

Chapter 678

Nurses

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REGISTERED NURSES

678.010 Definition of "board." As used in this chapter, unless the context requires otherwise, "board" means the State Board of Examination and Registration of Graduate Nurses.

678.020 Certificate of registration required to practice as registered nurse. No person shall practice or attempt to practice nursing in this state as a trained, graduate or registered nurse without a certificate from the State Board of Examination and Registration of Graduate Nurses. Any person who receives his or her certificate according to the provisions of ORS 678.010 to 678.160 shall be known as a registered nurse and is entitled to append the letters "R.N." to his or her name. No other person shall assume or use the title or abbreviation "R. N." or any words, letters or figures to indicate that he or she is a trained, graduate or registered nurse, or otherwise represent himself or herself as licensed, authorized or entitled to practice nursing in Oregon as a trained, graduate or registered nurse. For the purpose of this chapter, a trained, graduate or registered nurse means one who has been registered by the board and whose registration is in good standing with the board. [Amended by 1953 c.254 §16]

678.030 Application of ORS 678.010 to 678.160. ORS 678.010 to 678.160 shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family, nor to a practical nurse, nor to any person nursing the sick for hire, who does not in any way assume or pretend to be a trained, graduate or registered nurse. ORS 678.010 to 678.160 shall not be construed to interfere in any way with members of religious communities or orders which have charge of hospitals, or take care of the sick in their own homes if such members do not in any way assume to be trained, graduate or registered nurses.

678.040 Qualifications of applicants for registration. Each applicant for registration shall furnish satisfactory evidence that he or she is of good moral character and has been graduated from a school of nursing approved by the board. Every applicant for registration who entered a school of nursing subsequent to the year 1930 shall also furnish satisfactory evidence that he or she has been graduated from a standard high school or

from an educational institution of equal or higher academic accreditation. [Amended by 1953 c.254 §16]

678.050 Examining applicants; issuing certificates. (1) The board shall meet for the purpose of holding examinations not less frequently than once every year, and at such times and places as it may determine. The board shall, from time to time, adopt rules for the examination of applicants for registration, in accordance with ORS 678.010 to 678.160. The examination shall include questions over medical nursing, surgical nursing, obstetrical nursing, nursing of children, psychiatric nursing and such other subjects as the board shall require.

(2) Notice of the examination dates shall be given to the public press, to at least one journal devoted to the interest of professional nursing and by mail to every applicant and to every approved school of nursing in Oregon at least 30 days prior to the examination date. At such examinations the board shall examine all applicants for registration under ORS 678.010 to 678.160 who are required to be examined, and shall issue to each qualified applicant, who has passed the examination, the certificate provided for in ORS 678.010 to 678.160. All certificates issued by the board shall be signed by the executive secretary and shall be attested by the president and secretary of the board. [Amended by 1953 c.254 §16]

678.060 Reciprocity; temporary licenses to graduates registered in other states. (1) The board, upon written application, and upon the receipt of \$15 as a registration fee, may issue a certificate without examination to those persons registered as registered nurses under the law of another state who are graduates of schools of nursing where the requirements were equivalent to those of approved schools of nursing in this state. However, the board is sole judge of credentials of any nurse admitted to registration without examination. No nurse who entered a school of nursing subsequent to the year 1930 is entitled to a certificate without examination unless he or she has been graduated from a standard high school or from an educational institution of equal or higher academic accreditation.

(2) Nurses registered in other states who are actually engaged in nursing may be granted a temporary license to practice in this state, upon filing written application and payment of the registration fee of \$15, which may

serve as the permanent fee upon permanent registration. The temporary license shall be issued only until the applicant can qualify or until the next examination. [Amended by 1953 c.254 §16]

678.070 [Repealed by 1953 c.254 §16]

678.080 Recording and exhibiting certificate. Any person to whom a certificate of registration is issued shall, within 30 days thereafter, cause the certificate to be recorded with the clerk of the county in which such nurse first practices in Oregon. Such person shall be prepared, whenever requested, to exhibit the certificate of registration or a certified copy thereof. [Amended by 1953 c.254 §16]

678.085 False representation or concealment prohibited. No person shall wilfully make a false statement or representation on any material matter, or wilfully conceal any material fact in applying for a certificate of registration under ORS 678.010 to 678.160 or a renewal of such certificate. [1953 c.254 §14]

678.090 [Repealed by 1953 c.254 §16]

678.100 Annual renewal of registration. (1) Except as provided in ORS 678.290, every person holding a certificate from the Board of Examination and Registration of Graduate Nurses shall renew annually his or her registration with the board and every registered nurse who desires to retain his or her registration in this state shall, annually, after the expiration of the first year's registration and on or before July 1 of each year succeeding, file an application for renewal with the board and pay a fee of \$3, for which a renewal certificate shall be issued by the board.

(2) A penalty of \$2 shall be added to the renewal fee of every registered nurse who fails to comply with this section within 60 days from and after July 1 of each year. If the renewal fee is not paid with all penalties due before January 1 following, the certificates of all registered nurses failing to comply with the provisions of this section shall be canceled, and may be renewed only upon written application to the board and the payment of a fee of \$15. [Amended by 1953 c.254 §16]

678.110 Grounds for revocation of certificates. The board may revoke as provided in ORS 678.120, any certificate by unanimous vote on any of the following grounds:

(1) Dishonesty.

(2) Gross incompetence.

(3) A habit rendering a nurse unsafe to be entrusted with, or unfit for the care of, the sick.

(4) Conduct derogatory to the morals or standing of the profession of nursing.

(5) Any wilful fraud or misrepresentation practiced in procuring the certificate.

(6) Failure to make the regular annual renewal of certificate within the time provided for in ORS 678.100.

678.120 Revocation procedure; effect of revocation. (1) The holder of a certificate that is to be revoked shall be given at least 30 days' notice, in writing, of the specific charge against the holder, and of the time and place of hearing the charge by the board, at which time and place the holder shall be entitled to be heard and to be represented by counsel.

(2) Upon the revocation of any certificate the certificate is null and void. The holder thereof shall cease to be entitled to any of the privileges conferred by the certificate, and the secretary of the board shall strike the name of the holder from the roll of registered nurses, shall secure and cancel the certificate and shall give notice of the revocation to the county clerk in whose office the certificate is recorded. Thereupon the county clerk shall note the fact of revocation upon the record of the certificate.

678.130 Fees. All applicants for certificates of registration on examination under ORS 678.010 to 678.160 shall pay an examination fee of \$15 to the board and, upon successfully passing the examinations required by the board, shall be entitled to receive the certificate of registration provided for in ORS 678.010 to 678.160 if the applicant fulfills the other specified requirements. Each applicant who takes the examination more than once shall pay the regular examination fee before each examination, and the examination fee paid by the successful applicant shall be deemed the registration fee required under this section. For issuing a duplicate certificate of registration the board shall charge a fee of \$5. For proctoring an examination for licensure in another state the board shall charge a fee of \$3. For certifying to a foreign state the registration of a nurse in this state, the board shall charge a fee of \$1. [Amended by 1953 c.254 §16]

678.140 State Board of Examination and Registration of Graduate Nurses. There hereby is created a State Board of Examination

and Registration of Graduate Nurses, composed of five nurses, which shall enforce this chapter. The board shall be selected by the Governor from a list of 10 names suggested by the Oregon State Nurses' Association. At the time of appointment the members of the board must be actual residents of this state and engaged in nursing work or work pertaining to nursing. Each member shall have been graduated for a period of at least five years from an approved school of nursing and shall have been registered under ORS 678.010 to 678.160. No two members of the board shall be graduates of the same school of nursing. The members of the board shall be appointed to hold office for three years. All appointments shall be made so that the term of office expires on April 1 of each year, and upon the expiration of the term of office the Governor shall likewise fill the vacancy for a term of three years from the date of expiration of term of office from the list of 10 names submitted to him every year by the Oregon State Nurses' Association. An unexpired term of a board member shall be filled in the same manner as an original appointment is made. Nothing contained in this section shall disqualify members of the board holding office on July 21, 1953. [Amended by 1953 c.254 §16]

678.150 Powers, functions and duties of board and board members. (1) The members of the board shall meet each year as soon as practicable after April 1 and elect from their number a president and secretary, who shall also act as treasurer, each of whom shall serve for one year or until a successor is elected and qualified. Three members shall constitute a quorum. Special meetings of the board shall be called by the secretary upon the request of any three members. The board shall adopt a seal, which shall be placed in the care of the secretary.

(2) Before entering upon the duties of the office the secretary shall execute a bond in the penal sum of \$1,000, in favor of the State of Oregon, conditioned for the faithful discharge of the duties of the office and a full accounting for all moneys received, which shall be satisfactory to and be filed with the Secretary of State. The cost of the bond shall be paid from the funds of the board.

(3) The secretary shall be required to keep a record of all proceedings of the board, including names of all the nurses registered and schools of nursing approved under ORS

678.010 to 678.160. The records shall at all reasonable times be open to public scrutiny.

(4) The board shall inspect all schools of nursing existing in Oregon and shall register such schools as fulfill the requirements of ORS 678.010 to 678.160.

(5) The board may hire and define the duties of an executive secretary and such assistants and agents as are necessary to carry into effect the provisions of this chapter and may defray the necessary operating expenses of the board. [Amended by 1953 c.254 §16]

678.160 Compensation of board members; payment of expenses. Members of the board shall receive \$10 per day for each day or part thereof during which they are in attendance upon the board meetings or otherwise engaged in discharging their duties and are entitled to be compensated for all legitimate and necessary expenses incurred in attending meetings and in the discharge of their duties. All salaries, compensation and expenses of every kind incurred or allowed shall be paid by the board out of the fees received by the board. [Amended by 1953 c.254 §16]

678.162 District attorney to represent board. In any action, suit or proceeding under ORS 678.010 to 678.168, or brought by or against the board, the district attorney for the county in which the venue of such action, suit or proceeding may be, shall represent the board if the board so requests. [1953 c.254 §9]

678.164 Enjoining violations or threatened violations. (1) Upon suit by the board, the circuit courts have jurisdiction to restrain or enjoin any violation or threatened violation of ORS 678.010 to 678.168. Such suit may be brought against a person who has failed to register or whose registration has been revoked.

(2) The remedies provided for in this section are in addition to, and not in lieu of, other penalties provided for in ORS 678.010 to 678.168 and 678.990. [1953 c.254 §11]

678.166 Jurisdiction over prosecutions for violations. Justice courts, district courts and circuit courts have concurrent jurisdiction of prosecutions for violation of ORS 678.010 to 678.168. [1953 c.254 §10]

678.168 Disposition of fines. All fines imposed and collected under subsections (1) and (2) of ORS 678.990 shall be paid into the treasury of the county in which such suits, actions or proceedings were commenced. All moneys thus paid into the treasury, over and above the amount necessary to reimburse the county for any expense incurred by the county in any suit, action or proceeding shall be paid before January 1 of each year into the State Treasury and become a part of the fund to be used by the board solely in the enforcement of ORS 678.010 to 678.168. [1953 c.254 §12]

678.170 Disposition of receipts. All money received by the board under this chapter, together with all money received by the board from other sources, shall be deposited in the General Fund and credited to a special account available to the board in performing the functions imposed upon it by law. All moneys credited to such special account hereby are appropriated for such purposes.

678.180 to 678.200 [Reserved for expansion]

LICENSED PRACTICAL NURSES

678.210 Definitions. As used in ORS 678.210 to 678.360, unless the context requires otherwise:

(1) "Licensed practical nurse," abbreviated "L. P. N.," means a person licensed in this state as a practical nurse.

(2) "Practical nursing" means the performing by any person, for compensation or personal profit, services in the nursing or care of the sick, not requiring specialized education, knowledge or skill equivalent to that of a graduate or registered nurse.

678.220 License required to use title "Licensed Practical Nurse." (1) Any person practicing or offering to practice practical nursing in this state for compensation or personal profit may submit evidence that he or she is qualified so to practice, and become licensed as a practical nurse under ORS 678.210 to 678.360.

(2) Any person licensed pursuant to ORS 678.210 to 678.360 may use the title of "Licensed Practical Nurse" and use the initials "L. P. N." following his or her name.

678.230 Persons not affected. ORS 678.210 to 678.360 do not affect or apply to gratuitous nursing of the sick by friends or members of the family, nor do those sections

apply to any person nursing the sick for hire but who does not in any way assume the title of "Licensed Practical Nurse" or use the initials "L. P. N."

678.240 Board to examine and license practical nurses; rules and regulations. The State Board of Examination and Registration of Graduate Nurses shall provide for the examination and licensing of practical nurses in the manner authorized in ORS 678.210 to 678.360. To effectuate the purpose of ORS 678.210 to 678.360 the board has the power to make such rules and regulations as it may deem necessary.

678.250 Qualifications of applicants. An applicant for a license to practice nursing as a licensed practical nurse shall submit to the board written evidence on a form provided by the board, verified by oath, that the applicant:

- (1) Is at least 18 years of age.
- (2) Is of good moral character.
- (3) Is in good physical and mental health.
- (4) Has completed at least a high school education or its equivalent as determined by the board.
- (5) Has completed the course of study in, and holds a certificate of graduation from, a school for the training of practical nurses, giving a course of not less than nine months and registered with the board as maintaining satisfactory standards for such a school in accordance with ORS 678.210 to 678.360, or has completed a course of study determined by the board to be the equivalent of such training.

678.260 Examination of applicants; issuing certificate. The applicant for a license to practice nursing as a licensed practical nurse shall be required to pass such written or oral examination upon the subject of practical nursing as the board shall determine. Examinations shall be held not less than twice each year, at such times and places as shall be determined by the board. To an applicant passing the examination, the board shall issue a license to practice as a licensed practical nurse within the State of Oregon. Failure to pass the examination does not preclude the applicant from applying for examination at any subsequent regular examination conducted by the board.

678.270 Reciprocity. The board may issue a license to practice as a licensed practical nurse without examination to any applicant

who, under the laws of another state, territory or foreign country, has been licensed or registered as a practical nurse, or entitled to perform similar services under a different occupational name, if, in the opinion of the board, the applicant has qualifications substantially equivalent to those required by ORS 678.210 to 678.360.

678.280 Application and re-examination fees. An applicant applying for a license to practice as a practical nurse shall pay a fee of \$10 to the board, which fee shall accompany the application. An applicant applying for re-examination shall pay a fee of \$5 to the board, which fee shall accompany the application for re-examination.

678.290 Renewal of licenses. All licenses issued under ORS 678.210 to 678.360 shall be for a period of two years from the date of issuance. On the expiration of any license it may be renewed for the period of two years on the application of the licensee for renewal. The application for renewal shall be accompanied by a fee of \$2 payable to the board.

678.300 Grounds for revocation or suspension of license. The license of any person to practice practical nursing may be revoked or suspended or the licensee may be reprimanded, censured or otherwise disciplined by the board, for any of the following causes:

(1) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude, in either of which cases the record of the licensee's conviction is conclusive evidence.

(2) Gross neglect of the licensee in the practice of practical nursing.

(3) Wilful or repeated violation by the licensee of any of the provisions of ORS 678.210 to 678.360 or of the rules or regulations thereunder promulgated.

(4) Fraud or deceit of the licensee in the practice of practical nursing or in his or her admission to such practice.

(5) Habitual drunkenness or mental incompetence of the licensee or addiction of the licensee to the use of narcotics.

678.310 Revocation or suspension of certificate or disciplinary action by board. (1) The members of the board have jurisdiction to hear all charges brought against an accused licensee. All charges must be in writing, verified under oath by some party familiar with the facts charged, and filed with the secretary of the board. If the board considers the charges worthy, a hearing shall be given

to the accused licensee. A written notice stating the time and place of the hearing shall be served upon the accused licensee at least 10 days before the date of hearing. At the same time a copy of the charges shall be served upon the accused.

(2) In any hearing conducted the accused shall be granted the right to appear in person or by attorney and introduce testimony in his or her behalf. He or she shall also have the right to have witnesses, books, papers and documents subpoenaed for him or her by the board upon due application.

(3) The board shall consider the charges, answer, testimony, exhibits and all other documents introduced at the hearing and shall make findings of fact and a decision based thereon. The decision shall be in the form of a written order. The order shall be filed with the secretary of the board and a copy thereof served upon the accused as soon as feasible, unless the accused cannot be found within this state.

678.320 Appeal from action of board.

(1) If the board suspends or revokes the license of the accused licensee, he or she may appeal from the decision of the board to the circuit court in the county in which the accused licensee resides. Within 30 days after the filing of the decision the appellant shall file a notice of appeal with the secretary of the board.

(2) Within 10 days after the filing of the notice of appeal, the secretary of the board shall file with the clerk of the circuit court of the county to which the appeal has been taken:

(a) A copy of the complaint, notice to appear and any other documents in the nature of pleadings filed by the board.

(b) The answer and any other documents in the nature of pleadings filed by the accused.

(c) A transcript of testimony, exhibits and any documents in the possession of the board which have any relevancy on the appeal.

(3) Upon the filing of the records as required by this section the clerk of the court shall set the appeal for hearing and notify the appellant and the board of the time and place of the hearing, which shall be before a judge of that court. On appeal the court shall consider the record certified by the secretary of the board and such other evidence or testimony that either party may offer and

introduce and the court may affirm or reverse the order of revocation or suspension entered by the board. If an appeal is taken from the order of the board revoking the license the order of revocation shall be without effect unless affirmed on appeal by the circuit court.

678.330 Advisory council created; appointment of members; duties; meetings; organization; compensation. (1) There hereby is created an advisory council to consult with the State Board of Examination and Registration of Graduate Nurses. The advisory council shall consist of six residents of this state, appointed by the Governor and qualified as follows:

- (a) One representing the field of hospital administrators.
- (b) One director of nursing education.
- (c) One representing the State Board of Health.
- (d) One representing the medical profession.
- (e) Two representing the practical nurses.

(2) In making such appointments the Governor may consult with, and receive suggestions from, the Oregon Association of Hospitals, the Oregon State Nurses' Association, the State Board of Health, the Oregon State Medical Society and any group of practical nurses relating to the respective appointment in each such field.

(3) Successors of the original members of the advisory council shall be appointed for terms of four years except when appointed to fill an unexpired term, in which case the appointment shall be for the remainder of the unexpired term.

(4) The advisory council has the responsibility and duty of consulting and advising with the board in matters of policy coming within the purview of ORS 678.210 to 678.360, and its administration. The advisory council shall meet not less than once each year in this state at a time and place designated by the board, and at any other time at the call of its president or the president of the board, or on written request of three of its members or three members of the board directed to the president of the council who thereupon shall call a meeting thereof to be held within 20 days following receipt of the request. The council shall organize by electing from its number a president, vice president and secretary. Members of the advisory council shall receive compensation of \$6 per diem for each day actually engaged in the performance of

duties and in addition shall be reimbursed for their actual expenses incurred in the performance of the duties of their offices and the attendance at meetings of the council. The per diem and expenses shall be payable from the funds of the board.

678.340 Requirements for institution seeking to offer course in practical nursing.

(1) Any institution desiring to conduct a course for the training of licensed practical nurses shall apply to the board and submit satisfactory evidence that it is prepared to give theoretical and practical instruction relative to practical nursing in the following subjects:

- (a) Nursing care of the patient.
- (b) Home nursing and home management, nutrition and cooking.
- (c) Care of the mother and newborn.
- (d) Care of children.
- (e) Social and occupational adjustment.

(2) The institution applying to the board must also submit satisfactory evidence that it is prepared to meet other standards as prescribed in the curriculum and regulations which may be adopted by the board and standards specified by law.

(3) Such instruction and experience may be secured in one or more institutions approved for the purpose by the board. The length of such courses, including the teaching of all subjects mentioned, shall be not less than nine months.

678.350 Determination by board of accredited course of study. With the advice of the advisory council, the board shall determine and formulate what constitutes an accredited course of study (specific subjects) and cause it to be written and filed with the secretary of the board. The board may amend the requirements from time to time, and any amendment so made shall be in writing, filed with the secretary of the board. Upon the request of any hospital within this state, the secretary of the board shall furnish and forward by mail a copy of the written requirements constituting an accredited course and written amendments thereto.

678.360 Survey of courses and institutions; insuring compliance with requirements.

(1) A survey of the institution or institutions with which the course is to be affiliated shall be made by an authorized member of the board, or by the secretary of the board, and a report in writing shall be submitted to

the board and to the members of the advisory council. The report is to include a survey and evaluation of physical facilities, courses of study and qualifications of instructors. If, in the opinion of the board, the requirements for accredited courses for licensed practical nurses are met, the board shall declare the course to be an accredited course for licensed practical nurses and shall so register the same with its secretary.

(2) The board shall, from time to time, survey all courses for licensed practical nurses, submitting written reports to the advisory council. If the board determines that any accredited course is not maintained in accordance with standards set by the law of this state and the rules and regulations adopted by the board, notice thereof shall be given to the institution in writing. Failure to correct such defects within 60 days shall result in removal of the institution from the

list of accredited institutions for training licensed practical nurses.

678.370 to 678.980 [Reserved for expansion]

PENALTIES

678.990 Penalties. (1) Violation of ORS 678.020 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100 for the first offense, and not less than \$100 nor more than \$500 for each subsequent offense.

(2) Violation of ORS 678.085 is punishable, upon conviction, by a fine of not less than \$100 nor more than \$200.

(3) Violation of any of the provisions of ORS 678.170 or ORS 678.210 to 678.360 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$100. [Amended by 1953 c.254 §16; subsections (1) and (2) enacted as 1953 c.254 §15]

