

Orientation to a Nursing Position Prior to Licensure in Oregon

The purpose of this policy is to articulate for employers of nurses, applicants for licensure as a Licensed Practical Nurse or Registered Nurse and applicants for certification as a Certified Registered Nurse Anesthetist, Clinical Nurse Specialist or Nurse Practitioner (hereafter referred to as advanced practitioner of nursing), what activities the applicant may perform as part of the orientation to a new nursing position while in the process of obtaining an Oregon license to practice nursing. The Board believes there are some activities that may be performed prior to Oregon licensure and bases its belief both on content from the Nurse Practice Act and on the following premises:

- 1) The definition of the practice of nursing in ORS 678.010 (7) includes diagnosing and treating human responses, health teaching, health counseling, providing care supportive to and restorative of life and well-being, performance of additional services recognized by the nursing profession, executing medical orders and providing supervision of nursing assistants. Additional definitions of nursing practice in ORS 678.010 (8) (9) and (10) include assisting persons toward achieving health and well-being; assessing, planning, ordering, giving, delegating, teaching and supervising care which promotes the person's optimum health and independence; and selecting therapeutic measures essential to management of nursing care and execution of medical orders.
- 2) Engaging in activities that do not involve those functions described in practice of nursing definitions may be performed before obtaining an Oregon nursing license.
- 3) Representing oneself as a Registered Nurse or Licensed Practical Nurse in Oregon without a current, valid Oregon license is a violation of ORS 678.021.
- 4) Accepting a position in anticipation of licensure/certification is permitted provided the person does not represent him/herself as a licensed nurse/advanced practitioner of nursing, practice as or offer to practice as a nurse.
- 5) It is a prohibited act under ORS 678.123 to employ unlicensed persons to practice practical or registered nursing.
- 6) An employer who hires a person in anticipation of licensure/certification may do so provided the employer does not identify or utilize the person as a licensed nurse/advanced practitioner of nursing.

New Graduate of Nursing Education Programs

The Board recognizes that new graduates are anxious to enter the job market and begin practicing nursing. Employers are eager to offer positions to qualified applicants and wish to prepare them to assume the responsibilities of a licensed nurse as soon as they are licensed. A part of the preparation for assuming the nursing position is orientation to the facility's policies, procedures, systems and other matters that do not involve decision making as a licensed nurse or direct contact with patients. Orientation of new graduates provides a bridge between education and entrance into nursing practice by giving the graduate classroom experiences to build upon knowledge and skill learned in nursing school as well as a sense of confidence to enter the work force. This type of orientation is permissible prior to licensure under the following circumstances:

- The graduate of a nursing education program leading to initial licensure has made application to the Oregon State Board of Nursing for licensure by examination.
- The employer hires the graduate in anticipation of the graduate obtaining licensure but does not identify or utilize the graduate as a Licensed Practical Nurse or Registered Nurse.
- If the person is a new graduate as an advanced practitioner of nursing, the person is permitted to function only under the scope of a current Oregon Registered Nurse license until certified as an advanced practitioner of nursing.
- The graduate receives instruction only in the classroom or skills laboratory, has no clinical experience, no contact with patients, and is not exposed to a clinical area including observation of patient care.
- The graduate is not given the opportunity to impact patient care either by performing direct patient care or engage in decision making that indirectly affects patient care.
- Any practice for patient care procedures is done in the skills laboratory by simulation or on models, not on live human beings.
- Orientation may include a review of the facility's charting system, record keeping and forms, medication administration system, incident reporting system, organizational structure, safety procedures, institutional policies and nursing policies and procedures.

Applicants for Licensure by Endorsement

The process of endorsing a license from another state to Oregon may take several weeks or more and is dependent on the Board's receipt of required documents from the applicant's original nursing education program as well as other states of licensure. Prospective employers of these applicants are concerned about filling vacant positions in nursing as quickly as possible as well as assuring that the person is qualified to take on the responsibilities of the new position quickly. Beginning an orientation process to the new position as soon as an employment offer is made assists the employer in

fulfilling these goals. Orientation to a new nursing position prior to obtaining Oregon licensure is permissible under the following circumstances:

- The person has made application to the Oregon State Board of Nursing for a nursing licensee by interstate endorsement.
- The employer hires the person into a position in anticipation that the person is eligible for licensure but does not identify or utilize that person as a Licensed Practical Nurse or Registered Nurse.
- If the person is also an applicant as an advanced practitioner of nursing, he/she may practice within the scope of a Registered Nurse once that license is issued while completing the process for certification in the advanced practice role.
- The person may not represent him/herself as a Registered Nurse, Licensed Practical Nurse or as an advanced practice designation until an Oregon license/certificate is issued. The person may not practice as or offer to practice nursing in any capacity until fully licensed.
- The person may orient to the facility's charting and medication administration systems, forms, record keeping system and policies, incident reporting, safety, institutional policies and nursing policies and procedures.
- The person may not practice in the clinical area, interact with patients, observe patient care in the clinical care or assume duties which either directly or indirectly impact patient care including managerial functions, administrative duties or as nursing school faculty. The foregoing does not apply to nonresident nurses who present an educational program in Oregon on a single temporary assignment of no more than sixty days and who are exempted from licensure under ORS 678.031(6)(c).

Penalties

Failure to make application for licensure prior to beginning orientation to a new position may lead the Board to suspect that the individual intends to engage in the practice of nursing without an Oregon license. Such practice may subject the person to a Civil Penalty of \$100 for each day of practicing without a license. Functioning beyond what the Board believes is permissible during orientation to a new nursing position may be considered the practice of nursing and subject the person to a Civil Penalty of \$100 for each day of practice. The Board may also impose a Civil Penalty of up to \$5,000 to an employer who permits an individual to function beyond what the Board believes is permissible during an orientation period to a new nursing position prior to licensure and/or certification.

Adopted: February 15, 2001

Reaffirmed: April 13, 2006

The Oregon State Board of Nursing (OSBN) is authorized by Oregon Revised Statutes Chapter 678 to exercise general supervision over the practice of nursing in Oregon to include regulation of nursing licensure, education and practice in order to assure that the citizens of Oregon receive safe and effective care.

The OSBN further interprets statute and rule and issues opinions in the form of Board Policies, Policy Guidelines and Position Statements. Although they do not have the force and effect of law, these opinions are advisory in nature and issued as guidelines for safe nursing practice.