eligible for renewal of such license under the conditions and standards prescribed in this act. Nurse practitioners who meet these qualifying requirements and are licensed by the board may perform comprehensive health assessments, diagnosis, health promotion and the direct management of acute and chronic illness and disease which may include the prescribing of pharmacologic and nonpharmacologic treatments as defined by rules of the board. The nurse practitioner collaborates with other health professionals in providing health care.

(d) "Registered nurse anesthetist" means a licensed professional nurse who has graduated from a nationally accredited nurse anesthesia program, passed a qualifying examination recognized by the board and, has current initial certification or current recertification from a national group recognized by the board. Registered nurse anesthetists who meet these qualifying requirements and are licensed by the board may, in collaboration with a physician, dentist or podiatrist authorized to practice in Idaho, provide anesthesia care services as defined by the rules of the board. The scope of practice for registered nurse anesthetists shall incorporate acts identified in board rules, including selecting, ordering and administering medications appropriate for rendering anesthesia care services.

(2) "Board" means the board of nursing.

(3) "Licensed practical nurse" means a person licensed by the board who practices nursing by:

(a) Functioning at the direction of a licensed professional registered nurse, licensed advanced practice registered nurse, licensed physician, or licensed dentist in a role falling within the nurse's scope of practice as defined by the board;

(b) Contributing to the assessment of the health status of individuals and groups of individuals;

(c) Participating in the development and modification of the strategy of care;

(d) Implementing the appropriate aspects of the strategy of care as defined by the board, including administering medications and treatments as prescribed by those health care providers authorized to prescribe medication;

(e) Maintaining safe and effective nursing care rendered directly or indirectly;

(f) Participating in the evaluation of responses to interventions; and

(g) Delegating nursing interventions that may be performed by others and that do not conflict with this act.

(4) "Licensed professional registered nurse" means a person licensed by the board who practices nursing by:

(a) Assessing the health status of individuals and groups of individuals;

- 1 (b) Identifying health care problems that are amenable to nursing in-
- 2 tervention;
- 3 (c) Establishing goals to meet identified health care needs;
- 4 (d) Planning a strategy of care;
- 5 (e) Prescribing nursing interventions to implement the strategy of
- 6 care;
- 7 (f) Implementing the strategy of care, including administering medi-
- 8 cations and treatments as prescribed by those health care providers au-
- 9 thorized to prescribe medication;
- 10 (g) Authorizing nursing interventions that may be performed by others
- 11 and that do not conflict with this act;
- 12 (h) Maintaining safe and effective nursing care rendered directly or
- 13 indirectly;
- 14 (i) Evaluating responses to interventions;
- 15 (j) Teaching the theory and practice of nursing;
- 16 (k) Managing the practice of nursing; and
- 17 (l) Collaborating with other health professionals in the management of
- 18 health care.

19 (5) "Nursing education program" means a course of instruction offered  
 20 and conducted to prepare persons for the practice of nursing, or to increase  
 21 the knowledge and skills of the practicing nurse.

22 (6) "Practice of nursing" means assisting individuals or groups of in-  
 23 dividuals to promote, maintain or restore optimal health throughout the life  
 24 process by assessing and evaluating their health status, planning and imple-  
 25 menting a strategy of care to accomplish defined goals, and evaluating re-  
 26 sponses to care and treatment.

27 SECTION 3. That Section 54-1403, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 54-1403. BOARD OF NURSING. (1) Appointment, Removal and Term of Of-  
 30 fice. There is hereby created within the department of self-governing agen-  
 31 cies the board of nursing for the state of Idaho composed of nine (9) members  
 32 appointed by the governor. Membership of the board shall consist of the fol-  
 33 lowing:

- 34 (a) Five (5) persons licensed to practice ~~professional~~ registered
- 35 nursing in Idaho, of whom three (3) shall be educated at the associate
- 36 degree level provided that one (1) of these may be a diploma nurse, and
- 37 two (2) of whom shall be educated at the baccalaureate, master's or doc-
- 38 toral level;
- 39 (b) Two (2) persons licensed to practice practical nursing in Idaho;
- 40 (c) One (1) person licensed as an advanced practice registered nurse;
- 41 and
- 42 (d) One (1) person who is a lay person to health care occupations.

43 In making appointments to the board, consideration shall be given to the  
 44 board's responsibility in areas of education and practice. Persons may be  
 45 reappointed to the board so long as they meet the qualifications of the po-  
 46 sition to which they were originally appointed. In the event that a member  
 47 has attained an additional degree of education, they may not be reappointed  
 48 to represent the board position designated for another specific degree of  
 49 education. Members of the board shall hold office until expiration of the

term to which the member was appointed and until his successor has been duly appointed and qualified. Upon expiration of any term or creation of any vacancy, the board shall notify the governor thereof, who then shall make such appointment or fill such vacancy within sixty (60) days. Appointments shall be for terms of four (4) years except appointments to vacancies which shall be for the unexpired term being filled. No member shall be appointed for more than three (3) consecutive terms. The governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

(2) Qualifications of Members. No person is qualified for appointment hereunder unless that person is a citizen of the United States and a resident of the state of Idaho. Members required to be licensed hereunder shall not be qualified for appointment to the board unless actively engaged in some field of nursing in Idaho at the time of appointment. No person is qualified for appointment as the lay member of the board if the person or his spouse is licensed in any health occupation; is an employee, officer or agent of or has any financial interest in any health care facility, institution, or association or any insurance company authorized to underwrite health care insurance; or is engaged in the governance and administration of any health care facility, institution or association.

(3) Conduct of Business. The board shall meet at such times as required to conduct the business of the board and shall annually elect from its members a chairman, vice chairman and such other officers as may be desirable. Five (5) members shall constitute a quorum and the vote of a majority of members present at a meeting wherein a quorum is present shall determine the action of the board. Each member of the board shall be compensated as provided by section 59-509(h), Idaho Code.

SECTION 4. That Section 54-1408, Idaho Code, be, and the same is hereby amended to read as follows:

54-1408. LICENSE FOR ~~PROFESSIONAL~~ REGISTERED NURSING. (1) Qualifications. To qualify for a license to practice ~~professional~~ registered nursing, a person must:

(a) Have successfully completed the basic curriculum of an approved ~~professional~~ registered nursing education program or its equivalent; and

(b) Satisfy one (1) of the following requirements:

(i) Pass an examination adopted and used by the board to measure knowledge and judgment essential for the safe practice of ~~professional~~ registered nursing; or

(ii) Have a professional or registered nurse license in good standing, without restriction or limitation, issued upon successful similar examination, approved by the board, conducted in another state, territory or foreign country; or

(iii) Have a professional or registered nurse license in good standing, without restriction or limitation, issued by another state, territory or foreign country and meet established board requirements; and

(c) Be of sufficiently sound physical and mental health as will not impair or interfere with the ability to practice nursing.

1 (2) Fees. A qualified applicant shall be entitled to a license to prac-  
 2 tice ~~professional~~ registered nursing upon payment of a license fee to the  
 3 board in an amount designated by the board not to exceed two hundred dollars  
 4 (\$200).

5 SECTION 5. That Section 54-1409, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7 54-1409. LICENSE FOR ADVANCED PRACTICE ~~PROFESSIONAL~~ REGISTERED NURS-  
 8 ING. (1) Qualifications. To qualify for a license to practice advanced prac-  
 9 tice ~~professional~~ registered nursing, a person must:

10 (a) Be currently licensed to practice as a ~~professional~~ registered  
 11 nurse in Idaho; and

12 (b) Have successfully completed an approved advanced practice  
 13 ~~professional~~ registered nursing education program that meets the board  
 14 requirements for the ~~category~~ role of advanced nursing practice for  
 15 which the applicant is seeking licensure; and

16 (c) Have passed a qualifying examination recognized by the board and  
 17 have current ~~initial~~ certification ~~or current recertification~~ from a  
 18 national ~~group~~ organization recognized by the board; and

19 (d) Be of sufficiently sound physical and mental health as will not im-  
 20 pair or interfere with the ability to practice nursing.

21 (2) Fees. A qualified applicant shall be entitled to a license to prac-  
 22 tice advanced practice ~~professional~~ registered nursing upon payment of a li-  
 23 cense fee to the board in an amount designated by the board not to exceed two  
 24 hundred fifty dollars (\$250).

25 SECTION 6. That Section 54-1410, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 54-1410. NURSE EMERITUS LICENSE. (1) Any licensee in good standing,  
 28 who desires to retire for any length of time from the practice of nursing  
 29 in this state, shall submit a request in writing, surrender the current  
 30 license, and pay the required fee; thereafter the current license shall be  
 31 placed on inactive status and an emeritus status license issued.

32 (2) An emeritus status license shall be renewed biennially following  
 33 submission of a renewal application and fee.

34 (3) Fees are nonrefundable and cannot be prorated.

35 (4) An emeritus status license does not entitle the holder to practice  
 36 nursing in the state of Idaho, except that:

37 (a) A registered nurse with an emeritus status license may use the title  
 38 "registered nurse," or the abbreviation "RN"; and

39 (b) A practical nurse with an emeritus status license may use the title  
 40 "licensed practical nurse," or the abbreviation "LPN"; and

41 (c) An advanced practice ~~professional~~ registered nurse with an emer-  
 42 itus status license may use an appropriate title or designation as set  
 43 forth in section 54-1402(1), Idaho Code.

44 (5) The board may reinstate a license with emeritus status to a license  
 45 with active status upon payment of the required reinstatement fee, submis-  
 46 sion of a satisfactory reinstatement application and proof of current compe-  
 47 tency to practice.

1 (6) If the emeritus status license is allowed to lapse, the licensee  
2 shall not hold himself out by the designation "RN" or "LPN," or by any other  
3 title or designation.

4 (7) When disciplinary proceedings have been initiated against a li-  
5 censee with emeritus status, the license shall not be reinstated until the  
6 proceedings have been completed.

7 SECTION 7. That Section 54-1411, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 54-1411. RENEWAL AND REINSTATEMENT OF LICENSE. (1) Renewal. Each li-  
10 cense issued pursuant to this chapter shall be valid from the date of its is-  
11 sue until the first renewal date thereafter.

12 (a) No license shall be valid unless renewed each and every two (2)  
13 years on the renewal dates fixed by the board.

14 (b) The board may impose a renewal fee in an amount not to exceed one  
15 hundred dollars (\$100).

16 (c) A license that is not timely renewed is a lapsed license.

17 (2) Certified nurse-midwives, clinical nurse specialists, certified  
18 registered nurse anesthetists and certified nurse practitioners desiring  
19 license renewal must provide proof, satisfactory to the board, of the ap-  
20 plicant's competence to practice by documenting completion of a peer review  
21 process.

22 (3) Reinstatement. A person whose license has lapsed, or who holds an  
23 emeritus status license in good standing, or whose license has been revoked,  
24 suspended, limited, conditioned or otherwise sanctioned by the board, may  
25 apply for reinstatement of the license to active and unrestricted status.  
26 A licensee's ability to apply for reinstatement may be subject to time con-  
27 straints imposed by board rule or by the terms of a disciplinary order. An  
28 applicant for reinstatement must:

29 (a) Pay a reinstatement fee in an amount not to exceed one hundred dol-  
30 lars (\$100).

31 (b) Submit a completed reinstatement application and provide proof,  
32 satisfactory to the board, of the applicant's competency to practice.

33 (c) Document compliance with the terms and conditions set forth in any  
34 order of the board as a condition of reinstatement.

35 SECTION 8. That Section 54-1417, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 54-1417. ADVISORY COMMITTEE TO THE BOARD. There is hereby created and  
38 established an advisory committee to the board on issues related to the ad-  
39 vanced practice of nursing ~~of certified nurse midwives, clinical nurse spe-~~  
40 ~~cialists and nurse practitioners.~~

41 (1) The committee shall consist of ~~five (5)~~ at least ten (10) members  
42 appointed by the board of nursing: two (2) persons licensed to practice four  
43 (4) advanced practice nursing in the state of Idaho appointed by the board of  
44 nursing registered nurses, one (1) from each of the statutorily recognized  
45 advanced practice roles; two (2) persons licensed to practice medicine in  
46 the state of Idaho appointed by the board of nursing from a list of nominees  
47 supplied by the board of medicine; and four (4) Idaho licensed physicians;

1 one (1) Idaho licensed pharmacist; and one (1) person licensed to practice  
 2 pharmacy in the state of Idaho appointed by the board of nursing from a list  
 3 of nominees supplied by the board of pharmacy. Each member who is a layperson  
 4 to health care occupations ("public member"). The physician and pharmacist  
 5 members shall be selected by the board from lists of nominees supplied by the  
 6 Idaho board of medicine and the Idaho board of pharmacy, respectively. Mem-  
 7 bers shall serve a term of two (2) three (3) years to expire terms ending on  
 8 June 30 in the last year of the member's term, provided that the board may ap-  
 9 point three (3) of the original committee members, one (1) advance practice  
 10 nurse, one (1) physician and one (1) pharmacist to a one (1) time three (3)-  
 11 year term.

12 (2) The committee shall meet quarterly or at such times as may be deter-  
 13 mined by the committee or the board to be necessary.

14 (3) The committee shall: (a) respond to questions posed by the board or  
 15 board staff regarding advanced practice nursing; (b) consider nonroutine  
 16 applications for advanced practice nursing licenses and make recommenda-  
 17 tions to the board; (c) review complaints against advanced practice nurses  
 18 and make recommendations to the board; and (d) consider applications for  
 19 prescriptive authority and make recommendations to the board; and (e) rec-  
 20 commend to the board the scope of practice of advanced practice nurses, using  
 21 national standards as a guideline.

22 (4) The committee's recommendations, using national standards as a  
 23 guideline, may be adopted, rejected or modified by the board, provided that  
 24 the board shall not expand the scope of practice or prescriptive authority  
 25 of an advanced practice nurse beyond that recommended by the advisory com-  
 26 mittee.

27 SECTION 9. Section 8 of this act shall be in full force and effect on and  
 28 after July 1, 2012; and Sections 1, 2, 3, 4, 5, 6 and 7 of this act shall be in  
 29 full force and effect on and after July 1, 2013.