

# House Bill 3044

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek for Oregon State Board of Nursing)

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest:** The Act defines some terms related to nursing. The Act gives the Oregon State Board of Nursing some new authority. (Flesch Readability Score: 67.2).

Defines "Advanced Practice Registered Nurse," "diagnosing" and "medication aide." Clarifies multiple ways to obtain a nursing license. Allows the Oregon State Board of Nursing to require an applicant for relicensure to demonstrate the applicant's ability to practice nursing. Allows the board to refund fees paid to the board. Removes the requirement for the board to approve all nursing continuing education programs. Allows the board to continually monitor nursing assistant training programs and revoke program approval.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to nursing; creating new provisions; amending ORS 169.750, 441.685, 443.445, 443.775,  
3 678.010, 678.031, 678.034, 678.038, 678.039, 678.040, 678.050, 678.055, 678.101, 678.111, 678.113,  
4 678.150, 678.170, 678.340, 678.370, 678.392, 678.410, 678.415, 678.440, 678.442, 678.444 and 678.445;  
5 repealing ORS 678.155; and prescribing an effective date.

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

## NURSING STATUTES

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8  
9  
10 **SECTION 1.** ORS 678.010 is amended to read:

11 678.010. As used in ORS 678.010 to 678.410:

12 (1) **"Advanced Practice Registered Nurse" means a:**

13 (a) **Clinical nurse specialist;**

14 (b) **Nurse practitioner; or**

15 (c) **Certified registered nurse anesthetist.**

16 [(1)] (2) **"Certified registered nurse anesthetist" means a registered nurse who has been licensed**  
17 **by the Oregon State Board of Nursing as a certified registered nurse anesthetist.**

18 [(2)] (3) **"Clinical nurse specialist" means a licensed registered nurse who has been licensed by**  
19 **the board as qualified to practice the expanded clinical specialty nursing role.**

20 [(3)] (4) **"Diagnosing" [in the context of the practice of nursing means identification of and dis-**  
21 **crimination between physical and psychosocial signs and symptoms essential to effective execution and**  
22 **management of the nursing care.] means the process of identifying a patient's disease or medical**  
23 **condition through the evaluation of the patient's history and clinical symptoms, a physical**  
24 **evaluation and any relevant diagnostic tests.**

25 [(4)] **"Human responses" means signs, symptoms and processes that denote the person's interaction**  
26 **with an actual or potential health problem.]**

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

5 (6) "Nurse intern" means a person who holds a nurse internship license issued under ORS  
6 678.392.

7 (7) "Nurse practitioner" means a registered nurse who has been licensed by the board as qual-  
8 ified to practice in an expanded specialty role within the practice of nursing.

9 (8) "Physician" means a person licensed to practice under ORS chapter 677.

10 (9)(a) "Practice of nursing" means autonomous and collaborative care of persons of all ages,  
11 families, groups and communities, sick and well, and in all settings to promote health and safety,  
12 including prevention and treatment of illness and management of changes throughout a person's life.

13 (b) "Practice of nursing" includes:

14 (A) Executing medical orders prescribed by a physician, dentist, clinical nurse specialist, nurse  
15 practitioner, certified registered nurse anesthetist or other licensed health care provider licensed  
16 or certified by this state and authorized by the board by rule to issue orders for medical treatment,  
17 or as otherwise described in ORS 678.010 to 678.410;

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

19 (C) The performance of additional services that:

20 (i) Require education and training; and

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

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

27 (10) "Practice of practical nursing" means the application of knowledge drawn from basic edu-  
28 cation in the social and physical sciences in planning and giving nursing care and in assisting per-  
29 sons toward achieving of health and well-being.

30 (11) "Practice of registered nursing" means the application of knowledge drawn from broad in-  
31 depth education in the social and physical sciences in assessing, planning, ordering, giving, deleg-  
32 ating, teaching and supervising care that promotes the person's optimum health and independence.

33 (12) "Treating" means selection and performance of therapeutic measures essential to the ef-  
34 fective execution and management of the nursing care and execution of the prescribed medical or-  
35 ders.

36 **SECTION 2.** ORS 678.031, as amended by section 1, chapter 39, Oregon Laws 2024, is amended  
37 to read:

38 678.031. ORS 678.010 to 678.410 do not apply to:

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

40 (2) The practice of nursing incidental to the planned program of study for students enrolled in  
41 nursing education programs approved by the Oregon State Board of Nursing or accredited or ap-  
42 proved by another state or United States territory as described under ORS 678.040 and approved  
43 by the board.

44 (3) Nursing practiced outside this state that is incidental to a distance learning program pro-  
45 vided by an institution of higher education located in Oregon.

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

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

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

8 (7)(a) A nonresident [*nurses*] **nurse** licensed and in good standing in another state if **the** non-  
9 resident [*nurses are*] **nurse is** practicing in this state on a single assignment of not to exceed 90  
10 days, renewable for not to exceed 90 days, for assignments that are for the general public benefit.

11 **(b) A nurse previously licensed in Oregon who has not had their license revoked, or has**  
12 **not voluntarily surrendered their license, if the nurse is practicing in this state on a single**  
13 **assignment of not to exceed 90 days, renewable for not to exceed 90 days, for assignments**  
14 **that are for the general public benefit.**

15 **SECTION 3.** ORS 678.034, as amended by section 2, chapter 39, Oregon Laws 2024, is amended  
16 to read:

17 678.034. (1) An entity that employs a nurse described under ORS 678.031 (7) shall notify the  
18 Oregon State Board of Nursing in writing of the number of nurses so employed and the time of  
19 employment and shall certify that there is no labor dispute affecting nurses at the entity. In addi-  
20 tion, at the request of the board, the entity shall provide documentation that the nurses so employed  
21 are licensed and in good standing in another state or United States territory.

22 (2) Nurses employed in this state under ORS 678.031 (7), at the time of employment, shall apply  
23 for an Oregon license [*by indorsement or, if the nurse was previously licensed in this state, for reac-*  
24 *tivation of the nurse's Oregon license*].

25 **SECTION 4.** ORS 678.038 is amended to read:

26 678.038. A registered nurse who is employed by a public or private school, or by an education  
27 service district or a local public health authority as defined in ORS 431.003 to provide nursing ser-  
28 vices at a public or private school, may accept an order from a [*physician*] **health care provider,**  
29 **as defined by the Oregon State Board of Nursing by rule,** licensed to practice [*medicine*] in an-  
30 other state or territory of the United States if the order is related to the care or treatment of a  
31 student who has been enrolled at the school for not more than 90 days.

32 **SECTION 5.** ORS 678.039 is amended to read:

33 678.039. A registered nurse who is employed by or contracted with a long term care facility or  
34 an in-home care agency, as defined in ORS 443.305, may execute a medical order from a [*physician*]  
35 **health care provider, as defined by the Oregon State Board of Nursing by rule,** licensed to  
36 practice [*medicine*] in another state or territory of the United States if:

37 (1) The order is related to the care or treatment of an individual who is a client, patient or  
38 resident of the long term care facility or in-home care agency that employs or contracts the regis-  
39 tered nurse; and

40 (2) The individual described in subsection (1) of this section has been a client, patient or resi-  
41 dent of the long term care facility or in-home care agency for not more than 90 days.

42 **SECTION 6.** ORS 678.040 is amended to read:

43 678.040. An applicant for a license under ORS 678.010 to 678.448 shall provide to the Oregon  
44 State Board of Nursing satisfactory evidence that the applicant's physical and mental health is such  
45 that it is safe for the applicant to practice, and that:

1 (1) The applicant has graduated:

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

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

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

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

11 (c) In another country and has an education equivalent to that provided by accredited or ap-  
12 proved programs in this country; or

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

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

16 (a) Is currently or has been licensed as a licensed practical nurse in another state or territory  
17 of the United States based upon recognition of the applicant's military education; or

18 (b) Has graduated from a registered nurse or licensed practical nurse nursing education program  
19 that [*included in its curriculum a clinical component, as defined by the board by rule*] **meets the**  
20 **requirements of subsection (1) of this section.**

21 **SECTION 7.** ORS 678.050 is amended to read:

22 678.050. (1) Examinations for the licensing of applicants under ORS 678.010 to 678.448 must be  
23 held at least once a year. An applicant must pass an examination in subjects relating to nursing at  
24 the practical or registered level as the Oregon State Board of Nursing may determine necessary to  
25 protect the public health and welfare.

26 (2) The board shall issue to all duly qualified applicants who pass the examination and meet  
27 other standards established by the board the license provided for in ORS 678.010 to 678.448 ac-  
28 cording to the nature of the license for which application is made and examination taken and passed.  
29 The board shall provide evidence of current licensure. The board shall determine by rule the form  
30 and manner of the evidence of current licensure.

31 (3)(a) The board may issue a license by [*indorsement*] **endorsement** to an applicant qualified as  
32 provided in ORS 678.040 who has passed the examination used by the board and who meets other  
33 standards established by the board. The board may also require evidence of competency to practice  
34 nursing at the level for which application is made.

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

37 (c) Paragraph (b) of this subsection does not prohibit the board from processing requests to  
38 employ nurses to meet temporary staffing shortages, as described in ORS 678.031 or 678.034, in fa-  
39 cilities in this state not involved in labor disputes.

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

42 (a) To an applicant [*whose license has become void for nonpayment of fees at either level and who*  
43 *otherwise meets the requirements of the board*] **who the board determines needs to demonstrate**  
44 **the ability to provide safe nursing care.** The board may[, *in issuing a limited license,*] require the  
45 applicant to [*demonstrate ability to give safe nursing care by undergoing*] **undergo** a supervised ex-

1 perience in nursing practice designated by the board, or *[by satisfactorily completing]* **to satisfac-**  
 2 **torily complete** a continuing education program approved by the board, **in order to demonstrate**  
 3 **the applicant's ability to provide safe nursing care.** The license issued under this paragraph ex-  
 4 pires on the date set in the license by the board. Upon the applicant's satisfactory completion of the  
 5 board's requirements, and payment of the renewal fee and delinquency fee, the board shall issue to  
 6 the applicant a license to practice nursing.

7 *[(b) To an applicant who has not practiced nursing in any state for a period of five years, but has*  
 8 *maintained a current license by the payment of fees. The applicant may not practice nursing in Oregon*  
 9 *unless the applicant applies to the board for a limited license and the board issues the limited license*  
 10 *to the applicant. The board may, in issuing a limited license, require the applicant to demonstrate*  
 11 *ability to give safe nursing care by undergoing a supervised experience in nursing practice designated*  
 12 *by the board, or by satisfactorily completing a continuing education program approved or designated*  
 13 *by the board. The board may not issue a license if, in the judgment of the board, the applicant's con-*  
 14 *duct has been such, during absence from practice, that the applicant would be denied a license if ap-*  
 15 *plying for an initial license to practice nursing in this state.]*

16 *[(c)]* **(b)** To a licensee who has been placed on probation or has been otherwise subjected to  
 17 disciplinary action by the board.

18 *[(d)]* **(c)** To any of the following persons if the person is affiliated with a planned program of  
 19 study in Oregon consistent with the standards and requirements established by the board:

20 (A) A foreign nurse;

21 (B) A foreign student nurse; or

22 (C) A nurse licensed in another jurisdiction.

23 (e) During an emergency declared by the Governor pursuant to ORS 401.165, to a nurse licensed  
 24 in another jurisdiction. The board shall adopt rules to establish criteria for issuance of a license  
 25 under this paragraph.

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

28 (6)(a) **The board may grant** retired status *[may be granted]* to a person licensed as a registered  
 29 nurse, licensed practical nurse, nurse practitioner, certified registered nurse anesthetist or clinical  
 30 nurse specialist and who surrenders the person's license while in good standing with the issuing  
 31 authority if the person is not subject to any pending disciplinary investigation or action. The board  
 32 may adopt by rule requirements, procedures and fees for placing a license in retired status.

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

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

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

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

39 **SECTION 8.** ORS 678.055 is amended to read:

40 678.055. (1) The Oregon State Board of Nursing may issue a nurse emeritus license to an appli-  
 41 cant who:

42 (a) Is a certified registered nurse anesthetist, clinical nurse specialist, licensed practical nurse,  
 43 nurse practitioner or registered nurse;

44 (b) Has been granted retired status by the board as described in ORS 678.050; and

45 (c) Pays the license fee as established by rule of the board.

1 (2) Notwithstanding ORS 678.050 (6), a nurse emeritus may engage in the practice of nursing,  
2 practical nursing or registered nursing on a volunteer or other noncompensatory basis.

3 (3) The board shall adopt rules to establish:

4 (a) The [annual] license fee for the nurse emeritus license described in subsection (1) of this  
5 section; and

6 (b) The method to determine the competency required to practice nursing, practical nursing or  
7 registered nursing as a nurse emeritus.

8 **SECTION 9.** ORS 678.101 is amended to read:

9 678.101. (1) A person licensed to practice nursing, **including as an Advanced Practice Regis-**  
10 **tered Nurse**, shall apply to the Oregon State Board of Nursing for renewal of the license[ *other*  
11 *than a limited license, in*] every second year [*before 11:59 p.m. on the anniversary of the birthdate*  
12 *of the person in the odd-numbered year for persons whose birth occurred in an odd-numbered year and*  
13 *in the even-numbered year for persons whose birth occurred in an even-numbered year. Persons whose*  
14 *birthdate anniversary falls on February 29 shall be treated as if the anniversary were March 1].*

15 (2) Each application must be accompanied by a [nonrefundable] renewal fee payable to the board.

16 **The renewal fee is refundable at the discretion of the board.**

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

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

19 (b) Prior to payment of the renewal fee described in subsection (2) of this section the person  
20 completes, or provides documentation of completion within the previous 36 months, of:

21 (A) A one-hour pain management education program approved by the board and developed based  
22 on recommendations of the Pain Management Commission; or

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

24 (4) The license of any person not renewed for failure to comply with subsections (1) to (3) of this  
25 section is expired and the person shall be considered delinquent and is subject to any delinquent fee  
26 established under ORS 678.410.

27 [(5) A registered nurse who has been issued a license as a nurse practitioner, clinical nurse spe-  
28 cialist or certified registered nurse anesthetist shall apply as specified by the board by rule for renewal  
29 of the license and for renewal of the authority to prescribe in every second year before 11:59 p.m. on  
30 the anniversary of the birthdate, as determined for the person's license to practice nursing.]

31 **(5) This section does not apply to a person who holds a limited license to practice nurs-**  
32 **ing.**

33 **SECTION 10.** ORS 678.111 is amended to read:

34 678.111. In the manner prescribed in ORS chapter 183 for a contested case, and except as pro-  
35 vided in ORS 678.138[:],

36 [(1)] the Oregon State Board of Nursing may [*refuse to issue a license to practice nursing by ex-*  
37 *amination or indorsement or a nurse internship license or may revoke or suspend a license, issue a*  
38 *limited license, censure or reprimand or place on probation, subject to any conditions imposed by the*  
39 *board, a person issued a license, for any of the following causes*] **revoke, suspend, deny or impose**  
40 **conditions on a license, including an inactive or retired license, issued by the board and**  
41 **reprimand or place on probation, subject to terms imposed by the board, a person licensed**  
42 **by the board for any of the reasons described in this section, including the following:**

43 [(a)] (1) Conviction of the [licensee] **person** of crime where the crime bears demonstrable re-  
44 lationship to the practice of nursing. A copy of the record of the conviction, certified to by the clerk  
45 of the court entering the conviction, shall be conclusive evidence of the conviction.

1       **[(b)] (2)** Gross incompetence or gross negligence of the *[licensee]* **person** in the practice of  
 2 nursing at the level for which the *[licensee]* **person** is licensed.

3       **[(c)] (3)** Any willful fraud or misrepresentation in applying for or procuring a license or renewal  
 4 of a license.

5       **[(d)] (4)** Fraud or deceit *[of the licensee]* **by the person** in the practice of nursing or in admission  
 6 to the practice of nursing.

7       **[(e)] (5)** Impairment as defined in ORS 676.303.

8       **[(f)] (6)** Conduct derogatory to the standards of nursing.

9       **[(g)] (7)** Violation of any provision of ORS 678.010 to 678.448 or rules adopted under ORS 678.010  
 10 to 678.448.

11       **[(h)] (8)** Revocation or suspension of a license to practice nursing by any state or territory of  
 12 the United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not  
 13 that license or credential was relied upon in issuing that license in this state. A certified copy of  
 14 the order of revocation or suspension shall be conclusive evidence of the revocation or suspension.

15       **[(i)] (9)** Physical condition that makes the *[licensee]* **person** unable to conduct safely the practice  
 16 for which the *[licensee]* **person** is licensed.

17       **[(j)] (10)** Violation of any condition imposed by the board when issuing a limited license.

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

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

22       **[(4) A license in retired status may be denied, suspended or revoked for any cause stated in sub-**  
 23 **section (1) of this section.]**

24       **SECTION 11.** ORS 678.113 is amended to read:

25       678.113. (1) During the course of an investigation into the performance or conduct of an appli-  
 26 cant, certificate holder or licensee, the Oregon State Board of Nursing may order mental health,  
 27 physical condition or *[chemical dependency]* **substance use disorder** evaluations of the applicant,  
 28 certificate holder or licensee upon reasonable belief that the applicant, certificate holder or licensee  
 29 is unable to practice nursing with reasonable skill and safety to patients.

30       (2) When the board has reasonable cause to believe that an applicant, certificate holder or  
 31 licensee is or may be unable to practice nursing with reasonable skill and safety to patients, the  
 32 board may order a competency examination of the applicant, certificate holder or licensee for the  
 33 purpose of determining the fitness of the applicant, certificate holder or licensee to practice nursing  
 34 with reasonable skill and safety to patients.

35       (3) A licensee or certificate holder by practicing nursing, or an applicant by applying to practice  
 36 nursing in Oregon, gives consent to submit to mental health, physical condition or *[chemical de-*  
 37 *pendency]* **substance use disorder** evaluations when ordered by the board and waives any objection  
 38 on the grounds of privileged communication to the admissibility of information derived from evalu-  
 39 ations ordered by the board.

40       (4) By rule, the board may require:

41       **(a)** Evidence of continuing education *[in a nursing education program approved by the board]* as  
 42 a prerequisite for renewal of registered or practical nursing licenses, or both, *[or may require];*

43       **(b)** *[Continuing education for persons whose license has lapsed for nonpayment of fees, who have*  
 44 *not practiced nursing for five years, or who have their licenses suspended or revoked as a condition*  
 45 *to relicensure.] As a condition of relicensure, evidence of continuing education for a person*

1 **whose license has been suspended or revoked; or**

2 **(c) Evidence of continuing education for a person whose license has lapsed for nonpay-**  
 3 **ment of fees or who has not practiced nursing for the last five years.**

4 **SECTION 12.** ORS 678.150 is amended to read:

5 678.150. (1) The Oregon State Board of Nursing shall elect annually from its number a president,  
 6 a president-elect and a secretary, each of whom shall serve until a successor is elected and qualified.  
 7 The board shall meet on the call of the president or as the board may require. Special meetings of  
 8 the board may be called by the secretary upon the request of any three members. Five members  
 9 constitute a quorum.

10 (2) The board shall adopt a seal which shall be in the care of the executive director.

11 (3) The board shall keep a record of all its proceedings and of all persons licensed and schools  
 12 or programs approved under ORS 678.010 to 678.448. The records must at all reasonable times be  
 13 open to public scrutiny.

14 (4) The executive director of the board may hire and define the duties of employees as necessary  
 15 to carry out the provisions of ORS 678.010 to 678.448. The executive director, with approval of the  
 16 board, may employ special consultants. All salaries, compensation and expenses incurred or allowed  
 17 shall be paid out of funds received by the board.

18 (5) The board shall determine the qualifications of applicants for a license to practice nursing  
 19 in this state and establish educational and professional standards for such applicants subject to laws  
 20 of this state.

21 (6) The board shall:

22 (a) Exercise general supervision over the practice of nursing in this state.

23 (b) Prescribe standards and approve curricula for nursing education programs preparing persons  
 24 for licensing under ORS 678.010 to 678.448.

25 (c) Provide for surveys of nursing education programs as may be necessary.

26 (d) Approve nursing education programs that meet the requirements of ORS 678.010 to 678.448  
 27 and of the board.

28 (e) Deny or withdraw approval from nursing education programs for failure to meet prescribed  
 29 standards.

30 (f) Examine, license and renew the licenses of duly qualified applicants.

31 (g) Issue subpoenas for any records relevant to a board investigation, including patient and  
 32 other medical records, personnel records applicable to nurses and nursing assistants, records of  
 33 schools of nursing and nursing assistant training records and any other relevant records; issue  
 34 subpoenas to persons for personal interviews relating to board investigations; compel the attendance  
 35 of witnesses; and administer oaths or affirmations to persons giving testimony during an investi-  
 36 gation or at hearings. In any proceeding under this subsection, when a subpoena is issued to an  
 37 applicant, certificate holder or licensee of the board, a claim of nurse-patient privilege under ORS  
 38 40.240 or of psychotherapist-patient privilege under ORS 40.230 is not grounds for quashing the  
 39 subpoena or for refusing to produce the material that is subject to the subpoena.

40 (h) Enforce the provisions of ORS 678.010 to 678.448, and incur necessary expenses for the  
 41 enforcement.

42 (i) Adopt rules to prescribe:

43 (A) Standards for the delegation of [*patient care tasks*] **authorized duties** by a registered nurse  
 44 to a nursing assistant. The standards must specify that only a registered nurse may delegate the  
 45 provision of nursing care. The standards must include rules governing the delegation of adminis-



1 tration of medication, including of controlled substances, and other tasks ordered or prescribed by  
 2 a nurse practitioner or clinical nurse specialist or a physician licensed under ORS chapter 677.

3 (B) Standards for the delegation by a registered nurse of procedures ordered or prescribed by  
 4 a nurse practitioner or clinical nurse specialist or a physician licensed under ORS chapter 677 to  
 5 persons other than licensed nursing personnel in a community-based setting, as defined by the board.  
 6 The rules must:

7 (i) Provide for the delegation of procedures related to administration of medication, **including**  
 8 **the administration of controlled substances[.]; and**

9 (ii) **Specify that the delegation must occur under the procedural guidance, initial direc-**  
 10 **tion and periodic inspection and evaluation of the delegating registered nurse.**

11 (j) Notify licensees at least annually of changes in legislative or board rules that affect the  
 12 licensees. Notice may be by newsletter or other appropriate means.

13 (7) The board shall determine the scope of practice as delineated by the knowledge acquired  
 14 through approved courses of education or through experience.

15 [(8)(a) *The board shall adopt rules regarding the provision of nursing care and various tasks re-*  
 16 *lating to the administration of medication, including the administration of controlled substances, for the*  
 17 *community-based settings described in subsection (6) of this section.]*

18 [(b) *The rules adopted under this subsection must:*

19 [(A) *Provide for the delegation, to other than licensed nursing personnel, of tasks relating to the*  
 20 *administration of medication and patient care tasks that are ordered or prescribed by a physician li-*  
 21 *icensed under ORS chapter 677, a clinical nurse specialist or a nurse practitioner.]*

22 [(B) *Specify that the delegation must occur under the procedural guidance, initial direction and*  
 23 *periodic inspection and evaluation of the physician, clinical nurse specialist, nurse practitioner or reg-*  
 24 *istered nurse.]*

25 [(C) *Specify that the provision of nursing care may be delegated only by a registered nurse.]*

26 [(D) *Determine sites in addition to the facilities described in this subsection where the delegation*  
 27 *of nursing tasks and administration of medication may occur.]*

28 [(9)] (8) The board may require applicants, licensees and certificate holders under ORS 678.010  
 29 to 678.448 to provide to the board data concerning the individual's nursing employment and educa-  
 30 tion.

31 [(10)] (9) For the purpose of requesting a state or nationwide criminal records check under ORS  
 32 181A.195, the board may require the fingerprints of a person who is:

- 33 (a) Applying for a license or certificate that is issued by the board;
- 34 (b) Applying for renewal of a license or certificate that is issued by the board; or
- 35 (c) Under investigation by the board.

36 [(11)] (10) Pursuant to ORS chapter 183, the board shall adopt rules necessary to carry out the  
 37 provisions of ORS 678.010 to 678.448.

38 **SECTION 13.** ORS 678.170 is amended to read:

39 678.170. (1) All [money] **moneys** received by the Oregon State Board of Nursing under ORS  
 40 678.010 to 678.448 shall be paid into the General Fund in the State Treasury and placed to the credit  
 41 of the Oregon State Board of Nursing Account. Such moneys are appropriated continuously **to the**  
 42 **board** and shall be used only for the administration and enforcement of ORS 676.850, 676.860 and  
 43 678.010 to 678.448.

44 (2) The board shall keep a record of all moneys deposited in the Oregon State Board of Nursing  
 45 Account. This record shall indicate by separate cumulative accounts the source from which the

1 moneys are derived and the individual activity or program against which each withdrawal is  
 2 charged.

3 (3) The board may maintain a petty cash fund in compliance with ORS 293.180 in the amount  
 4 of \$1,000.

5 **SECTION 14.** ORS 678.340 is amended to read:

6 678.340. (1) Any institution desiring to establish a nursing education program leading to licens-  
 7 ing *[or a continuing education program that may be recognized or required by the Oregon State Board*  
 8 *of Nursing to supplement such program]* shall apply to the *[board]* **Oregon State Board of Nursing**  
 9 and submit satisfactory evidence that *[it]* **the institution** is prepared to meet the curricula and  
 10 standards prescribed by the board.

11 (2) In considering applications under subsection (1) of this section the board shall review:

12 (a) Statewide needs for nursing education programs or supplementary programs; and

13 (b) The financial and clinical resources of the institution making application and the ability of  
 14 the institution to retain qualified faculty.

15 (3) An institution or program may not represent itself as qualified or approved to prepare nurses  
 16 for licensing unless the institution is approved by the board.

17 **SECTION 15.** ORS 678.370 is amended to read:

18 678.370. (1) The Oregon State Board of Nursing shall issue a license to act as a clinical nurse  
 19 specialist to any **licensed registered** nurse who meets the requirements established by the board  
 20 pursuant to ORS 678.372.

21 (2) A person may not act as a clinical nurse specialist, use the name, title, designation, initial  
 22 or abbreviation of clinical nurse specialist or otherwise hold oneself out as a clinical nurse spe-  
 23 cialist unless the person is licensed as a clinical nurse specialist pursuant to subsection (1) of this  
 24 section.

25 (3) A licensed clinical nurse specialist is authorized to prescribe drugs for the use of and ad-  
 26 ministration to other persons if approval has been given under ORS 678.390. The authority to pre-  
 27 scribe and dispense prescription drugs shall be included within the scope of practice of licensed  
 28 clinical nurse specialists as defined by rules of the board.

29 **SECTION 16.** ORS 678.392 is amended to read:

30 678.392. (1) The Oregon State Board of Nursing shall issue a nurse internship license to an ap-  
 31 plicant who:

32 (a) Is a student who is enrolled in and has successfully completed at least one academic term  
 33 of a nursing education program that:

34 (A) Is approved by the board or accredited or approved by another state or United States ter-  
 35 ritory as described under ORS 678.040 and approved by the board; and

36 (B) Includes a clinical component;

37 (b) Submits documentation from the applicant's nursing education program that, to the satisfac-  
 38 tion of the board, specifies the nursing tasks and functions that the applicant is qualified to perform;

39 **and**

40 (c) Meets any other requirements established by the board by rule; *and*].

41 *[(d) Pays a licensure fee.]*

42 **(2) The board may require a licensure fee for a nurse internship license.**

43 *[(2)]* **(3)** The board may adopt by rule the duration for which a nurse internship license is valid  
 44 and any requirements and fees for license renewal.

45 **SECTION 17.** ORS 678.410 is amended to read:

1 678.410. (1) The Oregon State Board of Nursing may establish and collect fees necessary to carry  
2 out the provisions of ORS 678.010 to 678.448.

3 (2) Fees are [*nonrefundable*] **refundable at the discretion of the board.**

4 (3)(a) The board shall obtain approval from the Oregon Department of Administrative Services  
5 prior to establishing fees under this section.

6 (b) A fee established and collected under this section may not exceed the cost of administering  
7 a regulatory program for which the fee is established and collected, as authorized by the Legislative  
8 Assembly within the Oregon State Board of Nursing budget, subject to modification by the Emer-  
9 gency Board.

10 (c) If federal or other funds are available to offset costs of administering the program, fees shall  
11 be established based on net costs to the state but may not exceed \$75 per biennium for a nursing  
12 assistant certification.

13 **SECTION 18. ORS 678.415 is added to and made a part of ORS 678.010 to 678.410.**

14 **SECTION 19. ORS 678.415 is amended to read:**

15 678.415. (1) The Oregon State Board of Nursing shall impose an additional \$9 fee for each ex-  
16 amination fee, each license by [*indorsement*] **endorsement** fee and each license renewal fee charged  
17 under ORS 678.410 for a registered nurse or a licensed practical nurse for the purposes specified in  
18 subsection (2) of this section.

19 (2) The additional fees imposed on examination fees, license by [*indorsement*] **endorsement** fees  
20 and license renewals by subsection (1) of this section shall be credited to the Oregon Nursing Ad-  
21 vancement Fund established by ORS 678.417.

22 **SECTION 20. ORS 678.440 is amended to read:**

23 678.440. (1) As used in [*this section and ORS 678.442, 678.444, 678.445, 678.447 and*] **ORS 678.440**  
24 **to 678.448[.]:**

25 (a) **“Medication aide” means a nursing assistant who has additional training and quali-**  
26 **fications, as determined by the Oregon State Board of Nursing.**

27 (b) **“Nursing assistant” means an individual who assists licensed nursing personnel in the pro-**  
28 **vision of nursing care.**

29 (2) It is the intent of the Legislative Assembly to require that nursing assistants be adequately  
30 trained.

31 (3) The [*Oregon State Board of Nursing*] **board** shall prepare curricula and standards for training  
32 programs for nursing assistants. The curricula and standards must provide for additional training  
33 for nursing assistants to have the authority to administer noninjectable medications.

34 (4) The Department of Human Services may impose civil penalties or revoke the license of any  
35 long term care facility that employs an untrained nursing assistant for a period of more than eight  
36 weeks without providing for the training prescribed by the board. Any license that is revoked shall  
37 be revoked as provided in ORS 441.030.

38 (5) The Oregon Health Authority may impose civil penalties or revoke the license of a health  
39 care facility that employs any untrained nursing assistant for a period of more than eight weeks  
40 without providing for the training prescribed by the board. Any license that is revoked shall be re-  
41 voked as provided in ORS 441.030.

42 **SECTION 21. ORS 678.442 is amended to read:**

43 678.442. (1) The Oregon State Board of Nursing shall establish standards for certifying and may  
44 certify as a nursing assistant any person who:

45 (a) Submits an application;

1 (b)(A) Shows completion of an approved training program for nursing assistants; *[or]*

2 (B) Has military training or experience that the board determines is substantially equivalent to  
 3 the training required by subparagraph (A) of this paragraph; **or**

4 **(C) Has other health care education, training or experience that the board determines is**  
 5 **sufficient;** and

6 (c) Passes a board approved examination.

7 (2) In the manner prescribed in ORS chapter 183, the board may *[revoke, suspend or deny a*  
 8 *certificate issued under this section, reprimand a nursing assistant or place a nursing assistant on*  
 9 *probation for a period of time and subject to any conditions specified by the board for the following*  
 10 *reasons]* **revoke, suspend, deny or impose conditions on a certificate issued by the board and**  
 11 **reprimand or place on probation, subject to terms imposed by the board, a person certified**  
 12 **by the board for any of the reasons described in this section, including the following:**

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

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

18 (c) Impairment as defined in ORS 676.303.

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

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

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

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

27 (4) Notwithstanding ORS 192.345, the board may use the results of a nursing assistant exam-  
 28 ination for the continuing education of applicants for certification as a nursing assistant.

29 (5) During an emergency declared by the Governor pursuant to ORS 401.165 and subject to  
 30 terms and conditions that the board may impose, the board may issue a limited certificate to a  
 31 nursing assistant authorized in another jurisdiction. The board shall adopt rules to establish criteria  
 32 for issuance of a limited certificate under this subsection.

33 **SECTION 22.** ORS 678.444 is amended to read:

34 678.444. (1) The Oregon State Board of Nursing shall establish standards for training programs  
 35 for nursing assistants. *[Upon application therefor,]* **An institution may apply to the board for**  
 36 **approval of a nursing assistant training program. Upon receipt of an application,** the board  
 37 shall review and **may** approve programs that meet board standards.

38 **(2) The board may, at intervals determined by the board, survey training programs ap-**  
 39 **proved under this section to ensure the training programs continue to meet the standards**  
 40 **established under this section. The board may revoke approval from a training program that**  
 41 **the board determines does not meet the standards.**

42 (3) The board by means of a contested case proceeding under ORS chapter 183 may revoke ap-  
 43 proval of any training program that ceases to meet board standards.

44 **SECTION 23.** ORS 678.445 is amended to read:

45 678.445. (1) It is the intent of the Legislative Assembly that the Oregon State Board of Nursing

1 adopt by rule[, *subject to ORS 678.155,*] standards that allow a nursing assistant in a long term care  
 2 facility to administer noninjectable medication under the direct supervision of or as delegated by a  
 3 registered nurse.

4 (2) If a nurse employed by the long term care facility questions the efficacy, need or safety of  
 5 continuation of medications dispensed by that nurse or by another employee of the facility to a pa-  
 6 tient, the nurse shall report that question to the physician or nurse practitioner who ordered or  
 7 authorized the medication and shall seek further instructions concerning the continuation of the  
 8 medication.

9  
 10 **CONFORMING AMENDMENTS**

11  
 12 **SECTION 24.** ORS 169.750, as amended by section 45, chapter 73, Oregon Laws 2024, is  
 13 amended to read:

14 169.750. A juvenile detention facility may not:

15 (1) Impose upon a detained juvenile for purposes of discipline or punishment any infliction of  
 16 or threat of physical injury or pain, deliberate humiliation, physical restraint, withholding of meals,  
 17 or isolation, or detention under conditions that violate the provisions of subsections (2) to (8) of this  
 18 section or ORS 169.076 (7) to (11) or (13) to (15) or 169.740;

19 (2) Use any physical force, other means of physical control or isolation upon a detained juvenile  
 20 except as reasonably necessary and justified to prevent escape from the facility, physical injury to  
 21 another person, to protect a detained juvenile from physical self-injury or to prevent destruction of  
 22 property, or to effectuate the confinement of the juvenile in roomlock or isolation as provided for  
 23 in ORS 169.090, 169.730 to 169.800, 419A.050 and 419A.052, and for only so long as it appears that  
 24 the danger exists. A use of force or other physical means of control may not employ:

25 (a) The use of restraining devices for a purpose other than to prevent physical injury or escape,  
 26 or, in any case, for a period in excess of six hours. However, the time during which a detained ju-  
 27 venile is being transported to another facility pursuant to court order shall not be counted within  
 28 the six hours; or

29 (b) Isolation for a period in excess of six hours;

30 (3) Use roomlock except for the discipline and punishment of a detained juvenile for violation  
 31 of a rule of conduct or behavior of the facility as provided for in ORS 169.076 (12) or for conduct  
 32 that constitutes a crime under the laws of this state or that would justify physical force, control or  
 33 isolation under subsection (2) of this section;

34 (4) Cause to be made an internal examination of a detained juvenile's anus or vagina, except  
 35 upon probable cause that contraband, as defined in ORS 162.135 (1), will be found upon such exam-  
 36 ination and then only by a physician licensed under ORS chapter 677, naturopathic physician li-  
 37 censed under ORS chapter 685, physician associate licensed under ORS 677.505 to 677.525 or nurse  
 38 licensed under ORS chapter 678;

39 (5)(a) Administer to any detained juvenile medication, except upon the informed consent of the  
 40 juvenile or in the case of an imminent threat to the life of the juvenile or where the juvenile has  
 41 a contagious or communicable disease that poses an imminent threat to the health of other persons  
 42 in the facility. However, prescription medication may not be administered except upon a written  
 43 prescription or written order by a physician licensed under ORS chapter 677, physician associate  
 44 licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390,  
 45 naturopathic physician licensed under ORS chapter 685 or dentist licensed under ORS chapter 679,

1 and administered by a person authorized under ORS chapter 677, 678 or 679 to administer  
 2 medication. Facility staff not otherwise authorized by law to administer medications may administer  
 3 noninjectable medications in accordance with rules adopted by the Oregon State Board of Nursing  
 4 pursuant to ORS 678.150 [(8)];

5 (b) Nonmedical personnel shall receive training for administering medications, including recog-  
 6 nition of and response to drug reactions and unanticipated side effects, from the responsible physi-  
 7 cian, physician associate, naturopathic physician or nurse and the official responsible for the  
 8 facility. All personnel shall be responsible for administering the dosage medications according to  
 9 orders and for recording the administrations of the dosage in a manner and on a form approved by  
 10 the responsible physician, physician associate, naturopathic physician or nurse practitioner; and

11 (c) Notwithstanding any other provision of law, medication may not be administered unless a  
 12 physician, physician associate licensed under ORS 677.505 to 677.525, naturopathic physician li-  
 13 censed under ORS chapter 685 or nurse licensed under ORS chapter 678 is either physically on the  
 14 premises or readily available by telephone and within 30 minutes travel time of the patient;

15 (6) Administer to any detained juvenile any medication or medical procedure for purposes of  
 16 experimentation;

17 (7) Discipline or punish any juvenile for conduct or behavior by roomlock, for a period in excess  
 18 of 12 hours, or by denial of any privilege, regularly awarded other detained adults or juveniles, for  
 19 more than one day, except after:

20 (a) Advising the juvenile in writing of the alleged offensive conduct or behavior;

21 (b) Providing the juvenile the opportunity to a hearing before a staff member who was not a  
 22 witness to the alleged offensive conduct or behavior;

23 (c) Providing the juvenile the opportunity to produce witnesses and evidence and to cross-  
 24 examine witnesses;

25 (d) Providing the detained juvenile the opportunity to testify, at the sole option of the juvenile;  
 26 and

27 (e) A finding that the alleged conduct or behavior was proven by a preponderance of the evi-  
 28 dence and that it violated a rule of conduct or behavior of the facility as provided for in ORS  
 29 169.076 (12) or constituted a crime under the laws of this state; and

30 (8) Detain juveniles with emotional disturbances, mental retardation or physical disabilities on  
 31 the same charges and circumstances for which other juveniles would have been released or provided  
 32 with another alternative.

33 **SECTION 25.** ORS 441.685 is amended to read:

34 441.685. (1) Upon receipt of a report under ORS 441.645 to 441.680 or upon receipt of a complaint  
 35 by a resident or legal guardian of a resident, or other public or private official, as defined in ORS  
 36 441.630 by the Department of Human Services, the Director of Human Services may designate mon-  
 37 itors who shall observe the activities of the facility and report to the director. The monitors may  
 38 be designated without prior notice to the operator or owner of the facility. The monitors shall ob-  
 39 serve the operations of the facility for a period of not to exceed 10 days, assist the facility by ad-  
 40 vising it on how to comply with state requirements and shall submit a written report periodically  
 41 to the director on the operation and condition of the facility.

42 (2) The monitors shall have access to the facilities to the extent necessary to carry out their  
 43 duties. The monitors shall also have access to all records pertaining to the operation of the facility.

44 (3) Upon completion of their investigations, the monitors shall file a final report with the di-  
 45 rector and may:

1 (a) Find that problems in the facility have been resolved and recommend that further action by  
2 the department is unnecessary;

3 (b) Find that the problems in the facility are continuing but the facility owner, operator or other  
4 controlling person can resolve them within a period of not more than three months, and that during  
5 the three-month period the health and welfare of the residents of the facility are not jeopardized  
6 thereby; or

7 (c) Find that the problems of the facility have not been resolved and the department should take  
8 steps to obtain compliance with resident care standards and continue monitoring for an additional  
9 period.

10 (4) Associations representing long term care facilities may initiate a peer review process for any  
11 facility that is a member of the association and that is the subject of any complaint filed against it  
12 under ORS 441.630 to 441.685[, 678.155 and 678.445] or any other provision of law. The report of the  
13 peer review process shall be submitted to the department. The peer review described in this sub-  
14 section is in addition to and not in lieu of any other investigation, observation or report of the  
15 monitors otherwise required or authorized by ORS 441.630 to 441.685[, 678.155] and [678.445]  
16 **678.150**. The association and persons conducting the peer review process acting in good faith shall  
17 not be subject to an action for civil damages as a result thereof.

18 (5) As used in this section:

19 (a) "Department" means the Department of Human Services.

20 (b) "Director" means the Director of Human Services.

21 (c) "Facility" means a long term care facility as defined in ORS 442.015.

22 (d) "Monitor" means an agent of the director designated by the director to observe the operation  
23 of a facility.

24 **SECTION 26.** ORS 443.445 is amended to read:

25 443.445. (1) A residential facility may not admit individuals who require continuous nursing care  
26 except as provided in subsection (3) of this section.

27 (2) Except as provided in subsection (3) of this section, if any resident of a residential facility  
28 requires nursing care for eight or more consecutive days or a physician or the designee of a physi-  
29 cian, a naturopathic physician or a registered nurse certifies that continued nursing care is re-  
30 quired, the resident shall be transferred to an appropriate health care facility for as long as  
31 necessary.

32 (3) A resident of a residential care facility, residential training facility or residential training  
33 home who requires nursing care in addition to training or care needs, or any combination thereof,  
34 may be served by that facility or home with approval from the Department of Human Services and  
35 in accordance with the rules of the department and consistent with rules adopted by the Oregon  
36 State Board of Nursing under ORS 678.150 [(8)].

37 (4) A resident of a residential treatment facility or residential treatment home who requires  
38 nursing care in addition to treatment needs may be served by that facility or home with approval  
39 from the Oregon Health Authority and in accordance with the rules of the authority and consistent  
40 with rules adopted by the Oregon State Board of Nursing under ORS 678.150 [(8)].

41 (5) A residential facility may not admit individuals of categories other than those designated on  
42 its license without prior written consent of the licensing agency.

43 (6) In the case of residential facilities supervised by and operated exclusively for persons who  
44 rely upon prayer or spiritual means for healing in accordance with the creed or tenets of a well-  
45 recognized church or religious denomination, no medical, psychological or rehabilitative procedures

1 shall be required.

2 **SECTION 27.** ORS 443.775 is amended to read:

3 443.775. (1) The licensing agency shall adopt rules governing adult foster homes and the level  
4 of care provided in such homes, including the provision of care to more than one person with  
5 nursing care needs under specified conditions and agency approval, such as are necessary to protect  
6 the health, safety or welfare of the residents and to provide for an appropriate continuum of care,  
7 but shall not be inconsistent with the residential nature of the living accommodations and the family  
8 atmosphere of the home. The rules shall be consistent with rules adopted by the Oregon State Board  
9 of Nursing under ORS 678.150 [(8)].

10 (a) An exception to the limit of one resident with nursing care needs may be granted if the  
11 provider proves to the licensing agency by clear and convincing evidence that such an exception  
12 will not jeopardize the care, health, safety or welfare of the residents and that the provider is ca-  
13 pable of meeting the additional care needs of the new resident.

14 (b) The licensing agency, and the counties acting under the exemption granted pursuant to ORS  
15 443.780, shall report on a quarterly basis to the Legislative Assembly on the number of exceptions  
16 granted during the quarter pursuant to paragraph (a) of this subsection.

17 (2) The provider may not employ a resident manager who does not meet the classification  
18 standard for the adult foster home.

19 (3) The provider shall be able to meet the night care needs of a resident before admitting the  
20 resident. The provider shall include night care needs in the resident's care plan.

21 (4) The provider shall screen a prospective resident before admitting the resident. The screening  
22 shall include but is not limited to diagnosis, medications, personal care needs, nursing care needs,  
23 night care needs, nutritional needs, activities and lifestyle preferences. A copy of the screening shall  
24 be given to the prospective resident or the prospective resident's representative.

25 (5) The licensing agency shall make rules to ensure that any employee who makes a complaint  
26 pursuant to ORS 443.755 shall be protected from retaliation.

27 (6) For adult foster homes in which clients reside for whom the licensing agency pays for care,  
28 including homes in which the provider and the resident are related, the agency may require sub-  
29 stantial compliance with its rules relating to standards for care of the client as a condition for  
30 paying for care.

31 (7) By order the director of the licensing agency may delegate authority under this section to  
32 personnel other than of the licensing agency.

33 (8) The licensing agency may commence a suit in equity to enjoin maintenance of an adult foster  
34 home if:

35 (a) The home is operated without a valid license under this section; or

36 (b) After the license to maintain the home is ordered suspended or revoked, a reasonable time  
37 for placement of residents in other facilities has been allowed but such placement has not been ac-  
38 complished.

39 (9) The licensing agency shall establish by rule the maximum capacity of adult foster homes,  
40 including all nonrelated and related persons receiving residential care and day care.

41 (10) Except as provided in subsection (11) of this section:

42 (a) The Department of Human Services may impose a civil penalty on any person who violates  
43 a provision of ORS 443.705 to 443.825, or the rules adopted under ORS 443.705 to 443.825, with re-  
44 gard to an adult foster home serving socially dependent individuals or individuals with physical  
45 disabilities. The department shall establish the amount of the penalty by rule, in an amount not less



1 than \$100 and not more than \$250 per violation, or in the case of substantiated abuse, not less than  
 2 \$100 and not more than \$1,000 per violation.

3 (b) The department may impose a civil penalty on any person who violates a provision of ORS  
 4 443.705 to 443.825, or the rules adopted under ORS 443.705 to 443.825, with regard to an adult foster  
 5 home not serving socially dependent individuals or individuals with physical disabilities. The de-  
 6 partment shall establish the amount of the penalty by rule, in an amount not to exceed \$100 per  
 7 violation, to a maximum of \$250, or, per occurrence of substantiated abuse, to a maximum of \$1,000.

8 (c) The Oregon Health Authority may impose a civil penalty on any person who violates a pro-  
 9 vision of ORS 443.705 to 443.825, or the rules adopted under ORS 443.705 to 443.825. The authority  
 10 shall establish the amount of the penalty by rule, in an amount not to exceed \$100 per violation, to  
 11 a maximum of \$250, or, per occurrence of substantiated abuse, to a maximum of \$1,000.

12 (11)(a) If the licensing agency determines that there is reasonable cause to believe that abuse  
 13 occurred in an adult foster home licensed by the licensing agency and if the abuse resulted in the  
 14 death, serious injury, rape, sexual abuse or sexual exploitation of a resident, the licensing agency  
 15 shall impose a civil penalty on the adult foster home of not less than \$2,500 for each violation.

16 (b) This subsection does not apply to adult foster homes licensed by the licensing agency to  
 17 serve only persons with mental illness or with alcohol or drug addiction.

18 (c) The licensing agency shall by rule define “serious injury,” “rape,” “sexual abuse” and “sex-  
 19 ual exploitation” for purposes of this subsection.

20 (12) All penalties recovered pursuant to this section shall be deposited in the Quality Care Fund  
 21 established in ORS 443.001.

22  
 23 **REPEALS**

24  
 25 **SECTION 28. ORS 678.155 is repealed.**

26  
 27 **CAPTIONS**

28  
 29 **SECTION 29. The unit captions used in this 2025 Act are provided only for the conven-**  
 30 **ience of the reader and do not become part of the statutory law of this state or express any**  
 31 **legislative intent in the enactment of this 2025 Act.**

32  
 33 **OPERATIVE AND EFFECTIVE DATES**

34  
 35 **SECTION 30. (1) The amendments to ORS 169.750, 441.685, 443.445, 443.775, 678.010,**  
 36 **678.031, 678.034, 678.038, 678.039, 678.040, 678.050, 678.055, 678.101, 678.111, 678.113, 678.150,**  
 37 **678.170, 678.340, 678.370, 678.392, 678.410, 678.415, 678.440, 678.442, 678.444 and 678.445 by**  
 38 **sections 1 to 17 and 19 to 27 of this 2025 Act and the repeal of ORS 678.155 by section 28 of**  
 39 **this 2025 Act become operative on January 1, 2026.**

40 **(2) The Oregon State Board of Nursing may take any action before the operative date**  
 41 **specified in subsection (1) of this section that is necessary to enable the board to exercise,**  
 42 **on and after the operative date specified in subsection (1) of this section, all of the duties,**  
 43 **functions and powers conferred on the board by the amendments to ORS 169.750, 441.685,**  
 44 **443.445, 443.775, 678.010, 678.031, 678.034, 678.038, 678.039, 678.040, 678.050, 678.055, 678.101,**  
 45 **678.111, 678.113, 678.150, 678.170, 678.340, 678.370, 678.392, 678.410, 678.415, 678.440, 678.442,**

1 **678.444 and 678.445 by sections 1 to 17 and 19 to 27 of this 2025 Act and the repeal of ORS**  
2 **678.155 by section 28 of this 2025 Act.**

3 **SECTION 31. This 2025 Act takes effect on the 91st day after the date on which the 2025**  
4 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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