

D R A F T

SUMMARY

Removes requirement that Oregon State Board of Nursing certify as nursing assistant any qualified applicant. Allows board to deny certificate and place nursing assistant on probation for specified reasons.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to nursing assistants; creating new provisions; amending ORS
3 678.442; and prescribing an effective date.

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

5 **SECTION 1.** ORS 678.442 is amended to read:

6 678.442. (1) The Oregon State Board of Nursing shall establish standards
7 for certifying and [*shall*] **may** certify as a nursing assistant any person who:

8 (a) Submits an application;

9 (b)(A) Shows completion of an approved training program for nursing as-
10 sistants; or

11 (B) Has military training or experience that the board determines is sub-
12 stantially equivalent to the training required by subparagraph (A) of this
13 paragraph; and

14 (c) Passes a board approved examination.

15 (2) In the manner prescribed in ORS chapter 183, the board may revoke
16 [*or*], suspend **or deny** a certificate issued under this section [*or may*],
17 reprimand a nursing assistant **or place a nursing assistant on probation**
18 **for a period of time and subject to any conditions specified by the**
19 **board** for the following reasons:

1 (a) Conviction of the certificate holder of a crime [*where such*] **if the**
2 crime bears demonstrable relationship to the duties of a nursing assistant.
3 A copy of the record of [*such*] **the** conviction, certified to by the clerk of the
4 court entering the conviction, shall be conclusive evidence of the conviction.

5 (b) Any willful fraud or misrepresentation in applying for or procuring a
6 certificate or renewal [*thereof*] **of a certificate.**

7 (c) Impairment as defined in ORS 676.303.

8 (d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted
9 [*thereunder*] **under ORS 678.010 to 678.448.**

10 (e) Physical condition that makes the certificate holder unable to perform
11 safely the duties of a nursing assistant.

12 (f) Conduct unbecoming a nursing assistant in the performance of duties.

13 (3) The board shall establish by rule a procedure for the biennial renewal
14 of nursing assistant certificates. The certificate renewal procedure must be
15 substantially like the procedure established for the licensing of nurses under
16 ORS 678.101.

17 (4) Notwithstanding ORS 192.345, the board may use the results of a
18 nursing assistant examination for the continuing education of applicants for
19 certification as a nursing assistant.

20 **SECTION 2. (1) The amendments to ORS 678.442 by section 1 of this**
21 **2023 Act become operative on January 1, 2024.**

22 **(2) The Oregon State Board of Nursing may take any action before**
23 **the operative date specified in subsection (1) of this section that is**
24 **necessary to enable the board to exercise, on and after the operative**
25 **date specified in subsection (1) of this section, all of the duties, func-**
26 **tions and powers conferred on the board by the amendments to ORS**
27 **678.442 by section 1 of this 2023 Act.**

28 **SECTION 3. This 2023 Act takes effect on the 91st day after the date**
29 **on which the 2023 regular session of the Eighty-second Legislative**
30 **Assembly adjourns sine die.**

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