



State of Oregon
Kate Brown, Governor

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TO: All Interested Parties

FROM: Ruby R. Jason
Executive Director

DATE: August 2016

**SUBJECT: ADMINISTRATIVE RULEMAKING HEARING REGARDING THE
ADOPTION OF THE AMENDMENTS TO OAR 851-002-0010 and 851-
002-0040 (AGENCY FEES)**

On Thursday, September 8, 2016, 9:00 a.m., the Oregon State Board of Nursing will hold a hearing regarding the adoption of the proposed amendments to Chapter 851, Division 2, of the Oregon Administrative Rules regarding Agency Fees. 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 678.245, 678.285, and 678.111 to establish and amend such rules.

If you are unable to attend the hearing, you may submit your comments in writing by September 6, 2016 and I will see that they are incorporated into the testimony received at the hearing and considered by the Board at their September 8, 2016 meeting. Comments should be submitted to peggy.lightfoot@state.or.us.

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

FILED 8-5-16 11:06 AM ARCHIVES DIVISION SECRETARY OF STATE
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<u>Board of Nursing</u> Agency and Division	851 Administrative Rules Chapter Number
<u>Peggy A. Lightfoot</u> Rules Coordinator	(971) 673-0638 Telephone
<u>Board of Nursing, 17938 SW Upper Boones Ferry Rd., Portland, OR 97224</u> Address	

RULE CAPTION

Decrease Workforce Data Analysis surcharge from \$5 to \$4 per interagency agreement with OHA

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
9-8-16	9:00 a.m.	17938 SW Upper Boones Ferry Road, Portland, OR	Bonnie Kostelecky, Board

RULEMAKING ACTION

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

ADOPT:

AMEND:

851-002-0010 and 851-002-0040

REPEAL:

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

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

Statutory Authority:

ORS 678.415 and ORS 678.417

Other Authority:

SB 230

Statutes Implemented:

ORS 678.415 and ORS 678.417

RULE SUMMARY

Interagency Agreement with OHA a decrease in fee from \$5 to \$4 for the Workforce Data Analysis Fund will begin in July 2016. This is due to SB230 increasing participating Boards in the data analysis project which will allow OHA to process this data and spread the cost over more agencies.

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

<u>09-08-2016 Close of Hearing</u> Last Day (m/d/yyyy) and Time for public comment	<u>Peggy A. Lightfoot</u> Rules Coordinator Name	<u>peggy.lightfoot@state.or.us</u> Email Address
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*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

FILED
8-5-16 11:06 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Board of Nursing
Agency and Division

851
Administrative Rules Chapter Number

Decrease Workforce Data Analysis surcharge from \$5 to \$4 per interagency agreement with OHA

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

In the Matter of:

OAR 851-002-0010 and 851-002-0040

Statutory Authority:

ORS 678.415 and ORS 678.417

Other Authority:

SB 230

Statutes Implemented:

ORS 678.415 and ORS 678.417

Need for the Rule(s):

Under SB 230, all other healthcare boards will now participate in the Workforce Data Analysis project. Per memo from OHA this will decrease the expense Boards who previously participated in the project since the cost is now being spread to other Boards.

Documents Relied Upon, and where they are available:

Interagency agreement #150476

Fiscal and Economic Impact:

Fiscal impact will be a decrease in revenue of \$80,438 with a corresponding decrease in expense of \$80,438. This is a pass through surcharge collected for OHA.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

None

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

None: The cost of the programs are borne by the licensees as individuals and not on their employer.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No impact on current operational processes.

c. Equipment, supplies, labor and increased administration required for compliance:

None.

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

Fund not for Board operations, pass through only. Fee decreased at direction of OHA.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

This fee is not collected for Board operations, pass through to fund OHA project. Participation in this fund is legislatively required.

09-08-2016 Close of Hearing Peggy A. Lightfoot peggy.lightfoot@state.or.us
Last Day (m/d/yyyy) and Time Printed Name Email Address
for public comment

DRAFT

Underlined material is proposed to be added.
~~Strikethrough material is proposed to be deleted.~~

Division 2

Agency Fees

851-002-0010

RN/LPN Schedule of Fees

- (1) License Renewal — \$145.
- (2) Delinquent fee — \$100.
- (3) Surcharge to Support the Workforce Data Analysis Fund at Renewal — \$54.
- (4) Surcharge to Support the Oregon Nursing Advancement Fund for Licensure by Examination, Licensure by Endorsement, and Renewal applications — \$9.
- (5) License by Endorsement — \$195.
- (6) Licensure by Examination — \$160.
- (7) Written Verification of License — \$12.
- (8) Limited Licenses:
 - (a) Reentry — \$95.
 - (b) Extension of Reentry — \$25.
- (9) Limited Licenses for Educational Experience:
 - (a) International Graduate Nursing Students — \$65.
 - (b) Extension of International Graduate Nursing Students — \$25.
 - (c) International RN in Short-Term Educational Experience — \$35.
 - (d) International Exchange Students — \$25.
 - (e) U.S. RNs in Distance Learning — \$15.
 - (f) Extension of Distance Learning — \$15.
- (10) Reexamination for Licensure — \$25.
- (11) Reactivation — \$160.
- (12) Reinstatement by Reactivation — \$160.
- (13) Nurse Emeritus -\$50 (biennial)

Stat. Auth.: ORS 678.150 & 678.410

Stats. Implemented: ORS 678.410

Hist.: NER 26(Temp), f. & ef. 12-11-75; NER 32, f. & ef. 5-4-76; NER 5-1981, f. & ef. 11-24-81; NER 2-1982, f. & ef. 8-25-82; NER 5-1983, f. 12-9-83, ef. 1-1-84; NER 5-1985, f. 7-30-85, ef. 10-1-85; NER 6-1986, f. & ef. 12-3-86; NB 5-1987, f. & ef. 7-1-87; NB 7-1987, f. & ef. 10-5-87; NB 1-1988, f. & cert. ef. 4-18-88; NB 2-1989, f. 6-22-89, cert. ef. 7-1-89; NB 2-1991, f. 6-14-91, cert. ef. 7-1-91; NB 3-1991, f. & cert. ef. 9-25-91; NB 5-1993, f. 6-15-93, cert. ef. 7-1-93; NB 7-1993, f. & cert. ef. 7-1-93; NB 13-1993, f. & cert. ef. 12-20-93; NB 5-1994 f. & cert. ef. 9-15-94; Renumbered from 851-020-0295; NB 8-1994, f. & cert. ef. 12-7-94; NB 7-1995(Temp), f. & cert. ef. 6-23-95; NB 2-1996, f. & cert. ef. 3-12-96; NB 9-1997, f. 7-22-97, cert. ef. 9-1-97; BN 6-1998(Temp), f. & cert. ef. 7-15-98 thru 12-31-98; Administrative correction 8-5-98; BN 10-1998, f. & cert. ef. 8-7-98; BN 11-1998, f. & cert. ef. 9-22-98; BN 4-1999, f. 5-21-99, cert. ef. 7-1-99, Renumbered from 851-031-0200; BN 11-1999, f. & cert. ef. 12-1-99; BN 6-2000, f. & cert. ef. 4-24-00; BN 17-2002, f. & cert. ef. 10-18-02; BN 6-2003, f. & cert. ef. 7-

1 7-03; BN 5-2007, f. 5-4-07, cert. ef. 7-1-07; BN 5-2009, f. & cert. ef. 10-7-09; BN 6-2009, f. 12-17-09,
2 cert. ef. 1-1-10; BN 7-2010, f. & cert. ef. 6-25-10; BN 16-2010, f. & cert. ef. 11-29-10; BN 10-2012, f.
3 7-6-12, cert. ef. 8-1-12; BN 1-2015, f. 4-21-15, cert. ef. 6-1-15; BN 3-2015, f. 9-22-15, cert. ef. 10-1-
4 15; BN 4-2015, f. & cert. ef. 10-29-15; BN 3-2016, f. 7-13-16, cert. ef. 8-1-16

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6 **851-002-0040**

7 **Nursing Assistant Schedule of Fees**

- 8 (1) Certification by Examination — \$106.
9 (2) Certification by Endorsement — \$60.
10 (3) Reexamination — Manual Skills — \$45.
11 (4) Reexamination — Written — \$25.
12 (5) Oral Administration of Written Examination — \$35.
13 (6) Written Verification of Certification — \$10.
14 (7) CNA Certificate Renewal — \$60.
15 (8) CNA Reactivation Fee — \$5.
16 (9) Surcharge to Support the Workforce Data Analysis Fund at Renewal — ~~\$54~~.
17 (10) CNA Certification for RN or LPN — \$60.
18 (11) CNA Certification for Student Nurses — \$60.
19 (12) Initial Approval CNA Training Program — \$100.
20 (13) Approval of Revised CNA Training Program — \$75.
21 (14) Reapproval of CNA Training Program — \$50.
22 (15) CNA Primary Instructor Approval — \$10.
23 (16) Initial Approval of CNA Program Director — \$25.

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25 Stat. Auth.: ORS 678.150 & 678.410

26 Stats. Implemented: ORS 678.410

27 Hist.: NB 9-1989(Temp), f. & cert. ef. 11-24-89; NB 5-1990, f. & cert. ef. 5-7-90; NB 7-1990(Temp), f.
28 & cert. ef. 7-11-90; NB 9-1990, f. & cert. ef. 10-9-90; NB 5-1991(Temp), f. & cert. ef. 10-15-91; NB 3-
29 1992, f. & cert. ef. 2-13-92; NB 12-1992, f. 12-15-92, cert. ef. 1-1-93; NB 2-1993, f. 2-8-93, cert. ef. 2-
30 16-93; NB 15-1993, f. 12-27-93, cert. ef. 6-1-94; NB 9-1997, f. 7-22-97, cert. ef. 9-1-97; BN 4-1999, f.
31 5-21-99, cert. ef. 7-1-99, Renumbered from 851-060-0300; BN 7-1999, f. 8-10-99, cert. ef. 11-1-99;
32 BN 10-1999, f. & cert. ef. 12-1-99; BN 6-2003, f. & cert. ef. 7-7-03; BN 7-2004, f. & cert. ef. 2-26-04;
33 BN 14-2004, f. & cert. ef. 10-26-04; BN 7-2007, f. 6-29-07, cert. ef. 1-1-08; BN 5-2009, f. & cert. ef.
34 10-7-09; BN 6-2009, f. 12-17-09, cert. ef. 1-1-10; BN 8-2010, f. & cert. ef. 6-25-10; BN 16-2010, f. &
35 cert. ef. 11-29-10

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45 *The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the*
46 *Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published*
47 *version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the*
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