

D R A F T

SUMMARY

Directs Oregon State Board of Nursing to issue nurse internship license to qualified applicant. Allows nurse intern to practice nursing subject to certain limitations and under supervision of registered nurse.

Establishes advisory committee within Healthcare Workforce Advisory Committee to study nursing workforce shortage. Requires report to interim committee of Legislative Assembly related to health care no later than November 15, 2022.

Allows nonresident nurses to practice in Oregon for up to 90 days under certain circumstances, including in behavioral health homes. Requires facilities experiencing temporary staffing shortage to notify nurses' exclusive bargaining representative of shortage and other information. Allows person other than applicant for licensure by indorsement to pay application fee.

Directs board to support health care provider wellness program in order to ensure nurses may access program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to nursing; creating new provisions; amending ORS 678.010, 678.031,
3 678.034, 678.050, 678.080 and 678.111; and declaring an emergency.

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

NURSE INTERNS

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8 **SECTION 1. Sections 2 to 6 of this 2022 Act are added to and made**
9 **a part of ORS 678.010 to 678.410.**

10 **SECTION 2. (1) The Oregon State Board of Nursing shall issue a**
11 **nurse internship license to an applicant who:**

12 **(a) Is a student who is enrolled in and has successfully completed**

1 at least one academic term of a nursing education program that:

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

5 (B) Includes a clinical component;

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

9 (c) Meets any other requirements established by the board by rule;
10 and

11 (d) Pays a licensure fee.

12 (2) The board may adopt by rule the duration for which a nurse
13 internship license is valid and any requirements and fees for license
14 renewal.

15 SECTION 3. A nurse intern must receive academic credit in addi-
16 tion to monetary compensation for work as a nurse intern.

17 SECTION 4. (1) A nurse intern may:

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

20 (b) Practice nursing only under the direct supervision of a regis-
21 tered nurse who has agreed to act as the nurse intern's supervisor
22 under section 5 of this 2022 Act;

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

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

26 (2) A nurse intern may not:

27 (a) Assume ongoing responsibility for assessments, planning, im-
28 plementation or evaluation of guidance of the nurse intern's supervi-
29 sor;

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

1 **persons;**

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

4 **(d) Carry out procedures on central lines; or**

5 **(e) Perform any other task or function that is not included in the**
6 **documentation described in section 2 (1)(b) of this 2022 Act.**

7 **SECTION 5. (1) A registered nurse who is responsible for the**
8 **supervision of a nurse intern:**

9 **(a) Is accountable at all times for the safety and well-being of pa-**
10 **tients to whom the nurse intern provides care;**

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

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

15 **(d) Shall have knowledge of the tasks and functions that the nurse**
16 **intern may perform as detailed on the documentation described in**
17 **section 2 (1)(b) of this 2022 Act.**

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

19 **SECTION 6. In addition to the grounds listed in ORS 678.111, the**
20 **Oregon State Board of Nursing may revoke or suspend a nurse**
21 **internship license issued under section 2 of this 2022 Act if the nurse**
22 **intern is not in good academic standing, as determined by the board.**

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

24 **678.010. As used in ORS 678.010 to 678.410:**

25 **(1) “Clinical nurse specialist” means a licensed registered nurse who has**
26 **been licensed by the Oregon State Board of Nursing as qualified to practice**
27 **the expanded clinical specialty nursing role.**

28 **(2) “Diagnosing” in the context of the practice of nursing means identifi-**
29 **cation of and discrimination between physical and psychosocial signs and**
30 **symptoms essential to effective execution and management of the nursing**
31 **care.**

1 (3) “Human responses” means signs, symptoms and processes that denote
2 the person’s interaction with an actual or potential health problem.

3 (4) “Long term care facility” means a licensed skilled nursing facility or
4 intermediate care facility as those terms are used in ORS 442.015, an adult
5 foster home as defined in ORS 443.705 that has residents over 60 years of age,
6 or a residential care facility, including an assisted living facility, as defined
7 in ORS 443.400.

8 (5) **“Nurse intern” means a person who holds a nurse internship li-**
9 **cence issued under section 2 of this 2022 Act.**

10 [(5)] (6) “Nurse practitioner” means a registered nurse who has been li-
11 censed by the board as qualified to practice in an expanded specialty role
12 within the practice of nursing.

13 [(6)] (7) “Physician” means a person licensed to practice under ORS
14 chapter 677.

15 [(7)(a)] (8)(a) “Practice of nursing” means autonomous and collaborative
16 care of persons of all ages, families, groups and communities, sick and well,
17 and in all settings to promote health and safety, including prevention and
18 treatment of illness and management of changes throughout a person’s life.

19 (b) “Practice of nursing” includes:

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

24 (B) Providing supervision of nursing assistants **and nurse interns**; and

25 (C) The performance of additional services that:

26 (i) Require education and training; and

27 (ii) Are recognized by the board by rule and the nursing profession as
28 services to be properly performed by a nurse licensed under ORS 678.010 to
29 678.410.

30 (c) “Practice of nursing” does not include the execution of medical orders
31 described in this subsection by a member of the immediate family for another

1 member or by a person designated by or on behalf of a person requiring care
2 as provided by board rule if the person executing the order is not licensed
3 under ORS 678.010 to 678.410.

4 [(8)] (9) “Practice of practical nursing” means the application of knowl-
5 edge drawn from basic education in the social and physical sciences in
6 planning and giving nursing care and in assisting persons toward achieving
7 of health and well-being.

8 [(9)] (10) “Practice of registered nursing” means the application of
9 knowledge drawn from broad in-depth education in the social and physical
10 sciences in assessing, planning, ordering, giving, delegating, teaching and
11 supervising care that promotes the person’s optimum health and independ-
12 ence.

13 [(10)] (11) “Treating” means selection and performance of therapeutic
14 measures essential to the effective execution and management of the nursing
15 care and execution of the prescribed medical orders.

16 **SECTION 8.** ORS 678.080 is amended to read:

17 678.080. [Any] **A** person to whom a license is issued under ORS 678.010
18 to 678.448, whenever requested to do so in relation to employment as a reg-
19 istered or practical nurse **or nurse intern** or in relation to enforcement of
20 ORS 678.010 to 678.448, shall provide evidence of current licensure.

21 **SECTION 9.** ORS 678.111 is amended to read:

22 678.111. In the manner prescribed in ORS chapter 183 for a contested case:

23 (1) [*Issuance of the license to practice nursing, whether by examination or*
24 *by indorsement, of any person may be refused or the license may be revoked*
25 *or suspended or the licensee may be placed on probation for a period specified*
26 *by the Oregon State Board of Nursing and subject to such condition as the*
27 *board may impose or may be issued a limited license or may be reprimanded*
28 *or censured by the board,] **The Oregon State Board of Nursing may refuse**
29 **to issue a license to practice nursing by examination or indorsement**
30 **or a nurse internship license or may revoke or suspend a license, issue**
31 **a limited license, censure or reprimand or place on probation, subject***

1 **to any conditions imposed by the board, a person issued a license,** for
2 any of the following causes:

3 (a) Conviction of the licensee of crime where [*such*] **the** crime bears de-
4 monstrable relationship to the practice of nursing. A copy of the record of
5 [*such*] **the** conviction, certified to by the clerk of the court entering the
6 conviction, shall be conclusive evidence of the conviction.

7 (b) Gross incompetence or gross negligence of the licensee in the practice
8 of nursing at the level for which the licensee is licensed.

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

11 (d) Fraud or deceit of the licensee in the practice of nursing or in ad-
12 mission to [*such*] **the practice of nursing.**

13 (e) Impairment as defined in ORS 676.303.

14 (f) Conduct derogatory to the standards of nursing.

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

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

23 (i) Physical condition that makes the licensee unable to conduct safely
24 the practice for which the licensee is licensed.

25 (j) Violation of any condition imposed by the board when issuing a limited
26 license.

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

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

31 (4) A license in retired status may be denied [*or*], suspended or revoked

1 for any cause stated in subsection (1) of this section.

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NURSING SHORTAGE ADVISORY COMMITTEE

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5 **SECTION 10. (1) The Health Care Workforce Committee established**
6 **under ORS 413.017 shall convene an advisory committee to identify and**
7 **describe the challenges in addressing staffing shortages in the nursing**
8 **fields. The advisory committee shall consist of the following 11 mem-**
9 **bers:**

10 (a) **One member who represents a union representing nurses;**

11 (b) **Two members who represent hospitals, one of whom serves in**
12 **a professional nursing role;**

13 (c) **One member who represents a union representing other health**
14 **care workers;**

15 (d) **One member who represents a professional organization of long**
16 **term care facility workers;**

17 (e) **One member who is a long term care worker;**

18 (f) **Two members who are nursing education program faculty, one**
19 **of whom is faculty at an undergraduate nursing education program**
20 **and one of whom is faculty at a graduate nursing education program;**

21 (g) **One member who represents a professional organization that**
22 **addresses nursing workforce issues;**

23 (h) **One member who is a rural health care representative; and**

24 (i) **One member who is a nursing representative for typically**
25 **underserved patient groups.**

26 (2) **The advisory committee shall meet at least monthly.**

27 (3) **The advisory committee shall submit a report in the manner**
28 **provided in ORS 192.245, including findings and recommendations, to**
29 **an interim committee of the Legislative Assembly related to health**
30 **care no later than November 15, 2022.**

31 **SECTION 11. Section 10 of this 2022 Act is repealed on January 2,**

1 **2023.**

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3

OTHER AMENDMENTS

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5 **SECTION 12.** ORS 678.031 is amended to read:

6 678.031. ORS 678.010 to 678.410 do not apply to:

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

9 (2) The practice of nursing incidental to the planned program of study for
10 students enrolled in nursing education programs approved by the Oregon
11 State Board of Nursing or accredited or approved by another state or United
12 States territory as described under ORS 678.040 and approved by the board.

13 (3) Nursing practiced outside this state that is incidental to a distance
14 learning program provided by an institution of higher education located in
15 Oregon.

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

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

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

25 (7) Nonresident nurses licensed and in good standing in another state if
26 *[they]* **nonresident nurses** are practicing in this state on a single, temporary
27 assignment of not to exceed *[30]* **90** days, renewable for not to exceed 30 days,
28 for assignments that are for the general public benefit limited to the fol-
29 lowing:

30 (a) Transport teams;

31 (b) Red Cross Blood Services personnel;

1 (c) Presentation of educational programs;

2 (d) Disaster teams;

3 (e) Staffing [*a coronary care unit, intensive care unit or emergency depart-*
4 *ment*] in a hospital that is responding to a temporary staffing shortage and
5 would be otherwise unable to meet [*its critical care*] **the hospital's** staffing
6 requirements;

7 (f) Staffing a long term care facility that is responding to a temporary
8 staffing shortage and would be otherwise unable to meet its staffing re-
9 quirements; [*or*]

10 (g) Providing health care for students who attend school outside of
11 Oregon and who are participating in a school-sponsored event[.]; **or**

12 **(h) Staffing a behavioral health home, as defined in ORS 414.025,**
13 **that is responding to a temporary staffing shortage and would be**
14 **otherwise unable to meet its staffing requirements.**

15 **SECTION 13.** ORS 678.034 is amended to read:

16 678.034. (1)(a) [*Hospitals and long term care facilities*] **A behavioral**
17 **health home, hospital or long term care facility** employing nurses under
18 ORS 678.031 (7)(e) [*and*], (f) **or (h)** shall:

19 (A) Notify the Oregon State Board of Nursing in writing of the number
20 of nurses [*so*] employed **under ORS 678.031 (7)(e), (f) or (h)**, the times of
21 employment[,] **and** the nature of the staffing shortage [*and*];

22 (B) Certify that there is no labor dispute affecting nurses at the **behav-**
23 **ioral health home, hospital or long term care facility** [*. In addition,*]; **and**

24 (C) At the request of the board, [*the hospital or long term care facility*
25 *shall*] provide documentation that the nurses [*so*] employed **under ORS**
26 **678.031 (7)(e), (f) or (h)** are licensed and in good standing in another state
27 or United States territory.

28 **(b) A behavioral health home, hospital or long term care facility**
29 **described in paragraph (a) of this subsection shall provide notice in**
30 **writing of and certify to the exclusive bargaining representative, if**
31 **any, of the nurses employed under ORS 678.031 (7)(e), (f) or (h), the**

1 **information described in paragraph (a) of this subsection.**

2 (2) Nurses employed in this state under ORS 678.031 (7)(e) [*and*], (f) **or**
3 **(h)**, at the time of employment, [*also must*] **shall** apply for an Oregon license
4 by indorsement.

5 **SECTION 14.** ORS 678.050 is amended to read:

6 678.050. (1) Examinations for the licensing of applicants under ORS
7 678.010 to 678.448 must be held at least once a year. [*The*] **An** applicant must
8 pass an examination in subjects relating to nursing at the practical or reg-
9 istered level as the Oregon State Board of Nursing may determine necessary
10 to protect the public health and welfare.

11 (2) **The board shall issue to** all duly qualified applicants who pass the
12 examination and meet other standards established by the board [*shall be is-*
13 *sued*] the license provided for in ORS 678.010 to 678.448 according to the
14 nature of the license for which application is made and examination taken
15 and passed. The board shall provide evidence of current licensure. The board
16 shall determine by rule the form and manner of the evidence of current
17 licensure.

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

23 [*(b) For the purposes of the licensing procedure, the board may not accept*
24 *monetary assistance from anyone except the nurse applying for licensure by*
25 *indorsement.*]

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

28 [*(d)*] **(c)** [*Paragraphs (b) and (c)*] **Paragraph (b)** of this subsection [*do*]
29 **does** not prohibit the board from processing requests to employ nurses to
30 meet temporary staffing shortages, as described in ORS 678.031 or 678.034, in
31 facilities in this state not involved in labor disputes.

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

3 (a) To an applicant whose license has become void for nonpayment of fees
4 at either level and who otherwise meets the requirements of the board. The
5 board may, in issuing a limited license, require the applicant to demonstrate
6 ability to give safe nursing care by undergoing a supervised experience in
7 nursing practice designated by the board, or by satisfactorily completing a
8 continuing education program approved by the board. The license issued
9 under this paragraph expires on the date set in the license by the board.
10 Upon the applicant's satisfactory completion of the board's requirements, and
11 payment of the renewal fee and delinquency fee, the board shall issue to the
12 applicant a license to practice nursing.

13 (b) To an applicant who has not practiced nursing in any state for a pe-
14 riod of five years, but has maintained a current license by the payment of
15 fees. The applicant may not practice nursing in Oregon unless the applicant
16 applies to the board for a limited license and the board issues the limited
17 license to the applicant. The board may, in issuing a limited license, require
18 the applicant to demonstrate ability to give safe nursing care by undergoing
19 a supervised experience in nursing practice designated by the board, or by
20 satisfactorily completing a continuing education program approved or desig-
21 nated by the board. The board may not issue a license if, in the judgment
22 of the board, the applicant's conduct has been such, during absence from
23 practice, that the applicant would be denied a license if applying for an ini-
24 tial license to practice nursing in this state.

25 (c) To a licensee who has been placed on probation or has been otherwise
26 subjected to disciplinary action by the board.

27 (d) To any of the following persons if the person is affiliated with a
28 planned program of study in Oregon consistent with the standards and re-
29 quirements established by the board:

30 (A) A foreign nurse;

31 (B) A foreign student nurse; or

1 (C) A nurse licensed in another jurisdiction.

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

4 (6)(a) Retired status may be granted to a person licensed as a registered
5 nurse, licensed practical nurse, nurse practitioner, certified registered nurse
6 anesthetist or clinical nurse specialist and who surrenders the person's li-
7 cense while in good standing with the issuing authority if the person is not
8 subject to any pending disciplinary investigation or action. The board may
9 adopt by rule requirements, procedures and fees for placing a license in re-
10 tired status.

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

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

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

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

18
19 **WELLNESS PROGRAM**

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21 **SECTION 15. The Oregon State Board of Nursing shall support a**
22 **wellness program that provides accessible, confidential and helpful**
23 **services to health care providers, in order to allow nursing profes-**
24 **sionals to receive the benefit of those services.**

25 **SECTION 16. There is appropriated to the Oregon State Board of**
26 **Nursing, for the biennium ending June 30, 2023, out of the General**
27 **Fund, the amount of \$_____, which may be expended for the purposes**
28 **described in section 15 of this 2022 Act.**

29
30 **CAPTIONS**

1 **SECTION 17.** The unit captions used in this 2022 Act are provided
2 only for the convenience of the reader and do not become part of the
3 statutory law of this state or express any legislative intent in the
4 enactment of this 2022 Act.

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OPERATIVE AND EFFECTIVE DATES

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8 **SECTION 18.** (1) Sections 2 to 6 of this 2022 Act and the amend-
9 ments to ORS 678.010, 678.031, 678.034, 678.050, 678.080 and 678.111 by
10 sections 7 to 9 and 12 to 14 of this 2022 Act become operative on Jan-
11 uary 1, 2023.

12 (2) The Oregon State Board of Nursing may take any action before
13 the operative date specified in subsection (1) of this section that is
14 necessary to enable the board to exercise, on and after the operative
15 date specified in subsection (1) of this section, all of the duties, func-
16 tions and powers conferred on the board by sections 2 to 6 of this 2022
17 Act and the amendments to ORS 678.010, 678.031, 678.034, 678.050, 678.080
18 and 678.111 by sections 7 to 9 and 12 to 14 of this 2022 Act.

19 **SECTION 19.** This 2022 Act being necessary for the immediate
20 preservation of the public peace, health and safety, an emergency is
21 declared to exist, and this 2022 Act takes effect on its passage.

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