

TO: ALL INTERESTED PARTIES

FROM: HOLLY MERCER
EXECUTIVE DIRECTOR

DATE: October 22, 2009

SUBJECT: ADMINISTRATIVE RULEMAKING HEARING REGARDING THE ADOPTION OF THE AMENDMENTS TO ADMINISTRATIVE RULES OAR 851-002-0010 AND 851-002-0040 (RULES REGARDING COLLECTION OF A FEE TO HELP SUPPORT A PRESCRIPTION MONITORING PROGRAM ESTABLISHED BY THE PASSAGE OF SENATE BILL 335-B, 2009 LEGISLATIVE SESSION).

On Thursday, November 19, 2009 at 9:00 a.m., the Oregon State Board of Nursing will hold a hearing regarding amendments to the proposed administrative rules regarding agency fees. These rule amendments will reflect collection of a \$50 biennial fee to help support a Prescription Monitoring Program to be established by the Department of Human Services pursuant to the passage of Senate Bill 335-B (Legislative Session 2009). 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 97224.

Attached is a copy of the Notice of Proposed Rulemaking for this hearing. The Board is authorized by ORS 678.101 and 678.410, to establish and amend such rules.

If you are unable to attend the hearing, you may submit your comments to me in writing by November 17, 2009 and I will see that they are incorporated into the testimony received at the hearing and considered by the Board at their November 19, 2009 meeting.

The Board looks forward to receiving your input.

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

Oregon State Board of Nursing
Agency and Division

851
Administrative Rules Chapter Number

In the Matter of: OAR 851-002-0020, 851-002-0035

Oregon State Board of Nursing Fees to Support Prescription Monitoring Fund.

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

Statutory Authority: ORS 678.101, 678.410

Other Authority:

Stats. Implemented: ORS 678.101, 678.410

Need for the Rule(s): The Governor signed Senate Bill 355-B on July 23, 2009 (Legislative Session 2009). This bill requires the Department of Human Services to establish and maintain a Prescription Monitoring Fund for monitoring and reporting prescription drugs dispensed by pharmacies in Oregon that are classified in schedules II through IV under the Federal Controlled Substances Act, 21 U.S.C. 811 and 812, as modified under ORS 475.035.

In order to comply with Section 8 of Senate Bill 355-B, the Oregon State Board of Nursing must adopt rules to collect a \$25 annual fee (\$50 biennial at renewal) to support this Prescription Monitoring Fund. They must then transmit 90 percent of the fees collected on a quarterly basis.

Documents Relied Upon, and where they are available:

- ◆ Division 2 of the Nurse Practice Act
- ◆ House Bill 355-B (Legislative Session 2009)

Fiscal and Economic Impact, including Statement of Cost of Compliance:

Estimated number of nurses with prescriptive authority	2,300
Biennial fee at renewal to support Prescription Monitoring Fund	\$ 50
Estimated Biennial revenue	\$ 115,000
Estimated payment to Prescriptive Monitoring Fund (90%)	(103,500)
Estimated fund to cover agency's operating costs	\$ 11,500.00

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

Senate Bill 355-B went through the entire legislative process, which gave small businesses an opportunity to participate in hearings.

Administrative Rule Advisory Committee consulted?: No

If not, why?: Senate Bill 355-B requires the creation of these rules.

Authorized Signer

KC Cotton
Printed name

Date

~~{Bracketed and strikethrough material is proposed to be deleted.}~~
Bolded and underlined material is proposed to be added.

To submit comments concerning these draft rules, e-mail
comments to: DeWayne Hatcher, Licensing Manager, at
dewayne.hatcher@state.or.us

Division 2 Agency Fees

851-002-0020

Nurse Practitioner Schedule of Fees

(1)	Initial Nurse Practitioner Certification	\$150
(2)	First Category Renewal (combined with Prescriptive Privilege renewal)	\$105
(3)	Prescription Monitoring Fund (Biennial)	\$50
{(3)} (4)	Additional Category Renewal	\$50
{(4)} (5)	Delinquent Renewal	\$12
{(5)} (6)	Nurse Practitioner Prescriptive Authority Initial Application	\$75
{(6)} (7)	Limited License for Reentry or Clinical Practicum	\$95

Stat. Auth: ORS 678.150, 678.410

Stats. Implemented: ORS 678.410

851-002-0035

Clinical Nurse Specialist Schedule of Fees

(1)	Initial Clinical Nurse Specialist Certification	\$150
(2)	Renewal of Certification without Prescriptive Authority	\$75
(3)	Prescription Monitoring Fund (Biennial)	\$50
{(3)} (4)	Renewal of Certification with Prescriptive Authority	\$105
{(4)} (5)	Clinical Nurse Specialist Prescriptive Authority Initial Application	\$75
{(5)} (6)	Delinquent Renewal	\$12
{(6)} (7)	Limited License for Reentry or Clinical Practicum\$95
{(7)} (8)	Extension of Limited License	\$95

Stat. Auth: ORS 678.150, 678.410

Stats. Implemented: ORS 678.410