

# DRAFT

## SUMMARY

Digest: The Act changes the laws about nurse licenses, gives money to Lane County to pay for fast health care and tells the Oregon Health Authority to look at how to get health care. (Flesch Readability Score: 60.5).

Expands the exemption from the licensure requirement for certain nurses. Directs the Oregon State Board of Nursing to issue a provisional license to an applicant for licensure.

Directs the Oregon Health Authority to enter into an agreement with Lane County Public Health and distribute to Lane County Public Health moneys for the purposes of funding same-day health care services.

Directs the authority to review access to urgent and immediate health care services and submit a report to the interim committees of the Legislative Assembly related to health care not later than September 15, 2024.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

Relating to health care; creating new provisions; amending ORS 678.031, 678.034 and 678.040; and declaring an emergency.

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

## NURSE LICENSURE

**SECTION 1.** ORS 678.031 is amended to read:

678.031. ORS 678.010 to 678.410 do not apply to:

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

(2) The practice of nursing incidental to the planned program of study for students enrolled in nursing education programs approved by the Oregon

1 State Board of Nursing or accredited or approved by another state or United  
2 States territory as described under ORS 678.040 and approved by the board.

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

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

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

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

15 (7) Nonresident nurses licensed and in good standing in another state if  
16 nonresident nurses are practicing in this state on a single[, *temporary*] as-  
17 signment of not to exceed 90 days, renewable for not to exceed 90 days, for  
18 assignments that are for the general public benefit. [*limited to the*  
19 *following:*]

20 [(a) *Transport teams;*]

21 [(b) *Red Cross Blood Services personnel;*]

22 [(c) *Presentation of educational programs;*]

23 [(d) *Disaster teams;*]

24 [(e) *Staffing in a hospital that is responding to a temporary staffing*  
25 *shortage and would be otherwise unable to meet the hospital's staffing re-*  
26 *quirements;*]

27 [(f) *Staffing a long term care facility that is responding to a temporary*  
28 *staffing shortage and would be otherwise unable to meet its staffing require-*  
29 *ments;*]

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

*[(h) Staffing any of the following entities that is responding to a temporary staffing shortage and would otherwise be unable to meet its staffing requirements:]*

*[(A) An adult or juvenile residential behavioral health treatment facility;]*

*[(B) An opioid treatment program;]*

*[(C) A withdrawal management program;]*

*[(D) A sobering center;]*

*[(E) A primary care facility; or]*

*[(F) A behavioral health home, as defined in ORS 414.025.]*

**SECTION 2.** ORS 678.034 is amended to read:

*678.034. [(1)(a) A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that employs nurses under ORS 678.031 (7)(e), (f) or (h) shall:]*

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

*[(B) Certify that there is no labor dispute affecting nurses at the hospital, long term care facility or entity described in ORS 678.031 (7)(h); and]*

*[(C) At the request of the board, provide documentation that the nurses employed under ORS 678.031 (7)(e), (f) or (h) are licensed and in good standing in another state or United States territory.]*

*[(b) A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that employs nurses as described in paragraph (a) of this subsection shall provide notice in writing of and certify to the nurses' exclusive bargaining representative, if any, the information described in paragraph (a) of this subsection.]*

**(1) An entity that employs a nurse described under ORS 678.031 (7) shall notify the Oregon State Board of Nursing in writing of the number of nurses so employed and the time of employment and shall certify that there is no labor dispute affecting nurses at the entity. In addition, at the request of the board, the entity shall provide doc-**

**umentation that the nurses so employed are licensed and in good standing in another state or United States territory.**

(2) Nurses employed in this state under ORS 678.031 (7)[(e), (f) or (h)], at the time of employment, shall apply for an Oregon license by indorsement or, if the nurse was previously licensed in this state, for reactivation of the nurse's Oregon license.

**SECTION 3.** ORS 678.040 is amended to read:

678.040. (1) An applicant for a license under ORS 678.010 to 678.448 shall provide to the Oregon State Board of Nursing satisfactory evidence that the applicant's physical and mental health is such that it is safe for the applicant to practice, and that:

[(1)] (a) The applicant has graduated:

[(a)] (A) From a registered nurse or licensed practical nurse nursing education program approved by the Oregon State Board of Nursing;

[(b)] (B) From a nursing program in the United States that included in its curriculum a clinical component, as defined by the board by rule, and:

[(A)] (i) Is accredited or approved by the licensing board for nurses in a particular state or United States territory and approved by the Oregon State Board of Nursing; or

[(B)] (ii) If the licensing board is not the accrediting or approval agency in that state or United States territory, is accredited or approved by the appropriate agency for that state or United States territory and approved by the Oregon State Board of Nursing;

[(c)] (C) In another country and has an education equivalent to that provided by accredited or approved programs in this country; or

[(d)] (D) From a military training program that the board specifies by rule to be qualified as a nursing education program for a licensed practical nurse; or

[(2)] (b) If the applicant is an applicant for licensure by indorsement, the applicant:

[(a)] (A) Is currently or has been licensed as a licensed practical nurse

in another state or territory of the United States based upon recognition of the applicant's military education; or

[(b)] (B) Has graduated from a registered nurse or licensed practical nurse nursing education program that included in its curriculum a clinical component, as defined by the board by rule.

(2) Upon receipt of an application for a license under subsection (1)(b) of this section, the board shall issue to the applicant a provisional license to allow the applicant to practice nursing at the level for which the applicant has applied for a license. A provisional license issued under this subsection expires on the date on which an applicant described in this subsection is issued a license under subsection (1)(b) of this section.

**SECTION 4.** (1) The amendments to ORS 678.031 and 678.034 by sections 1 and 2 of this 2024 Act apply to periods of employment beginning on or after the effective date of this 2024 Act.

(2) The amendments to ORS 678.040 by section 3 of this 2024 Act apply to applications received by the Oregon State Board of Nursing on or after the effective date of this 2024 Act.

## LANE COUNTY ACCESS TO HEALTH CARE

**SECTION 5.** (1) The Oregon Health Authority shall enter into an agreement with Lane County Public Health that requires Lane County Public Health to administer moneys as follows, taking into consideration the continuum of health care, including emergency medical care and other same-day health care services:

(a) As distributions to the City of Eugene for the establishment and maintenance of a basic life support unit; and

(b) To fund a health care access innovation fund to finance innovations to improve access to same-day health care while decreasing the overall same-day health care system cost in the greater Eugene

1 area, such as a nurse advice line, community health care response  
2 programs, alternative medical transportation options and program-  
3 ming to improve access to health care while reducing emergency de-  
4 partment utilization.

5 (2) The agreement described in subsection (1) of this section must  
6 require:

7 (a) Lane County Public Health to solicit, review and select proposals  
8 for the objectives described in subsection (1) of this section, and to  
9 consult with coordinated care organizations and other stakeholders in  
10 order to optimize the use of moneys described in subsection (1) of this  
11 section and to leverage additional funding from other sources.

12 (b) Lane County Public Health to submit a report in the manner  
13 provided in ORS 192.245, that may include recommendations for legis-  
14 lation, to the authority and the interim committees of the Legislative  
15 Assembly related to health care not later than December 31, 2024. The  
16 report described in this paragraph must include a detailed description  
17 of how the moneys administered by Lane County Public Health are  
18 used.

19 (c) Lane County Public Health and the authority to submit a report  
20 in the manner provided in ORS 192.245, that may include recommen-  
21 dations for legislation, to the interim committees of the Legislative  
22 Assembly related to health care not later than December 31, 2025. The  
23 report described in this paragraph must include a detailed description  
24 of how the moneys administered by Lane County Public Health are  
25 used and whether and to what degree the objectives described in sub-  
26 section (1) of this section were met.

27 (3) The agreement entered into under subsection (1) of this section  
28 must allow Lane County Public Health to withhold from the moneys  
29 administered under subsection (1) of this section a reasonable amount  
30 to reimburse Lane County Public Health for administrative costs in-  
31 curred under this section.

**SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Health Authority, for the biennium ending June 30, 2025, out of the General Fund, the amount of \$4,500,000 for the purpose of carrying out the provisions of section 5 of this 2024 Act.

**SECTION 7.** Sections 5 and 6 of this 2024 Act are repealed on January 2, 2026.

## **OREGON HEALTH AUTHORITY REVIEW**

**SECTION 8.** The Oregon Health Authority shall review access to urgent and immediate health care services in this state, focusing on options that decrease the use of unnecessary emergency department resources, and the relevant state and federal statutes and administrative rules and regulations. In conducting the review, the authority shall also consider reimbursement and payment for urgent and immediate health care services provided to patients. The authority shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to health care no later than September 15, 2024.

**SECTION 9.** Section 8 of this 2024 Act is repealed on January 2, 2025.

## **CAPTIONS**

**SECTION 10.** The unit captions used in this 2024 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2024 Act.

## **EFFECTIVE DATE**

1     **SECTION 11. This 2024 Act being necessary for the immediate**  
2     **preservation of the public peace, health and safety, an emergency is**  
3     **declared to exist, and this 2024 Act takes effect on its passage.**

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