

A-Engrossed
Senate Bill 226

Ordered by the House May 11
Including House Amendments dated May 11

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon State Board of Nursing)

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.

Allows nurse employed by or contracted with certain facilities to execute medical order from out-of-state physician in specified circumstances. Removes requirement that Oregon State Board of Nursing notify State Board of Pharmacy upon authorizing nurse practitioner or clinical nurse specialist to dispense prescription drugs.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to nursing; creating new provisions; amending ORS 678.010 and 678.390; and prescribing
3 an effective date.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 678.010 to**
6 **678.410.**

7 **SECTION 2. A registered nurse who is employed by or contracted with a long term care**
8 **facility or an in-home care agency, as defined in ORS 443.305, may execute a medical order**
9 **from a physician licensed to practice medicine in another state or territory of the United**
10 **States if:**

11 **(1) The order is related to the care or treatment of an individual who is a client, patient**
12 **or resident of the long term care facility or in-home care agency that employs or contracts**
13 **the registered nurse; and**

14 **(2) The individual described in subsection (1) of this section has been a client, patient or**
15 **resident of the long term care facility or in-home care agency for not more than 90 days.**

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

18 678.010. As used in ORS 678.010 to 678.410:

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

21 (2) "Diagnosing" in the context of the practice of nursing means identification of and discrimi-
22 nation between physical and psychosocial signs and symptoms essential to effective execution and
23 management of the nursing care.

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

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

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

7 (6) “Nurse practitioner” means a registered nurse who has been licensed by the board as qual-
8 ified to practice in an expanded specialty role within the practice of nursing.

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

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

13 (b) “Practice of nursing” includes:

14 (A) Executing medical orders prescribed by a physician, dentist, clinical nurse specialist, nurse
15 practitioner, certified registered nurse anesthetist or other licensed health care provider licensed
16 or certified by this state and authorized by the board by rule to issue orders for medical
17 treatment, **or as otherwise described in ORS 678.010 to 678.410;**

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

19 (C) The performance of additional services that:

20 (i) Require education and training; and

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

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

27 (9) “Practice of practical nursing” means the application of knowledge drawn from basic edu-
28 cation in the social and physical sciences in planning and giving nursing care and in assisting per-
29 sons toward achieving of health and well-being.

30 (10) “Practice of registered nursing” means the application of knowledge drawn from broad in-
31 depth education in the social and physical sciences in assessing, planning, ordering, giving, deleg-
32 ating, teaching and supervising care that promotes the person’s optimum health and independence.

33 (11) “Treating” means selection and performance of therapeutic measures essential to the ef-
34 fective execution and management of the nursing care and execution of the prescribed medical or-
35 ders.

36 **SECTION 4.** ORS 678.390 is amended to read:

37 678.390. (1) The Oregon State Board of Nursing may authorize a nurse practitioner or clinical
38 nurse specialist to write prescriptions, including prescriptions for controlled substances listed in
39 schedules II through V.

40 (2) A nurse practitioner or clinical nurse specialist may submit an application to the Oregon
41 State Board of Nursing to dispense prescription drugs. [*The Oregon State Board of Nursing shall*
42 *provide immediate notice to the State Board of Pharmacy upon approving an application submitted by*
43 *a nurse practitioner or clinical nurse specialist to dispense prescription drugs.*]

44 (3) An application for the authority to dispense prescription drugs under this section must in-
45 clude any information required by the Oregon State Board of Nursing by rule.

1 (4) Prescription drugs dispensed by a nurse practitioner or clinical nurse specialist must be
2 personally dispensed by the nurse practitioner or clinical nurse specialist, except that nonjudg-
3 mental dispensing functions may be delegated to staff assistants when:

4 (a) The accuracy and completeness of the prescription is verified by the nurse practitioner or
5 clinical nurse specialist; and

6 (b) The prescription drug is labeled with the name of the patient to whom it is being dispensed.

7 (5) The Oregon State Board of Nursing shall adopt rules requiring:

8 (a) Prescription drugs dispensed by nurse practitioners and clinical nurse specialists to be either
9 prepackaged by a manufacturer registered with the State Board of Pharmacy or repackaged by a
10 pharmacist licensed by the State Board of Pharmacy under ORS chapter 689;

11 (b) Labeling requirements for prescription drugs dispensed by nurse practitioners and clinical
12 nurse specialists that are the same as labeling requirements required of pharmacies licensed under
13 ORS chapter 689;

14 (c) Record keeping requirements for prescriptions and prescription drug dispensing by a nurse
15 practitioner and a clinical nurse specialist that are the same as the record keeping requirements
16 required of pharmacies licensed under ORS chapter 689;

17 (d) A dispensing nurse practitioner and a dispensing clinical nurse specialist to have available
18 at the dispensing site a hard copy or electronic version of prescription drug reference works com-
19 monly used by professionals authorized to dispense prescription medications; and

20 (e) A dispensing nurse practitioner and a dispensing clinical nurse specialist to allow represen-
21 tatives of the State Board of Pharmacy, upon receipt of a complaint, to inspect a dispensing site
22 after prior notice to the Oregon State Board of Nursing.

23 (6) The Oregon State Board of Nursing has sole disciplinary authority regarding nurse practi-
24 tioners and clinical nurse specialists who have prescription drug dispensing authority.

25 (7) The authority to write prescriptions or dispense prescription drugs may be denied, suspended
26 or revoked by the Oregon State Board of Nursing upon proof that the authority has been abused.
27 The procedure shall be a contested case under ORS chapter 183. Disciplinary action under this
28 subsection is grounds for discipline of the nurse practitioner or clinical nurse specialist in the same
29 manner as a licensee may be disciplined under ORS 678.111.

30 **SECTION 5. (1) Section 2 of this 2023 Act and the amendments to ORS 678.010 and 678.390**
31 **by sections 3 and 4 of this 2023 Act become operative on January 1, 2024.**

32 **(2) The Oregon State Board of Nursing may take any action before the operative date**
33 **specified in subsection (1) of this section that is necessary to enable the board to exercise,**
34 **on or after the operative date specified in subsection (1) of this section, all of the duties,**
35 **functions and powers conferred on the board by section 2 of this 2023 Act and the amend-**
36 **ments to ORS 678.010 and 678.390 by sections 3 and 4 of this 2023 Act.**

37 **SECTION 6. This 2023 Act takes effect on the 91st day after the date on which the 2023**
38 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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