



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 851
BOARD OF NURSING

FILED

09/22/2025 1:56 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Div 1 - Implement statutory mandates from 2025 HB3044

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/21/2025 5:00 PM

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.

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Filed By:
Brandy Ritter
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/21/2025

TIME: 11:00 AM

OFFICER: Brandy Ritter

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 669-444-9171

CONFERENCE ID: 85728764325

SPECIAL INSTRUCTIONS:

Meeting URL: <https://us06web.zoom.us/j/85728764325>

Meeting ID: 857 2876 4325

One tap mobile +16694449171,,85728764325#

Presenters: Only those registered to provide testimony will be called to present comments. To register to testify for this hearing, please contact: brandy.ritter@osbn.oregon.gov at least 24 hours prior to the start of the hearing and provide name, address, and affiliation (This is required per OAR 137-001-0030).

Presenters may also register at the beginning of the hearing but are encouraged to pre-register to reserve time during the hearing for the presentation of testimony.

Each presenter will have 3 minutes to testify. Be prepared to summarize your comments to fit within the allotted time.

The hearing will close no later than 12:00 PM and may close earlier if all individuals that have registered to testify have had the opportunity to enter their comments into the record.

Submit Written Comments Via email: brandy.ritter@osbn.oregon.gov.

All written comments and materials must be received by the close of the comment period on October 21, 2025, at 5:00PM. Late comments will not be reviewed or considered.

For accommodations or questions, please contact the OSBN Rule Coordinator at least 72 hours prior to the hearing.

NEED FOR THE RULE(S)

Updates to ORS 678 from HB 3044 require Nurse Practice Act rule revisions in Division 1 to update disciplinary language, change of application term names, update license lifecycle timeframe for reinstatement from 30 days post expiration to 90 days.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Division 1 of NPA; ORS 413.550; ORS 678.150

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Revision of Division 1 will not affect racial equity.

FISCAL AND ECONOMIC IMPACT:

Revisions do not have a fiscal or economic impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1) No other state agencies, local gov, or public will be economically affected.

2) a) No effect to small businesses; b) no change to administrative activity or cost in order to implement revisions; c) No professional, equipment, or labor costs in order to comply with updated regulation.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

No small business were involved in development.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No; statutory mandate for implementation by 1/1/2026

RULES PROPOSED:

851-001-0009, 851-001-0015, 851-001-0100, 851-001-0111, 851-001-0115, 851-001-0122, 851-001-0170

AMEND: 851-001-0009

RULE SUMMARY: 851-001-0009(2) amend "is" to "may be" for assessment of a civil penalty.

851-001-0009(2)(c) repealed

851-001-0009(3)(f)(B) amended to remove word "certificate" as is not applicable.

CHANGES TO RULE:

851-001-0009

Imposition of Civil Penalties

Imposition of a civil penalty does not preclude disciplinary sanction against the license or certificate holder and disciplinary sanction against the license or certificate does not preclude imposing a civil penalty. Criminal conviction does not preclude imposition of a civil penalty for the same offense.¶¶

(1) The Board will consider factors listed in ORS 678.117-(2) when determining the amount of civil penalty to be imposed and per ORS 678.117-(1), no single violation civil penalty shall exceed \$5000.¶¶

(2) A civil penalty of up to \$100 per day of occurrence ~~is~~may be assessed for the following:¶¶

(a) Practicing as a Licensed Practical Nurse (LPN), Registered Nurse (-RN-), Nurse Practitioner (NP), Certified Registered Nurse Anesthetist (CRNA), Clinical Nurse Specialist (CNS), Certified Nursing Assistant (CNA), Certified Medication Aide (CMA) without a current license or certificate or Board required concurrent national certification; or prescribing, dispensing, or distributing drugs without current prescription writing authority, due to failure to renew and continuing to practice.¶¶

(b) Using a limited license to practice nursing for other than its intended purpose.¶¶

~~(c) Nurses not licensed in Oregon hired to meet a temporary staffing shortage who fail to make application for an Oregon license by the day they begin practice in Oregon.¶¶~~

~~(d) Practicing nursing prior to obtaining an Oregon license by examination or endorsement unless authorized by ORS 678.031 (7) and OAR 851-001-0145.¶¶~~

~~(ed) Unlicensed practice pursuant including using an expired limited license to ORS 678.021.¶¶~~

(3) A civil penalty of a minimum \$500 to a maximum of \$5000 per violation ~~is~~may be assessed for any of the following:¶¶

(a) Conduct derogatory to the standards of nursing or conduct unbecoming a Nursing Assistant.¶¶

(b) Violation of any disciplinary sanction imposed by the Board.¶¶

(c) Conviction of a crime that relates adversely to the practice of nursing or the ability to practice safely.¶¶

(d) Gross incompetence in the practice of nursing or authorized duties of a CNA, including duties while working as a CNA.¶¶

(e) Gross negligence in the practice of nursing or the authorized duties being a CNA, including duties while working as a CMA.¶¶

(f) Employing any person without a current Oregon LPN, RN or CRNA, NP or CNS license to function as an LPN, RN, CRNA, NP or CNS subject to the following conditions:¶¶

(A) Knowingly hiring an individual in a position of an LPN, RN, NP, CRNA or CNS when the individual does not have a current, valid Oregon license for the position hired, or¶¶

(B) Allowing an individual to continue practicing as an LPN, RN, NP, CRNA or CNS knowing that the individual does not have a current, valid Oregon license ~~or certificate~~ for the position hired.¶¶

(C) For CNA and CMA the employer is subject to Oregon Department of Human Services (ODHS) penalties. The Board will notify ODHS of any violation that becomes known to the Board.¶¶

~~(g) Employing an LPN, RN, NP, CRNA, CNS, CNA, or CMA without a procedure in place for checking the current status of that nurse's license or certificate to ensure that only those with a current, valid Oregon license or certificate be allowed to practice nursing or perform the authorized duties a CNA. an active Oregon license or certificate. ¶¶~~

(h) Supplying false information regarding conviction of a crime, discipline in another state, physical or mental illness/physical handicap, or meeting the practice requirement on an application for initial licensure or re-licensure, or certification or recertification.¶¶

(i) Precepting nursing student in an Advanced Practice program without verifying their appropriate licensure, registration, or certification.

Statutory/Other Authority: ORS 678.117, ORS 183.745

Statutes/Other Implemented: ORS 678.117, ORS 678.150

AMEND: 851-001-0015

RULE SUMMARY: 851-001-0015 rule title amended from "Petition for Reinstatement" to "Disciplinary Reinstatement". The word "disciplinary" added before "reinstatement" in preamble to 0015, 0015(3), and 0015(4).

CHANGES TO RULE:

851-001-0015

~~Petition for~~ Disciplinary Reinstatement ¶

A licensee or certificate holder whose license or certificate has been revoked or who voluntarily¶
surrendered their license or certificate may be granted disciplinary reinstatement under the following
conditions:¶

- (1) The license or certificate has been revoked or surrendered for a minimum period of three¶
years;¶
- (2) The licensee or certificate holder has documented evidence of mitigation of the issues that originally brought
the licensee or certificate holder to the Board's attention;¶
- (3) The individual seeking disciplinary reinstatement has made application to the Board for disciplinary
reinstatement of the license/certificate; and¶
- (4) The individual seeking disciplinary reinstatement agrees to any conditions that the Board determines
necessary to demonstrate competence at the level of licensure or certification for which the individual is seeking
disciplinary reinstatement.

Statutory/Other Authority: ORS 678.150

Statutes/Other Implemented: ORS 678.150, ORS 183.341

AMEND: 851-001-0100

RULE SUMMARY: 4) 851-001-0100(3) amended to:

- a) Replace "reactivation" with "reinstatement";
- b) Add "or CNA authorized duties" after "practice nursing";
- c) Update 30 days post expiration date to 90 days for a reinstatement.
- d) Add "or certificate" after "license".

CHANGES TO RULE:

851-001-0100

Delegation of Signature Authority ¶¶

- (1) Approval of Interim Order by Consent (ICO): The Executive Director or designee via signature has the delegated authority to grant approval of an ICO that has been signed by a licensee or certificate holder.¶¶
- (2) Approval of Notices of Proposed Discipline: The Executive Director or designee has delegated authority to sign all Notices for Proposed Discipline.¶¶
- (3) The Executive Director or designee may sign a Stipulated Orders for Civil Penalties levied due to reactivation~~reinstatement~~ of a licenses when the licensee or certificate holder continues to practice nursing or CNA authorized duties for more than ~~30~~ 90 days after license or certificate expiration date.¶¶
- (4) The signature allows the document to become a public document.

Statutory/Other Authority: ~~ORS 279.051, ORS 291.021~~ ORS 678.150

Statutes/Other Implemented: ORS 678.150

AMEND: 851-001-0111

RULE SUMMARY: Updated to include certificate and certification.

CHANGES TO RULE:

851-001-0111

Criminal Conviction Determination Process

- (1) Prior to beginning an education or training program required for licensure, a person who was convicted of a crime may petition the Board for a determination as to whether a criminal conviction will prevent the person from receiving a license issued by the Board. The individual is referred to as a petitioner in this rule.¶
- (2) To be complete, a petition must include the following: ¶
 - (a) A complete and signed determination request form; ¶
 - (b) The required fee of \$75; ¶
 - (c) The following records and information related to the final judgment of each criminal conviction: ¶
 - (A) A certified copy of the judgment of/criminal conviction; ¶
 - (B) Any charging document(s); ¶
 - (C) The arrest report(s); ¶
 - (D) Any probation and parole records; ¶
 - (E) A written statement from the petitioner regarding the facts underlying the criminal conviction, and any intervening circumstances since the conviction. ¶
- (d) A written statement or other document listing all criminal convictions, including dates of conviction and a summary of the facts, if the petitioner has more than one criminal conviction.¶
- (3) A separate completed petition and fee must be filed for each criminal conviction for which the petitioner is requesting a determination.¶
- (4) If any of the records in (2)(c) no longer exist, have been sealed or are otherwise unavailable to the petitioner, petitioner must provide evidence from the agency, court, or other public body that held the record that the record no longer exists.¶
- (5) If any of the documents and information required under subsections (2) and (4) are not provided, petitioner will have 60 days to provide the required documents or information./ Upon failure to comply, the petition will be deemed incomplete and will be closed without a determination.¶
- (6) The petition, the records and information submitted with the petition, and the Board's determination, are public records subject to disclosure under Oregon's Public Records Laws, the same as for any completed application for licensure or certification.¶
- (7) The Board will reconsider a determination that a criminal conviction prevents the person from obtaining a license or certificate when the person submits a completed application for a license or certificate. ¶
- (8) Upon reconsideration, the Board may rescind a previous determination that a criminal conviction does not prevent the person from obtaining a license if the applicant: ¶
 - (a) Has allegations or charges pending in criminal court; ¶
 - (b) Has failed to disclose a previous criminal conviction; ¶
 - (c) Has been convicted of another crime during the period between the determination and the person's submission of a completed application for an occupational or professional license; or ¶
 - (d) Has been convicted of a crime that, during the period between the determination and the person's submission of a completed application for an occupational or professional license, became subject to a change in state or federal law that prohibits licensure for an occupational or professional license because of a conviction of that crime. ¶
- (9) Failure to disclose a previous criminal conviction includes any misrepresentation or a prior criminal conviction, any concealment or failure to disclose a material fact about a prior criminal conviction, or any other misinformation regarding a prior criminal conviction. ¶
- (10) Nothing in this rule prohibits the Board from denying licensure when the person submits a completed application for a reason other than conviction of a crime. ¶
- (11) A determination under this rule is not a final determination of the Board.

Statutory/Other Authority: ORS 670.280

Statutes/Other Implemented: ORS 670.280

AMEND: 851-001-0115

RULE SUMMARY: Remove "for Licensure or Certification by the Board including Initial, Renewal, Reactivations, Reinstatements, and Endorsements" from title

1 - remove comma

CHANGES TO RULE:

851-001-0115

~~Criminal Background Checks for Applicants for Licensure or Certification by the Board including Initial, Renewal, Reactivations, Reinstatements, and Endorsements~~ ¶

When applying for a license or certification to practice, including renewal, the Board will make a fitness determination consistent with ORS 181A.195 and OAR 125-007, which includes national fingerprint and state records criminal background checks per Board procedure.¶

(1) If the CBC reveals a conviction, the Board will make a determination whether the conviction bears a demonstrable relationship to the practice of nursing. If the conviction relates to the practice of the applicant, licensee or certificate holder, the Board may deny or otherwise¶
discipline the license or certificate up to; and including revocation. No denial or discipline will be based solely on the findings of a crime; all findings will be investigated and brought to the Board for consideration.¶

(2) When making a fitness determination, the Board must consider:¶

(a) The nature of the crime;¶

(b) The relevancy of the crime to the present practice or proposed position, license, or certification;¶

(c) Findings of fact;¶

(d) The passage of time since the commission of the crime.¶

(e) The age of the applicant at the time of the crime.¶

(f) Likelihood of a repetition of the crime.¶

(g) Subsequent conviction of another relevant crime.¶

(h) Whether the conviction was set aside and the legal effect of setting aside the convictions.¶

(i) Letters of support that would supply evidence of current character, including recommendations by employer, if applicable.¶

(3) The Board will evaluate a conviction or pending indictment or that indicate the making of a false statement; crime or offense on the basis of law of the jurisdiction in which the crime or offense occurred.¶

(4) A conviction in the following crimes may have a nexus to nursing and may be investigated and considered and could result in denial or discipline of the license or certificate:¶

(a) Crimes involving theft.¶

(b) Crimes involving fraud or deceit.¶

(c) Crimes involving any sexually related conduct, including but not limited to rape or sexual penetration.¶

(d) Crimes involving assault, harassment, stalking, domestic violence or similar conduct, including causing the death of another individual or individuals.¶

(e) Crimes involving driving under the influence of intoxicants if convicted for another crime in connection with the same incident.¶

(f) Two or more driving under the influence of intoxicant convictions within a five year period.¶

(g) Violation of controlled substance laws.¶

(5) Other criminal offense information that may have a nexus to nursing and may be considered includes:¶

(a) Sex offender registration.¶

(b) Conditions of parole, probation, or diversion program.¶

(c) Unresolved arrests for:¶

(A) Felony Burglary¶

(B) Felony Robbery¶

(C) Felony Criminal Mistreatment¶

(D) Crimes involving visual depiction or visual recordings of sexually explicit conduct involving a child.¶

(6) The Board of Nursing in and through its designee(s) shall evaluate a crime or offense on the basis of the law of the jurisdiction in which the crime or offense occurred.¶

(7) Under no circumstances shall an applicant be denied under these rules because of a juvenile record that has been expunged or set aside pursuant to ORS 419A.260 to 419A.262.¶

(8) Under no circumstances shall an applicant be denied under these rules due to existence of contents of an adult record that has been set aside pursuant to ORS 137.225.

Statutory/Other Authority: ORS 678.150

Statutes/Other Implemented: ORS 678.150

AMEND: 851-001-0122

RULE SUMMARY: 851-001-0122 amendments - ; added after 0122 (3)(d)(e)(f)(g) and a ; and after 3(h)
5 changed to five in 0122 (5)(f)
; and at end of 0122(6)(c)(C)

Executive order OAR 257-010-0025 (1)(b) updated to ORS 181.010(6) and OAR 257-010-0025 (1)(b)

CHANGES TO RULE:

851-001-0122

Criminal Background Checks for employees of, for those seeking to be employed by, or providing services or seeking to provide services as a contractor or volunteer for the Board of Nursing

(1) The Board shall perform national fingerprint checks and state criminal record checks on all individuals covered under this section per ORS 181A.195(1)(c) and OAR 125-007-0210(10). For the purposes of this section rules, these specific individuals will be referred to as subject individual (SI).¶

(2) Refusal to consent to a fingerprint check and state criminal records check will result in denial of employment or ability to provide services to the Board.¶

(3) The Board of Nursing, in making fitness must consider:¶

(a) The nature of the crime;¶

(b) The relevancy of the crime to the present practice or proposed position or provided service.¶

(c) Findings of fact;¶

(d) The passage of time since the commission of the crime;¶

(e) The age of the applicant at the time of the crime;¶

(f) Likelihood of a repetition of the crime;¶

(g) Subsequent conviction of another relevant crime;¶

(h) Whether the conviction was set aside and the legal effect of setting aside the convictions; and¶

(i) Letters of support that would supply evidence of current character, including recommendations by current employer, if applicable.¶

(4) The Board will evaluate a conviction or pending indictment or that indicate the making of a false statement; crime or offense on the basis of law of the jurisdiction in which the crime or offense occurred.¶

(5) A conviction in the following crimes may have a nexus to the work and security of the Board and may be investigated and Board considered, could result in denial of employment or service to the Board:¶

(a) Crimes involving theft.¶

(b) Crimes involving fraud or deceit.¶

(c) Crimes involving any sexually related conduct, including but not limited to rape or sexual penetration.¶

(d) Crimes involving assault, harassment, stalking, domestic violence or similar conduct, including causing the death of another individual or individuals.¶

(e) Crimes involving driving under the influence of intoxicants if convicted for another crime in connection with the same incident.¶

(f) Two or more driving under the influence of intoxicant convictions within a ~~5~~five-year period.¶

(g) Violation of controlled substance laws.¶

(6) Other criminal offense information that may have a nexus to the work and security of the Board and may be considered includes:¶

(a) Sex offender registration;¶

(b) Conditions of parole, probation, or diversion program.¶

(c) Unresolved arrests for:¶

(A) Felony Burglary;¶

(B) Felony Robbery;¶

(C) Felony Criminal Mistreatment; and¶

(D) Crimes involving visual depiction or visual recordings of sexually explicit conduct involving a child.¶

(7) The Board of Nursing in and through its designee(s) shall evaluate a crime or offense on the basis of the law of the jurisdiction in which the crime or offense occurred.¶

(8) Under no circumstances shall an SI be denied under these rules because of a juvenile record that has been expunged or set aside pursuant to ORS 419A.260 to 419A.262.¶

(9) Under no circumstances shall an SI be denied under these rules due to existence of contents of an adult record that has been set aside pursuant to ORS 137.225.

Statutory/Other Authority: ORS 181A.195(1)(c), OAR 125-007-0210(10)

Statutes/Other Implemented: ~~Executive Order 07-19~~ORS 181.010(6), OAR 257-010-0025(1)(b)

AMEND: 851-001-0170

RULE SUMMARY: 5) 851-001-0170 amended:

- a) Remove "including those employed by a facility health care organization, or self employed";
- b) Remove "under ORS 413.558";
- c) Replace "person with limited English proficiency" with "client".
- 6) 851-001-0170(2)(b): Replace "patient" with "client".
- 7) 851-001-0170(4): Replace "patient" with "client".

CHANGES TO RULE:

851-001-0170

Requirements for Language Interpreter

- (1) Individuals licensed by the Board, ~~including those employed by a facility health care organization, or self-employed,~~ must consult with the health care interpreter registry administered by the Oregon Health Authority ~~under ORS 413.558~~ when communicating with a ~~pat~~client who prefers to communicate in a language other than English or who communicates in signed language, unless the licensee or certificate holder is proficient in the preferred language of the ~~person with limited English proficiency~~client. The licensee may not charge for these services.¶¶
- (2) Licensees who are otherwise required to work with a health care interpreter from the health care interpreter registry may work with a health care interpreter who is not listed on the health care interpreter registry only if the licensee:¶¶
 - (a) Verifies that they made a good faith effort needed to obtain a health care interpreter from the health care interpreter registry in accordance with rules adopted by the authority under ORS 413.558 and have found that none are available to provide interpretation; or¶¶
 - (b) Offered the ~~pat~~client the services of a health care interpreter from the health care interpreter registry and the ~~pat~~client declined the offer and chose a different interpreter; or¶¶
 - (c) Is employed by an education provider that provides education services to children from birth through age 21 and the interpreter is provided by the education provider in accordance with the education provider's requirements.¶¶
- (3) A licensee must provide personal protective equipment, consistent with established national standards, to health care interpreters providing services on-site at no cost to the health care interpreter and may not suggest to the health care interpreter that the health care interpreter should procure the health care interpreter's own personal protective equipment as a condition of working with the licensee. ¶¶
- (4) Licensees must maintain records of:¶¶
 - (a) Each ~~pat~~client encounter in which they work with a health care interpreter from the health care interpreter registry; and¶¶
 - (b) Each good faith effort to utilize a health care interpreter from the health care registry for each ~~pat~~client encounter in which the licensee works with an interpreter not on the health care interpreter registry and met one of the exceptions in (2) of this rule. ¶¶
- (5) The records required in (4) must include: ¶¶
 - (a) The full name of the health care interpreter; and¶¶
 - (b) The health care interpreter's registry number, if applicable; and¶¶
 - (c) The language interpreted.

Statutory/Other Authority: ORS 678.150, ORS 413.559, ORS 689.205, ORS 413.550

Statutes/Other Implemented: ~~HB 2359-2021~~ORS 413.550, ORS 413.552, ORS 413.556, ORS 413.558, ORS 414.572, ORS 656.027, ORS 657.046