

Enrolled
House Bill 3425

Sponsored by Representatives NOSSE, GOODWIN, NELSON; Representatives BOWMAN, GRAYBER

CHAPTER

AN ACT

Relating to certified registered nurse anesthetists; creating new provisions; amending ORS 475C.777, 475C.891, 678.860, 678.010, 678.025 and 678.285 and section 3, chapter 297, Oregon Laws 2013; and repealing ORS 678.245, 678.255, 678.265, 678.275 and 678.278; and prescribing an effective date.

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

CERTIFIED REGISTERED NURSE ANESTHETISTS

SECTION 1. Section 2 of this 2023 Act is 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 license to practice as a certified registered nurse anesthetist to a licensed registered nurse who applies to the board and meets the requirements adopted by the board by rule under ORS 678.285.

(2) Unless a person is licensed under subsection (1) of this section, a person may not:

- (a) Practice as a certified registered nurse anesthetist;
- (b) Use the title “certified registered nurse anesthetist” or any initials, abbreviation or other name indicating the person is a certified registered nurse anesthetist; or
- (c) Otherwise hold oneself out as a certified registered nurse anesthetist.

(3)(a) A certified registered nurse anesthetist may not use the title “anesthesiologist.”

(b) As used in this subsection, “anesthesiologist” means a physician who has completed a residency program in anesthesiology that meets or exceeds the standards adopted by the Oregon Medical Board.

SECTION 3. ORS 678.010, as amended by section 7, chapter 38, Oregon Laws 2022, is amended to read:

678.010. As used in ORS 678.010 to 678.410:

(1) “Certified registered nurse anesthetist” means a registered nurse who has been licensed by the Oregon State Board of Nursing as a certified registered nurse anesthetist.

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

[(2)] (3) “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] (4) “Human responses” means signs, symptoms and processes that denote the person’s interaction with an actual or potential health problem.

[4] (5) “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] (6) “Nurse intern” means a person who holds a nurse internship license issued under section 2, chapter 38, Oregon Laws 2022.

[6] (7) “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.

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

[8(a)] (9)(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.

[9] (10) “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.

[10] (11) “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.

[11] (12) “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 4. ORS 678.025 is amended to read:

678.025. An individual may not use the title “Advanced Practice Registered Nurse” or the abbreviation “APRN” unless the individual is:

(1) A clinical nurse specialist;

(2) A nurse practitioner; or

(3) A certified registered nurse anesthetist [*as defined in ORS 678.245*].

SECTION 5. Section 3, chapter 297, Oregon Laws 2013, as amended by section 46, chapter 358, Oregon Laws 2019, is amended to read:

Sec. 3. Nothing in ORS 678.282 affects the authority of a certified registered nurse anesthetist[*as defined in ORS 678.245,*] to select, order and administer controlled substances in connection with the delivery of anesthesia services. A certified registered nurse anesthetist may obtain and renew licensure with the Oregon State Board of Nursing without prescriptive authority.

SECTION 6. ORS 678.285 is amended to read:

678.285. [Consistent with the provisions of ORS 678.245 to 678.285,] The Oregon State Board of Nursing shall adopt rules necessary to establish:

(1) The scope of practice of a certified registered nurse anesthetist **that include, but are not limited to, the authority to prescribe prescription drugs if the certified registered nurse anesthetist is authorized under ORS 678.282;**

(2) Procedures for licensing a certified registered nurse anesthetist **under section 2 of this 2023 Act;**

(3) Educational and competency requirements required for licensure; and

(4) Procedures for the maintenance of licensure as a certified registered nurse anesthetist, including but not limited to fees necessary for original or renewal licensure.

SECTION 7. ORS 678.282 and 678.285 and section 3, chapter 297, Oregon Laws 2013, are added to and made a part of ORS 678.010 to 678.410.

SECTION 8. ORS 678.245, 678.255, 678.265, 678.275 and 678.278 are repealed.

SECTION 9. Section 2 of this 2023 Act, the amendments to ORS 475C.777, 475C.891, 676.860, 678.010, 678.025 and 678.285 and section 3, chapter 297, Oregon Laws 2013, by sections 3 to 6 and 10 to 12 of this 2023 Act and the repeal of ORS 678.245, 678.255, 678.265, 678.275 and 678.278 by section 8 of this 2023 Act apply to licenses issued before, on or after the operative date specified in section 14 of this 2023 Act.

CONFORMING AMENDMENTS

SECTION 10. ORS 475C.777 is amended to read:

475C.777. As used in ORS 475C.770 to 475C.919:

(1) "Attending provider" means one of the following health care providers who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition:

(a) A physician licensed under ORS chapter 677;

(b) A physician assistant licensed under ORS 677.505 to 677.525;

(c) A nurse practitioner licensed under ORS 678.375 to 678.390;

(d) A clinical nurse specialist licensed under ORS 678.370 and 678.372;

(e) A certified registered nurse anesthetist as defined in ORS [678.245] **678.010**; or

(f) A naturopathic physician licensed under ORS chapter 685.

(2) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.

(3) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by:

(a) A mechanical extraction process;

(b) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;

(c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or

(d) Any other process identified by the Oregon Health Authority, in consultation with the Oregon Liquor and Cannabis Commission, by rule.

(4) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.

(5) "Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by:

(a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;

(b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or

(c) Any other process identified by the Oregon Health Authority, in consultation with the Oregon Liquor and Cannabis Commission, by rule.

- (6) “Debilating medical condition” means:
- (a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the treatment of those medical conditions;
 - (b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
 - (A) Cachexia;
 - (B) Severe pain;
 - (C) Severe nausea;
 - (D) Seizures, including seizures caused by epilepsy; or
 - (E) Persistent muscle spasms, including spasms caused by multiple sclerosis;
 - (c) Post-traumatic stress disorder; or
 - (d) Any other medical condition or side effect related to the treatment of a medical condition adopted by the Oregon Health Authority by rule or approved by the authority pursuant to a petition filed under ORS 475C.913.
- (7)(a) “Delivery” has the meaning given that term in ORS 475.005.
- (b) “Delivery” does not include transfer of marijuana by a registry identification cardholder to another registry identification cardholder if no consideration is paid for the transfer.
- (8)(a) “Designated primary caregiver” means an individual:
- (A) Who is 18 years of age or older;
 - (B) Who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition; and
 - (C) Who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person’s application for a registry identification card or in other written notification submitted to the authority.
- (b) “Designated primary caregiver” does not include a person’s attending provider.
- (9) “High heat” means a temperature exceeding 180 degrees.
- (10) “Immature marijuana plant” means a marijuana plant that is not flowering.
- (11)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
- (b) “Marijuana” does not include:
- (A) Industrial hemp, as defined in ORS 571.269; or
 - (B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one or more cannabinoids, that are approved by the United States Food and Drug Administration and dispensed by a pharmacy, as defined in ORS 689.005.
- (12) “Marijuana grow site” means a location registered under ORS 475C.792 where marijuana is produced for use by a registry identification cardholder.
- (13) “Marijuana processing site” means a marijuana processing site registered under ORS 475C.815 or a site for which an applicant has submitted an application for registration under ORS 475C.815.
- (14) “Mature marijuana plant” means a marijuana plant that is not an immature marijuana plant.
- (15)(a) “Medical cannabinoid product” means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to a person’s skin or hair, that contains cannabinoids or dried leaves or flowers of marijuana.
- (b) “Medical cannabinoid product” does not include:
- (A) Usable marijuana by itself;
 - (B) A cannabinoid concentrate by itself;
 - (C) A cannabinoid extract by itself; or
 - (D) Industrial hemp, as defined in ORS 571.269.

(16) “Medical marijuana dispensary” means a medical marijuana dispensary registered under ORS 475C.833 or a site for which an applicant has submitted an application for registration under ORS 475C.833.

(17) “Medical use of marijuana” means the production, processing, possession, delivery or administration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the symptoms or effects of a debilitating medical condition.

(18) “Person designated to produce marijuana by a registry identification cardholder” means a person designated to produce marijuana by a registry identification cardholder under ORS 475C.792 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

(19) “Process” means the compounding or conversion of marijuana into medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

(20) “Production” means:

(a) Planting, cultivating, growing, trimming or harvesting marijuana; or

(b) Drying marijuana leaves or flowers.

(21) “Registry identification card” means a document issued by the Oregon Health Authority under ORS 475C.783 that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475C.789, the person’s designated primary caregiver.

(22) “Registry identification cardholder” means a person to whom a registry identification card has been issued under ORS 475C.783.

(23)(a) “Usable marijuana” means the dried leaves and flowers of marijuana.

(b) “Usable marijuana” does not include:

(A) The seeds, stalks and roots of marijuana; or

(B) Waste material that is a by-product of producing marijuana.

(24) “Written documentation” means a statement signed by the attending provider of a person diagnosed with a debilitating medical condition or copies of the person’s relevant medical records.

SECTION 11. ORS 475C.891 is amended to read:

475C.891. The Oregon Board of Naturopathic Medicine, Oregon Medical Board and Oregon State Board of Nursing may not impose a civil penalty or take other disciplinary action against an attending provider for:

(1) Advising a person diagnosed as having a debilitating medical condition by the attending provider or another physician licensed under ORS chapter 677, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390, clinical nurse specialist licensed under ORS 678.370 and 678.372, certified registered nurse anesthetist as defined in ORS [678.245] **678.010** or naturopathic physician licensed under ORS chapter 685 about the risks and benefits associated with the medical use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the person’s debilitating medical condition, provided that the advice is based on the attending provider’s personal assessment of the person’s medical history and current medical condition; or

(2) Providing the written documentation necessary for issuance or renewal of a registry identification card under ORS 475C.783, provided that the written documentation is based on the attending provider’s personal assessment of the person’s medical history and current medical condition and the attending provider has discussed with the person the potential risks and benefits associated with the medical use of marijuana.

SECTION 12. ORS 676.860 is amended to read:

676.860. (1) As used in this section:

(a) “Board” means:

(A) Occupational Therapy Licensing Board;

(B) Oregon Board of Naturopathic Medicine;

(C) Oregon Medical Board;

- (D) Oregon State Board of Nursing;
- (E) Oregon Board of Physical Therapy; and
- (F) State Board of Chiropractic Examiners.

(b) "Licensee" means a person authorized to practice one of the following professions:

- (A) Occupational therapist, as defined in ORS 675.210;
- (B) Certified registered nurse anesthetist, as defined in ORS [678.245] **678.010**;
- (C) Chiropractic physician, as defined in ORS 684.010;
- (D) Clinical nurse specialist, as defined in ORS 678.010;
- (E) Naturopathic physician, as defined in ORS 685.010;
- (F) Nurse practitioner, as defined in ORS 678.010;
- (G) Physician, as defined in ORS 677.010;
- (H) Physician assistant, as defined in ORS 677.495;
- (I) Physical therapist, as defined in ORS 688.010; and
- (J) Physical therapist assistant, as defined in ORS 688.010.

(2) In collaboration with the Oregon Health Authority, a board shall adopt rules to require a licensee regulated by the board to report to the board, upon reauthorization to practice, the licensee's completion of any continuing education regarding suicide risk assessment, treatment and management.

(3) A licensee shall report the completion of any continuing education described in subsection (2) of this section to the board that regulates the licensee.

(4)(a) A board shall document completion of any continuing education described in subsection (2) of this section by a licensee regulated by the board. The board shall document the following data:

(A) The number of licensees who complete continuing education described in subsection (2) of this section;

(B) The percentage of the total of all licensees who complete the continuing education;

(C) The counties in which licensees who complete the continuing education practice; and

(D) The contact information for licensees willing to share information about suicide risk assessment, treatment and management with the authority.

(b) The board shall remove any personally identifiable information from the data submitted to the board under this subsection, except for the personally identifiable information of licensees willing to share such information with the authority.

(c) For purposes of documenting completion of continuing education under this subsection, a board may adopt rules requiring licensees to submit documentation of completion to the board.

(5) A board, on or before March 1 of each even-numbered year, shall report to the authority on the data documented under subsection (4) of this section, as well as information about any initiatives by the board to promote suicide risk assessment, treatment and management among its licensees.

(6) The authority, on or before August 1 of each even-numbered year, shall report to the interim committees of the Legislative Assembly related to health care on the information submitted to the authority under subsection (5) of this section. The authority shall include in the report information about initiatives by boards to promote awareness about suicide risk assessment, treatment and management and information on how boards are promoting continuing education described in subsection (2) of this section to licensees.

(7) The authority may use the information submitted to the authority under subsection (5) of this section to develop continuing education opportunities related to suicide risk assessment, treatment and management for licensees and to facilitate improvements in suicide risk assessment, treatment and management efforts in this state.

CAPTIONS

SECTION 13. The unit captions used in this 2023 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 2023 Act.

OPERATIVE AND EFFECTIVE DATES

SECTION 14. (1) Section 2 of this 2023 Act, the amendments to ORS 475C.777, 475C.891, 676.860, 678.010, 678.025 and 678.285 and section 3, chapter 297, Oregon Laws 2013, by sections 3 to 6 and 10 to 12 of this 2023 Act and the repeal of ORS 678.245, 678.255, 678.265, 678.275 and 678.278 by section 8 of this 2023 Act become operative on January 1, 2024.

(2) The Oregon Health Authority and 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 authority and 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 authority and the board by section 2 of this 2023 Act, the amendments to ORS 475C.777, 475C.891, 676.860, 678.010, 678.025 and 678.285 and section 3, chapter 297, Oregon Laws 2013, by sections 3 to 6 and 10 to 12 of this 2023 Act and the repeal of ORS 678.245, 678.255, 678.265, 678.275 and 678.278 by section 8 of this 2023 Act.

SECTION 15. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by House March 30, 2023

Received by Governor:

Repassed by House June 23, 2023

.....M.,....., 2023

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Tina Kotek, Governor

Passed by Senate June 22, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

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Rob Wagner, President of Senate

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Secretary of State