

SB 969-1
(LC 567)
5/4/23 (SCT/ps)

Requested by HOUSE COMMITTEE ON BEHAVIORAL HEALTH AND HEALTH CARE (at the request of Representative Rob Nosse)

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
SENATE BILL 969**

1 On page 2 of the printed bill, after line 3, insert:

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3 **Act (amending ORS 678.442) is repealed and ORS 678.442, as amended**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

6 “678.442. (1) The Oregon State Board of Nursing shall establish standards
7 for certifying and [*shall*] **may** certify as a nursing assistant any person who:

8 “(a) Submits an application;

9 “(b)(A) Shows completion of an approved training program for nursing
10 assistants; or

11 “(B) Has military training or experience that the board determines is
12 substantially equivalent to the training required by subparagraph (A) of this
13 paragraph; and

14 “(c) Passes an examination developed by the National Council of State
15 Boards of Nursing, or its successor organization, and approved by the board
16 by rule.

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

1 “(a) Conviction of the certificate holder of a crime that bears demon-
2 strable relationship to the duties of a nursing assistant. A copy of the record
3 of the conviction, certified to by the clerk of the court entering the con-
4 viction, shall be conclusive evidence of the conviction.

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

7 “(c) Impairment as defined in ORS 676.303.

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

10 “(e) Physical condition that makes the certificate holder unable to per-
11 form safely the duties of a nursing assistant.

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

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

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

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

22 After line 10, insert:

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

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

27 “(2) The Oregon State Board of Nursing may take any action before the
28 operative date specified in subsection (1) of this section that is necessary to
29 enable the board to exercise, on and after the operative date specified in
30 subsection (1) of this section, all of the duties, functions and powers con-

1 ferred on the board by the amendments to ORS 678.442 by section [1] **1a** of
2 this 2023 Act.”

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