

Senate Bill 69

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies duties of Oregon State Board of Nursing related to applicants for licensure and standards for delegation of patient care tasks.

A BILL FOR AN ACT

1
2 Relating to 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) The board shall adopt a seal which shall be in the care of the executive director.

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

14 (4) The executive director of the board may hire and define the duties of employees as necessary
15 to carry *[into effect]* **out** the provisions of ORS 678.010 to 678.448. The executive director, with ap-
16 proval of the board, may employ special consultants. All salaries, compensation and expenses in-
17 curred or allowed shall be paid out of funds received by the board.

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

21 (6) The board shall:

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

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

25 (c) Provide for surveys of nursing education programs *[at such times]* as may be necessary.

26 (d) Accredite *[such]* nursing education programs *[as]* **that** meet the requirements of ORS 678.010
27 to 678.448 and of the board.

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

30 (f) Examine, license and renew the licenses of duly qualified applicants *[and administer exam-*

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 *inations for other states where requested to do so by the other state].*

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

11 (h) Enforce the provisions of ORS 678.010 to 678.448, and incur necessary expenses [*therefor*] **for**
12 **the enforcement.**

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

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

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

28 (8) For local correctional facilities, lockups and juvenile detention facilities, as defined in ORS
29 169.005, **for** youth correction facilities as defined in ORS 420.005, for facilities operated by a public
30 agency for detoxification of persons who use alcohol excessively, for homes or facilities licensed
31 under ORS 443.705 to 443.825 for adult foster care, and for facilities licensed under ORS 443.400 to
32 443.455 for residential care, training or treatment, the board shall adopt rules pertaining to the
33 provision of nursing care, and to the various tasks relating to the administration of noninjectable
34 medication including administration of controlled substances. The rules must provide for delegation
35 of nursing care and tasks relating to the administration of medication to other than licensed nursing
36 personnel by a physician licensed by the Oregon Medical Board or by a registered nurse, designated
37 by the facility. [*Such*] **The** delegation must occur under the procedural guidance, initial direction
38 and periodic inspection and evaluation of the physician or registered nurse. However, the provision
39 of nursing care may be delegated only by a registered nurse.

40 (9) The Oregon State Board of Nursing may require applicants, licensees and certificate holders
41 under ORS 678.010 to 678.448 to provide to the board data concerning the individual's nursing em-
42 ployment and education.

43 (10) For the purpose of requesting a state or nationwide criminal records check under ORS
44 181A.195, the board may require the fingerprints of a person who is:

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

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

2 (c) Under investigation by the board.

3 (11) Pursuant to ORS chapter 183, the board shall adopt rules necessary to carry out the pro-
4 visions of ORS 678.010 to 678.448.

5
