

# House Bill 4136

Sponsored by Representatives NATHANSON, FAHEY, HOLVEY, CONRAD, Senators MANNING JR, PROZANSKI, Representative GRAYBER (Pre-session filed.)

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes the laws about nurse licenses, gives money to Lane County to pay for fast health care and tells the Oregon Health Authority to look at how to get health care. (Flesch Readability Score: 60.5).

Expands the exemption from the licensure requirement for certain nurses. Directs the Oregon State Board of Nursing to issue a provisional license to an applicant for licensure.

Directs the Oregon Health Authority to enter into an agreement with Lane County Public Health and distribute to Lane County Public Health moneys for the purposes of funding same-day health care services.

Directs the authority to review access to urgent and immediate health care services and submit a report to the interim committees of the Legislative Assembly related to health care not later than September 15, 2024.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

Relating to health care; creating new provisions; amending ORS 678.031, 678.034 and 678.040; and declaring an emergency.

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

## NURSE LICENSURE

**SECTION 1.** ORS 678.031 is amended to read:

678.031. ORS 678.010 to 678.410 do not apply to:

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

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

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

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

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

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

(7) Nonresident nurses licensed and in good standing in another state if nonresident nurses are

**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 practicing in this state on a single[, *temporary*] assignment of not to exceed 90 days, renewable for  
 2 not to exceed 90 days, for assignments that are for the general public benefit. [*limited to the fol-*  
 3 *lowing:*]

4 [(a) *Transport teams;*]

5 [(b) *Red Cross Blood Services personnel;*]

6 [(c) *Presentation of educational programs;*]

7 [(d) *Disaster teams;*]

8 [(e) *Staffing in a hospital that is responding to a temporary staffing shortage and would be other-*  
 9 *wise unable to meet the hospital's staffing requirements;*]

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

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

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

16 [(A) *An adult or juvenile residential behavioral health treatment facility;*]

17 [(B) *An opioid treatment program;*]

18 [(C) *A withdrawal management program;*]

19 [(D) *A sobering center;*]

20 [(E) *A primary care facility; or]*

21 [(F) *A behavioral health home, as defined in ORS 414.025.*]

22 **SECTION 2.** ORS 678.034 is amended to read:

23 678.034. [(1)(a) *A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that*  
 24 *employs nurses under ORS 678.031 (7)(e), (f) or (h) shall:*]

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

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

29 [(C) *At the request of the board, provide documentation that the nurses employed under ORS*  
 30 *678.031 (7)(e), (f) or (h) are licensed and in good standing in another state or United States territory.]*

31 [(b) *A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that employs*  
 32 *nurses as described in paragraph (a) of this subsection shall provide notice in writing of and certify*  
 33 *to the nurses' exclusive bargaining representative, if any, the information described in paragraph (a)*  
 34 *of this subsection.]*

35 **(1) An entity that employs a nurse described under ORS 678.031 (7) shall notify the**  
 36 **Oregon State Board of Nursing in writing of the number of nurses so employed and the time**  
 37 **of employment and shall certify that there is no labor dispute affecting nurses at the entity.**  
 38 **In addition, at the request of the board, the entity shall provide documentation that the**  
 39 **nurses so employed are licensed and in good standing in another state or United States ter-**  
 40 **ritory.**

41 (2) Nurses employed in this state under ORS 678.031 (7)[(e), (f) or (h)], at the time of employment,  
 42 shall apply for an Oregon license by indorsement or, if the nurse was previously licensed in this  
 43 state, for reactivation of the nurse's Oregon license.

44 **SECTION 3.** ORS 678.040 is amended to read:

45 678.040. (1) An applicant for a license under ORS 678.010 to 678.448 shall provide to the Oregon

1 State Board of Nursing satisfactory evidence that the applicant's physical and mental health is such  
2 that it is safe for the applicant to practice, and that:

3 [(1)] (a) The applicant has graduated:

4 [(a)] (A) From a registered nurse or licensed practical nurse nursing education program ap-  
5 proved by the Oregon State Board of Nursing;

6 [(b)] (B) From a nursing program in the United States that included in its curriculum a clinical  
7 component, as defined by the board by rule, and:

8 [(A)] (i) Is accredited or approved by the licensing board for nurses in a particular state or  
9 United States territory and approved by the Oregon State Board of Nursing; or

10 [(B)] (ii) If the licensing board is not the accrediting or approval agency in that state or United  
11 States territory, is accredited or approved by the appropriate agency for that state or United States  
12 territory and approved by the Oregon State Board of Nursing;

13 [(c)] (C) In another country and has an education equivalent to that provided by accredited or  
14 approved programs in this country; or

15 [(d)] (D) From a military training program that the board specifies by rule to be qualified as a  
16 nursing education program for a licensed practical nurse; or

17 [(2)] (b) If the applicant is an applicant for licensure by indorsement, the applicant:

18 [(a)] (A) Is currently or has been licensed as a licensed practical nurse in another state or ter-  
19 ritory of the United States based upon recognition of the applicant's military education; or

20 [(b)] (B) Has graduated from a registered nurse or licensed practical nurse nursing education  
21 program that included in its curriculum a clinical component, as defined by the board by rule.

22 (2) **Upon receipt of an application for a license under subsection (1)(b) of this section, the**  
23 **board shall issue to the applicant a provisional license to allow the applicant to practice**  
24 **nursing at the level for which the applicant has applied for a license. A provisional license**  
25 **issued under this subsection expires on the date on which an applicant described in this**  
26 **subsection is issued a license under subsection (1)(b) of this section.**

27 **SECTION 4. (1) The amendments to ORS 678.031 and 678.034 by sections 1 and 2 of this**  
28 **2024 Act apply to periods of employment beginning on or after the effective date of this 2024**  
29 **Act.**

30 (2) **The amendments to ORS 678.040 by section 3 of this 2024 Act apply to applications**  
31 **received by the Oregon State Board of Nursing on or after the effective date of this 2024 Act.**

32  
33 **LANE COUNTY ACCESS TO HEALTH CARE**

34  
35 **SECTION 5. (1) The Oregon Health Authority shall enter into an agreement with Lane**  
36 **County Public Health that requires Lane County Public Health to administer moneys as fol-**  
37 **lows, taking into consideration the continuum of health care, including emergency medical**  
38 **care and other same-day health care services:**

39 (a) **As distributions to the City of Eugene for the establishment and maintenance of a**  
40 **basic life support unit; and**

41 (b) **To fund a health care access innovation fund to finance innovations to improve access**  
42 **to same-day health care while decreasing the overall same-day health care system cost in**  
43 **the greater Eugene area, such as a nurse advice line, community health care response pro-**  
44 **grams, alternative medical transportation options and programming to improve access to**  
45 **health care while reducing emergency department utilization.**

1 (2) The agreement described in subsection (1) of this section must require:

2 (a) Lane County Public Health to solicit, review and select proposals for the objectives  
3 described in subsection (1) of this section, and to consult with coordinated care organizations  
4 and other stakeholders in order to optimize the use of moneys described in subsection (1)  
5 of this section and to leverage additional funding from other sources.

6 (b) Lane County Public Health to submit a report in the manner provided in ORS 192.245,  
7 that may include recommendations for legislation, to the authority and the interim com-  
8 mittees of the Legislative Assembly related to health care not later than December 31, 2024.  
9 The report described in this paragraph must include a detailed description of how the moneys  
10 administered by Lane County Public Health are used.

11 (c) Lane County Public Health and the authority to submit a report in the manner pro-  
12 vided in ORS 192.245, that may include recommendations for legislation, to the interim  
13 committees of the Legislative Assembly related to health care not later than December 31,  
14 2025. The report described in this paragraph must include a detailed description of how the  
15 moneys administered by Lane County Public Health are used and whether and to what degree  
16 the objectives described in subsection (1) of this section were met.

17 (3) The agreement entered into under subsection (1) of this section must allow Lane  
18 County Public Health to withhold from the moneys administered under subsection (1) of this  
19 section a reasonable amount to reimburse Lane County Public Health for administrative  
20 costs incurred under this section.

21 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-  
22 ated to the Oregon Health Authority, for the biennium ending June 30, 2025, out of the  
23 General Fund, the amount of \$4,500,000 for the purpose of carrying out the provisions of  
24 section 5 of this 2024 Act.

25 **SECTION 7.** Sections 5 and 6 of this 2024 Act are repealed on January 2, 2026.

26  
27 **OREGON HEALTH AUTHORITY REVIEW**

28  
29 **SECTION 8.** The Oregon Health Authority shall review access to urgent and immediate  
30 health care services in this state, focusing on options that decrease the use of unnecessary  
31 emergency department resources, and the relevant state and federal statutes and adminis-  
32 trative rules and regulations. In conducting the review, the authority shall also consider re-  
33 imbursement and payment for urgent and immediate health care services provided to  
34 patients. The authority shall submit a report in the manner provided by ORS 192.245, and  
35 may include recommendations for legislation, to the interim committees of the Legislative  
36 Assembly related to health care no later than September 15, 2024.

37 **SECTION 9.** Section 8 of this 2024 Act is repealed on January 2, 2025.

38  
39 **CAPTIONS**

40  
41 **SECTION 10.** The unit captions used in this 2024 Act are provided only for the conven-  
42 ience of the reader and do not become part of the statutory law of this state or express any  
43 legislative intent in the enactment of this 2024 Act.

44  
45 **EFFECTIVE DATE**

1        **SECTION 11.** This 2024 Act being necessary for the immediate preservation of the public  
2        peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect  
3        on its passage.  
4

---