

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 851  
BOARD OF NURSING

**FILED**

04/29/2024 10:57 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Div 31 and 62 - Permanent rulemaking for Governor Declared Emergency

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/21/2024 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.*

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Filed By:  
Amanda Meeuwsen  
Rules Coordinator

HEARING(S)

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

DATE: 05/21/2024

TIME: 1:00 PM - 2:00 PM

OFFICER: Amanda Meeuwsen

REMOTE HEARING DETAILS

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

PHONE NUMBER: 971-413-4714

SPECIAL INSTRUCTIONS:

Meeting ID: 231 660 394 662

Passcode: dwKudw

When joining the remote session, please include your First and Last Name for identification as participation is documented.

NEED FOR THE RULE(S)

Limited licensure or certification during a Governor-declared emergency to comply with SB227

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2023 Senate Bill 227

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

The adoption of this rule revision will not affect racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

There is no fiscal or economic impact from adoption of this rule.

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**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).

(1): There is no known impact to units of local government or to the public.

(2)(a): There is no known impact to small businesses

(2)(b): There are no additional reporting, record keeping or administrative activities required by these rules for small businesses.

(2)(c): There is no estimated cost to comply with these rules.

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

No small businesses were involved in this rulemaking.

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

Rulemaking was due to a legislative mandate, SB227.

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**RULES PROPOSED:**

851-031-0041, 851-062-0061

ADOPT: 851-031-0041

RULE SUMMARY: Permanent adoption to comply with legislative mandate SB 227 for Board to issue limited license during Governor-declared emergency.

**CHANGES TO RULE:**

**851-031-0041**

**Governor Declared Emergency**

**(1) During an emergency declared by the Governor pursuant to ORS 401.165 and subject to terms and conditions that the Board may impose, a limited LPN or RN license may be issued to an applicant who holds active unencumbered nursing licensure at the same level in another state or U.S. jurisdiction when the following requirements are met:¶**

**(a) A completed application and payment of fee is received by the Board; and¶**

**(b) Using instructions provided by the Board, the applicant must arrange for primary source verification of the active unencumbered nursing license in another state or jurisdiction. ¶**

**(2) The limited license shall expire on the following date, whichever occurs first:¶**

**(a) The Oregon Governor-Declared Emergency declaration expires; or¶**

**(b) The license in the state or jurisdiction that was used to obtain the limited license expires; or¶**

**(c) Two years after the issuance of the limited license. ¶**

**(3) Non-Renewable Limited License: A limited license for a governor-declared emergency is not renewable and expires based on whichever occurs first in OAR 851-031-0041(2). The individual must apply for permanent Oregon LPN or RN licensure by endorsement to continue working as a nurse in Oregon. Continuing to work in Oregon after the limited license has expired, and without an active permanent Oregon nursing license at the same level is considered practicing without a valid license and is subject to Board action.¶**

**(4) Reactivation of Limited License: A previously issued expired limited license may be reactivated if the following are true:¶**

**(a) A new state of emergency has been declared by the Governor; and¶**

**(b) The individual has not been issued permanent Oregon nursing licensure by endorsement; and¶**

**(c) Holds active unencumbered nursing licensure at the same level in another state or U.S. jurisdiction.¶**

**(d) A qualified applicant must:¶**

(A) Submit a completed reactivation application and fee to the Board; and¶

(B) Using instructions provided by the Board, the applicant must arrange for primary source verification of the active unencumbered nursing license in another state or jurisdiction.

Statutory/Other Authority: ORS 401.165

Statutes/Other Implemented: ORS 401.165

ADOPT: 851-062-0061

RULE SUMMARY: Permanent adoption to comply with legislative mandate SB 227 for Board to issue limited certificate during Governor-declared emergency.

CHANGES TO RULE:

851-062-0061

CNA Limited Certificate for Governor Declared Emergency

(1) During an emergency declared by the Governor pursuant to ORS 401.165 and subject to terms and conditions that the board may impose, the Board may issue a limited certificate to a nursing assistant authorized in another state or U.S. jurisdiction when the following requirements are met:¶

(a) A completed application (application fee waived) is received by the Board; and¶

(b) Using instructions provided by the Board, the applicant must arrange for primary source verification of the active unencumbered nursing assistant certification in another state or jurisdiction.¶

(2) The limited certification shall expire on the following date, whichever occurs first:¶

(a) The Oregon Governor-Declared Emergency declaration expires; or¶

(b) The certification in the state or jurisdiction used to obtain the limited certification expires; or¶

(c) Two years after the issuance of the limited certification.¶

(3) Non-Renewable Limited Certification: A limited certification is not renewable and expires based on whichever occurs first in OAR 851-062-0061(2). The individual must apply for permanent Oregon certification by endorsement in order to continue performing nursing assistant duties in Oregon. Continuing to work in Oregon after the limited certification has expired is considered practicing without a valid certification and is subject to Board action.¶

(4) Reactivation of Limited Certification: A previously issued expired limited certification may be reactivated if the following are true:¶

(a) A new state of emergency has been declared by the Governor; and¶

(b) The individual has not been issued permanent Oregon CNA certification by endorsement; and¶

(c) Holds active unencumbered nursing assistant certification in another state or U.S. jurisdiction.¶

(d) A qualified applicant must:¶

(A) Submit a completed reactivation application (application fee waived) to the Board; and¶

(B) Using instructions provided by the Board, the applicant must arrange for primary source verification of the active unencumbered nursing assistant certification in another state or jurisdiction.

Statutory/Other Authority: ORS 401.165

Statutes/Other Implemented: ORS 401.165