

Senate Bill 65

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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**.

Directs Oregon State Board of Nursing to issue license to practice as certified nurse midwife to qualified applicant. Requires board to adopt rules. Allows board to authorize licensed certified nurse midwife to write prescriptions and dispense prescription drugs.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to certified nurse midwife licensure; creating new provisions; amending ORS 678.010,
3 678.101, 678.390 and 678.410; and declaring an emergency.

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

5 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS 678.010**
6 **to 678.410.**

7 **SECTION 2. (1) The Oregon State Board of Nursing shall issue a license to practice as a**
8 **certified nurse midwife to a registered nurse who meets the requirements established by the**
9 **board by rule pursuant to section 3 of this 2019 Act.**

10 **(2) An individual who does not hold a license issued under subsection (1) of this section**
11 **may not:**

12 **(a) Act as a licensed certified nurse midwife;**

13 **(b) Use the name, title, designation, initial or abbreviation of a licensed certified nurse**
14 **midwife; or**

15 **(c) Otherwise hold oneself out as a licensed certified nurse midwife.**

16 **(3) A licensed certified nurse midwife may complete and sign reports of death. Reports**
17 **of death signed by a licensed certified nurse midwife fulfill the requirements of all laws of**
18 **this state related to reports of death. A licensed certified nurse midwife who completes a**
19 **report of death shall comply with ORS 432.133.**

20 **(4)(a) The board shall adopt rules to include the authority to write prescriptions and**
21 **dispense prescription drugs in the scope of practice of a licensed certified nurse midwife.**

22 **(b) A licensed certified nurse midwife is authorized to write prescriptions and dispense**
23 **prescription drugs for the use of and administration to other persons if approved under ORS**
24 **678.390.**

25 **SECTION 3. The Oregon State Board of Nursing shall adopt rules to carry out section 2**
26 **of this 2019 Act. The rules adopted under this section must include, but are not limited to:**

27 **(1) Procedures for the initial issuance and renewal of a license to act as a certified nurse**
28 **midwife;**

29 **(2) Requirements for the initial issuance and renewal of a license to practice as a certi-**

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 **fied nurse midwife, including requirements related to education and training;**

2 **(3) The scope of practice for a licensed certified nurse midwife, including the authority**
 3 **to write prescriptions and dispense prescription drugs;**

4 **(4) Any restrictions on practice;**

5 **(5) Fees; and**

6 **(6) Other rules necessary to carry out section 2 of this 2019 Act.**

7 **SECTION 4.** ORS 678.010 is amended to read:

8 678.010. As used in ORS 678.010 to 678.410, unless the context requires otherwise:

9 (1) "Board" means the Oregon State Board of Nursing.

10 (2) "Clinical nurse specialist" means a licensed registered nurse who has been certified by the
 11 board as qualified to practice the expanded clinical specialty nursing role.

12 (3) "Diagnosing" in the context of the practice of nursing means identification of and discrimi-
 13 nation between physical and psychosocial signs and symptoms essential to effective execution and
 14 management of the nursing care.

15 (4) "Human responses" means signs, symptoms and processes that denote the person's inter-
 16 action with an actual or potential health problem.

17 **(5) "Licensed certified nurse midwife" means a registered nurse who has been licensed**
 18 **by the board as qualified to practice in an expanded midwifery specialty nursing role.**

19 [(5)] **(6)** "Long term care facility" means a licensed skilled nursing facility or intermediate care
 20 facility as those terms are used in ORS 442.015, an adult foster home as defined in ORS 443.705 that
 21 has residents over 60 years of age, or a residential care facility, including an assisted living facility,
 22 as defined in ORS 443.400.

23 [(6)] **(7)** "Nurse practitioner" means a registered nurse who has been certified by the board as
 24 qualified to practice in an expanded specialty role within the practice of nursing.

25 [(7)] **(8)** "Physician" means a person licensed to practice under ORS chapter 677.

26 [(8)(a)] **(9)(a)** "Practice of nursing" means diagnosing and treating human responses to actual
 27 or potential health problems through services such as identification thereof, health teaching, health
 28 counseling and providing care supportive to or restorative of life and well-being and including the
 29 performance of additional services requiring education and training that are recognized by the
 30 nursing profession as proper to be performed by nurses licensed under ORS 678.010 to 678.410 and
 31 that are recognized by rules of the board.

32 (b) "Practice of nursing" includes:

33 (A) Executing medical orders prescribed by a physician, dentist, clinical nurse specialist, nurse
 34 practitioner, certified registered nurse anesthetist or other licensed health care provider licensed
 35 or certified by this state and authorized by the board by rule to issue orders for medical treatment;
 36 and

37 (B) Providing supervision of nursing assistants.

38 (c) "Practice of nursing" does not include the execution of medical orders described in this
 39 subsection by a member of the immediate family for another member or by a person designated by
 40 or on behalf of a person requiring care as provided by board rule if the person executing the order
 41 is not licensed under ORS 678.010 to 678.410.

42 [(9)] **(10)** "Practice of practical nursing" means the application of knowledge drawn from basic
 43 education in the social and physical sciences in planning and giving nursing care and in assisting
 44 persons toward achieving of health and well-being.

45 [(10)] **(11)** "Practice of registered nursing" means the application of knowledge drawn from

1 broad in-depth education in the social and physical sciences in assessing, planning, ordering, giving,
 2 delegating, teaching and supervising care that promotes the person’s optimum health and independ-
 3 ence.

4 [(11)] (12) “Treating” means selection and performance of therapeutic measures essential to the
 5 effective execution and management of the nursing care and execution of the prescribed medical
 6 orders.

7 **SECTION 5.** ORS 678.101 is amended to read:

8 678.101. (1) Every person licensed to practice nursing shall apply for renewal of the license
 9 other than a limited license in every second year before 12:01 a.m. on the anniversary of the
 10 birthdate of the person in the odd-numbered year for persons whose birth occurred in an odd-
 11 numbered year and in the even-numbered year for persons whose birth occurred in an even-
 12 numbered year. Persons whose birthdate anniversary falls on February 29 shall be treated as if the
 13 anniversary were March 1.

14 (2) Each application must be accompanied by a nonrefundable renewal fee payable to the Oregon
 15 State Board of Nursing.

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

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

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

20 (A) A pain management education program approved by the board and developed in conjunction
 21 with the Pain Management Commission established under ORS 413.570; or

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

23 (4) The license of any person not renewed for failure to comply with subsections (1) to (3) of this
 24 section is expired and the person shall be considered delinquent and is subject to *[the]* **any** delin-
 25 quent fee *[specified in]* **established under** ORS 678.410.

26 (5) A registered nurse who has been issued a license or certificate as a nurse practitioner,
 27 clinical nurse specialist or certified registered nurse anesthetist shall apply as specified by the board
 28 by rule for renewal of the license or certificate and for renewal of the prescriptive privileges in
 29 every second year before 12:01 a.m. on the anniversary of the birthdate, as determined for the
 30 person’s license to practice nursing.

31 **SECTION 6.** ORS 678.390 is amended to read:

32 678.390. (1) The Oregon State Board of Nursing may authorize a certified nurse practitioner
 33 *[or]*, certified clinical nurse specialist **or licensed certified nurse midwife** to write prescriptions,
 34 including prescriptions for controlled substances listed in schedules II, III, III N, IV and V.

35 (2) A certified nurse practitioner *[or]*, certified clinical nurse specialist **or licensed certified**
 36 **nurse midwife** may submit an application to the Oregon State Board of Nursing to dispense pre-
 37 scription drugs. The Oregon State Board of Nursing shall provide immediate notice to the State
 38 Board of Pharmacy upon approving an application submitted by a certified nurse practitioner *[or]*,
 39 certified clinical nurse specialist **or licensed certified nurse midwife** to dispense prescription
 40 drugs.

41 (3) An application for the authority to dispense prescription drugs under this section must in-
 42 clude any information required by the Oregon State Board of Nursing by rule.

43 (4) Prescription drugs dispensed by a certified nurse practitioner *[or]*, certified clinical nurse
 44 specialist **or licensed certified nurse midwife** must be personally dispensed by the certified nurse
 45 practitioner *[or]*, certified clinical nurse specialist **or licensed certified nurse midwife**, except that

1 nonjudgmental dispensing functions may be delegated to staff assistants when:

2 (a) The accuracy and completeness of the prescription is verified by the certified nurse practi-
 3 tioner *[or]*, certified clinical nurse specialist **or licensed certified nurse midwife**; and

4 (b) The prescription drug is labeled with the name of the patient to whom it is being dispensed.

5 (5) The Oregon State Board of Nursing shall adopt rules requiring:

6 (a) Prescription drugs dispensed by certified nurse practitioners *[and]*, certified clinical nurse
 7 specialists **and licensed certified nurse midwives** to be either prepackaged by a manufacturer
 8 registered with the State Board of Pharmacy or repackaged by a pharmacist licensed by the State
 9 Board of Pharmacy under ORS chapter 689;

10 (b) Labeling requirements for prescription drugs dispensed by certified nurse practitioners
 11 *[and]*, certified clinical nurse specialists **and licensed certified nurse midwives** that are the same
 12 as labeling requirements required of pharmacies licensed under ORS chapter 689;

13 (c) Record keeping requirements for prescriptions and prescription drug dispensing by a certified
 14 nurse practitioner *[and]*, a certified clinical nurse specialist **and a licensed certified nurse**
 15 **midwife** that are the same as the record keeping requirements required of pharmacies licensed un-
 16 der ORS chapter 689;

17 (d) A dispensing certified nurse practitioner *[and]*, a dispensing certified clinical nurse specialist
 18 **and a dispensing licensed certified nurse midwife** to have available at the dispensing site a hard
 19 copy or electronic version of prescription drug reference works commonly used by professionals
 20 authorized to dispense prescription medications; and

21 (e) A dispensing certified nurse practitioner *[and]*, a dispensing certified clinical nurse specialist
 22 **and a dispensing licensed certified nurse midwife** to allow representatives of the State Board of
 23 Pharmacy, upon receipt of a complaint, to inspect a dispensing site after prior notice to the Oregon
 24 State Board of Nursing.

25 (6) The Oregon State Board of Nursing has sole disciplinary authority regarding certified nurse
 26 practitioners *[and]*, certified clinical nurse specialists **and licensed certified nurse midwives** who
 27 have prescription drug dispensing authority.

28 (7) The authority to write prescriptions or dispense prescription drugs may be denied, suspended
 29 or revoked by the Oregon State Board of Nursing upon proof that the authority has been abused.
 30 The procedure shall be a contested case under ORS chapter 183. Disciplinary action under this
 31 subsection is grounds for discipline of the certified nurse practitioner *[or]*, certified clinical nurse
 32 specialist **or licensed certified nurse midwife** in the same manner as a licensee may be disciplined
 33 under ORS 678.111.

34 **SECTION 7.** ORS 678.410 is amended to read:

35 678.410. (1) The Oregon State Board of Nursing may *[impose fees for the following:]*

36 *[(a) License renewal.]*

37 *[(b) Examination.]*

38 *[(c) License by indorsement.]*

39 *[(d) Limited license.]*

40 *[(e) Examination proctor service.]*

41 *[(f) Duplicate license.]*

42 *[(g) Extension of limited license.]*

43 *[(h) Nurse practitioner certificate.]*

44 *[(i) Reexamination for licensure.]*

45 *[(j) Delinquent fee.]*

- 1 *[(k) Renewal fee nurse practitioner.]*
- 2 *[(L) Verification of a license of a nurse applying for license by indorsement in another state.]*
- 3 *[(m) Certified nurse practitioner's initial application and registration for writing prescriptions.]*
- 4 *[(n) Renewal of certified nurse practitioner's application for writing prescriptions.]*
- 5 *[(o) Approval of training program for nursing assistants.]*
- 6 *[(p) Issuance, renewal and delinquency of a nursing assistant certificate.]*
- 7 *[(q) Clinical nurse specialist certification established pursuant to ORS 678.370.]*
- 8 *[(r) Clinical nurse specialist's initial application for prescriptive authority.]*
- 9 *[(s) Renewal of clinical nurse specialist's application for prescriptive authority.]*
- 10 *[(t) Inactive license or certificate.]*
- 11 *[(u) Retired license or certificate.]*
- 12 *[(v) Nationwide criminal records check]* **establish and collect fees necessary to carry out the**

13 **provisions of ORS 678.010 to 678.448.**

14 (2) Fees are nonrefundable.

15 (3)(a) *[Subject to prior approval of the Oregon Department of Administrative Services and a report*
 16 *to the Emergency Board prior to adopting the fees and charges,]* **The board shall obtain approval**
 17 **from the Oregon Department of Administrative Services and submit a report to the Emer-**
 18 **gency Board prior to establishing fees under this section.**

19 (b) The fees *[and charges]* established **and collected** under this section *[shall]* **may** not exceed
 20 the cost of administering the regulatory program *[of the board pertaining to the purpose]* for which
 21 the fee *[or charge]* is established **and collected**, as authorized by the Legislative Assembly within
 22 the *[board's]* **Oregon State Board of Nursing** budget*[, as the budget]* **that** may be modified by the
 23 Emergency Board.

24 (c) If federal or other funds are available to offset costs of administering the program, fees shall
 25 be established based on net costs to the state but **may** not *[to]* exceed \$75 per biennium for *[the*
 26 *certification fee under subsection (1)(p) of this section]* **a nursing assistant certification.**

27 **SECTION 8. (1) Sections 2 and 3 of this 2019 Act and the amendments to ORS 678.010,**
 28 **678.101, 678.390 and 678.410 by sections 4, 5, 6 and 7 of this 2019 Act become operative on**
 29 **January 1, 2020.**

30 (2) **The Oregon State Board of Nursing may take any action before the operative date**
 31 **specified in subsection (1) of this section that is necessary to enable the board to exercise,**
 32 **on and after the operative date specified in subsection (1) of this section, all of the duties,**
 33 **functions and powers conferred on the board by sections 2 and 3 of this 2019 Act and the**
 34 **amendments to ORS 678.010, 678.101, 678.390 and 678.410 by sections 4, 5, 6 and 7 of this 2019**
 35 **Act.**

36 **SECTION 9. This 2019 Act being necessary for the immediate preservation of the public**
 37 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
 38 **on its passage.**

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