

# Senate Bill 137

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## 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**.

Grants authority to Oregon State Board of Nursing to require fingerprints from applicants for employment with board.

## A BILL FOR AN ACT

1  
2 Relating to Oregon State Board of Nursing; amending ORS 678.150.

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

4 **SECTION 1.** ORS 678.150 is amended to read:

5 678.150. (1) The Oregon State Board of Nursing shall elect annually from its number a president,  
6 a president-elect and a secretary, each of whom shall serve until a successor is elected and qualified.  
7 The board shall meet on the call of the president or as the board may require. Special meetings of  
8 the board may be called by the secretary upon the request of any three members. Five members  
9 shall constitute a quorum.

10 (2) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.  
11 Notwithstanding ORS 292.495 (1), a board member shall receive up to \$150 for each day or portion  
12 thereof during which the member is actually engaged in the performance of official duties.

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

14 (4) The board shall keep a record of all its proceedings and of all persons licensed and schools  
15 or programs accredited or approved under ORS 678.010 to 678.445. The records shall at all reason-  
16 able times be open to public scrutiny.

17 (5) Subject to the State Personnel Relations Law, the board shall hire, define the duties and fix  
18 the salary of an executive director. **The executive director** [*who*] shall hire and define the duties  
19 of [*such*] other employees as are necessary to carry into effect the provisions of ORS 678.010 to  
20 678.445. The executive director, with approval of the board, may also employ special consultants.  
21 All salaries, compensation and expenses incurred or allowed shall be paid out of funds received by  
22 the board.

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

26 (7) The board shall:

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

28 (b) Prescribe standards and approve curricula for nursing education programs preparing persons  
29 for licensing under ORS 678.010 to 678.445.

30 (c) Provide for surveys of nursing education programs at such times as may be necessary.

**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 (d) Accredite such nursing education programs as meet the requirements of ORS 678.010 to  
2 678.445 and of the board.

3 (e) Deny or withdraw accreditation from nursing education programs for failure to meet pre-  
4 scribed standards.

5 (f) Examine, license and renew the licenses of duly qualified applicants and administer exam-  
6 inations for other states where requested to do so by the other state.

7 (g) Issue subpoenas for any records relevant to a board investigation, including patient and  
8 other medical records, personnel records applicable to nurses and nursing assistants, records of  
9 schools of nursing and nursing assistant training records and any other relevant records; issue  
10 subpoenas to persons for personal interviews relating to board investigations; compel the attendance  
11 of witnesses; and administer oaths or affirmations to persons giving testimony during an investi-  
12 gation or at hearings. In any proceeding under this subsection, when a subpoena is issued to an  
13 applicant, certificate holder or licensee of the board, a claim of nurse-patient privilege under ORS  
14 40.240 or of psychotherapist-patient privilege under ORS 40.230 is not grounds for quashing the  
15 subpoena or for refusing to produce the material that is subject to the subpoena.

16 (h) Enforce the provisions of ORS 678.010 to 678.445, and incur necessary expenses therefor.

17 (i) Prescribe standards for the delegation of special tasks of patient care to nursing assistants  
18 and for the supervision of nursing assistants. The standards must include rules governing the dele-  
19 gation of administration of noninjectable medication by nursing assistants and must include rules  
20 prescribing the types of noninjectable medication that can be administered by nursing assistants,  
21 and the circumstances, if any, and level of supervision under which nursing assistants can adminis-  
22 ter noninjectable medication. In formulating the rules governing the administration of noninjectable  
23 medication by nursing assistants, the board shall consult with nurses, physicians, gerontologists and  
24 pharmacologists. Notwithstanding any other provision of this paragraph, however, determination of  
25 the appropriateness of the delegation of a special task of patient care shall remain with the regis-  
26 tered nurse issuing the order.

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

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

31 (9) For local correctional facilities, lockups and juvenile detention facilities, as defined in ORS  
32 169.005, youth correction facilities as defined in ORS 420.005, for facilities operated by a public  
33 agency for detoxification of persons who use alcohol excessively, for homes or facilities licensed  
34 under ORS 443.705 to 443.825 for adult foster care, and for facilities licensed under ORS 443.400 to  
35 443.455 for residential care, training or treatment, the board shall adopt rules pertaining to the  
36 provision of nursing care, and to the various tasks relating to the administration of noninjectable  
37 medication including administration of controlled substances. The rules must provide for delegation  
38 of nursing care and tasks relating to the administration of medication to other than licensed nursing  
39 personnel by a physician licensed by the Oregon Medical Board or by a registered nurse, designated  
40 by the facility. Such delegation must occur under the procedural guidance, initial direction and pe-  
41 riodic inspection and evaluation of the physician or registered nurse. However, the provision of  
42 nursing care may be delegated only by a registered nurse.

43 (10) The **Oregon State Board of Nursing** may require applicants, licensees and certificate  
44 holders under ORS 678.010 to 678.445 to provide to the board data concerning the individual's  
45 nursing employment and education.

1 (11) For the purpose of requesting a state or nationwide criminal records check under ORS  
2 181.534, the board may require the fingerprints of [*a person*] **an individual** who is:

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

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

5 **(c) Applying for employment with the board; or**

6 [*c*] **(d)** Under investigation by the board.

7 (12) Pursuant to ORS chapter 183, the board shall adopt rules necessary to carry out the pro-  
8 visions of ORS 678.010 to 678.445.

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