

Disciplinary Sanction Probation Contingent on Nursing Practice and Performance of Duties

Probation is a disciplinary sanction and defined as “a period of monitored practice of a licensee or certificate holder with terms and conditions of employment and reporting to the Board.” The Board places licensees and certificate holders on probation with the goal that the practice problems or conduct which brought the licensee/certificate holder to the Board’s attention can be rectified and the licensee/certificate holder can demonstrate that he/she is competent and able to practice in a manner that protects the health and safety of patients in Oregon.

Since the goal of probation is to monitor the licensee/certificate holder to determine if that person is capable of being a safe and effective provider of nursing care, it is important that the licensee/certificate holder both practice nursing or perform the duties of a nursing assistant and be adequately supervised while on probation. The Board expects that the supervisor of a licensee/certificate holder on probation be a health care professional whose license has within its’ scope the ability to evaluate whether or not the person on probation is functioning at and within the scope of his/her license or certificate, is practicing according to the accepted standards of practice and is conducting him/herself in a professional manner.

The level of supervision shall be specified as either direct, meaning the supervisor is physically present and accessible in the immediate client care area, or minimal, meaning the supervisor is physically on the premises where the client is being cared for or readily available by telephone.

While on probation, a licensee/certificate holder is expected to practice/perform duties more than the minimum hours each month that are needed to meet the practice requirement for renewal of licensure or certification, which is a minimum of 16 hours each month over a five year period for Registered Nurses and Licensed Practical Nurses and 16 hours each month over a two year period for Certified Nursing Assistants. Since probation is for a limited time during which the licensee/certificate holder is monitored to demonstrate competence, the licensee/certificate holder must practice a minimum of eighty (80) hours each month of probation. The licensee/certificate holder is also expected to obtain employment in a setting where he/she is able to exercise the full extent of scope of practice/scope of duties in order to demonstrate whether or not he/she is competent.

In the event that the license/certificate holder discontinues to practice, for any reason, probation will be placed on hold and not commence until the licensee/certificate holder resumes practice. Licensees/certificate holders who relocate to another state may continue on probation with the Board provided the out of state employer is willing to comply with the monitoring and reporting requirements of the Board

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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.