

# House Bill 2691

Sponsored by Representative GREENLICK

## 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**.

Authorizes nonresident physicians and nurses licensed and in good standing in another state to provide volunteer services related to practice of medicine or nursing in this state under specified circumstances.

## A BILL FOR AN ACT

1  
2 Relating to provision of services without compensation; amending ORS 677.060, 678.031 and 678.375.

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

4 **SECTION 1.** ORS 677.060 is amended to read:

5 677.060. This chapter does not affect or prevent the following:

6 (1) The practice of medicine or podiatry in this state by any commissioned medical or podiatric  
7 officer serving in the Armed Forces of the United States or Public Health Service, or any medical  
8 or podiatric officer on duty with the United States Department of Veterans Affairs, while any such  
9 medical or podiatric officer is engaged in the performance of the actual duties prescribed by the  
10 laws and regulations of the United States.

11 **(2) The practice of medicine in this state by a physician licensed to practice medicine and**  
12 **in good standing in another state, provided:**

13 **(a) The physician practices medicine without compensation and for no more than five**  
14 **consecutive days in any 12-month period;**

15 **(b) The physician submits an application to the Oregon Medical Board in a form adopted**  
16 **by the board by rule at least 10 days before practicing medicine under this subsection; and**

17 **(c) The application is approved by the board.**

18 [(2)] (3) The meeting in this state of any licensed practitioner of medicine of any other state or  
19 country with a licensed practitioner of medicine in this state, for consultation.

20 [(3)] (4) Supervised clinical training by an acupuncture student who is enrolled in a school ap-  
21 proved to offer credit for post-secondary clinical education in Oregon or clinical practice of  
22 acupuncture by a practitioner licensed to practice acupuncture in another state or foreign country  
23 who is enrolled in clinical training approved by the [*Oregon Medical*] board.

24 [(4)] (5) The furnishing of medical or surgical assistance in cases of emergency requiring imme-  
25 diate attention.

26 [(5)] (6) The domestic administration of family remedies.

27 [(6)] (7) The practice of dentistry, pharmacy, nursing, optometry, psychology, regulated social  
28 work, chiropractic, naturopathic medicine or cosmetic therapy, by any person authorized by this  
29 state.

30 [(7)] (8) The practice of the religion of persons who endeavor to prevent or cure disease or  
31 suffering by prayer or other spiritual means in accordance with the tenets of any church. Nothing

**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 in this chapter interferes in any manner with the individual's right to select the practitioner or  
 2 mode of treatment of an individual's choice, or interferes with the right of the person so employed  
 3 to give the treatment so chosen if public health laws and rules are complied with.

4 [(8)] (9) The sale of lenses, artificial eyes, limbs or surgical instruments or other apparatus or  
 5 appliances of a similar character.

6 [(9)] (10) The sale, rent or use for hire of any device or appliance, the sale of which is not  
 7 prohibited by the laws of Oregon or the United States.

8 [(10)] (11) The practice of physiotherapy, electrotherapy or hydrotherapy carried on by a duly  
 9 licensed practitioner of medicine, naturopathic medicine or chiropractic, or by ancillary personnel  
 10 certified by the State Board of Chiropractic Examiners, pursuant to ORS 684.155 (1)(c)(A), to provide  
 11 physiotherapy, electrotherapy or hydrotherapy and working under the direction of a chiropractic  
 12 physician.

13 [(11)] (12) The practice or use of massage, Swedish movement, physical culture, or other natural  
 14 methods requiring use of the hands.

15 [(12)] (13) The use of the title "doctor," "chiropractic physician," "naturopathic physician,"  
 16 "doctor of optometry," "optometric physician" or "podiatric physician" in accordance with ORS  
 17 676.110 and 676.120.

18 **SECTION 2.** ORS 678.031 is amended to read:

19 678.031. ORS 678.010 to 678.410 do not apply to:

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

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

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

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

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

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

33 (7) Nonresident nurses licensed and in good standing in another state if they are practicing in  
 34 Oregon on a single, temporary assignment of not to exceed 30 days, renewable for not to exceed 30  
 35 days, for assignments that are for the general public benefit limited to the following:

36 (a) Transport teams;

37 (b) Red Cross Blood Services personnel;

38 (c) Presentation of educational programs;

39 (d) Disaster teams;

40 (e) Staffing a coronary care unit, intensive care unit or emergency department in a hospital that  
 41 is responding to a temporary staffing shortage and would be otherwise unable to meet its critical  
 42 care staffing requirements; or

43 (f) Staffing a long term care facility that is responding to a temporary staffing shortage and  
 44 would be otherwise unable to meet its staffing requirements.

45 **(8) Nonresident nurses licensed and in good standing in another state, provided:**

1 (a) The nurse practices nursing without compensation and for no more than five con-  
2 secutive days in any 12-month period;

3 (b) The nurse submits an application to the board in a form adopted by the board by rule  
4 at least 10 days before practicing nursing under this subsection;

5 (c) The application is approved by the board; and

6 (d) If the nurse is practicing as a nurse practitioner, the nurse is authorized by the state  
7 of licensure to practice an equivalent expanded specialty role within the practice of nursing.

8 **SECTION 3.** ORS 678.375 is amended to read:

9 678.375. (1) The Oregon State Board of Nursing is authorized to issue certificates of special  
10 competency to licensed registered nurses to practice as nurse practitioners if they meet the re-  
11 quirements of the board pursuant to ORS 678.380.

12 (2) No person shall practice as a nurse practitioner or hold oneself out to the public or to an  
13 employer, or use the initials, name, title, designation or abbreviation as a nurse practitioner until  
14 and unless such person is certified by the board **under this section or approved by the board as**  
15 **described in ORS 678.031 (8).**

16 (3) A registered nurse, certified as a nurse practitioner, is authorized to complete and sign death  
17 certificates. Death certificates signed by a certified nurse practitioner shall be accepted as fulfilling  
18 all the requirements of the laws dealing with death certificates. A certified nurse practitioner who  
19 signs a death certificate must comply with all provisions of ORS 432.307.

20 (4) A registered nurse, certified as a nurse practitioner, is authorized to prescribe drugs for the  
21 use of and administration to other persons if approval has been given under ORS 678.390. The drugs  
22 which the nurse practitioner is authorized to prescribe shall be included within the certified nurse  
23 practitioner's scope of practice as defined by rules of the board.

24 (5) A licensed pharmacist may fill and a licensed pharmacist or an employee of the licensed  
25 pharmacist may dispense medications prescribed by a nurse practitioner in accordance with the  
26 terms of the prescription. The filling of such a prescription does not constitute evidence of  
27 negligence on the part of the pharmacist if the prescription was dispensed within the reasonable and  
28 prudent practice of pharmacy.

29 (6) As used in this section:

30 (a) "Drug" means:

31 (A) Articles recognized as drugs in the official United States Pharmacopoeia, official National  
32 Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any  
33 of them;

34 (B) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of dis-  
35 ease in human beings;

36 (C) Articles other than food that are intended to affect the structure or any function of the body  
37 of human beings; and

38 (D) Articles intended for use as a component of any articles specified in subparagraph (A), (B)  
39 or (C) of this paragraph.

40 (b) "Prescribe" means to direct, order or designate the preparation, use of or manner of using  
41 by spoken or written words or other means.

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