

B-Engrossed
House Bill 4003

Ordered by the House February 24
Including House Amendments dated February 14 and February 24

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Oregon State Board of Nursing to issue nurse internship license to qualified applicant. Allows nurse intern to practice nursing subject to certain limitations and under supervision of registered nurse.

Directs Healthcare Workforce Advisory Committee to study nursing workforce shortage. Requires report to interim committee of Legislative Assembly related to health care no later than November 15, 2022.

Allows nonresident nurses to practice in Oregon for up to 90 days under certain circumstances at specified entities. Requires entities experiencing temporary staffing shortage to notify nurses' exclusive bargaining representative of shortage and other information. Allows person other than applicant for licensure by indorsement to pay application fee.

Directs board to support Oregon nonprofit organization that promotes well-being of Oregon health professionals in order to ensure nurses may access program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to nursing; creating new provisions; amending ORS 678.010, 678.031, 678.034, 678.050,
3 678.080 and 678.111; and declaring an emergency.

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

5
6 **NURSE INTERNS**

7
8 **SECTION 1. Sections 2 to 6 of this 2022 Act are added to and made a part of ORS 678.010**
9 **to 678.410.**

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

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

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

16 **(B) Includes a clinical component;**

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

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

21 **(d) Pays a licensure fee.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

10 **SECTION 4. (1) A nurse intern may:**

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

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

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

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

18 **(2) A nurse intern may not:**

19 **(a) Assume ongoing responsibility for assessments, planning, implementation or evalu-**
20 **ation of guidance of the nurse intern’s supervisor;**

21 **(b) Function independently, act in a supervisory role or delegate tasks to licensed prac-**
22 **tical nurses, nursing assistants or unlicensed persons;**

23 **(c) Administer chemotherapy, blood or blood products, intravenous medications or con-**
24 **trolled substances;**

25 **(d) Carry out procedures on central lines; or**

26 **(e) Perform any other task or function that is not included in the documentation de-**
27 **scribed in section 2 (1)(b) of this 2022 Act.**

28 **SECTION 5. (1) A registered nurse who is responsible for the supervision of a nurse in-**
29 **tern:**

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

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

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

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

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

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

42 **SECTION 7. ORS 678.010 is amended to read:**

43 678.010. As used in ORS 678.010 to 678.410:

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

1 (2) “Diagnosing” in the context of the practice of nursing means identification of and discrimi-
2 nation between physical and psychosocial signs and symptoms essential to effective execution and
3 management of the nursing care.

4 (3) “Human responses” means signs, symptoms and processes that denote the person’s inter-
5 action with an actual or potential health problem.

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

10 (5) **“Nurse intern” means a person who holds a nurse internship license issued under**
11 **section 2 of this 2022 Act.**

12 [(5)] (6) “Nurse practitioner” means a registered nurse who has been licensed by the board as
13 qualified to practice in an expanded specialty role within the practice of nursing.

14 [(6)] (7) “Physician” means a person licensed to practice under ORS chapter 677.

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

19 (b) “Practice of nursing” includes:

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

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

24 (C) The performance of additional services that:

25 (i) Require education and training; and

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

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

32 [(8)] (9) “Practice of practical nursing” means the application of knowledge drawn from basic
33 education in the social and physical sciences in planning and giving nursing care and in assisting
34 persons toward achieving of health and well-being.

35 [(9)] (10) “Practice of registered nursing” means the application of knowledge drawn from broad
36 in-depth education in the social and physical sciences in assessing, planning, ordering, giving, de-
37 legating, teaching and supervising care that promotes the person’s optimum health and independ-
38 ence.

39 [(10)] (11) “Treating” means selection and performance of therapeutic measures essential to the
40 effective execution and management of the nursing care and execution of the prescribed medical
41 orders.

42 **SECTION 8.** ORS 678.080 is amended to read:

43 678.080. [Any] A person to whom a license is issued under ORS 678.010 to 678.448, whenever
44 requested to do so in relation to employment as a registered or practical nurse **or nurse intern** or
45 in relation to enforcement of ORS 678.010 to 678.448, shall provide evidence of current licensure.

1 **lated to health care no later than November 15, 2022.**

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

3
4 **OTHER AMENDMENTS**

5
6 **SECTION 12.** ORS 678.031 is amended to read:

7 678.031. ORS 678.010 to 678.410 do not apply to:

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

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

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

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

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

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

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

26 (a) Transport teams;

27 (b) Red Cross Blood Services personnel;

28 (c) Presentation of educational programs;

29 (d) Disaster teams;

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

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

35 (g) Providing health care for students who attend school outside of Oregon and who are partic-
36 ipating in a school-sponsored event[.]; **or**

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

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

40 **(B) An opioid treatment program;**

41 **(C) A withdrawal management program;**

42 **(D) A sobering center;**

43 **(E) A primary care facility; or**

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

45 **SECTION 13.** ORS 678.034 is amended to read:

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

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

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

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

12 (b) **A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that em-**
13 **loys nurses as described in paragraph (a) of this subsection shall provide notice in writing**
14 **of and certify to the nurses' exclusive bargaining representative, if any, the information de-**
15 **scribed in paragraph (a) of this subsection.**

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

18 **SECTION 14.** ORS 678.050 is amended to read:

19 678.050. (1) Examinations for the licensing of applicants under ORS 678.010 to 678.448 must be
20 held at least once a year. [*The*] **An** applicant must pass an examination in subjects relating to
21 nursing at the practical or registered level as the Oregon State Board of Nursing may determine
22 necessary to protect the public health and welfare.

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

28 (3)(a) The board may issue a license by indorsement to an applicant qualified as provided in ORS
29 678.040 who has passed the examination used by the board and who meets other standards estab-
30 lished by the board. The board may also require evidence of competency to practice nursing at the
31 level for which application is made.

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

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

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

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

41 (a) To an applicant whose license has become void for nonpayment of fees at either level and
42 who otherwise meets the requirements of the board. The board may, in issuing a limited license,
43 require the applicant to demonstrate ability to give safe nursing care by undergoing a supervised
44 experience in nursing practice designated by the board, or by satisfactorily completing a continuing
45 education program approved by the board. The license issued under this paragraph expires on the

1 date set in the license by the board. Upon the applicant's satisfactory completion of the board's re-
2 quirements, and payment of the renewal fee and delinquency fee, the board shall issue to the appli-
3 cant a license to practice nursing.

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

13 (c) To a licensee who has been placed on probation or has been otherwise subjected to disci-
14 plinary action by the board.

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

17 (A) A foreign nurse;

18 (B) A foreign student nurse; or

19 (C) A nurse licensed in another jurisdiction.

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

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

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

29 (A) Shall pay a fee in an amount to be determined by the board for retired status.

30 (B) May not practice nursing or offer to practice nursing in this state.

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

33
34 **WELLNESS PROGRAM**
35

36 **SECTION 15. The Oregon State Board of Nursing shall support an Oregon nonprofit or-**
37 **ganization, exempt from taxation under section 501(c)(3) of the Internal Revenue Code, that**
38 **promotes the well-being of Oregon health professionals through education, coordinated re-**
39 **gional counseling, telemedicine services and research, in order to allow nurses authorized to**
40 **practice in Oregon to receive the benefit of the services offered by the nonprofit organiza-**
41 **tion.**

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

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

3
4 **CAPTIONS**

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

9
10 **OPERATIVE AND EFFECTIVE DATES**

11
12 **SECTION 18.** (1) Sections 2 to 6 of this 2022 Act and the amendments to ORS 678.010,
13 678.080 and 678.111 by sections 7 to 9 of this 2022 Act become operative on January 1, 2023.

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

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

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