



## PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 851

BOARD OF NURSING

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### RULES:

851-031-0006, 851-031-0015, 851-031-0039, 851-031-0048, 851-031-0051, 851-031-0055, 851-031-0061, 851-031-0087

AMEND: 851-031-0006

RULE TITLE: General Eligibility Requirements for All Initial Applications for License, License Renewal, and License Reactivation

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: The rule revisions are to comply with HB 2078 regarding pain management continuing education requirements.

### RULE TEXT:

#### (1) Limits on Eligibility:

- (a) If an applicant has a major physical or mental condition that could affect the applicant's ability to practice nursing safely, a physical or psychological assessment may be required to assist in the determination as to whether or not the applicant's physical or mental health is adequate to serve the public safely. This assessment will be part of the investigative process that could lead to denial or other discipline including possible revocation.
- (b) If an applicant has pled guilty, convicted, completed a diversion program, pled no contest, or submitted an Alford Plea of any criminal offense that has not been expunged a determination must be made whether the conviction bears a demonstrable relationship to the practice of nursing. If the conviction does relate to the practice of nursing, licensure may be denied or otherwise disciplined up to, and including revocation.
- (c) If the applicant has past, current or pending disciplinary action in another licensing jurisdiction, the Board must investigate and may deny or otherwise discipline including possible revocation of licensure.
- (d) If the applicant falsifies an application, supplies misleading information or withholds information, such action may be grounds for denial or revocation.
- (e) The Board is the sole judge of all documents and credentials determining eligibility for licensing.

#### (2) General Eligibility Requirements:

- (a) A completed application per the instructions on application(s) provided by the Board. The Board determines the format for application submission. The applicant takes accountability for assuring that the appropriate application(s) are

completed.

(b) Documentation of successful completion of the Board approved examination based upon the graduation date of the applicant:

(A) A registered nurse applicant for licensure must have achieved the following minimum score on the licensure examination:

(i) Tests taken before February 1982, a standard score of 350 or above in each of the five test sections comprising the State Board Test Pool Examination (SBTPE) examination.

(ii) Between July 1982 through June 1988, a comprehensive standard minimum score of 1600 or above on the NCLEX® comprehensive exam.

(iii) Beginning February 1989, a designation of a "Pass" score on the NCLEX-RN®.

(B) A practical nurse applicant for licensure must have achieved the following minimum standard score on the licensure examination:

(i) Between June 1951 up to and including April 1988, a comprehensive standard score of 350 or above on the Vocational Nursing Exam.

(ii) Beginning October 1988, a designation of a "Pass" score on the NCLEX-PN®.

(c) No challenge or state constructed examination or other method of licensure examination will be accepted.

(d) All applicants must show English proficiency by one of the following methods:

(A) Graduation from an approved nursing program in the United States, its territories, and jurisdictions, in which:

(i) All classroom instruction was in English; and

(ii) All nursing textbooks were in English; and

(iii) The preponderance of clinical experience was in English; or

(B) Graduation from a school of nursing outside of the United States in which:

(i) All classroom instruction was in English; and

(ii) All nursing textbooks were in English; and

(iii) The preponderance of clinical experience was in English; or

(C) Documentation of nursing practice, in English, at level of license sought, in another state in the United States for at least 400 hours in the two years preceding application for licensure; or

(D) Successful completion of one of the following:

(i) A score of 83 on the Test of English as a Foreign Language (TOEFL) iBT within two years of application for licensure; or

(ii) Passing the International English Language Testing System (IELTS) (Academic Module) within two years of application for licensure with an overall score of 6.5 with a minimum of 6.0 all modules; or

(iii) Occupational English Test (OET) taken within two years of application submission with a "B" in all categories; or

(iv) Passing the English NCLEX® examination in another state; or

(v) Graduation from a post-licensure nursing education program in the United States.

(e) All initial, reactivation, and re-entry applicants will be subject to a national fingerprint- based criminal background check as described in OAR 851-001-0115. Renewal applicants may be subject to a state-based criminal background check through the Oregon Law Enforcement Data System (LEDS) and, in addition, will be subject to a national fingerprint based criminal background check every second renewal after initial licensure.

(f) An initial renewal or reactivation applicant must have documentation of the Pain Management Education through the Oregon Pain Commission plus six hours of continuing education units and in accordance with ORS 413.590. The applicant will provide documentation to the Board through submission of certificates of completion if such certifications are not currently on file with the Board. Applicants graduating from an Oregon Practical Nurse or Registered Nurse program after January 1, 2009 do not need to complete the additional 6 hours of continuing education as it was provided in their education. These applicants must still provide evidence of completion of the Pain Management Education through the Oregon Pain Management Commission. In addition to the initial renewal requirement, effective January 1, 2022, all licensees must show evidence of having taken the current Oregon Pain Commission online pain

management course with every renewal or reactivation application,

(g) All applicants submitting an application after July 1, 2021, must attest to having at least two hours of cultural competency education in the two years preceding the receipt of a completed application. Employer cultural competency education is acceptable.

STATUTORY/OTHER AUTHORITY: ORS 678.140, ORS 678.040, HB 2078 - 2021-2023 Regular Legislative Session

STATUTES/OTHER IMPLEMENTED: ORS 678.140, ORS 678.040

AMEND: 851-031-0015

RULE TITLE: Eligibility for Licensure by Examination for Graduates of Programs in the United States with a designated NCLEX® Program Code

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: The rule revisions are to comply with SB 40 to add a program clinical component as an initial qualification for Oregon licensure.

RULE TEXT:

(1) Graduation from an approved nursing program, as defined in ORS 678.040. If enrolled after January 1, 2022, the program must include a clinical component.

(a) An applicant for the practical nurse examination must show evidence of having graduated from a pre-licensure program preparing graduates for a Practical Nurse or Registered Nurse license or have graduated from the Air Force 4N051 5 skilllevel or the Army 68WM6 Practical Nurse Program.

(b) An applicant for the registered nurse examination must show evidence of having graduated from a pre-licensure Diploma, Associate Degree, or Baccalaureate Degree registered nurse program.

(c) Participants enrolling in an accelerated master's or doctorate of nursing program after July 1, 2021, must provide evidence of an awarded degree in Nursing to apply for licensure as a registered nurse. A letter of equivalency will not be accepted as a qualification for licensure per ORS 678.040(1)(2). The Master's or doctorate degree will be accepted as qualifying for licensure if the applicant has not been previously licensed nor taken the NCLEX® prior to finishing the program.

(2) Successful completion of the Board defined examination for nursing licensure.

(3) Limits on Eligibility for Licensure by Examination:

(a) Applicants for initial licensure by examination, not previously licensed in another state or country, will be permitted to test no more than two years following program graduation.

(b) Applicants who have graduated from the military courses referenced in section (1)(a) of this section will be eligible to sit for the NCLEX-PN® by providing a DD 214 indicating training in the required military education and must be currently enlisted or within two years of discharge.

(c) An applicant who fails to pass the examination in two years will not be eligible to reapply for licensure by examination unless the applicant graduates from an additional nursing program. A nursing re-entry program would not qualify the applicant for license by examination for those who have not been previously licensed.

(4) To qualify for a license the applicant must:

(a) Submit a completed application; and

(b) Graduate from an Oregon Board approved school of nursing or graduation from a non- Oregon state approved nursing program within the two years immediately preceding application for licensure and verified through Board defined procedures or qualify as a military practice nurse as defined in section (3)(b) of this rule; and

(c) Register and pay fees to the testing service authorized to administer the NCLEX-RN® or NCLEX-PN® examination.

(5) Results of Examination:

(a) All applicants must pass the NCLEX® prior to being authorized to practice as a licensed nurse in Oregon. No temporary practice permits are issued by the Board.

(b) An applicant who passes the examination will be granted a license to practice nursing in Oregon after all other requirements for licensure have been met.

(c) An applicant who fails the licensing examination must meet requirements for reexamination.

(d) Reexamination following one or more failure(s):

(A) An applicant notification of failed exam and instructions for reexamination will be sent to the applicant's address as listed with the authorized testing service.

(B) An applicant for reexamination must submit the required application and fee with the Board before being eligible to take the examination.

(C) The applicant must register and pay the fee to the authorized NCLEX® testing service.

(D) Per NCLEX® requirements, an applicant will be allowed to test no sooner than the 46th day following the previous test date. There is no limit to the number of times a candidate may re-test during the two-year post-graduation timeframe.

STATUTORY/OTHER AUTHORITY: ORS 678.140, ORS 678.040, SB 40 - 2021-2023 Regular Legislative Session

STATUTES/OTHER IMPLEMENTED: ORS 678.140, ORS 678.040

AMEND: 851-031-0039

RULE TITLE: Licensure by Endorsement

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: The proposed rule revisions are to add language to comply with SB 40 to add a program clinical component for endorsement qualification.

RULE TEXT:

(1) Applicant must meet all standards for eligibility established in OAR 851-031-0006 and have completed at least 400 hours of verifiable practice within two years or have graduated from their initial nursing program within two years preceding submission of a completed application. If qualifying by initial education and enrolled in the program on or after January 1, 2022, the program must include a clinical component.

(2) Per ORS 678.050(3)(b) the Board cannot accept third party payment for any endorsement application and the licensee must attest to having self-completed the application.

(3) Requirements and procedures for Licensure by Endorsement:

(a) Using instructions provided by the Board, the applicant must arrange for:

(A) Primary source verification from original licensing state or US jurisdiction showing successful completion of the examination as defined in OAR 851-031-0006(2)(b); and

(B) Transcript documenting graduation from a pre-licensure program used to originally qualify the applicant for nursing licensure. If the program no longer exists, the applicant must provide verification from the state in which the program was located stating that the program was authorized as a degree, diploma, or certification awarding nursing program in that state at the time of graduation and the applicant must provide documents that a degree in nursing was received from the program; or

(C) If internationally educated, a credential evaluation from a US board approved credential evaluation service, documenting graduation from a pre-licensure program that originally qualified the applicant for nursing licensure. The age of the credential evaluation report is not relevant as long as the report is the original report establishing educational equivalency during initial licensure in the US.

(b) An application for licensure by endorsement that has not resulted in the issuance of a license within one (1) calendar year of payment posting will be considered void.

(c) Nurses licensed prior to 1989 without verification of passing the State Pool Test Board (SPTB) or verification of other US entry-level competency examination must have their application reviewed by the full Board for determination if documents qualify for Oregon licensure.

(4) Applicants from Puerto Rico who have been initially licensed in Puerto Rico and have taken the English language NCLEX-RN® or NCLEX-PN® must meet the requirements of this section to qualify for endorsement.

(5) Applicants from Canada qualify for endorsement if they graduated after January 1, 2015, and meet the requirements of this rule. Section (3)(a)(C) of this rule does not apply.

(6) The Board is the sole judge of all documents and credentials.

STATUTORY/OTHER AUTHORITY: ORS 678.140, ORS 678.040, SB 40 - 2021-2023 Regular Legislative Session

STATUTES/OTHER IMPLEMENTED: ORS 678.140, ORS 678.040

AMEND: 851-031-0048

RULE TITLE: Renewal of License

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: The rule revisions are to clarify the CEU requirement for those not meeting the required 400 hours of practice in two years for renewal of license.

RULE TEXT:

For renewal of licensure, the applicant must submit a fully completed application established by the Board and attest to:

(1)(a) 400 hours of nursing practice, at the level of license sought, within the two years immediately preceding renewal application. Applicants initially licensed prior to January 1, 2021, must attest to having 400 hours of practice in the previous two years by their second renewal cycle after implementation of these rules. Prior to this second renewal, the applicant may use the previously required competency hours of 960 in 5 years; or

(b) Graduation from the Board-approved Oregon, or out of state school of nursing, or international nursing program that qualified the licensee for this type of license within the two years immediately preceding renewal application; or

(c) Completing a re-entry program meeting the requirements of OAR 851-021-0080; or OAR 851-031-0065 within the two years immediately preceding application for licensure renewal.

(2) Applicants who cannot attest to 400 hours of practice in the past two years preceding application for renewal must:

(a) Have at least 600 hours of practice in the last three years. The applicant must submit documentation of 20 hours of continuing education related to their area of nursing practice; employer - required continuing education does not qualify; or

(b) Have at least 800 hours of practice in the last four years. The applicant must submit documentation of 30 hours of continuing education related to their area of practice; employer- required continuing education does not qualify.

(c) If the applicant is unable to qualify by any other option listed and has some practice but less than 960 hours of practice in the last five years, the applicant must apply for practice re-entry per OAR 851-031-0061.

(3) Renewal applications will not be processed until all fees have been submitted. The official time of application is per Board records. There is no grace period for licensure renewal. The licensee must submit, prior to 12:01 a.m. on the date of their birthday in odd years for those born in an odd year and in even years for those born in even years, a completed application as prescribed by the Board. An application for renewal not completed within 30 days of expiration date is considered void, and the applicant will need to apply for license re-activation as per OAR 851-031-0051.

(4) Applications received after the timeframe described in section (3) of this rule are subject to a delinquent fee of \$100 in addition to the renewal fee.

(5) Renewal applicants will be subject to a national fingerprint based criminal background check paid for by the applicant every second renewal per OAR 851-031-0006(2)(e). Renewals not requiring a fingerprint based renewal will be subject to a no cost Oregon based non-fingerprint background check performed by Board staff.

(6) All renewal applications are subject to random audit for validation of attested practice.

STATUTORY/OTHER AUTHORITY: ORS 678.140, ORS 678.040

STATUTES/OTHER IMPLEMENTED: ORS 678.140, ORS 678.040

AMEND: 851-031-0051

RULE TITLE: License Reactivation

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: The rule revisions are to clarify the CEU requirement for those not meeting the required 400 hours of practice in two years for license reactivation.

RULE TEXT:

(1) Reactivation of license is required if the license has been expired more than 30 calendar days.

(2) An applicant for reactivation of license must:

(a) Submit a fully completed application established by the Board;

(b) Submit fingerprints as per OAR 851-031-0006(2)(e);

(c) Meet the nursing practice requirement of 400 hours in the two years preceding receipt of a completed application and if practice hours were obtained in another state other than Oregon, the applicant must arrange for primary source verification of license from the state(s) where practice hours were met. If unable to meet this requirement:

(A) Have at least 600 hours of practice in the last three years. The applicant must submit documentation of 20 hours of continuing education related to their area of nursing practice; employer - required continuing education does not qualify; or

(B) Have at least 800 hours of practice in the last four years. The applicant must submit documentation of 30 hours of continuing education related to their area of practice; employer - required continuing education does not qualify; or

(C) If the applicant is unable to qualify by any other option listed and has some practice, but less than 960 hours of practice in the last five years, the applicant must apply for practice re-entry per OAR 851-031-0061.

STATUTORY/OTHER AUTHORITY: ORS 678.140, ORS 678.040

STATUTES/OTHER IMPLEMENTED: ORS 678.140, ORS 678.040



AMEND: 851-031-0055

RULE TITLE: License Reinstatement

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: The rule revisions are to clarify the requirement when an application for reinstatement of license may be submitted.

RULE TEXT:

(1) An applicant for reinstatement of license must:

(a) Apply for reinstatement eligibility based upon Board order for revocation or signed stipulation for voluntary surrender and per OAR 851-001-0015.

(b) Complete and submit an application for reinstatement no sooner than three years after initiation of the revocation or voluntary surrender.

(c) Submit fingerprint-based national criminal background check as per OAR 851-031-0006 (2)(e).

(2) After receipt of all required licensing documents the application must be forwarded to the investigations department and assigned to a Board Investigator. Once the investigation is complete, a report will be submitted to the Board for consideration to grant or deny reinstatement.

(3) If reinstatement is awarded by the Board, the licensee or certificate holder will be required to validate competency through re-entry into practice as per OAR 851-031-0061.

STATUTORY/OTHER AUTHORITY: ORS 678.140, ORS 678.040

STATUTES/OTHER IMPLEMENTED: ORS 678.140, ORS 678.040

AMEND: 851-031-0061

RULE TITLE: Application for re-entry into practice and re-entry options

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: The rule revisions are to clarify language to describe when re-entry into practice is required.

RULE TEXT:

Applicants that have practiced but do not have 960 hours of practice in five years and are not eligible for license renewal or re-activation through any other means, may apply for re-entry into practice. Applicants for reinstatement must select a re-entry option regardless of the number of practice hours within a timeframe.

- (1) Complete an application for re-entry using the application and procedures provided by the Board; and,
- (2) Complete an additional application for a limited license and attend and pass a Board approved nursing re-entry program; or
- (3) Complete an additional application for a limited license and provide documentation of an individualized re-entry plan, to be approved by the Board, as described in OAR 851-031-0065; or
- (4) Pass the NCLEX-RN® or NCLEX-PN® within one year of re-entry application. Failure to pass the NCLEX-RN® or NCLEX-PN® within one year of application will require the submittal of another completed re-entry application.

STATUTORY/OTHER AUTHORITY: ORS 678.040, ORS 678.140

STATUTES/OTHER IMPLEMENTED: ORS 678.040, ORS 678.140

AMEND: 851-031-0087

RULE TITLE: Nurse Emeritus License

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: The rule revisions clarify a reference citation.

RULE TEXT:

(1) The nurse granted Retired Nurse Status may apply for Nurse Emeritus licensure. The Nurse Emeritus license allows the continued practice of nursing in a voluntary capacity only. The Nurse Emeritus license provides for practice at the Registered Nurse or Licensed Practical Nurse level. There is no Nurse Emeritus status for Nurse Practitioners, Clinical Nurse Specialists, or Certified Registered Nurse Anesthetists.

(2) An applicant for initial Nurse Emeritus licensure must submit the following:

(a) Appropriate application and fee including attestation of 10,000 lifetime practice hours.

(b) Attestation to having 400 hours of practice in the past two years;

(c) A professional practice competency plan that includes:

(A) Identification of one's volunteer practice role; and

(B) Identification of the setting where volunteer practice will occur; and

(C) Documentation that demonstrates how competency for the volunteer practice role has been attained; and

(D) A plan for continued independent or formal learning to maintain competency specific to one's volunteer practice role.

(3) A nurse holding Nurse Emeritus licensure must indicate such by using the title:

(a) RN-E; or

(b) LPN-E.

(4) A Nurse Emeritus license is valid for up to two years following the licensure calendar cycle set forth in ORS 678.101(1).

(5) A Nurse Emeritus license is not renewable. For continued Nurse Emeritus status, the Nurse Emeritus must submit a new completed application and describe how competency has been maintained, and how competency will be maintained, during the next two year cycle. Word for word competency plans from previous applications will not be accepted as a continuing competency plan. The Board is the final determiner if the competency plan is adequate for the practice of each Nurse Emeritus.

(6) For a Nurse Emeritus to continue practicing nursing, the application for license should be received by the Board prior to the expiration date of the current Nurse Emeritus license.

(7) If the initial Nurse Emeritus license has expired for more than one year, the Nurse Emeritus must show evidence of how competency has been maintained during the intervening time between expiration and application.

(8) A fingerprint-based criminal records check per OAR 851-031-0006(2)(e) is required when application for Nurse Emeritus license is made if an active license has not been held for more than 30 days from the date of application.

STATUTORY/OTHER AUTHORITY: ORS 678.040, ORS 678.140

STATUTES/OTHER IMPLEMENTED: ORS 678.040, ORS 678.140