

## Post Emergency Declaration Transition

For each scenario in this document, the Chief Nursing Officer or senior nurse within the organization, is accountable under their license to establish policy and procedure to assure that Board requirements are met.

On April 1, 2022, the Oregon State Board of Nursing (OSBN) will no longer have the authority to issue any new Emergency Authorizations regardless of when an application for authorization was received. Any application still awaiting processing will be deactivated without issuance.

**A. Nursing staff (RN, LPN, CNS, NP, CRNA) working under Emergency Authorization (EA): who do not apply for permanent Oregon license:**

The authority for nurses to work under an emergency authorization who do not wish to apply for permanent Oregon license will end at 11:59 pm June 30, 2022. To accommodate night shift workers, the Emergency Authorizations will be expired at 7 a.m. July 1, 2022. After that time, all EAs will expire and EAs will no longer be a method used to authorize nurses the ability to work anywhere in Oregon.

**B. Certified Nursing Assistant (CNA) staff working under Emergency Authorization (EA):** The authority for a CNA to work in Oregon under an EA will be valid until 11:59 pm June 30, 2022. To accommodate night shift workers, the Emergency Authorizations will expire at 7 a.m. July 1, 2022. After that time, all EAs issued in the state of Oregon will expire and EAs will no longer be a method used to authorize CNAs the ability to work anywhere in Oregon.

**C. Nursing staff (RN, LPN, CNS, NP, CRNA) working under Emergency Authorization (EA) who apply for permanent nursing license by endorsement:**

The Chief Nursing Officer or senior nurse within the organization may request an exception to licensing requirements per ORS 678.034 before the EAs expire at 7 a.m. July 1, 2022. Nurses who have applied for licensure by endorsement prior to the expiration of the EAs and have not yet been issued a license are eligible. Requirements:

1. A completed endorsement application is on file with the OSBN office prior to the start of the nurse's first shift. A completed application is one where all application information is included, the application is signed by the applicant and the license fee is paid. If the nurse has worked under an EA, the completed application must be received prior to June 30, 2022.
2. In addition to the requirements in section 1, prior being placed on the work schedule, the Chief Nursing Officer or most senior nurse within the organization must request the use of temporary staff due to short staffing not related to a labor action, such as a strike or work slowdown. The information required is found in OAR 851-031-0040 (1) (a) through (e). The exception request form is located here: <https://www.oregon.gov/osbn/Pages/LTC-EmergencyExceptions.aspx>. It is the responsibility of the organization to determine if their facility is licensed as per the

requirements of HB 4003. Should an organization not be included in the language of the bill, the OSBN will immediately deny or rescind the ability of the nurses(s) to work in the facility.

In addition to the name of the organization or facility, required information is as follows:

- Date the nurse(s) will be placed on staff. If the individual already has an EA and is waiting to receive full licensure, the date will be July 1, 2022.
- Name of each nurse. Each nurse either continuing to work or those that are being brought in must be named. Even if the nurse has been working under an EA for months, the OSBN must have a name to match to an endorsement application.
- The last four digits of the Social Security Number of the nurse to be employed. This allows Board staff to identify the nurse within our database and in Nursys.
- Jurisdiction of current licensure of nurse so hired indicating evidence used to determine current unencumbered licensure. EAs were approved by the OSBN reviewing the NURSUS database for licensure status. Statute requires that for this authorization the employer MUST also review the NURSUS database to assure that the requested nurse has unencumbered licensure.
- Nature of the staffing shortage.
- There is no labor dispute affecting nurses at the place of employment.

3. Once **approval from the OSBN is received and the nurse is listed on the exemption list**, the nurse may be on staff for 90 days. To approve a request, the OSBN will determine if a completed endorsement application has been received. The approval will also contain the last day of the authorization. If there is no active endorsement application found, the request is denied, and the requested staff will be prohibited from practicing nursing in Oregon. If after 90 days the nurse has not been issued a permanent license, the Chief Nursing Officer or senior nurse may request a 30- day extension by utilizing the request form <https://www.oregon.gov/osbn/Pages/LTC-EmergencyExceptions.aspx>. If no license is issued after the 30-day extension, the nurse must be removed from the schedule and are prohibited to practice nursing in Oregon until a permanent license has been issued. There are no exceptions.

4. Once the permanent license is issued, this temporary authorization is rescinded.

**D. Nurses Contracted or Hired after April 1, 2022, in Oregon to meet a temporary staffing shortage**

A licensing exception can be requested for a period of 90 days with a one-time extension of 30 days. Please follow the requirements listed in paragraph C: 1, 2, and 3.

**E. Certified Nursing Assistants who wish to apply for permanent Oregon certification:**

The Oregon legislature has not authorized the OSBN to allow CNAs to continue to work in Oregon after 7 a. m on July 1, 2022. If the CNA has not received a permanent certification, even if a completed application is on file with the OSBN, the CNA must be taken off the schedule and is not authorized to work in Oregon. Utilization of these staff in a non-CNA capacity is not within

the jurisdiction of the Board. A non-certified CNA is considered a non-regulated staff member. To utilize these staff:

- They may not be identified as CNAs.
- The duties and tasks they are authorized to perform is per organizational or facility policy.
- The organization or facility validates the competency of the individual. Previous certification as a CNA may not be used to validate competency. The organization must test and certify competency of the individual.