



Oregon

John A. Kitzhaber, MD, Governor

Board of Nursing

17938 SW Upper Boones Ferry Rd

Portland, OR 97224-7012

(971) 673-0685

Fax: (971) 673-0684

Oregon.BN.INFO@state.or.us

www.oregon.gov/OSBN

TO: ALL INTERESTED PARTIES

FROM: HOLLY MERCER
EXECUTIVE DIRECTOR

DATE: AUGUST 2011

**SUBJECT: ADMINISTRATIVE RULEMAKING HEARING REGARDING THE
ADOPTION OF THE AMENDMENTS TO OAR 851-063-0030
(AUTHORIZED DUTIES AND STANDARDS FOR CERTIFIED NURSING
ASSISTANTS).**

On Thursday, September 22, 2011, at 9:00 a.m., the Oregon State Board of Nursing will hold a hearing regarding the adoption of the proposed amendments to Oregon Administrative Rules 851-063-0030. 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 678.440 and 678.444 to establish and amend such rules.

If you are unable to attend the hearing, you may submit your comments to me in writing by September 20, 2011 and I will see that they are incorporated into the testimony received at the hearing and considered by the Board at their September 22, 2011 meeting.

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.

Oregon Board of Nursing
Agency and Division

851
Administrative Rules Chapter Number

Peggy Lightfoot
Rules Coordinator

17938 S.W. Upper Boones Ferry Road, Portland, OR 97224
Address

(971) 673-0638
Telephone

RULE CAPTION

Rule corrections: one incorrect word which is opposite of its intended meaning; one typographical error
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

September 22, 2011	9:00 a.m.	17938 S.W. Upper Boones Ferry Road	Pat Markesino
Hearing Date	Time	Portland, Oregon 97224	Board President
		Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT:

AMEND: OAR 851-063-0030

REPEAL:

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

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

ORS 678.440, 678.444
Stat. Auth.

Other Authority

ORS 678.440, 678.444
Stats. Implemented

RULE SUMMARY

Under OAR 851-063-0030 Authorized Duties and Standards for Certified Nursing Assistants, (1)(c)(A)(vi) **Preventing hydration** should read: **Preventing dehydration**. In addition, OAR 851-063-0030(1)(a)(B)(vi) **Providing catheter care including the application of an removal of external urinary catheters** should read: **Providing catheter care including the application of and removal of external urinary catheters**.

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

September 20, 2011 -- 5:00 p.m.

Last Day for Public Comment
Last day to submit written comments to the Rules Coordinator

Signature

Peggy Lightfoot
Printed name

August 1, 2011
Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.
ARC 920-2005

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 851-063-0030

Correction to errors in wording (2) in Rules for Authorized Duties and Standards for Certified Nursing Assistants

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

Statutory Authority: ORS 678.440, 678.444

Other Authority:

Stats. Implemented: ORS 678.440, 678.444

Need for the Rule(s): These rules are needed to add provisions related to student protections for individuals taking Nursing Assistant and Medication Aide training. The proposed changes for the Medication Aide training program are modeled after a national curriculum which will help align Oregon's training with the movement towards a national competency exam.

Documents Relied Upon, and where they are available:

- ◆ Division 63, Nurse Practice Act

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

There will be no fiscal impact for the agency.

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

N/A

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

Authorized Signer

Peggy Lightfoot
Printed name

August 1, 2011
Date

DIVISION 63

Bolded and underlined material is proposed to be added
[~~Bracketed and strikethrough material is proposed to be deleted.~~]

Standards and Authorized Duties for Certified Nursing Assistants and Certified Medication Aides

Authorized Duties and Standards for Certified Nursing Assistants 851-063-0030

- (1) Under the supervision of a licensed nurse, the CNA may provide care and assist clients with the following tasks:
 - (a) Tasks associated with infection control and Standard or Transmission Based Precautions:
 - (A) Bedmaking and handling of linen;
 - (B) Caring for the client's environment;
 - (C) Handling and disposal of hazardous wastes;
 - (D) Handling of contaminated materials;
 - (E) Handwashing and hand hygiene;
 - (F) Maintaining client cleanliness and grooming; and
 - (G) Utilizing personal protective equipment.
 - (b) Tasks associated with safety and emergency procedures:
 - (A) Moving and transferring clients;
 - (B) Transporting clients in wheelchairs and specialized chairs;
 - (C) Turning and positioning clients;
 - (D) Using lifts and safe client handling devices;
 - (E) Turning oxygen on and off or transferring oxygen between wall and tank at pre-established flow rate for stable clients;
 - (F) Managing hazards in the workplace;
 - (G) Preventing burns;
 - (H) Preventing falls; and
 - (I) Performing cardiopulmonary resuscitation.
 - (c) Tasks associated with activities of daily living (ADL):
 - (A) Assisting with nutrition and hydration:
 - (i) Assisting with feeding;
 - (ii) Measuring and recording height and weight;
 - (iii) Measuring and recording intake and output;
 - (iv) Positioning clients for nutritional and fluid intake;
 - (v) Preventing choking and aspiration; and
 - (vi) Preventing dehydration.
 - (B) Assisting with elimination:
 - (i) Administering bowel evacuation suppositories that are available without a prescription;
 - (ii) Administering enemas;
 - (iii) Assisting with the use of bedpan and urinal;
 - (iv) Assisting with toileting;
 - (v) Collecting specimens; sputum, stool, and urine including clean catch urine specimens;

- (vi) Providing catheter care including the application of and removal of external urinary catheters;
- (vii) Providing ostomy care for established, healthy ostomy including cleaning the ostomy site and emptying the ostomy bag or changing the ostomy bag which does not adhere to the skin; and
- (viii) Providing perineal and incontinence care.
- (C) Assisting with personal care:
 - (i) Bathing;
 - (ii) Providing comfort care;
 - (iii) Dressing and undressing;
 - (iv) Grooming to include: application and care of dentures, eye glasses, and hearing aides.
 - (v) Nail care;
 - (vi) Oral hygiene;
 - (vii) Shampooing and caring for hair;
 - (viii) Shaving; and
 - (ix) Skin Care to include: application of non-prescription pediculicides; application of topical, non-prescription barrier creams and ointments for prophylactic skin care; maintenance of skin integrity; prevention of pressure, friction, and shearing; and use of anti-pressure devices.
- (D) Assisting with positioning devices and restraints;
- (E) Assisting with restorative care:
 - (i) Ambulating;
 - (ii) Assisting with and encouraging the use of self-help devices for eating, grooming and other personal care tasks;
 - (iii) Assisting with bowel and bladder training;
 - (iv) Assisting with feeding and ADL programs;
 - (v) Assisting with the use of crutches, walkers, or wheelchairs;
 - (vi) Caring for, applying, and removing antiembolus stockings, braces, orthotic devices, and prosthetic devices.
 - (vii) Elevating extremities;
 - (viii) Maintaining alignment;
 - (ix) Performing range of motion exercises;
 - (x) Using footboards; and
 - (xi) Utilizing and assisting clients with devices for transferring, ambulation, and alignment.
- (d) Tasks associated with observation and reporting:
 - (A) Assisting with coughing and deep breathing;
 - (B) Observing and reporting changes of condition to licensed nurse; and
 - (C) Measuring and recording:
 - (i) Temperature, apical and radial pulse, respiration and blood pressure (manual and electronic-upper arm only and orthostatic blood pressure readings);
 - (ii) Emesis;
 - (iii) Liquid stool;
 - (iv) Pain level using a facility approved pain scale;
 - (v) Pulse oximetry; and
 - (vi) Urinary output, both voided and from urinary drainage systems.
- (e) Tasks associated with documentation.
- (f) Tasks associated with end of life care.
- (2) The CNA may, as an unlicensed person, provide care as delegated or assigned by a nurse pursuant to the terms and conditions in OAR 851-047-0000 through OAR 851-047-0040.
- (3) ORS 678.440(5) defines the term "nursing assistant" as a person who assists licensed nursing personnel in the provision of nursing care. Consistent with that definition, a CNA must either:

- (a) Be regularly supervised by a licensed nurse; or
 - (b) Work in a community-based care setting or other setting where there is no regularly scheduled presence of a licensed nurse provided there is periodic supervision and evaluation of clients under the provisions of OAR 851-047-0000 through OAR 851-047-0040.
- (4) Under no circumstance shall a CNA work independently without supervision or monitoring by a licensed nurse who provides assessment of clients as described in OAR 851-063-0030(3)(a)(b).
- (5) A CNA may accept verbal or telephone orders for medication from a licensed health care professional who is authorized to independently diagnose and treat only when working in the following settings under the specified administrative rule:
- (a) When working in Adult Foster Homes, as permitted under OAR Chapter 411, division 050;
 - (b) When working in Residential Care Facilities, as permitted under OAR Chapter 411, division 054; and
 - (c) When working in Assisted Living Facilities, as permitted under OAR Chapter 411, division 054.
- (6) Standards of Care for Certified Nursing Assistants. In the process of client care the CNA shall consistently:
- (a) Apply standard precautions according to the Centers for Disease Control and Prevention guidelines;
 - (b) Use hand hygiene between episodes of care;
 - (c) Use appropriate body mechanics to prevent injury to self and client;
 - (d) Follow the care plan as directed by the licensed nurse;
 - (e) Use appropriate communication with client, client's family and friends, and coworkers;
 - (f) Use alternatives to physical restraints, or apply physical restraints as directed by the licensed nurse;
 - (g) Determine absence of pulse and/or respiration, and initiate an emergency response;
 - (h) Report to the licensed nurse any recognized abnormality in client's signs and symptoms;
 - (i) Record observations and measurements, tasks completed, and client statements about condition or care;
 - (j) Apply safety concepts in the workplace;
 - (k) Report signs of abuse, neglect, mistreatment, misappropriation or exploitation;
 - (l) Demonstrate respect for rights and property of clients and coworkers; and
 - (m) Maintain client confidentiality.

Stat. Auth: ORS 678.440, ORS 678.442, 678.444

Stats. Implemented: ORS 678.440, ORS 678.442, 678.444