

Enrolled
House Bill 4003

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care for Representative Rachel Prusak)

CHAPTER

AN ACT

Relating to nursing; creating new provisions; amending ORS 678.010, 678.031, 678.034, 678.050, 678.080 and 678.111; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

NURSE INTERNS

SECTION 1. Sections 2 to 6 of this 2022 Act are added to and made a part of ORS 678.010 to 678.410.

SECTION 2. (1) The Oregon State Board of Nursing shall issue a nurse internship license to an applicant who:

(a) Is a student who is enrolled in and has successfully completed at least one academic term of a nursing education program that:

(A) Is approved by the board or accredited or approved by another state or United States territory as described under ORS 678.040 and approved by the board; and

(B) Includes a clinical component;

(b) Submits documentation from the applicant’s nursing education program that, to the satisfaction of the board, specifies the nursing tasks and functions that the applicant is qualified to perform;

(c) Meets any other requirements established by the board by rule; and

(d) Pays a licensure fee.

(2) The board may adopt by rule the duration for which a nurse internship license is valid and any requirements and fees for license renewal.

SECTION 3. (1) A nurse intern may receive academic credit in addition to monetary compensation for work as a nurse intern.

(2) The Oregon State Board of Nursing shall allow for and encourage participation by individuals practicing as certified nursing assistants, licensed professional nurses or medical assistants in the nurse internship licensure program, both while an individual described in this subsection is a student in a nursing education program and while the individual is employed or otherwise working at a hospital or other facility.

SECTION 4. (1) A nurse intern may:

(a) Perform specific nursing functions within the limits of the nurse intern’s nursing education program;

(b) Practice nursing only under the direct supervision of a registered nurse who has agreed to act as the nurse intern's supervisor under section 5 of this 2022 Act;

(c) Gather information about and administer care to patients; and

(d) Participate in all aspects of the nursing care process under the supervision required and limitations imposed by this section.

(2) A nurse intern may not:

(a) Assume ongoing responsibility for assessments, planning, implementation or evaluation of guidance of the nurse intern's supervisor;

(b) Function independently, act in a supervisory role or delegate tasks to licensed practical nurses, nursing assistants or unlicensed persons;

(c) Administer chemotherapy, blood or blood products, intravenous medications or controlled substances;

(d) Carry out procedures on central lines; or

(e) Perform any other task or function that is not included in the documentation described in section 2 (1)(b) of this 2022 Act.

SECTION 5. (1) A registered nurse who is responsible for the supervision of a nurse intern:

(a) Is accountable at all times for the safety and well-being of patients to whom the nurse intern provides care;

(b) Shall maintain an awareness of the nursing tasks and functions performed by the nurse intern;

(c) Shall be immediately available to the nurse intern through methods determined by the Oregon State Board of Nursing; and

(d) Shall have knowledge of the tasks and functions that the nurse intern may perform as detailed on the documentation described in section 2 (1)(b) of this 2022 Act.

(2) The board may adopt rules to carry out this section.

SECTION 6. In addition to the grounds listed in ORS 678.111, the Oregon State Board of Nursing may revoke or suspend a nurse internship license issued under section 2 of this 2022 Act if the nurse intern is not in good academic standing, as determined by the board.

SECTION 7. ORS 678.010 is amended to read:

678.010. As used in ORS 678.010 to 678.410:

(1) "Clinical nurse specialist" means a licensed registered nurse who has been licensed by the Oregon State Board of Nursing as qualified to practice the expanded clinical specialty nursing role.

(2) "Diagnosing" in the context of the practice of nursing means identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing care.

(3) "Human responses" means signs, symptoms and processes that denote the person's interaction with an actual or potential health problem.

(4) "Long term care facility" means a licensed skilled nursing facility or intermediate care facility as those terms are used in ORS 442.015, an adult foster home as defined in ORS 443.705 that has residents over 60 years of age, or a residential care facility, including an assisted living facility, as defined in ORS 443.400.

(5) "Nurse intern" means a person who holds a nurse internship license issued under section 2 of this 2022 Act.

[(5)] (6) "Nurse practitioner" means a registered nurse who has been licensed by the board as qualified to practice in an expanded specialty role within the practice of nursing.

[(6)] (7) "Physician" means a person licensed to practice under ORS chapter 677.

[(7)(a)] (8)(a) "Practice of nursing" means autonomous and collaborative care of persons of all ages, families, groups and communities, sick and well, and in all settings to promote health and safety, including prevention and treatment of illness and management of changes throughout a person's life.

(b) "Practice of nursing" includes:

(A) Executing medical orders prescribed by a physician, dentist, clinical nurse specialist, nurse practitioner, certified registered nurse anesthetist or other licensed health care provider licensed or certified by this state and authorized by the board by rule to issue orders for medical treatment;

(B) Providing supervision of nursing assistants **and nurse interns**; and

(C) The performance of additional services that:

(i) Require education and training; and

(ii) Are recognized by the board by rule and the nursing profession as services to be properly performed by a nurse licensed under ORS 678.010 to 678.410.

(c) "Practice of nursing" does not include the execution of medical orders described in this subsection by a member of the immediate family for another member or by a person designated by or on behalf of a person requiring care as provided by board rule if the person executing the order is not licensed under ORS 678.010 to 678.410.

[8] (9) "Practice of practical nursing" means the application of knowledge drawn from basic education in the social and physical sciences in planning and giving nursing care and in assisting persons toward achieving of health and well-being.

[9] (10) "Practice of registered nursing" means the application of knowledge drawn from broad in-depth education in the social and physical sciences in assessing, planning, ordering, giving, delegating, teaching and supervising care that promotes the person's optimum health and independence.

[10] (11) "Treating" means selection and performance of therapeutic measures essential to the effective execution and management of the nursing care and execution of the prescribed medical orders.

SECTION 8. ORS 678.080 is amended to read:

678.080. [Any] A person to whom a license is issued under ORS 678.010 to 678.448, whenever requested to do so in relation to employment as a registered or practical nurse **or nurse intern** or in relation to enforcement of ORS 678.010 to 678.448, shall provide evidence of current licensure.

SECTION 9. ORS 678.111 is amended to read:

678.111. In the manner prescribed in ORS chapter 183 for a contested case:

(1) [Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board,] **The Oregon State Board of Nursing may refuse to issue a license to practice nursing by examination or indorsement or a nurse internship license or may revoke or suspend a license, issue a limited license, censure or reprimand or place on probation, subject to any conditions imposed by the board, a person issued a license, for any of the following causes:**

(a) Conviction of the licensee of crime where [such] **the** crime bears demonstrable relationship to the practice of nursing. A copy of the record of [such] **the** conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(b) Gross incompetence or gross negligence of the licensee in the practice of nursing at the level for which the licensee is licensed.

(c) Any willful fraud or misrepresentation in applying for or procuring a license or renewal [thereof] **of a license.**

(d) Fraud or deceit of the licensee in the practice of nursing or in admission to [such] **the practice of nursing.**

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted [thereunder] **under ORS 678.010 to 678.448.**

(h) Revocation or suspension of a license to practice nursing by any state or territory of the United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that license or credential was relied upon in issuing that license in this state. A certified copy of the

order of revocation or suspension shall be conclusive evidence of *[such]* **the** revocation or suspension.

(i) Physical condition that makes the licensee unable to conduct safely the practice for which the licensee is licensed.

(j) Violation of any condition imposed by the board when issuing a limited license.

(2) A license may be denied *[or]*, suspended or revoked for the reasons stated in subsection (1) of this section.

(3) A license in inactive status may be denied *[or]*, suspended or revoked for the reasons stated in subsection (1) of this section.

(4) A license in retired status may be denied *[or]*, suspended or revoked for any cause stated in subsection (1) of this section.

NURSING SHORTAGE STUDY

SECTION 10. (1) The Health Care Workforce Committee established under ORS 413.017 shall study, identify and describe the challenges in addressing staffing shortages in the nursing field.

(2) The committee shall submit, in the manner provided in ORS 192.245, a report including findings and recommendations to an interim committee of the Legislative Assembly related to health care no later than November 15, 2022.

SECTION 11. Section 10 of this 2022 Act is repealed on January 2, 2023.

OTHER AMENDMENTS

SECTION 12. ORS 678.031 is amended to read:

678.031. ORS 678.010 to 678.410 do not apply to:

(1) The employment of nurses in institutions or agencies of the federal government.

(2) The practice of nursing incidental to the planned program of study for students enrolled in nursing education programs approved by the Oregon State Board of Nursing or accredited or approved by another state or United States territory as described under ORS 678.040 and approved by the board.

(3) Nursing practiced outside this state that is incidental to a distance learning program provided by an institution of higher education located in Oregon.

(4) The furnishing of nursing assistance in an emergency.

(5) The practice of any other occupation or profession licensed under the laws of this state.

(6) Care of the sick with or without compensation when performed in connection with the practice of the religious tenets of a well-recognized church or denomination that relies exclusively on treatment by prayer and spiritual means by adherents thereof so long as the adherent does not engage in the practice of nursing as defined in ORS 678.010 to 678.410 and 678.990 or hold oneself out as a registered nurse or a licensed practical nurse.

(7) Nonresident nurses licensed and in good standing in another state if *[they]* **nonresident nurses** are practicing in this state on a single, temporary assignment of not to exceed *[30]* **90** days, renewable for not to exceed 30 days, for assignments that are for the general public benefit limited to the following:

(a) Transport teams;

(b) Red Cross Blood Services personnel;

(c) Presentation of educational programs;

(d) Disaster teams;

(e) Staffing *[a coronary care unit, intensive care unit or emergency department]* in a hospital that is responding to a temporary staffing shortage and would be otherwise unable to meet *[its critical care]* **the hospital's** staffing requirements;

(f) Staffing a long term care facility that is responding to a temporary staffing shortage and would be otherwise unable to meet its staffing requirements; *[or]*

(g) Providing health care for students who attend school outside of Oregon and who are participating in a school-sponsored event*[,]*; **or**

(h) Staffing any of the following entities that is responding to a temporary staffing shortage and would otherwise be unable to meet its staffing requirements:

(A) An adult or juvenile residential behavioral health treatment facility;

(B) An opioid treatment program;

(C) A withdrawal management program;

(D) A sobering center;

(E) A primary care facility; or

(F) A behavioral health home, as defined in ORS 414.025.

SECTION 13. ORS 678.034 is amended to read:

678.034. (1)(a) *[Hospitals and long term care facilities employing nurses under ORS 678.031 (7)(e) and (f)]* **A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that employs nurses under ORS 678.031 (7)(e), (f) or (h)** shall:

(A) Notify the Oregon State Board of Nursing in writing of the number of nurses *[so]* employed **under ORS 678.031 (7)(e), (f) or (h)**, the times of employment*[,]* **and** the nature of the staffing shortage *[and]*;

(B) Certify that there is no labor dispute affecting nurses at the hospital *[or]*, long term care facility*[,]* *In addition,* **or entity described in ORS 678.031 (7)(h); and**

(C) At the request of the board, *[the hospital or long term care facility shall]* provide documentation that the nurses *[so]* employed **under ORS 678.031 (7)(e), (f) or (h)** are licensed and in good standing in another state or United States territory.

(b) A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that employs nurses as described in paragraph (a) of this subsection shall provide notice in writing of and certify to the nurses' exclusive bargaining representative, if any, the information described in paragraph (a) of this subsection.

(2) Nurses employed in this state under ORS 678.031 (7)(e) *[and]*, (f) **or** (h), at the time of employment, *[also must]* **shall** apply for an Oregon license by indorsement.

SECTION 14. ORS 678.050 is amended to read:

678.050. (1) Examinations for the licensing of applicants under ORS 678.010 to 678.448 must be held at least once a year. *[The]* **An** applicant must pass an examination in subjects relating to nursing at the practical or registered level as the Oregon State Board of Nursing may determine necessary to protect the public health and welfare.

(2) **The board shall issue to** all duly qualified applicants who pass the examination and meet other standards established by the board *[shall be issued]* the license provided for in ORS 678.010 to 678.448 according to the nature of the license for which application is made and examination taken and passed. The board shall provide evidence of current licensure. The board shall determine by rule the form and manner of the evidence of current licensure.

(3)(a) The board may issue a license by indorsement to an applicant qualified as provided in ORS 678.040 who has passed the examination used by the board and who meets other standards established by the board. The board may also require evidence of competency to practice nursing at the level for which application is made.

[(b) For the purposes of the licensing procedure, the board may not accept monetary assistance from anyone except the nurse applying for licensure by indorsement.]

[(c)] **(b)** Except as provided in ORS 676.308, the board shall process in order applications for licensure by indorsement of qualified applicants.

[(d)] **(c)** *[Paragraphs (b) and (c)]* **Paragraph (b)** of this subsection *[do]* **does** not prohibit the board from processing requests to employ nurses to meet temporary staffing shortages, as described in ORS 678.031 or 678.034, in facilities in this state not involved in labor disputes.

(4) Subject to terms and conditions that the board may impose, the board may issue a limited license to practice registered or practical nursing:

(a) To an applicant whose license has become void for nonpayment of fees at either level and who otherwise meets the requirements of the board. The board may, in issuing a limited license, require the applicant to demonstrate ability to give safe nursing care by undergoing a supervised experience in nursing practice designated by the board, or by satisfactorily completing a continuing education program approved by the board. The license issued under this paragraph expires on the date set in the license by the board. Upon the applicant's satisfactory completion of the board's requirements, and payment of the renewal fee and delinquency fee, the board shall issue to the applicant a license to practice nursing.

(b) To an applicant who has not practiced nursing in any state for a period of five years, but has maintained a current license by the payment of fees. The applicant may not practice nursing in Oregon unless the applicant applies to the board for a limited license and the board issues the limited license to the applicant. The board may, in issuing a limited license, require the applicant to demonstrate ability to give safe nursing care by undergoing a supervised experience in nursing practice designated by the board, or by satisfactorily completing a continuing education program approved or designated by the board. The board may not issue a license if, in the judgment of the board, the applicant's conduct has been such, during absence from practice, that the applicant would be denied a license if applying for an initial license to practice nursing in this state.

(c) To a licensee who has been placed on probation or has been otherwise subjected to disciplinary action by the board.

(d) To any of the following persons if the person is affiliated with a planned program of study in Oregon consistent with the standards and requirements established by the board:

- (A) A foreign nurse;
- (B) A foreign student nurse; or
- (C) A nurse licensed in another jurisdiction.

(5) The board may adopt by rule requirements and procedures for placing a license or certificate in inactive status.

(6)(a) Retired status may be granted to a person licensed as a registered nurse, licensed practical nurse, nurse practitioner, certified registered nurse anesthetist or clinical nurse specialist and who surrenders the person's license while in good standing with the issuing authority if the person is not subject to any pending disciplinary investigation or action. The board may adopt by rule requirements, procedures and fees for placing a license in retired status.

(b) A person granted retired status by the board under the provisions of paragraph (a) of this subsection:

- (A) Shall pay a fee in an amount to be determined by the board for retired status.
- (B) May not practice nursing or offer to practice nursing in this state.

(C) May use the title or abbreviation with the retired license only if the designation "retired" appears after the title or abbreviation.

WELLNESS PROGRAM

SECTION 15. The Oregon State Board of Nursing shall support an Oregon nonprofit organization, exempt from taxation under section 501(c)(3) of the Internal Revenue Code, that promotes the well-being of Oregon health professionals through education, coordinated regional counseling, telemedicine services and research, in order to allow nurses authorized to practice in Oregon to receive the benefit of the services offered by the nonprofit organization.

SECTION 16. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1, chapter 310, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds,

collected or received by the Oregon State Board of Nursing, is increased by \$500,000, for the purposes described in section 15 of this 2022 Act.

CAPTIONS

SECTION 17. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

OPERATIVE AND EFFECTIVE DATES

SECTION 18. (1) Sections 2 to 6 of this 2022 Act and the amendments to ORS 678.010, 678.080 and 678.111 by sections 7 to 9 of this 2022 Act become operative on January 1, 2023.

(2) The Oregon State Board of Nursing may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board by sections 2 to 6 of this 2022 Act and the amendments to ORS 678.010, 678.080 and 678.111 by sections 7 to 9 of this 2022 Act.

SECTION 19. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Passed by House February 25, 2022

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate March 2, 2022

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

.....
Shemia Fagan, Secretary of State