

OFFICE OF THE SECRETARY OF STATE

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SECRETARY OF STATE

CHERYL MYERS
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AND TRIBAL LIAISON



ARCHIVES DIVISION

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DIRECTOR

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 851
BOARD OF NURSING

FILED

11/22/2024 9:53 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Div 41 - Rules to be repealed

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/21/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Brandy Ritter
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17938 SW Upper Boones Ferry Rd, Portland
Portland, OR 97224

Filed By:
Brandy Ritter
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/16/2024

TIME: 11:00 AM - 12:00 PM

OFFICER: Brandy Ritter

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 253-205-0468

CONFERENCE ID: 81895287024

SPECIAL INSTRUCTIONS:

Meeting URL: <https://us06web.zoom.us/j/81895287024>

Meeting ID: 818 9528 7024

Dial in by phone: +12532050468,,81895287024#

Presenters: Only those registered to provide testimony will be called to present comments.

To register to testify for this hearing, please contact: brandy.ritter@osbn.oregon.gov at least 24 hours prior to the start of the hearing and provide name, address, and affiliation (This is required per OAR 137-001-0030).

Presenters may also register at the beginning of the hearing but are encouraged to pre-register to reserve time during the hearing for the presentation of testimony.

Each presenter will have 3 minutes to testify. Be prepared to summarize your comments to fit within the allotted time.

The hearing will close no later than 12:00 PM and may close earlier if all individuals that have registered to testify have

had the opportunity to enter their comments into the record.

Submit Written Comments: Via email: brandy.ritter@osbn.oregon.gov.

All written comments and materials must be received by the close of the comment period on December 21, 2024 at 5:00 PM. Late comments will not be reviewed or considered.

For accommodations or questions, please contact the OSBN Rule Coordinator at least 72 hours prior to the hearing.

NEED FOR THE RULE(S)

N/A - Rules are moving to be repealed.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR 851-041

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=7505>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Amendments to these rules will not affect racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

There is no anticipated fiscal and economic impact of these rule repeals.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is no known impact to units of local government or small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in process to repeal these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No. Information on the barriers to the utilization of nurse interns was discussed by the Executive Director through her state-wide listening tour. Feedback was gathered from nursing education programs and health care agencies.

RULES PROPOSED:

851-041-0050, 851-041-0060

REPEAL: 851-041-0050

RULE SUMMARY: Information exists in statute and is being repealed to enhance clarity.

CHANGES TO RULE:

851-041-0050

Nurse Intern Authorized Functions

(1) Authorized functions for the nurse intern are certified nursing assistant (CNA) 2 authorized duties pursuant to OAR 851-063-0035. ¶

(2) The nurse intern may administer medications: ¶

(a) Except for those medications listed in OAR 851-041-0060 (6)(8); ¶

(b) When competency validated by the employing organization and; ¶

(c) In keeping within the level of their nursing education. ¶

(3) The nurse intern may only perform authorized functions that are assigned by their supervising RN. ¶

(4) The nurse intern must document their performance of authorized functions in a timely, accurate, thorough, and clear manner.

Statutory/Other Authority: ORS 678.111, ORS 678.150, 2022 HB 4003

Statutes/Other Implemented: ORS 678.111, ORS 678.150

REPEAL: 851-041-0060

RULE SUMMARY: Information exists in statute and is being repealed to enhance clarity.

CHANGES TO RULE:

~~851-041-0060~~

~~Nurse Intern Prohibited Acts~~

~~A nurse intern must not:~~

- ~~(1) Function outside of direct RN supervision;~~
- ~~(2) Function in any supervisory role;~~
- ~~(3) Engage independently in the nursing process;~~
- ~~(4) Assign any activity or plan of care intervention to another health care team member;~~
- ~~(5) Delegate the performance of a nursing procedure in a community-based setting;~~
- ~~(6) Administer blood or blood products;~~
- ~~(7) Carry out procedures on central lines; or~~
- ~~(8) Administer chemotherapy, intravenous medications, or controlled substances.~~

~~Statutory/Other Authority: ORS 678.111, ORS 678.150, 2022 HB 4003~~

~~Statutes/Other Implemented: ORS 678.111, ORS 678.150~~