

## Enrolled House Bill 3044

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek for Oregon State Board of Nursing)

CHAPTER .....

AN ACT

Relating to nursing; creating new provisions; amending ORS 169.750, 441.685, 443.445, 443.775, 678.010, 678.031, 678.034, 678.038, 678.039, 678.040, 678.050, 678.055, 678.101, 678.111, 678.113, 678.150, 678.170, 678.340, 678.370, 678.392, 678.396, 678.398, 678.410, 678.415, 678.440, 678.442, 678.444 and 678.445; repealing ORS 678.155; and prescribing an effective date.

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

### NURSING STATUTES

**SECTION 1.** ORS 678.010 is amended to read:

678.010. As used in ORS 678.010 to 678.410:

(1) **“Advanced Practice Registered Nurse” means a:**

(a) **Clinical nurse specialist;**

(b) **Nurse practitioner; or**

(c) **Certified registered nurse anesthetist.**

[(1)] (2) **“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.**

[(2)] (3) **“Clinical nurse specialist” means a licensed registered nurse who has been licensed by the board as qualified to practice the expanded clinical specialty nursing role.**

[(3)] (4) **“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.] means the process of identifying a patient’s disease or medical condition through the evaluation of the patient’s history and clinical symptoms, a physical evaluation and any relevant diagnostic tests.**

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

(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.**

(6) **“Nurse intern” means a person who holds a nurse internship license issued under ORS 678.392.**

(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.**

(8) "Physician" means a person licensed to practice under ORS chapter 677.

(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, or as otherwise described in ORS 678.010 to 678.410;

(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.

(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.

(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.

(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 2.** ORS 678.031, as amended by section 1, chapter 39, Oregon Laws 2024, 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)(a) A nonresident [*nurses*] **nurse** licensed and in good standing in another state if **the** non-resident [*nurses are*] **nurse is** practicing in this state on a single assignment of not to exceed 90 days, renewable for not to exceed 90 days, for assignments that are for the general public benefit.

(b) **A nurse previously licensed in Oregon who has not had their license revoked, or has not voluntarily surrendered their license, if the nurse is practicing in this state on a single assignment of not to exceed 90 days, renewable for not to exceed 90 days, for assignments that are for the general public benefit.**

**SECTION 3.** ORS 678.034, as amended by section 2, chapter 39, Oregon Laws 2024, is amended to read:

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

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

**SECTION 4.** ORS 678.038 is amended to read:

678.038. A registered nurse who is employed by a public or private school, or by an education service district or a local public health authority as defined in ORS 431.003 to provide nursing services at a public or private school, may accept an order from a *[physician]* **health care provider, as defined by the Oregon State Board of Nursing by rule**, licensed to practice *[medicine]* in another state or territory of the United States if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

**SECTION 5.** ORS 678.039 is amended to read:

678.039. A registered nurse who is employed by or contracted with a long term care facility or an in-home care agency, as defined in ORS 443.305, may execute a medical order from a *[physician]* **health care provider, as defined by the Oregon State Board of Nursing by rule**, licensed to practice *[medicine]* in another state or territory of the United States if:

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

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

**SECTION 6.** ORS 678.040 is amended to read:

678.040. An applicant for a license under ORS 678.010 to 678.448 shall provide to the Oregon State Board of Nursing satisfactory evidence that the applicant's physical and mental health is such that it is safe for the applicant to practice, and that:

(1) The applicant has graduated:

(a) From a registered nurse or licensed practical nurse nursing education program approved by the Oregon State Board of Nursing;

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

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

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

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

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

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

(a) Is currently or has been licensed as a licensed practical nurse in another state or territory of the United States based upon recognition of the applicant's military education; or

(b) Has graduated from a registered nurse or licensed practical nurse nursing education program that *[included in its curriculum a clinical component, as defined by the board by rule]* **meets the requirements of subsection (1) of this section.**

**SECTION 7.** ORS 678.050 is amended to read:

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

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

(3)(a) The board may issue a license by *[indorsement]* **endorsement** to an applicant qualified as provided in ORS 678.040 who has passed the examination used by the board and who meets other standards established by the board. The board may also require evidence of competency to practice nursing at the level for which application is made.

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

(c) Paragraph (b) of this subsection does not prohibit the board from processing requests to employ nurses to meet temporary staffing shortages, as described in ORS 678.031 or 678.034, in facilities in this state not involved in labor disputes.

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

(a) To an applicant *[whose license has become void for nonpayment of fees at either level and who otherwise meets the requirements of the board]* **who the board determines needs to demonstrate the ability to provide safe nursing care.** The board may~~], in issuing a limited license,~~ require the applicant to *[demonstrate ability to give safe nursing care by undergoing]* **undergo** a supervised experience in nursing practice designated by the board, or *[by satisfactorily completing]* **to satisfactorily complete** a continuing education program approved by the board, **in order to demonstrate the applicant's ability to provide safe nursing care.** The license issued under this paragraph expires on the date set in the license by the board. Upon the applicant's satisfactory completion of the board's requirements, and payment of the renewal fee and delinquency fee, the board shall issue to the applicant a license to practice nursing.

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

*[(c)]* (b) To a licensee who has been placed on probation or has been otherwise subjected to disciplinary action by the board.

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

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

(e) During an emergency declared by the Governor pursuant to ORS 401.165, to a nurse licensed in another jurisdiction. The board shall adopt rules to establish criteria for issuance of a license under this paragraph.

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

(6)(a) **The board may grant** retired status [*may be granted*] to a person licensed as a registered nurse, licensed practical nurse, nurse practitioner, certified registered nurse anesthetist or clinical nurse specialist and who surrenders the person's license while in good standing with the issuing authority if the person is not subject to any pending disciplinary investigation or action. The board may adopt by rule requirements, procedures and fees for placing a license in retired status.

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

(A) Shall pay a fee in an amount to be determined by the board for retired status.

(B) May not practice nursing or offer to practice nursing in this state.

(C) May use the title or abbreviation with the retired license only if the designation "retired" appears after the title or abbreviation.

**SECTION 8.** ORS 678.055 is amended to read:

678.055. (1) The Oregon State Board of Nursing may issue a nurse emeritus license to an applicant who:

(a) Is a certified registered nurse anesthetist, clinical nurse specialist, licensed practical nurse, nurse practitioner or registered nurse;

(b) Has been granted retired status by the board as described in ORS 678.050; and

(c) Pays the license fee as established by rule of the board.

(2) Notwithstanding ORS 678.050 (6), a nurse emeritus may engage in the practice of nursing, practical nursing or registered nursing on a volunteer or other noncompensatory basis.

(3) The board shall adopt rules to establish:

(a) The [*annual*] license fee for the nurse emeritus license described in subsection (1) of this section; and

(b) The method to determine the competency required to practice nursing, practical nursing or registered nursing as a nurse emeritus.

**SECTION 9.** ORS 678.101 is amended to read:

678.101. (1) A person licensed to practice nursing, **including as an Advanced Practice Registered Nurse**, shall apply to the Oregon State Board of Nursing for renewal of the license[, *other than a limited license, in*] every second year [*before 11:59 p.m. on the anniversary of the birthdate of the person in the odd-numbered year for persons whose birth occurred in an odd-numbered year and in the even-numbered year for persons whose birth occurred in an even-numbered year. Persons whose birthdate anniversary falls on February 29 shall be treated as if the anniversary were March 1*].

(2) Each application must be accompanied by a [*nonrefundable*] renewal fee payable to the board.

**The renewal fee is refundable at the discretion of the board.**

(3) The board may not renew the license of a person licensed to practice nursing unless:

(a) The requirements of subsections (1) and (2) of this section are met; and

(b) Prior to payment of the renewal fee described in subsection (2) of this section the person completes, or provides documentation of completion within the previous 36 months, of:

(A) A one-hour pain management education program approved by the board and developed based on recommendations of the Pain Management Commission; or

(B) An equivalent pain management education program, as determined by the board.

(4) The license of any person not renewed for failure to comply with subsections (1) to (3) of this section is expired and the person shall be considered delinquent and is subject to any delinquent fee established under ORS 678.410.

[*(5) A registered nurse who has been issued a license as a nurse practitioner, clinical nurse specialist or certified registered nurse anesthetist shall apply as specified by the board by rule for renewal of the license and for renewal of the authority to prescribe in every second year before 11:59 p.m. on the anniversary of the birthdate, as determined for the person's license to practice nursing.*]

**(5) This section does not apply to a person who holds a limited license to practice nursing.**

**SECTION 10.** ORS 678.111 is amended to read:

678.111. In the manner prescribed in ORS chapter 183 for a contested case, and except as provided in ORS 678.138[.],

*[(1)] the Oregon State Board of Nursing may [refuse to issue a license to practice nursing by examination or indorsement or a nurse internship license or may revoke or suspend a license, issue a limited license, censure or reprimand or place on probation, subject to any conditions imposed by the board, a person issued a license, for any of the following causes] **revoke, suspend, deny or impose conditions on a license issued by the board, or on an inactive or retired status granted by the board, and reprimand or place on probation, subject to terms imposed by the board, a person licensed by the board for any of the reasons described in this section, including the following:***

*[(a)] (1)* Conviction of the *[licensee]* **person** of crime where the crime bears demonstrable relationship to the practice of nursing. A copy of the record of the conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

*[(b)] (2)* Gross incompetence or gross negligence of the *[licensee]* **person** in the practice of nursing at the level for which the *[licensee]* **person** is licensed.

*[(c)] (3)* Any willful fraud or misrepresentation in applying for or procuring a license or renewal of a license.

*[(d)] (4)* Fraud or deceit *[of the licensee]* **by the person** in the practice of nursing or in admission to the practice of nursing.

*[(e)] (5)* Impairment as defined in ORS 676.303.

*[(f)] (6)* Conduct derogatory to the standards of nursing.

*[(g)] (7)* Violation of any provision of ORS 678.010 to 678.448 or rules adopted under ORS 678.010 to 678.448.

*[(h)] (8)* Revocation or suspension of a license to practice nursing by any state or territory of the United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that license or credential was relied upon in issuing that license in this state. A certified copy of the order of revocation or suspension shall be conclusive evidence of the revocation or suspension.

*[(i)] (9)* Physical condition that makes the *[licensee]* **person** unable to conduct safely the practice for which the *[licensee]* **person** is licensed.

*[(j)] (10)* Violation of any condition imposed by the board when issuing a limited license.

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

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

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

**SECTION 11.** ORS 678.113 is amended to read:

678.113. (1) During the course of an investigation into the performance or conduct of an applicant, certificate holder or licensee, the Oregon State Board of Nursing may order mental health, physical condition or *[chemical dependency]* **substance use disorder** evaluations of the applicant, certificate holder or licensee upon reasonable belief that the applicant, certificate holder or licensee is unable to practice nursing with reasonable skill and safety to patients.

(2) When the board has reasonable cause to believe that an applicant, certificate holder or licensee is or may be unable to practice nursing with reasonable skill and safety to patients, the board may order a competency examination of the applicant, certificate holder or licensee for the purpose of determining the fitness of the applicant, certificate holder or licensee to practice nursing with reasonable skill and safety to patients.

(3) A licensee or certificate holder by practicing nursing, or an applicant by applying to practice nursing in Oregon, gives consent to submit to mental health, physical condition or *[chemical dependency]* **substance use disorder** evaluations when ordered by the board and waives any objection on the grounds of privileged communication to the admissibility of information derived from evaluations ordered by the board.

(4) By rule, the board may require:

(a) Evidence of continuing education [*in a nursing education program approved by the board*] as a prerequisite for renewal of registered or practical nursing licenses, or both[, or may require];

(b) [*Continuing education for persons whose license has lapsed for nonpayment of fees, who have not practiced nursing for five years, or who have their licenses suspended or revoked as a condition to relicensure.*] **As a condition of relicensure, evidence of continuing education for a person whose license has been suspended or revoked; or**

**(c) Evidence of continuing education for a person whose license has lapsed for nonpayment of fees or who has not practiced nursing for the last five years.**

**SECTION 12.** ORS 678.150 is amended to read:

678.150. (1) The Oregon State Board of Nursing shall elect annually from its number a president, a president-elect and a secretary, each of whom shall serve until a successor is elected and qualified. The board shall meet on the call of the president or as the board may require. Special meetings of the board may be called by the secretary upon the request of any three members. Five members constitute a quorum.

(2) The board shall adopt a seal which shall be in the care of the executive director.

(3) The board shall keep a record of all its proceedings and of all persons licensed and schools or programs approved under ORS 678.010 to 678.448. The records must at all reasonable times be open to public scrutiny.

(4) The executive director of the board may hire and define the duties of employees as necessary to carry out the provisions of ORS 678.010 to 678.448. The executive director, with approval of the board, may employ special consultants. All salaries, compensation and expenses incurred or allowed shall be paid out of funds received by the board.

(5) The board shall determine the qualifications of applicants for a license to practice nursing in this state and establish educational and professional standards for such applicants subject to laws of this state.

(6) The board shall:

(a) Exercise general supervision over the practice of nursing in this state.

(b) Prescribe standards and approve curricula for nursing education programs preparing persons for licensing under ORS 678.010 to 678.448.

(c) Provide for surveys of nursing education programs as may be necessary.

(d) Approve nursing education programs that meet the requirements of ORS 678.010 to 678.448 and of the board.

(e) Deny or withdraw approval from nursing education programs for failure to meet prescribed standards.

(f) Examine, license and renew the licenses of duly qualified applicants.

(g) Issue subpoenas for any records relevant to a board investigation, including patient and other medical records, personnel records applicable to nurses and nursing assistants, records of schools of nursing and nursing assistant training records and any other relevant records; issue subpoenas to persons for personal interviews relating to board investigations; compel the attendance of witnesses; and administer oaths or affirmations to persons giving testimony during an investigation or at hearings. In any proceeding under this subsection, when a subpoena is issued to an applicant, certificate holder or licensee of the board, a claim of nurse-patient privilege under ORS 40.240 or of psychotherapist-patient privilege under ORS 40.230 is not grounds for quashing the subpoena or for refusing to produce the material that is subject to the subpoena.

(h) Enforce the provisions of ORS 678.010 to 678.448, and incur necessary expenses for the enforcement.

(i) Adopt rules to prescribe:

*[(A) Standards for the delegation of patient care tasks by a registered nurse to a nursing assistant. The standards must specify that only a registered nurse may delegate the provision of nursing care. The standards must include rules governing the delegation of administration of medication, including*

*of controlled substances, and other tasks ordered or prescribed by a nurse practitioner or clinical nurse specialist or a physician licensed under ORS chapter 677.]*

**(A) Standards for the assignment of authorized duties by a nurse to a nursing assistant. The standards must include rules governing the administration of noninjectable medication, including controlled substances, and other tasks ordered or prescribed by a health care provider, as defined by the board by rule.**

(B) Standards for the delegation by a registered nurse of procedures ordered or prescribed by a nurse practitioner or clinical nurse specialist or a physician licensed under ORS chapter 677 to persons other than licensed nursing personnel in a community-based setting, as defined by the board. The rules must:

(i) Provide for the delegation of procedures related to administration of medication, **including the administration of controlled substances[.]; and**

(ii) **Specify that the delegation must occur under the procedural guidance, initial direction and periodic inspection and evaluation of the delegating registered nurse.**

(j) Notify licensees at least annually of changes in legislative or board rules that affect the licensees. Notice may be by newsletter or other appropriate means.

(7) The board shall determine the scope of practice as delineated by the knowledge acquired through approved courses of education or through experience.

*[(8)(a) The board shall adopt rules regarding the provision of nursing care and various tasks relating to the administration of medication, including the administration of controlled substances, for the community-based settings described in subsection (6) of this section.]*

*[(b) The rules adopted under this subsection must:]*

*[(A) Provide for the delegation, to other than licensed nursing personnel, of tasks relating to the administration of medication and patient care tasks that are ordered or prescribed by a physician licensed under ORS chapter 677, a clinical nurse specialist or a nurse practitioner.]*

*[(B) Specify that the delegation must occur under the procedural guidance, initial direction and periodic inspection and evaluation of the physician, clinical nurse specialist, nurse practitioner or registered nurse.]*

*[(C) Specify that the provision of nursing care may be delegated only by a registered nurse.]*

*[(D) Determine sites in addition to the facilities described in this subsection where the delegation of nursing tasks and administration of medication may occur.]*

*[(9)]* **(8)** The board may require applicants, licensees and certificate holders under ORS 678.010 to 678.448 to provide to the board data concerning the individual's nursing employment and education.

*[(10)]* **(9)** For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the board may require the fingerprints of a person who is:

(a) Applying for a license or certificate that is issued by the board;

(b) Applying for renewal of a license or certificate that is issued by the board; or

(c) Under investigation by the board.

*[(11)]* **(10)** Pursuant to ORS chapter 183, the board shall adopt rules necessary to carry out the provisions of ORS 678.010 to 678.448.

**SECTION 13.** ORS 678.170 is amended to read:

678.170. (1) All *[money]* **moneys** received by the Oregon State Board of Nursing under ORS 678.010 to 678.448 shall be paid into the General Fund in the State Treasury and placed to the credit of the Oregon State Board of Nursing Account. Such moneys are appropriated continuously **to the board** and shall be used only for the administration and enforcement of ORS 676.850, 676.860 and 678.010 to 678.448.

(2) The board shall keep a record of all moneys deposited in the Oregon State Board of Nursing Account. This record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.



(3) The board may maintain a petty cash fund in compliance with ORS 293.180 in the amount of \$1,000.

**SECTION 14.** ORS 678.340 is amended to read:

678.340. (1) Any institution desiring to establish a nursing education program leading to licensing *[or a continuing education program that may be recognized or required by the Oregon State Board of Nursing to supplement such program]* shall apply to the *[board]* **Oregon State Board of Nursing** and submit satisfactory evidence that *[it]* **the institution** is prepared to meet the curricula and standards prescribed by the board.

(2) In considering applications under subsection (1) of this section the board shall review:

(a) Statewide needs for nursing education programs or supplementary programs; and

(b) The financial and clinical resources of the institution making application and the ability of the institution to retain qualified faculty.

(3) An institution or program may not represent itself as qualified or approved to prepare nurses for licensing unless the institution is approved by the board.

**SECTION 15.** ORS 678.370 is amended to read:

678.370. (1) The Oregon State Board of Nursing shall issue a license to act as a clinical nurse specialist to any **licensed registered** nurse who meets the requirements established by the board pursuant to ORS 678.372.

(2) A person may not act as a clinical nurse specialist, use the name, title, designation, initial or abbreviation of clinical nurse specialist or otherwise hold oneself out as a clinical nurse specialist unless the person is licensed as a clinical nurse specialist pursuant to subsection (1) of this section.

(3) A licensed clinical nurse specialist is authorized to prescribe drugs for the use of and administration to other persons if approval has been given under ORS 678.390. The authority to prescribe and dispense prescription drugs shall be included within the scope of practice of licensed clinical nurse specialists as defined by rules of the board.

**SECTION 16.** ORS 678.392 is amended to read:

678.392. (1) The Oregon State Board of Nursing shall issue a nurse internship license to an applicant who:

(a) Is a student who is enrolled in and has successfully completed at least one academic term of a nursing education program that:

(A) Is approved by the board or accredited or approved by another state or United States territory as described under ORS 678.040 and approved by the board; and

(B) Includes a clinical component; **and**

*[(b) Submits documentation from the applicant's nursing education program that, to the satisfaction of the board, specifies the nursing tasks and functions that the applicant is qualified to perform;]*

*[(c) Meets any other requirements established by the board by rule; and]*

*[(d) Pays a licensure fee.]*

**(b) Meets any other requirements established by the board by rule.**

**(2) The board may require a licensure fee for a nurse internship license.**

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

**SECTION 17.** ORS 678.396 is amended to read:

678.396. (1) A nurse intern may:

(a) Perform specific nursing functions within the limits of the nurse intern's nursing education program;

(b) Practice nursing only under the direct supervision of a registered nurse who has agreed to act as the nurse intern's supervisor under ORS 678.398;

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

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

(2) A nurse intern may not:

(a) Assume ongoing responsibility for assessments, planning, implementation or evaluation of guidance of the nurse intern's supervisor;

(b) Function independently, act in a supervisory role or delegate tasks to licensed practical nurses, nursing assistants or unlicensed persons;

(c) Administer chemotherapy, blood or blood products, intravenous medications or controlled substances;

(d) Carry out procedures on central lines; or

(e) Perform any other task or function that *[is not included in the documentation described in ORS 678.392 (1)(b)]* **the nurse intern is not qualified to perform.**

**SECTION 18.** ORS 678.398 is amended to read:

678.398. (1) A registered nurse who is responsible for the supervision of a nurse intern:

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

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

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

(d) Shall have knowledge of the tasks and functions that the nurse intern may perform *[as detailed on the documentation described in ORS 678.392 (1)(b)]*.

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

**SECTION 19.** ORS 678.410 is amended to read:

678.410. (1) The Oregon State Board of Nursing may establish and collect fees necessary to carry out the provisions of ORS 678.010 to 678.448.

(2) Fees are *[nonrefundable]* **refundable at the discretion of the board.**

(3)(a) The board shall obtain approval from the Oregon Department of Administrative Services prior to establishing fees under this section.

(b) A fee established and collected under this section may not exceed the cost of administering a regulatory program for which the fee is established and collected, as authorized by the Legislative Assembly within the Oregon State Board of Nursing budget, subject to modification by the Emergency Board.

(c) If federal or other funds are available to offset costs of administering the program, fees shall be established based on net costs to the state but may not exceed \$75 per biennium for a nursing assistant certification.

**SECTION 20.** ORS 678.415 is added to and made a part of ORS 678.010 to 678.410.

**SECTION 21.** ORS 678.415 is amended to read:

678.415. (1) The Oregon State Board of Nursing shall impose an additional \$9 fee for each examination fee, each license by *[indorsement]* **endorsement** fee and each license renewal fee charged under ORS 678.410 for a registered nurse or a licensed practical nurse for the purposes specified in subsection (2) of this section.

(2) The additional fees imposed on examination fees, license by *[indorsement]* **endorsement** fees and license renewals by subsection (1) of this section shall be credited to the Oregon Nursing Advancement Fund established by ORS 678.417.

**SECTION 22.** ORS 678.440 is amended to read:

678.440. (1) As used in *[this section and ORS 678.442, 678.444, 678.445, 678.447 and]* **ORS 678.440 to 678.448[,]**:

(a) **"Medication aide" means a nursing assistant who has additional training and qualifications, as determined by the Oregon State Board of Nursing.**

(b) **"Nursing assistant" means an individual who assists licensed nursing personnel in the provision of nursing care.**

(2) It is the intent of the Legislative Assembly to require that nursing assistants be adequately trained.

(3) The [Oregon State Board of Nursing] **board** shall prepare curricula and standards for training programs for nursing assistants. The curricula and standards must provide for additional training for nursing assistants to have the authority to administer noninjectable medications.

(4) The Department of Human Services may impose civil penalties or revoke the license of any long term care facility that employs an untrained nursing assistant for a period of more than eight weeks without providing for the training prescribed by the board. Any license that is revoked shall be revoked as provided in ORS 441.030.

(5) The Oregon Health Authority may impose civil penalties or revoke the license of a health care facility that employs any untrained nursing assistant for a period of more than eight weeks without providing for the training prescribed by the board. Any license that is revoked shall be revoked as provided in ORS 441.030.

**SECTION 23.** ORS 678.442 is amended to read:

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

(a) Submits an application;

(b)(A) Shows completion of an approved training program for nursing assistants; [or]

(B) Has military training or experience that the board determines is substantially equivalent to the training required by subparagraph (A) of this paragraph; **or**

**(C) Has other health care education, training or experience that the board determines is sufficient; and**

(c) Passes a board approved examination.

(2) In the manner prescribed in ORS chapter 183, the board may [*revoke, suspend or deny a certificate issued under this section, reprimand a nursing assistant or place a nursing assistant on probation for a period of time and subject to any conditions specified by the board for the following reasons*] **revoke, suspend, deny or impose conditions on a certificate issued by the board and reprimand or place on probation, subject to terms imposed by the board, a person certified by the board for any of the reasons described in this section, including the following:**

(a) Conviction of the certificate holder of a crime if the crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of the conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal of a certificate.

(c) Impairment as defined in ORS 676.303.

(d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted under ORS 678.010 to 678.448.

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

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

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

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

(5) During an emergency declared by the Governor pursuant to ORS 401.165 and subject to terms and conditions that the board may impose, the board may issue a limited certificate to a nursing assistant authorized in another jurisdiction. The board shall adopt rules to establish criteria for issuance of a limited certificate under this subsection.

**SECTION 24.** ORS 678.444 is amended to read:

678.444. (1) The Oregon State Board of Nursing shall establish standards for training programs for nursing assistants. [*Upon application therefor,*] **An institution may apply to the board for approval of a nursing assistant training program. Upon receipt of an application,** the board shall review and **may** approve programs that meet board standards.

**(2) The board may, at intervals determined by the board, survey training programs approved under this section to ensure the training programs continue to meet the standards established under this section. The board may revoke approval from a training program that the board determines does not meet the standards.**

**(3) The board by means of a contested case proceeding under ORS chapter 183 may revoke approval of any training program that ceases to meet board standards.**

**SECTION 25.** ORS 678.445 is amended to read:

678.445. (1) It is the intent of the Legislative Assembly that the Oregon State Board of Nursing adopt by rule[, *subject to ORS 678.155,*] standards that allow a nursing assistant in a long term care facility to administer noninjectable medication under the direct supervision of or as [*delegated*] **assigned** by a [*registered*] nurse.

*[(2) If a nurse employed by the long term care facility questions the efficacy, need or safety of continuation of medications dispensed by that nurse or by another employee of the facility to a patient, the nurse shall report that question to the physician or nurse practitioner who ordered or authorized the medication and shall seek further instructions concerning the continuation of the medication.]*

**(2) If a nurse employed in a long term care facility questions the efficacy, need or safety of continuation of medications dispensed by the nurse or by another employee of the long term care facility to a patient, the nurse shall report that question to the health care provider, as defined by the board by rule, who ordered or authorized the medication and shall seek further instructions concerning the continuation of the medication.**

## CONFORMING AMENDMENTS

**SECTION 26.** ORS 169.750, as amended by section 45, chapter 73, Oregon Laws 2024, is amended to read:

169.750. A juvenile detention facility may not:

(1) Impose upon a detained juvenile for purposes of discipline or punishment any infliction of or threat of physical injury or pain, deliberate humiliation, physical restraint, withholding of meals, or isolation, or detention under conditions that violate the provisions of subsections (2) to (8) of this section or ORS 169.076 (7) to (11) or (13) to (15) or 169.740;

(2) Use any physical force, other means of physical control or isolation upon a detained juvenile except as reasonably necessary and justified to prevent escape from the facility, physical injury to another person, to protect a detained juvenile from physical self-injury or to prevent destruction of property, or to effectuate the confinement of the juvenile in roomlock or isolation as provided for in ORS 169.090, 169.730 to 169.800, 419A.050 and 419A.052, and for only so long as it appears that the danger exists. A use of force or other physical means of control may not employ:

(a) The use of restraining devices for a purpose other than to prevent physical injury or escape, or, in any case, for a period in excess of six hours. However, the time during which a detained juvenile is being transported to another facility pursuant to court order shall not be counted within the six hours; or

(b) Isolation for a period in excess of six hours;

(3) Use roomlock except for the discipline and punishment of a detained juvenile for violation of a rule of conduct or behavior of the facility as provided for in ORS 169.076 (12) or for conduct that constitutes a crime under the laws of this state or that would justify physical force, control or isolation under subsection (2) of this section;

(4) Cause to be made an internal examination of a detained juvenile's anus or vagina, except upon probable cause that contraband, as defined in ORS 162.135 (1), will be found upon such examination and then only by a physician licensed under ORS chapter 677, naturopathic physician licensed under ORS chapter 685, physician associate licensed under ORS 677.505 to 677.525 or nurse licensed under ORS chapter 678;

(5)(a) Administer to any detained juvenile medication, except upon the informed consent of the juvenile or in the case of an imminent threat to the life of the juvenile or where the juvenile has

a contagious or communicable disease that poses an imminent threat to the health of other persons in the facility. However, prescription medication may not be administered except upon a written prescription or written order by a physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390, naturopathic physician licensed under ORS chapter 685 or dentist licensed under ORS chapter 679, and administered by a person authorized under ORS chapter 677, 678 or 679 to administer medication. Facility staff not otherwise authorized by law to administer medications may administer noninjectable medications in accordance with rules adopted by the Oregon State Board of Nursing pursuant to ORS 678.150 [(8)];

(b) Nonmedical personnel shall receive training for administering medications, including recognition of and response to drug reactions and unanticipated side effects, from the responsible physician, physician associate, naturopathic physician or nurse and the official responsible for the facility. All personnel shall be responsible for administering the dosage medications according to orders and for recording the administrations of the dosage in a manner and on a form approved by the responsible physician, physician associate, naturopathic physician or nurse practitioner; and

(c) Notwithstanding any other provision of law, medication may not be administered unless a physician, physician associate licensed under ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse licensed under ORS chapter 678 is either physically on the premises or readily available by telephone and within 30 minutes travel time of the patient;

(6) Administer to any detained juvenile any medication or medical procedure for purposes of experimentation;

(7) Discipline or punish any juvenile for conduct or behavior by roomlock, for a period in excess of 12 hours, or by denial of any privilege, regularly awarded other detained adults or juveniles, for more than one day, except after:

(a) Advising the juvenile in writing of the alleged offensive conduct or behavior;

(b) Providing the juvenile the opportunity to a hearing before a staff member who was not a witness to the alleged offensive conduct or behavior;

(c) Providing the juvenile the opportunity to produce witnesses and evidence and to cross-examine witnesses;

(d) Providing the detained juvenile the opportunity to testify, at the sole option of the juvenile; and

(e) A finding that the alleged conduct or behavior was proven by a preponderance of the evidence and that it violated a rule of conduct or behavior of the facility as provided for in ORS 169.076 (12) or constituted a crime under the laws of this state; and

(8) Detain juveniles with emotional disturbances, mental retardation or physical disabilities on the same charges and circumstances for which other juveniles would have been released or provided with another alternative.

**SECTION 27.** ORS 441.685 is amended to read:

441.685. (1) Upon receipt of a report under ORS 441.645 to 441.680 or upon receipt of a complaint by a resident or legal guardian of a resident, or other public or private official, as defined in ORS 441.630 by the Department of Human Services, the Director of Human Services may designate monitors who shall observe the activities of the facility and report to the director. The monitors may be designated without prior notice to the operator or owner of the facility. The monitors shall observe the operations of the facility for a period of not to exceed 10 days, assist the facility by advising it on how to comply with state requirements and shall submit a written report periodically to the director on the operation and condition of the facility.

(2) The monitors shall have access to the facilities to the extent necessary to carry out their duties. The monitors shall also have access to all records pertaining to the operation of the facility.

(3) Upon completion of their investigations, the monitors shall file a final report with the director and may:

(a) Find that problems in the facility have been resolved and recommend that further action by the department is unnecessary;

(b) Find that the problems in the facility are continuing but the facility owner, operator or other controlling person can resolve them within a period of not more than three months, and that during the three-month period the health and welfare of the residents of the facility are not jeopardized thereby; or

(c) Find that the problems of the facility have not been resolved and the department should take steps to obtain compliance with resident care standards and continue monitoring for an additional period.

(4) Associations representing long term care facilities may initiate a peer review process for any facility that is a member of the association and that is the subject of any complaint filed against it under ORS 441.630 to 441.685[, 678.155 and 678.445] or any other provision of law. The report of the peer review process shall be submitted to the department. The peer review described in this subsection is in addition to and not in lieu of any other investigation, observation or report of the monitors otherwise required or authorized by ORS 441.630 to 441.685[, 678.155] and [678.445] **678.150**. The association and persons conducting the peer review process acting in good faith shall not be subject to an action for civil damages as a result thereof.

(5) As used in this section:

(a) "Department" means the Department of Human Services.

(b) "Director" means the Director of Human Services.

(c) "Facility" means a long term care facility as defined in ORS 442.015.

(d) "Monitor" means an agent of the director designated by the director to observe the operation of a facility.

**SECTION 28.** ORS 443.445 is amended to read:

443.445. (1) A residential facility may not admit individuals who require continuous nursing care except as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, if any resident of a residential facility requires nursing care for eight or more consecutive days or a physician or the designee of a physician, a naturopathic physician or a registered nurse certifies that continued nursing care is required, the resident shall be transferred to an appropriate health care facility for as long as necessary.

(3) A resident of a residential care facility, residential training facility or residential training home who requires nursing care in addition to training or care needs, or any combination thereof, may be served by that facility or home with approval from the Department of Human Services and in accordance with the rules of the department and consistent with rules adopted by the Oregon State Board of Nursing under ORS 678.150 [(8)].

(4) A resident of a residential treatment facility or residential treatment home who requires nursing care in addition to treatment needs may be served by that facility or home with approval from the Oregon Health Authority and in accordance with the rules of the authority and consistent with rules adopted by the Oregon State Board of Nursing under ORS 678.150 [(8)].

(5) A residential facility may not admit individuals of categories other than those designated on its license without prior written consent of the licensing agency.

(6) In the case of residential facilities supervised by and operated exclusively for persons who rely upon prayer or spiritual means for healing in accordance with the creed or tenets of a well-recognized church or religious denomination, no medical, psychological or rehabilitative procedures shall be required.

**SECTION 29.** ORS 443.775 is amended to read:

443.775. (1) The licensing agency shall adopt rules governing adult foster homes and the level of care provided in such homes, including the provision of care to more than one person with nursing care needs under specified conditions and agency approval, such as are necessary to protect the health, safety or welfare of the residents and to provide for an appropriate continuum of care, but shall not be inconsistent with the residential nature of the living accommodations and the family atmosphere of the home. The rules shall be consistent with rules adopted by the Oregon State Board of Nursing under ORS 678.150 [(8)].

(a) An exception to the limit of one resident with nursing care needs may be granted if the provider proves to the licensing agency by clear and convincing evidence that such an exception will not jeopardize the care, health, safety or welfare of the residents and that the provider is capable of meeting the additional care needs of the new resident.

(b) The licensing agency, and the counties acting under the exemption granted pursuant to ORS 443.780, shall report on a quarterly basis to the Legislative Assembly on the number of exceptions granted during the quarter pursuant to paragraph (a) of this subsection.

(2) The provider may not employ a resident manager who does not meet the classification standard for the adult foster home.

(3) The provider shall be able to meet the night care needs of a resident before admitting the resident. The provider shall include night care needs in the resident's care plan.

(4) The provider shall screen a prospective resident before admitting the resident. The screening shall include but is not limited to diagnosis, medications, personal care needs, nursing care needs, night care needs, nutritional needs, activities and lifestyle preferences. A copy of the screening shall be given to the prospective resident or the prospective resident's representative.

(5) The licensing agency shall make rules to ensure that any employee who makes a complaint pursuant to ORS 443.755 shall be protected from retaliation.

(6) For adult foster homes in which clients reside for whom the licensing agency pays for care, including homes in which the provider and the resident are related, the agency may require substantial compliance with its rules relating to standards for care of the client as a condition for paying for care.

(7) By order the director of the licensing agency may delegate authority under this section to personnel other than of the licensing agency.

(8) The licensing agency may commence a suit in equity to enjoin maintenance of an adult foster home if:

(a) The home is operated without a valid license under this section; or

(b) After the license to maintain the home is ordered suspended or revoked, a reasonable time for placement of residents in other facilities has been allowed but such placement has not been accomplished.

(9) The licensing agency shall establish by rule the maximum capacity of adult foster homes, including all nonrelated and related persons receiving residential care and day care.

(10) Except as provided in subsection (11) of this section:

(a) The Department of Human Services may impose a civil penalty on any person who violates a provision of ORS 443.705 to 443.825, or the rules adopted under ORS 443.705 to 443.825, with regard to an adult foster home serving socially dependent individuals or individuals with physical disabilities. The department shall establish the amount of the penalty by rule, in an amount not less than \$100 and not more than \$250 per violation, or in the case of substantiated abuse, not less than \$100 and not more than \$1,000 per violation.

(b) The department may impose a civil penalty on any person who violates a provision of ORS 443.705 to 443.825, or the rules adopted under ORS 443.705 to 443.825, with regard to an adult foster home not serving socially dependent individuals or individuals with physical disabilities. The department shall establish the amount of the penalty by rule, in an amount not to exceed \$100 per violation, to a maximum of \$250, or, per occurrence of substantiated abuse, to a maximum of \$1,000.

(c) The Oregon Health Authority may impose a civil penalty on any person who violates a provision of ORS 443.705 to 443.825, or the rules adopted under ORS 443.705 to 443.825. The authority shall establish the amount of the penalty by rule, in an amount not to exceed \$100 per violation, to a maximum of \$250, or, per occurrence of substantiated abuse, to a maximum of \$1,000.

(11)(a) If the licensing agency determines that there is reasonable cause to believe that abuse occurred in an adult foster home licensed by the licensing agency and if the abuse resulted in the death, serious injury, rape, sexual abuse or sexual exploitation of a resident, the licensing agency shall impose a civil penalty on the adult foster home of not less than \$2,500 for each violation.

(b) This subsection does not apply to adult foster homes licensed by the licensing agency to serve only persons with mental illness or with alcohol or drug addiction.

(c) The licensing agency shall by rule define “serious injury,” “rape,” “sexual abuse” and “sexual exploitation” for purposes of this subsection.

(12) All penalties recovered pursuant to this section shall be deposited in the Quality Care Fund established in ORS 443.001.

## **REPEALS**

**SECTION 30. ORS 678.155 is repealed.**

## **CAPTIONS**

**SECTION 31. The unit captions used in this 2025 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 2025 Act.**

## **OPERATIVE AND EFFECTIVE DATES**

**SECTION 32. (1) The amendments to ORS 169.750, 441.685, 443.445, 443.775, 678.010, 678.031, 678.034, 678.038, 678.039, 678.040, 678.050, 678.055, 678.101, 678.111, 678.113, 678.150, 678.170, 678.340, 678.370, 678.392, 678.396, 678.398, 678.410, 678.415, 678.440, 678.442, 678.444 and 678.445 by sections 1 to 19 and 21 to 29 of this 2025 Act and the repeal of ORS 678.155 by section 30 of this 2025 Act become operative on January 1, 2026.**

**(2) 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 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 board by the amendments to ORS 169.750, 441.685, 443.445, 443.775, 678.010, 678.031, 678.034, 678.038, 678.039, 678.040, 678.050, 678.055, 678.101, 678.111, 678.113, 678.150, 678.170, 678.340, 678.370, 678.392, 678.396, 678.398, 678.410, 678.415, 678.440, 678.442, 678.444 and 678.445 by sections 1 to 19 and 21 to 29 of this 2025 Act and the repeal of ORS 678.155 by section 30 of this 2025 Act.**

**SECTION 33. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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**Passed by House March 17, 2025**

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

**Passed by Senate May 13, 2025**

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Rob Wagner, President of Senate

**Received by Governor:**

.....M.,....., 2025

**Approved:**

.....M.,....., 2025

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2025

.....  
Tobias Read, Secretary of State