



**State of Oregon**  
Kate Brown, Governor

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**TO:** All Interested Parties

**FROM:** Ruby R. Jason  
Executive Director

**DATE:** August 2016

**SUBJECT: ADMINISTRATIVE RULEMAKING HEARING REGARDING THE  
ADOPTION OF THE AMENDMENTS TO OAR 851-010-0000,  
851-010-0005, 851-010-0010, 851-010-0015, 851-010-0020,  
851-010-0024, 851-010-0035 (ADMINISTRATION)**

**On Thursday, November 17, 2016, 9:00 a.m.**, the Oregon State Board of Nursing will hold a hearing regarding the adoption of the proposed amendments to Chapter 851, Division 10, of the Oregon Administrative Rules regarding Administration. This hearing will be held in the conference room of the Oregon State Board of Nursing, 17938 S.W. Upper Boones Ferry Road, Portland, Oregon.

Attached is a copy of the Notice of Proposed Rulemaking for this hearing. The Board is authorized by ORS 678.245, 678.285, and 678.111 to establish and amend such rules.

If you are unable to attend the hearing, you may submit your comments in writing by November 15, 2016 and I will see that they are incorporated into the testimony received at the hearing and considered by the Board at their November 17, 2016 meeting. Comments should be submitted to [peggy.lightfoot@state.or.us](mailto:peggy.lightfoot@state.or.us).

The Board looks forward to receiving your input.

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form

**FILED**  
7-22-16 10:51 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Board of Nursing  
Agency and Division  
Peggy A. Lightfoot  
Rules Coordinator  
Board of Nursing, 17938 SW Upper Boones Ferry Rd., Portland, OR 97224  
Address

851  
Administrative Rules Chapter Number  
(971) 673-0638  
Telephone

**RULE CAPTION**

Revise rules regarding Board Administration including establishment of President Elect and increase in Board compensation  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

| Hearing Date | Time      | Location                                       | Hearings Officer         |
|--------------|-----------|--|--------------------------|
| 11-17-16     | 9:00 a.m. | 17938 SW Upper Boones Ferry Road, Portland, OR | Bonnie Kostelecky, Board |

**RULEMAKING ACTION**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

851-010-0000

**AMEND:**

851-010-0005, 851-010-0010, 851-010-0015, 851-010-0024, 851-010-0035

**REPEAL:**

851-010-0020

**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority:**

ORS 678.150

**Other Authority:**

**Statutes Implemented:**

ORS 678.150

**RULE SUMMARY**

Amend OAR 851-010 related to Board Administration.

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.

11-17-2016 Close of Hearing  
Last Day (m/d/yyyy) and Time for public comment

Peggy A. Lightfoot  
Rules Coordinator Name

peggy.lightfoot@state.or.us  
Email Address

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**  
A Notice of Proposed Rulemaking Hearing accompanies this form.

**FILED**  
7-22-16 10:51 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Board of Nursing  
Agency and Division

851  
Administrative Rules Chapter Number

Revise rules regarding Board Administration including establishment of President Elect and increase in Board compensation

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

ORAR 851-010-0000, 851-010-0005, 851-010-0010, 851-010-0015, 851-010-0020, 851-010-0024, 851-010-0035

**Statutory Authority:**

ORS 678.150

**Other Authority:**

**Statutes Implemented:**

ORS 678.150

**Need for the Rule(s):**

To amend the current rule to comply with statutory requirements for a President Elect.

To identify the role of each Board Officer.

To identify the process for orderly business continuity in cases of absenteeism or vacancy of Board members.

To provide compensation to Board members for Board meeting preparation in reading hundreds of pages of discipline cases and Board agendas prior to Board meetings.

**Documents Relied Upon, and where they are available:**

ORS 678.150 and past internal policy documents.

**Fiscal and Economic Impact:**

Fiscal Impact will be \$64,800 in expense to Board administration. No economic impact to licensees, current Board expenses will allow absorbing these costs without raising fees or seeking other revenue increases.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

None, internal Board process only.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

None. Internal Board process only.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

Will require additional entry into administrative record keeping to account for two days of preparation time per Board meeting and to determine if the compensation is to be awarded based upon adopted rule.

**c. Equipment, supplies, labor and increased administration required for compliance:**

None.

**How were small businesses involved in the development of this rule?**

None. Internal Board process only.

**Administrative Rule Advisory Committee consulted?: Yes**

**If not, why?:**

A stakeholder group was solicited through public posting on the Board of Nursing website. Only attendance was by a representative of the Oregon Nurses Association, Board staff, and two Board members of the Board of Nursing.

11-17-16 Close of Hearing

Peggy A. Lightfoot

peggy.lightfoot@state.or.us

Last Day (m/d/yyyy) and Time  
for public comment

Printed Name

Email Address

**DRAFT**

Underlined material is proposed to be added.  
~~Strikethrough material is proposed to be deleted.~~

**Division 10**

**Administration**

**851-010-0000**

**Definitions**

Board: Means the Oregon State Board of Nursing.

**851-010-0005**

**Officers- Duties**

~~The officers of the Board shall consist of a President and a Secretary.~~

(1) Board Officers:

a) President:

(A) Preside at all Board meetings.

(B) Confer with the Executive Director of the Board on matters that come up between meeting dates, and matters that need to be placed on the agenda for Board meetings. The ordering or reordering of the agenda is the prerogative of the President.

(C) Authenticates all Board orders.

(D) Coordinates and conducts the evaluation of the Executive Director.

(b) President Elect: Performs all duties in the absence of the president. Unless there is opposition from the Board, the president elect will become the president when the current president has completed their term.

(c) Secretary: Call the roll for meetings and declare the presence of a quorum. In the absence of the Secretary, the President shall appoint a Secretary Pro Tem. In the absence of the President and President Elect, the Secretary shall perform all duties of the President.

(2) Board Members: In addition to duties required under ORS 678.140 through ORS 678.153 the following describe the duties of all Board members:

(a) Participation in the evaluation of the Executive Director.

(b) Fiduciary responsibility for funds received by the Board.

(c) Participate on committees as requested by the Board.

Stat. Auth.: ORS 678.150

Stats. Implemented: ORS 678.150

Hist.: NER 1, f. 11-12-57; NER 40, f. & ef. 11-25-77; BN 4, f. & cert. ef. 4-24-00

1 **851-010-0010**

2 **Election**

3 The officers of the Board shall be elected annually, officers may be elected for consecutive terms as  
4 stated in Board policy. Elections shall be held ~~during~~ on the second day of a the regularly scheduled  
5 ~~September~~ Board meeting. Terms of office shall run from January 1st to December 31st.

6  
7 Stat. Auth.: ORS 678.150

8 Stats. Implemented: ORS 678.150

9 Hist.: NER 1, f. 11-12-57; NER 40, f. & ef. 11-25-77; NB 1-1997, f. & cert. ef. 1-2-97; BN 12-2001, f. &  
10 cert. ef. 10-16-01; BN 7-2005, f. & cert. ef. 10-13-05

11  
12  
13 **851-010-0015**

14 **Vacancies in Office**

15 A Board Officer vacancy occurring in the office of the ~~President or Secretary~~ shall be filled by election  
16 occurring during the next public day of a regularly scheduled board meeting. The elected Board Member  
17 shall fulfill the term of the vacancy.

18  
19 Stat. Auth.: ORS 678.150

20 Stats. Implemented: ORS 678.150

21 Hist.: NER 1, f. 11-12-57; NER 40, f. & ef. 11-25-77; BN 4, f. & cert. ef. 4-24-00

22  
23  
24 **851-010-0020**

25 **Duties of Officers**

26 ~~(1) The President shall preside at all meetings or shall appoint a Board member as Pro Tem chair~~  
27 ~~of a meeting, or a portion of a meeting, as is necessary or efficient. The President shall confer with the~~  
28 ~~Executive Director of the Board on matters that come up between meeting dates, and matters that need~~  
29 ~~to be placed on the agenda for Board meetings. The ordering or reordering of the agenda is the~~  
30 ~~prerogative of the President.~~

31 ~~(2) The Secretary shall call the roll for meetings and record all votes and attendance. In the absence~~  
32 ~~of the Secretary, the President or President Pro Tem shall appoint a Secretary Pro Tem.~~

33  
34 Stat. Auth.: ORS 678.150

35 Stats. Implemented: ORS 678.150

36 Hist.: NER 1, f. 11-12-57; NER 40, f. & ef. 11-25-77; BN 4, f. & cert. ef. 4-24-00

37  
38 **851-010-0024**

39 **Board Member Compensation**

40 (1) A Board member shall receive up to \$150 compensation for each day or portion thereof during  
41 which the member is ~~actually~~ engaged in the performance of official duties.

42 (2) Performance of official duties is defined as:

43 (a) Scheduled meetings:

44 (A) Board meetings, including special Board meetings via conference call,

45 (B) Board committee meetings.

46 (b) Appointments with Board staff for Board business;

47 (c) Legislative testimony;

48 (d) Conferences and activities that the Board has ~~pre-approved or requested~~ that the  
49 member attend as its representative; OR

50 ~~(e) Additions to this list may be made by the board on a case-by-case basis.~~

1 (3) Each Board member shall receive 2 days of compensation for each regularly scheduled Board  
2 meeting preparation. This compensation is waived if the Board member does not attend the  
3 meeting for which they have prepared.  
4

5 Stat. Auth: ORS 678.150 & 292.495

6 Stats. Implemented: ORS 678.150

7 Hist.: BN 1-2010(Temp), f. & cert. ef. 1-21-10 thru 6-18-10; BN 5-2010, f. & cert. ef. 4-21-10

8  
9  
10 **851-010-0035**

11 **Meetings**

12 ~~Regular meetings shall be held five times a year.~~ Additional meetings may be held when necessary.  
13 ~~However, if there is not adequate business to justify a meeting, it may be cancelled.~~ Meeting dates are  
14 approved by the Board ~~every four years.~~ The agenda for Board members to review shall be sent to  
15 them at least ~~five~~ twelve days prior to the regular meeting date.

16  
17 Stat. Auth.: ORS 678.150

18 Stats. Implemented: ORS 678.150

19 Hist.: NER 1, f. 11-12-57; NER 40, f. & ef. 11-25-77; NER 5-1983, f. 12-9-83, ef. 1-1-84; BN 4, f. &  
20 cert. ef. 4-24-00  
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45 *The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the*  
46 *Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published*  
47 *version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the*  
48 *Oregon Bulletin are copyrighted by the Oregon Secretary of State.*