Fitness to Practice: Evaluation of Applicants

The Oregon State Board of Nursing (OSBN), in keeping with its mission to protect the public health, safety and welfare, evaluates applicants for licensure and certification to ensure that those who are granted licensure and certification are able to safely practice nursing or perform the duties of a nursing assistant. Per Oregon Revised Statute (ORS) 678.040, 678.050 and 678.111, the Board has the responsibility to evaluate thoroughly both the credentials and conduct of applicants for licensure and certification to safeguard the public. Licensure and certification is not a right, but a privilege. Criteria to evaluate the credentials of an applicant are listed in Oregon Administrative Rules (OAR) 851-31 for Licensure as a Registered Nurse or Licensed Practical Nurse, OAR 851-50 for Nurse Practitioners, OAR-52 for Certified Registered Nurse Anesthetists, OAR 851-54 for Clinical Nurse Specialists, OAR 851-62 for Certified Nursing Assistants and Medication Aides.

This statement describes the process used to evaluate applicant conduct as determined by the disclosure questions on each OSBN application and the fingerprint based criminal background check (CBC) each applicant is required to undergo per ORS 181.534 and OAR 851-031-0007 and OAR 851-062-0135. All advanced practice nurses must also possess a valid Oregon Registered Nurse license, and therefore must adhere to CBC requirements under OAR 851-031-0007. For the purposes of this statement all license/certification types will be referred to as nurse/nursing assistant.

This statement also provides limited information to current license/certificate holders. If investigations are opened on current holders based on any of the issues described in this statement the assigned investigator will provide the licensee/certificate holder with information regarding the specific issues surrounding the investigation.

The OSBN procedures for determining safe practice are equally applied to applicants (examination, reactivation, and endorsement) for all license and certification types currently under the jurisdiction of the Board.

The Board evaluates applicants to determine Fitness for Licensure and Certification in all areas of conduct. This statement describes several areas of evaluation utilized by the Board but is not an inclusive list. Per ORS 678.111, the Board has the authority to deny an application based upon any of the listed factors discovered during the application and investigative process. Should the Board deny an application, the applicant may exercise his/her right for a hearing as provided in the Administrative Procedures Act. If information from disclosure or CBC results in a denial, the applicant may not withdraw the application, the Board must determine if a Notice of Proposed Denial of Licensure and Certification is warranted. Oregon is linked into the NURSYS database, all denials are reported and other state jurisdictions around the country and US territories have the ability to access this public information. This prevents the applicant from seeking licensure in other state jurisdictions without the knowledge of the outcome of the Oregon application.

In all evaluations of conduct, for both applicants and current license/certificate holders, the Board makes the following assumptions:

1. Patients/ Clients under the care of a nurse or nursing assistant are vulnerable by virtue of illness or injury, and the dependent nature of the nurse/nursing assistant-patient relationship.
2. Persons especially vulnerable include the elderly, children, patients who are mentally ill, sedated or anesthetized, patients whose mental or cognitive ability is compromised, and those who are disabled and immobilized.

3. Nurses/nursing assistants frequently provide care in private homes and home-like settings without direct supervision.

Document History: This document and other subsequent documents regarding “Fitness to Practice” adopted in 2016 represent a combination of the following documents:


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