

Oregon State Board of Nursing: Interpretive Statement

Employment Orientation to a Nursing Position Prior to Licensure

Statement of Purpose

To clarify activities that a licensure applicant may perform during an employment orientation to a position that requires a nursing license. This interpretive statement applies to paid and volunteer positions.

For the purposes of this interpretive statement, a licensure applicant is a person who has made application to the Oregon State Board of Nursing for licensure as an Advanced Practice Registered Nurse, Registered Nurse or a Practical Nurse. This includes the applicant eligible for licensure by examination and the applicant eligible for licensure by endorsement.

Background/Significance

The Board frequently receives questions from licensure applicants and from employers concerning what type of job duties/activities the licensure applicant can perform prior to receiving an Oregon nursing license.

Board Statement

A newly hired licensure applicant may participate in employee orientation activities that do not involve the practice of nursing as defined in ORS Chapter 678, with further guidance found in OAR Chapter 851 Division 45.

This means that the licensure applicant is prohibited from engaging in the practice of nursing until which time they receive a license to practice.

- The licensure applicant for Practical Nurse licensure cannot engage in the practice of practical nursing until issued an Oregon Practical Nurse license.
- The licensure applicant for Registered Nurse licensure cannot engage in the practice of registered nursing until issued an Oregon Registered Nurse license.
- The licensure applicant for Nurse Practitioner/Advanced Practice Registered Nurse (APRN) licensure may not engage in APRN practice activities until issued an Oregon APRN license.

This statement is based upon *ORS 678.021 License required to practice nursing. It shall be unlawful for any person to practice nursing or offer to practice nursing in this state or to use any title or abbreviation, sign, card or device to indicate the person is practicing either practical or registered nursing unless the person is licensed under ORS 678.010 to 678.410 at the level for which the indication of practice is made and the license is valid and in effect.*

Employee orientation activities that typically do not require a license as a nurse to engage in might include human resources policy training, information technologies and charting systems training, privacy/confidentiality training, and security orientation.

Frequently Asked Questions

- Q:** We just hired a graduate from our local nursing college to fill an open RN position. He has applied for his Oregon RN license but has not received it yet. What type of work activities can this new graduate do until he receives his license?

A: The licensure applicant can complete employee orientation activities in the areas of human resources, information technologies, charting systems, privacy/confidentiality training, security orientation, incident reporting, and facility policies. He will not be able to engage in activities that involve the *practice of nursing* or the *practice of registered nursing* as defined in ORS Chapter 678, with further guidance found in OAR Chapter 851 Division 45.
- Q:** I am a graduate nurse and just started a nursing internship at a local hospital. I am still waiting for my National Council Licensure Examination- Registered Nurse (NCLEX-RN) results and my new license. My name badge identifies me as a Registered Nurse, is this okay?

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A: No. Representing one's self as a Registered Nurse in Oregon without a current and valid RN license is a violation of ORS 678.021.

3. **Q:** I just sat for the NCLEX-RN but have not yet received my Oregon nursing license. I currently work as a CNA and my employer has asked me to fill an open RN position this weekend. Can I do this?

A: No, you cannot perform the duties of an RN without a current Oregon Registered Nurse license.

4. **Q:** I observed some newly hired nursing graduates at my facility touring the patient units with the nurse manager and observing patient care. None of these graduates have a license to practice nursing. Is this type of activity allowed?

A: No. Licensure applicants cannot receive orientation to a nursing position in the clinical area. This means that they cannot observe patient care, perform direct patient care, or engage in decision making that indirectly affects patient care. Skill review may occur in a classroom setting, skills lab, and/or simulation lab, but not on the patient care units or with patients.

5. **Q:** I hired a nurse who just moved to Oregon from Idaho. She says that she will apply for her Oregon registered nurse license after she gets her first paycheck. I have her filling an LPN position and working with an experienced RN who will directly supervise her patient care until she gets her Oregon license. Is this sufficient?

A: No. Per ORS 678.123, it is illegal for an employer to hire an unlicensed person to practice practical nursing or registered nursing. Additionally, since this nurse has not made application to the Board for Oregon licensure, you cannot hire her in to any nursing position.

Once she has made application to the Oregon State Board of Nursing for Oregon licensure, you may hire her into a nursing position; but her activities will be limited to non-nursing activities. It is only after she receives her Oregon nursing license that she can legally practice nursing.

References: Oregon Nurse Practice Act, 851-045-0000 through 851-045-0100

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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 Policy and Interpretive Statements. These policies and interpretive statements are advisory in nature and issued as guidelines for safe nursing practice.