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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 851  
BOARD OF NURSING

**FILED**

02/24/2025 9:32 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Division 049 - Standards - Licensed Nurse Protocol Development/Utilization, Communicating  
Prescriber's Reauthorization Prescription/RN Dispensing

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/21/2025 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.*

CONTACT: Brandy Ritter  
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Portland, OR 97224

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: 03/18/2025

TIME: 2:00 PM - 3:00 PM

OFFICER: Brandy Ritter

**REMOTE HEARING DETAILS**

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

PHONE NUMBER: 253-215-8782

CONFERENCE ID: 85629402923

**SPECIAL INSTRUCTIONS:**

Meeting URL: <https://us06web.zoom.us/j/85629402923>

Meeting ID: 856 2940 2923

One tap mobile

+12532158782,,85629402923#

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](mailto: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 3:00 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](mailto:brandy.ritter@osbn.oregon.gov).

All written comments and materials must be received by the close of the comment period on March 21, 2025 at 5:00 PM. 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.

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#### NEED FOR THE RULE(S)

ORS 678.150 requires the Board to exercise general supervision of the practice of nursing in this state and to determine the scope of practice as delineated by the knowledge acquired through approved courses of education or through experience.

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#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR 851-049 Standards for Licensed Nurse Protocol Development and Utilization, Communicating a Prescriber's Re-authorization Dispensing available at

[https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID\\_OARD=R68pUuIHjY3KghbmLXcBzT9TGTD0eezy608281216?selectedDivision=6451](https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID_OARD=R68pUuIHjY3KghbmLXcBzT9TGTD0eezy608281216?selectedDivision=6451) , and

OAR 851-045 Division 045 Standards and Scope of Practice for the Licensed Practical Nurse and Registered Nurse available at <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3929>

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

The adoption of the amendments will not affect racial equity in this state.

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#### FISCAL AND ECONOMIC IMPACT:

There is no fiscal or economic impact as result of the rule amendments.

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#### 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): There is no known impact to units of local government or to the public. (2)(a): The Board does not collect data on small businesses, nurse-owned small businesses, or on small businesses that employ nurses. 2(b): There are no additional reporting, record keeping or administrative activities required by these rules. 2(c): There is an estimated zero cost to comply with these rules.

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

There was no involvement of small businesses in the development of the rule amendments.

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

No Rules Advisory Committee was consulted on the rule amendments due to the nature of the amendments.

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RULES PROPOSED:

851-049-0010, 851-049-0015

AMEND: 851-049-0010

RULE SUMMARY: To simplify and cover all related rules

CHANGES TO RULE:

851-049-0010

Scope of Practice Standards for RN Protocol Utilization

(1) The RN shall make an independent clinical judgment to utilize or to not utilize a protocol for a client based on the analysis of data and evidence relevant to:¶¶

- (a) The prescriber's plan for the client;¶¶
- (b) The medical order contained within the protocol;¶¶
- (c) The client's response to their health situation; and¶¶
- (d) The protocol pre-identified criteria;¶¶

(2) The RN shall not execute the medical order contained in the protocol for the client when the RN reaches the independent clinical judgment that:¶¶

- (a) The medical order within the protocol is unsafe or is not appropriate for the client; or¶¶
- (b) The client does not meet the protocol inclusion criteria; or¶¶
- (c) The client meets the protocol exclusion criteria.¶¶

(3) The RN may execute the medical order contained in the protocol for the client when the RN arrives at the independent clinical judgment that:¶¶

- (a) The medical order within the protocol is safe and appropriate for the client;¶¶
- (b) The client meets the protocol inclusion criteria; and¶¶
- (c) The client does not meet the protocol exclusion criteria.¶¶

(4) If the RN determines, in accordance with subsection (3) of this rule, that the protocol may be used for the client, the RN may assign execution of the medical order contained within the protocol to an LPN or unregulated assistive person as appropriate to the context of care.¶¶

(5) The RN shall document all actions and decisions required by these rules as identified in ~~851-045-0040(4)~~OAR Chapter 851 Division 45.

Statutory/Other Authority: ORS 678.150

Statutes/Other Implemented: ORS 678.150, ORS 678.010

AMEND: 851-049-0015

RULE SUMMARY: To simplify and broaden referenced rules

CHANGES TO RULE:

851-049-0015

Scope of Practice Standards for LPN Protocol Utilization

(1) An LPN practicing under the clinical direction of an RN or LIP may execute a medical order contained within a protocol if:¶

(a) The LPN has been assigned execution of the medical order within a protocol by an RN or LIP;¶

(b) The LPN verifies that the RN or LIP making the assignment has determined that the client meets the protocol inclusion criteria; and¶

(c) The LPN adheres to the scope and standards of practice identified in chapter 851, division 45, including, but not limited to, OAR 851-045-0040(5)(c) and (f).¶

(2) An LPN may only execute a medical order contained within a protocol if execution has been assigned to the LPN by an RN or LIP. The independent nursing judgment regarding a client's appropriateness for protocol inclusion exceeds the dependent and directed scope of practice of the LPN.¶

(3) The LPN shall document all actions and decisions required by these rules as identified in ~~851-045-0040(4)~~OAR Chapter 851 Division 45.

Statutory/Other Authority: ORS 678.150

Statutes/Other Implemented: ORS 678.150, ORS 678.010