

# 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)

## 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 **as introduced**.

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.

Establishes advisory committee within 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, including in behavioral health homes. Requires facilities 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 health care provider wellness program 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:**

## NURSE INTERNS

5  
6  
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.**

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

24 **SECTION 3. A nurse intern must receive academic credit in addition to monetary com-**

**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 **pensation for work as a nurse intern.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **678.010. As used in ORS 678.010 to 678.410:**

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

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

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

43 **(4) “Long term care facility” means a licensed skilled nursing facility or intermediate care fa-**  
44 **ility as those terms are used in ORS 442.015, an adult foster home as defined in ORS 443.705 that**  
45 **has residents over 60 years of age, or a residential care facility, including an assisted living facility,**

1 as defined in ORS 443.400.

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

4 [(5)] **(6)** “Nurse practitioner” means a registered nurse who has been licensed by the board as  
5 qualified to practice in an expanded specialty role within the practice of nursing.

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

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

11 (b) “Practice of nursing” includes:

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

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

16 (C) The performance of additional services that:

17 (i) Require education and training; and

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

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

24 [(8)] **(9)** “Practice of practical nursing” means the application of knowledge drawn from basic  
25 education in the social and physical sciences in planning and giving nursing care and in assisting  
26 persons toward achieving of health and well-being.

27 [(9)] **(10)** “Practice of registered nursing” means the application of knowledge drawn from broad  
28 in-depth education in the social and physical sciences in assessing, planning, ordering, giving, de-  
29 legating, teaching and supervising care that promotes the person’s optimum health and independ-  
30 ence.

31 [(10)] **(11)** “Treating” means selection and performance of therapeutic measures essential to the  
32 effective execution and management of the nursing care and execution of the prescribed medical  
33 orders.

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

35 678.080. [Any] **A** person to whom a license is issued under ORS 678.010 to 678.448, whenever  
36 requested to do so in relation to employment as a registered or practical nurse **or nurse intern** or  
37 in relation to enforcement of ORS 678.010 to 678.448, shall provide evidence of current licensure.

38 **SECTION 9.** ORS 678.111 is amended to read:

39 678.111. In the manner prescribed in ORS chapter 183 for a contested case:

40 (1) [*Issuance of the license to practice nursing, whether by examination or by indorsement, of any*  
41 *person may be refused or the license may be revoked or suspended or the licensee may be placed on*  
42 *probation for a period specified by the Oregon State Board of Nursing and subject to such condition*  
43 *as the board may impose or may be issued a limited license or may be reprimanded or censured by the*  
44 *board,]* **The Oregon State Board of Nursing may refuse to issue a license to practice nursing**  
45 **by examination or indorsement or a nurse internship license or may revoke or suspend a li-**

1 **cense, issue a limited license, censure or reprimand or place on probation, subject to any**  
2 **conditions imposed by the board, a person issued a license, for any of the following causes:**

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

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

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

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

12 (e) Impairment as defined in ORS 676.303.

13 (f) Conduct derogatory to the standards of nursing.

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

16 (h) Revocation or suspension of a license to practice nursing by any state or territory of the  
17 United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that  
18 license or credential was relied upon in issuing that license in this state. A certified copy of the  
19 order of revocation or suspension shall be conclusive evidence of *[such]* **the** revocation or suspen-  
20 sion.

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

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

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

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

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

30  
31 **NURSING SHORTAGE ADVISORY COMMITTEE**

32  
33 **SECTION 10.** (1) **The Health Care Workforce Committee established under ORS 413.017**  
34 **shall convene an advisory committee to identify and describe the challenges in addressing**  
35 **staffing shortages in the nursing fields. The advisory committee shall consist of the following**  
36 **11 members:**

37 (a) **One member who represents a union representing nurses;**

38 (b) **Two members who represent hospitals, one of whom serves in a professional nursing**  
39 **role;**

40 (c) **One member who represents a union representing other health care workers;**

41 (d) **One member who represents a professional organization of long term care facility**  
42 **workers;**

43 (e) **One member who is a long term care worker;**

44 (f) **Two members who are nursing education program faculty, one of whom is faculty at**  
45 **an undergraduate nursing education program and one of whom is faculty at a graduate**

1 **nursing education program;**

2 (g) **One member who represents a professional organization that addresses nursing**  
3 **workforce issues;**

4 (h) **One member who is a rural health care representative; and**

5 (i) **One member who is a nursing representative for typically underserved patient groups.**

6 (2) **The advisory committee shall meet at least monthly.**

7 (3) **The advisory committee shall submit a report in the manner provided in ORS 192.245,**  
8 **including findings and recommendations, to an interim committee of the Legislative Assem-**  
9 **bly related to health care no later than November 15, 2022.**

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

11  
12 **OTHER AMENDMENTS**

13  
14 **SECTION 12. ORS 678.031 is amended to read:**

15 678.031. ORS 678.010 to 678.410 do not apply to:

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

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

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

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

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

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

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

34 (a) Transport teams;

35 (b) Red Cross Blood Services personnel;

36 (c) Presentation of educational programs;

37 (d) Disaster teams;

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

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

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

45 (h) **Staffing a behavioral health home, as defined in ORS 414.025, that is responding to a**

1 **temporary staffing shortage and would be otherwise unable to meet its staffing require-**  
 2 **ments.**

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

4 678.034. (1)(a) [*Hospitals and long term care facilities*] **A behavioral health home, hospital or**  
 5 **long term care facility** employing nurses under ORS 678.031 (7)(e) [*and*], (f) **or (h)** shall:

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

9 (B) Certify that there is no labor dispute affecting nurses at the **behavioral health home,**  
 10 **hospital or long term care facility** [*In addition,*]; **and**

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

14 (b) **A behavioral health home, hospital or long term care facility described in paragraph**  
 15 **(a) of this subsection shall provide notice in writing of and certify to the exclusive bargaining**  
 16 **representative, if any, of the nurses employed under ORS 678.031 (7)(e), (f) or (h), the infor-**  
 17 **mation described in paragraph (a) of this subsection.**

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

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

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

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

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

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

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

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

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

43 (a) To an applicant whose license has become void for nonpayment of fees at either level and  
 44 who otherwise meets the requirements of the board. The board may, in issuing a limited license,  
 45 require the applicant to demonstrate ability to give safe nursing care by undergoing a supervised

1 experience in nursing practice designated by the board, or by satisfactorily completing a continuing  
 2 education program approved by the board. The license issued under this paragraph expires on the  
 3 date set in the license by the board. Upon the applicant’s satisfactory completion of the board’s re-  
 4 quirements, and payment of the renewal fee and delinquency fee, the board shall issue to the appli-  
 5 cant a license to practice nursing.

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

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

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

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

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

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

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

- 31 (A) Shall pay a fee in an amount to be determined by the board for retired status.
- 32 (B) May not practice nursing or offer to practice nursing in this state.
- 33 (C) May use the title or abbreviation with the retired license only if the designation “retired”  
 34 appears after the title or abbreviation.

35  
 36 **WELLNESS PROGRAM**

37  
 38 **SECTION 15. The Oregon State Board of Nursing shall support a wellness program that**  
 39 **provides accessible, confidential and helpful services to health care providers, in order to**  
 40 **allow nursing professionals to receive the benefit of those services.**

41 **SECTION 16. There is appropriated to the Oregon State Board of Nursing, for the**  
 42 **biennium ending June 30, 2023, out of the General Fund, the amount of \$\_\_\_\_, which may**  
 43 **be expended for the purposes described in section 15 of this 2022 Act.**

44  
 45 **CAPTIONS**

