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## NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 851

### BOARD OF NURSING

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**FILED: 06/25/2026 3:03 PM**

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Division 62 - Phase two edits to January 2026 HB3044 Revisions

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/21/2026 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

971-334-4216

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

17938 SW Upper Boones Ferry Rd.

Portland, OR 97224

Filed By:

Brandy Ritter

Rules Coordinator

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#### HEARING(S)

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

DATE: 07/21/2026

TIME: 1:00 PM

OFFICER: Brandy Ritter

#### REMOTE HEARING DETAILS

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

PHONE NUMBER: 669-444-9171

CONFERENCE ID: 83857944441

#### SPECIAL INSTRUCTIONS:

Meeting URL: <https://us06web.zoom.us/j/83857944441>

Meeting ID: 838 5794 4441

Dial in by phone: +16694449171,,83857944441#

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 2:00 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 July 21, 2026 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):

The proposed amendments to OAR Chapter 851 Division 62, Standards for Certification of the Nursing Assistant and Medication Aide, represent Phase 2 of efforts to modernize the Nurse Practice Act following the passage of 2025 HB 3044. Phase 1 revisions took effect on January 1, 2026, after which Board staff conducted a continuous quality review of the newly implemented rules.

The proposed amendments in Phase 2 further clarify, refine, and operationalize Board processes. These updates are designed to ensure consistency with statutory authority, improve regulatory transparency, and support efficient certification pathways for nursing assistants and medication aides across Oregon.

Within Division 62, the proposed amendments predominately focus on applying consistent terminology from Phase 1 HB 3044 revisions and ensuring that this Division aligns with the updates to OAR Chapter 851 Division 31, License Requirements for Nurses.

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

Oregon Revised Statute 678 [https://www.oregonlegislature.gov/bills\\_laws/ors/ors678.html](https://www.oregonlegislature.gov/bills_laws/ors/ors678.html)

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

There are no effects to racial equity in the state.

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#### FISCAL AND ECONOMIC IMPACT:

There is no fiscal or economic impact with these rule revisions.

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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) No local or state agencies, or public members are economically affected by these rule changes.
- 2) There are no affects on small businesses.
- 3) Zero businesses are subject to comply with the changes to rule.
- 4) There are no cost influxes that require additional reporting/recordkeeping/admin changes in order to comply with the rule updates.
- 5) There are no increased agency costs in order to comply with these rule updates.

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

Small businesses were not involved in the development of these rule revisions.

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

A RAC was consulted in Phase 1 of the rule revisions but not needed for these updates.

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RULES PROPOSED:

851-062-0050, 851-062-0070, 851-062-0071, 851-062-0075, 851-062-0080, 851-062-0090, 851-062-0110, 851-062-0114, 851-062-0116

AMEND: 851-062-0050

RULE SUMMARY: The proposed changes modify terminology to align with Division 31, correct grammar, and add in specific military education as a pathway to certification.

CHANGES TO RULE:

851-062-0050

Initial Nursing Assistant ~~(NA)~~ Certification Eligibility

(1) An individual may apply for initial NA certification by submitting a completed application, which includes:¶

(a) The Board's initial application form;¶

(b) Payment of all applicable fees described in OAR Chapter 851 Division 2;¶

(c) Proof of passing the Board-approved NA competency examination;¶

(d) Completion of a national fingerprint ~~criminal history-based~~ background check as described in OAR 851-001-0115; and¶

(e) One of the following:¶

(A) Proof of completion, including date of completion of a nursing assistant training program approved by the Board or, for non-Oregon programs, by the appropriate agency in that state or U.S. territory; or¶

(B) A Joint Services transcript and DD214 form; that shows evidence of completion of U.S. military training as an aeronautical medic, combat medic 68W, or medical training as a naval corpsman; or¶

(C) Proof of an active RN, PN or Vocational Nurse (VN) license in good standing; or¶

(D) Proof of current enrollment in a nursing education program approved by the Board or, for non-Oregon programs, by the appropriate agency in that state or U.S. territory.¶

(2) For applicants with NA certification in another state or U.S. territory at the time of application, the active certification may be considered proof of completion of the Board-approved competency examination.¶

(3) Incomplete applications expire 12 months after the initial submission date.

Statutory/Other Authority: ORS 678.440, ORS 678.442, ORS 676.850

Statutes/Other Implemented: ORS 678.442, ORS 676.850

AMEND: 851-062-0070

RULE SUMMARY: The proposed changes modify terminology, correct grammar, and standardize titles throughout division. The requirement that renewal may be applied for before expiration of a current certificate has been added. Background check requirements, redundant with Division 1, have been removed from this section.

CHANGES TO RULE:

851-062-0070

Renewal of ~~CNA~~Nursing Assistant Certification

(1) An NA certificate is valid for two years from the date it is issued. Certificate holders must apply for renewal by 11:59 p.m. on the date of their license expiration to be considered timely.¶

(2) The certificate holder may ~~re~~apply for renewal before the expiration of their certificate by submitting a completed application which includes:¶

(a) The Board's renewal application form;¶

(b) Payment of applicable fees in OAR Chapter 851 Division 2;¶

~~(c) Completion of state records criminal background check as described in OAR 851-001-0115; and~~¶

~~(d)~~ Every 48 months or every other renewal cycle, the applicant must attest to completion of two hours of cultural competency continuing education.¶

(3) A renewal application may be submitted no more than 90 days before the expiration of the certificate.¶

(4) Once a certificate has been expired for more than 90 days, an individual ~~will need to~~must apply for reinstatement as described in OAR 851-062-0071.¶

(5) Incomplete applications expire 12 months after submission date.

Statutory/Other Authority: ORS 678.440, ORS 678.442, ORS 676.850

Statutes/Other Implemented: ORS 678.442, ORS 676.850

AMEND: 851-062-0071

RULE SUMMARY: Clarifies processes and terminology. The rule title has been modified to standardize titles throughout division.

CHANGES TO RULE:

851-062-0071

Reinstatement of ~~CNA~~Nursing Assistant Certification

(1) An individual whose NA certification has been expired for more than 90 days but no more than two years may apply for reinstatement by submitting a completed application, which includes: ¶

(a) The Board's reinstatement application form; ¶

(b) Payment of the fee in OAR Chapter 851 Division 2; ¶

(c) Completion of a national fingerprint-based ~~criminal~~ background check as described in OAR 851-001-0115; and ¶

(d) Completion of two hours of cultural competency continuing education. ¶

(2) An individual ~~with an expired NA certification~~whose Oregon CNA has been expired for over two years ~~can~~must apply for reinstatement by ~~completing the~~submitting a completed application and passing the Board-approved ~~exam~~competency examination. ¶

(3) Applicants who do not pass the examination are required to complete a training program prior to a retake.

Statutory/Other Authority: ORS 678.440, ORS 678.442, ORS 676.850

Statutes/Other Implemented: ORS 678.442, ORS 676.850

AMEND: 851-062-0075

RULE SUMMARY: The rule title has been modified to standardize titles throughout the division. Minor changes to terminology to ensure consistent language.

CHANGES TO RULE:

851-062-0075

~~CNA~~ Disciplinary Reinstatement of Nursing Assistant Certification

(1) An individual whose NA certification has been revoked or voluntarily surrendered is not eligible for reinstatement under OAR 851-062-0071 but may apply for disciplinary reinstatement.¶¶

(2) An applicant for disciplinary reinstatement may submit a completed application which includes:¶¶

(a) The Board's disciplinary reinstatement application form;¶¶

(b) Payment of the fee in OAR Chapter 851 Division 2;¶¶

(c) Proof of completion of an NA training program following revocation or surrender;¶¶

(d) Passage of the Board approved competency exam after submission of application; and¶¶

(e) Completion of a national fingerprint-based ~~criminal~~ background check as described in OAR 851-001-0115.¶¶

(3) An applicant under this rule is also subject to OAR 851-001-0015.¶¶

(4) Incomplete applications expire 12 months after submission date.

Statutory/Other Authority: ORS 678.442, ORS 676.850

Statutes/Other Implemented: ORS 678.442, ORS 676.850

AMEND: 851-062-0080

RULE SUMMARY: The rule title has been modified to standardize titles throughout division. Corrected the certificate acronym.

CHANGES TO RULE:

851-062-0080

Oregon ~~CMA~~Medication Aide Certification

A CMA must have a current Oregon ~~CMA~~ certificate and be listed on the Oregon CNA Registry prior to performing medication aide duties.

Statutory/Other Authority: ORS 678.442

Statutes/Other Implemented: ORS 678.442

AMEND: 851-062-0090

RULE SUMMARY: The rule title has been modified to standardize titles throughout division. Specific military training as a path to medication aide certification has been added.

CHANGES TO RULE:

851-062-0090

~~CMA~~Initial Medication Aide Certification Eligibility

(1) An applicant may apply for Medication Aide certification by submitting a completed application, which includes:¶¶

(a) The Board's medication aide application form;¶¶

(b) Holding a current Oregon CNA certification;¶¶

(c) Payment of the fee in OAR Chapter 851 Division 2;¶¶

(d) Passing the Board-approved medication aide examination; and¶¶

(e) One of the following:¶¶

(A) Proof of completion of a medication aide training program approved by the Board, or, for non-Oregon programs, approved by the appropriate agency in that state or U.S. territory; or¶¶

(B) A ~~Joint Services transcript and DD-214 form~~ that shows evidence of completion of U.S. military training as an aeronautical medic, combat medic 68W, or medical training as a naval corpsman; or¶¶

(C) Proof of an active RN, PN or VN license in good standing; or¶¶

(D) Proof of current enrollment in a nursing education program approved by the Board or, for non-Oregon programs, by the appropriate agency in that state or U.S. territory. ¶¶

(2) Incomplete applications expire 12 months after submission date.

Statutory/Other Authority: ORS 678.440, ORS 678.442

Statutes/Other Implemented: ORS 678.442

AMEND: 851-062-0110

RULE SUMMARY: The proposed changes mirror proposed edits to Rule 0070, to ensure consistent language and expectations with certification renewals.

CHANGES TO RULE:

851-062-0110

Renewal of ~~CMA~~ Medication Aide Certification

(1) An MA certificate is valid for two years from the date it is issued. Certificate holders must apply for renewal by 11:59 p.m. on the date of their license expiration to be considered timely.¶

(2) The certificate holder may reapply before the expiration of their certificate by submitting a completed application which includes:¶

(a) The Board's renewal application form;¶

(b) Payment of applicable fees in OAR Chapter 851 Division 2;¶

~~(c) Completion of state records criminal background check as described in OAR 851-001-0115; and ¶~~

~~(d)~~ Attest to completion of eight hours of continuing education within the past two years related to medication aide authorized duties.¶

(3) A renewal application may be submitted no more than 90 days before the expiration of the certificate.¶

(4) Once a certificate has been expired for more than 90 days, an individual ~~will need to~~ must apply for reinstatement as described in OAR 851-062-0114.¶

(5) Incomplete applications expire 12 months after submission date.

Statutory/Other Authority: ORS 678.440, ORS 678.442

Statutes/Other Implemented: ORS 678.442

AMEND: 851-062-0114

RULE SUMMARY: The proposed changes mirror proposed edits to Rule 0071, to ensure consistent language and expectations with certification reinstatements.

CHANGES TO RULE:

851-062-0114

Reinstatement of ~~CMA~~Medication Aide Certification

(1) An individual whose MA certification has been expired for more than 90 days but no more than two years may apply for reinstatement by submitting a completed application, which includes: ¶

(a) The Board's reinstatement application form; ¶

(b) Payment of the fee in OAR Chapter 851 Division 2; ¶

(c) Completion of a national fingerprint-based ~~criminal~~ background check as described in OAR 851-001-0115; and ¶

(d) Completion of two hours of cultural competency continuing education. ¶

(2) An individual with an expired MA certification for over two years can apply for reinstatement by completing the application and passing the Board-approved exam. ¶

(3) Applicants who do not pass the examination are required to complete a training program prior to a retake.

Statutory/Other Authority: ORS 678.440, ORS 678.442

Statutes/Other Implemented: ORS 678.442

AMEND: 851-062-0116

RULE SUMMARY: The proposed changes mirror proposed edits to Rule 0075, to ensure consistent language and expectations with disciplinary certification reinstatements.

CHANGES TO RULE:

851-062-0116

~~CMA~~-Disciplinary Reinstatement of Medication Aide Certification

- (1) An individual whose MA certification has been revoked or voluntarily surrendered is not eligible for reinstatement under OAR 851-062-0071 but may apply for disciplinary reinstatement.¶¶
- (2) An applicant for disciplinary reinstatement may submit a completed application which includes:¶¶
  - (a) The Board's disciplinary reinstatement application form;¶¶
  - (b) Payment of the fee in OAR Chapter 851 Division 2;¶¶
  - (c) Proof of completion of an MA training program following revocation or surrender;¶¶
  - (d) Passage of the Board approved MA competency exam after submission of application; and¶¶
  - (e) Completion of a national fingerprint-based ~~criminal~~ background check as described in OAR 851-001-0115.¶¶
- (3) An applicant under this rule is also subject to OAR 851-001-0015.¶¶
- (4) Incomplete applications expire 12 months after submission date.

Statutory/Other Authority: ORS 678.440, ORS 678.442

Statutes/Other Implemented: ORS 678.442