

Enrolled Senate Bill 969

Sponsored by COMMITTEE ON HEALTH CARE (at the request of Oregon State Board of Nursing)

CHAPTER

AN ACT

Relating to nursing assistants; creating new provisions; amending ORS 678.442; and prescribing an effective date.

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

SECTION 1. ORS 678.442 is amended to read:

678.442. (1) The Oregon State Board of Nursing shall establish standards for certifying and [shall] **may** certify as a nursing assistant any person who:

- (a) Submits an application;
- (b)(A) Shows completion of an approved training program for nursing assistants; or
- (B) Has military training or experience that the board determines is substantially equivalent to the training required by subparagraph (A) of this paragraph; and
- (c) Passes a board approved examination.

(2) In the manner prescribed in ORS chapter 183, the board may revoke [or], suspend **or deny** a certificate issued under this section [or may], reprimand a nursing assistant **or place a nursing assistant on probation for a period of time and subject to any conditions specified by the board** for the following reasons:

(a) Conviction of the certificate holder of a crime [where such] **if the** crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of [such] **the** conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal [thereof] **of a certificate.**

(c) Impairment as defined in ORS 676.303.

(d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted [thereunder] **under ORS 678.010 to 678.448.**

(e) Physical condition that makes the certificate holder unable to perform safely the duties of a nursing assistant.

(f) Conduct unbecoming a nursing assistant in the performance of duties.

(3) The board shall establish by rule a procedure for the biennial renewal of nursing assistant certificates. The certificate renewal procedure must be substantially like the procedure established for the licensing of nurses under ORS 678.101.

(4) Notwithstanding ORS 192.345, the board may use the results of a nursing assistant examination for the continuing education of applicants for certification as a nursing assistant.

SECTION 1a. If Senate Bill 703 becomes law, section 1 of this 2023 Act (amending ORS 678.442) is repealed and ORS 678.442, as amended by section 1, chapter __, Oregon Laws 2023 (Enrolled Senate Bill 703), is amended to read:

678.442. (1) The Oregon State Board of Nursing shall establish standards for certifying and [shall] may certify as a nursing assistant any person who:

- (a) Submits an application;
- (b)(A) Shows completion of an approved training program for nursing assistants; or
(B) Has military training or experience that the board determines is substantially equivalent to the training required by subparagraph (A) of this paragraph; and
- (c) Passes an examination developed by the National Council of State Boards of Nursing, or its successor organization, and approved by the board by rule.

(2) In the manner prescribed in ORS chapter 183, the board may revoke [or], suspend **or deny** a certificate issued under this section [or may], reprimand a nursing assistant **or place a nursing assistant on probation for a period of time and subject to any conditions specified by the board** for the following reasons:

(a) Conviction of the certificate holder of a crime that bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of the conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal of a certificate.

(c) Impairment as defined in ORS 676.303.

(d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted under ORS 678.010 to 678.448.

(e) Physical condition that makes the certificate holder unable to perform safely the duties of a nursing assistant.

(f) Conduct unbecoming a nursing assistant in the performance of duties.

(3) The board shall establish by rule a procedure for the biennial renewal of nursing assistant certificates. The certificate renewal procedure must be substantially like the procedure established for the licensing of nurses under ORS 678.101.

(4) Notwithstanding ORS 192.345, the board may use the results of an examination described in subsection (1) of this section for the continuing education of applicants for certification as a nursing assistant.

(5) The board shall offer the examination described in subsection (1) of this section in English and Spanish.

SECTION 2. (1) The amendments to ORS 678.442 by section 1 of this 2023 Act become operative on January 1, 2024.

(2) The Oregon State Board of Nursing may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board by the amendments to ORS 678.442 by section 1 of this 2023 Act.

SECTION 2a. If Senate Bill 703 becomes law, section 2 of this 2023 Act is amended to read:

Sec. 2. (1) The amendments to ORS 678.442 by section [I] 1a of this 2023 Act become operative on January 1, 2024.

(2) The Oregon State Board of Nursing may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board by the amendments to ORS 678.442 by section [I] 1a of this 2023 Act.

SECTION 3. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by Senate March 28, 2023

Repassed by Senate June 15, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 23, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State