



# Oregon

John A. Kitzhaber, MD, Governor

## Board of Nursing

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**TO:** ALL INTERESTED PARTIES

**FROM:** HOLLY MERCER  
EXECUTIVE DIRECTOR

**DATE:** OCTOBER 2011

**SUBJECT: ADMINISTRATIVE RULEMAKING HEARING REGARDING THE  
ADOPTION OF THE AMENDMENTS TO OAR 851-002-0000 (AGENCY  
FEES).**

**On Thursday, November 17, 2011 at 9:00 a.m.**, the Oregon State Board of Nursing will hold a hearing regarding the adoption of the proposed amendments to Oregon Administrative Rules 851-002-0000 (Agency Fees). This hearing will be held in the conference room of the Oregon State Board of Nursing, 17938 S.W. Upper Boones Ferry Road, Portland, Oregon.

Attached is a copy of the Notice of Proposed Rulemaking for this hearing. The Board is authorized by ORS 678.385 and 678.390 to establish and amend such rules.

If you are unable to attend the hearing, you may submit your comments to me in writing by November 15, 2011 and I will see that they are incorporated into the testimony received at the hearing and considered by the Board at their November 17, 2011 meeting.

The Board looks forward to receiving your input.

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Board of Nursing  
Agency and Division

851  
Administrative Rules Chapter Number

Peggy Lightfoot  
Rules Coordinator

17938 S.W. Upper Boones Ferry Road, Portland, OR 97224  
Address

(971) 673-0638  
Telephone

**RULE CAPTION**

Eliminate renewal fees to persons on active duty with the Uniformed Services of the United States.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

November 17, 2011	9:00 a.m.	17938 S.W. Upper Boones Ferry Road Portland, Oregon 97224	Pat Markesino Board President Hearings Officer
Hearing Date	Time	Location	

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

**ADOPT:**

**AMEND:** OAR 851-002-0000

**REPEAL:**

**RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND & RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 678.385, 678.390  
Stat. Auth.

Other Authority

ORS 678.370, 678.372, 678.375, 678.380, 678.390  
Stats. Implemented

**RULE SUMMARY**

These rules would eliminate renewal fees assessed while any person holding a license or certificate with the Board is on active duty with the Uniformed Services of the United States.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

November 15, 2011 -- 5:00 p.m.

**Last Day for Public Comment**  
Last day to submit written comments to the Rules Coordinator

\_\_\_\_\_  
Signature

Peggy Lightfoot  
Printed name

October 12, 2011  
Date

\*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2005

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**  
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon State Board of Nursing  
Agency and Division

851  
Administrative Rules Chapter Number

**In the Matter of:** OAR 851-002-0000

Eliminate renewal fees to persons on active duty with the Uniformed Services of the United States.

**Rule Caption:** (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

**Statutory Authority:** ORS 678.385, 678.390

**Other Authority:** ORS 678.370, 678.372, 678.375, 678.380, 678.390

**Stats. Implemented:** ORS 678.370, 678.372, 678.375, 678.380, 678.390

**Need for the Rule(s):**

To comply with ORS 408.450

**Documents Relied Upon, and where they are available:**

ORS 408.450

**Fiscal and Economic Impact, including Statement of Cost of Compliance:**

Estimated number of licensees or certificate holders with the Oregon State Board of Nursing who are on active duty:  
 $80\% \times 234 = 188$

Estimated impact on revenue = \$28,000

Estimated expenditures to update current system = \$3,000

**How were small businesses involved in the development of this rule?**

Public will be able to testify during the rulemaking process

**Administrative Rule Advisory Committee consulted?:**

**If not, why?:** Public will be able to testify during the rulemaking process

\_\_\_\_\_  
Authorized Signer

Peggy Lightfoot  
Printed name

October 12, 2011  
Date

# DRAFT

**Bolded and underlined material is proposed to be added.**  
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Oregon State Board of Nursing • Nurse Practice Act

## Division 2

### Agency Fees

#### 851-002-0000

The fees paid to the Oregon State Board of Nursing are not refundable. The licensing/certification fee pays for processing the application, and the license/certificate is valid until the expiration date printed on the license/certificate.

**As required by ORS 408.450, no fees will be assessed while any person holding a license or certificate with the board is on active duty with the Uniformed Services of the United States. Written notification to the Board is required within 60 days of the date of honorable discharge in order to change the license to its former status without fee or penalty. All other renewal requirements must be met.**

Stat. Auth: ORS 678.150, 678.410

Stats. Implemented: ORS 678.410

#### 851-002-0010

##### RN/LPN Schedule of Fees

(1)	License Renewal .....	\$145
(2)	Delinquent Renewal .....	\$12
(3)	Workforce Data Analysis Fund at Renewal .....	\$5
(4)	License by Endorsement .....	\$195
(5)	Licensure by Examination .....	\$160
(6)	Written Verification of License .....	\$12
(7)	Limited Licenses:	
(a)	License Memorandum .....	\$25
(b)	Reentry .....	\$95
(c)	Extension of Reentry .....	\$25
(8)	Limited Licenses for Educational Experience:	
(a)	International Graduate Nursing Students .....	\$65
(b)	Extension of International Graduate Nursing Students .....	\$25
(c)	International RN in Short-Term Educational Experience .....	\$35
(d)	International Exchange Students .....	\$25
(e)	U.S. RNs in Distance Learning .....	\$15
(f)	Extension of Distance Learning .....	\$15
(9)	Reexamination for Licensure .....	\$25
(10)	Reactivation .....	\$160
(11)	Reinstatement by Reactivation .....	\$160

Stat. Auth: ORS 678.150, 678.410

Stats. Implemented: ORS 678.410

#### 851-002-0020

##### Nurse Practitioner Schedule of Fees

(1)	Initial Nurse Practitioner Certification .....	\$150
(2)	First Category Renewal (combined with Prescriptive Privilege renewal) .....	\$105
(3)	Prescription Monitoring Fund (Biennial) .....	\$50
(4)	Additional Category Renewal .....	\$50
(5)	Delinquent Renewal .....	\$12
(6)	Nurse Practitioner Prescriptive Authority Initial Application .....	\$75

# DRAFT

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Oregon State Board of Nursing • Nurse Practice Act

1 (7) Limited License for Reentry or Clinical Practicum ..... \$95

2 **Stat. Auth: ORS 678.150, 678.410**

3 **Stats. Implemented: ORS 678.410**

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5 **851-002-0030**

6 **Certified Registered Nurse Anesthetist Schedule of Fees**

7 (1) Initial Certified Registered Nurse Anesthetist License ..... \$150

8 (2) Renewal of CRNA License ..... \$55

9 (3) Delinquent Renewal of CRNA License ..... \$12

10 (4) Combined Limited and Initial License ..... \$175

11 (5) Reentry Limited License ..... \$95

12 **Stat. Auth: ORS 678.150, 678.410**

13 **Stats. Implemented: ORS 678.410**

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15 **851-002-0035**

16 **Clinical Nurse Specialist Schedule of Fees**

17 (1) Initial Clinical Nurse Specialist Certification ..... \$150

18 (2) Renewal of Certification without Prescriptive Authority ..... \$75

19 (3) Prescription Monitoring Fund (Biennial) ..... \$50

20 (4) Renewal of Certification with Prescriptive Authority ..... \$105

21 (5) Clinical Nurse Specialist Prescriptive Authority Initial Application ..... \$75

22 (6) Delinquent Renewal ..... \$12

23 (7) Limited License for Reentry or Clinical Practicum ..... \$95

24 (8) Extension of Limited License ..... \$95

25 **Stat. Auth: ORS 678.150, 678.410**

26 **Stats. Implemented: ORS 678.410**

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28 **851-002-0040**

29 **Nursing Assistant Schedule of Fees**

30 (1) Certification by Examination ..... \$106

31 (2) Certification by Endorsement ..... \$60

32 (3) Reexamination — Manual Skills ..... \$45

33 (4) Reexamination — Written ..... \$25

34 (5) Oral Administration of Written Examination ..... \$35

35 (6) Written Verification of Certification ..... \$10

36 (7) CNA Certificate Renewal ..... \$60

37 (8) CNA Reactivation Fee ..... \$5

38 (9) Workforce Data Analysis Fund at Renewal ..... \$5

39 (10) CNA Certification for RN or LPN. .... \$60

40 (11) CNA Certification for Student Nurses. .... \$60

41 (12) Initial Approval CNA Training Program. .... \$100

42 (13) Approval of Revised CNA Training Program. .... \$75

43 (14) Reapproval of CNA Training Program ..... \$50

44 (15) CNA Primary Instructor Approval ..... \$10

45 (16) Initial Approval of CNA Program Director ..... \$25

46 **Stat. Auth: ORS 678.150, 678.410**

47 **Stats. Implemented: ORS 678.410**

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49 **851-02-0050**

50 **CMA Schedule of Fees**

51 (1) Medication Administration Certification by Examination ..... \$73

52 (2) CMA Certification for RN or LPN ..... \$20

53 (3) CMA Certificate Renewal ..... \$15

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- (4) CMA Primary Instructor Approval ..... \$10
- (5) Initial Approval of CMA Program Director ..... \$25
- (6) Initial Approval of CMA Training Program ..... \$100
- (7) Approval of Revised CMA Training Program ..... \$75
- (8) Reapproval of CMA Training Program ..... \$50

**Stat. Auth: ORS 678.150, 678.410**

**Stats. Implemented: ORS 678.410**

## **851-002-0055**

### **Miscellaneous Fees**

- (1) Fingerprinting.....\$52

## **851-002-0060**

### **Access to Public Documents:**

- (1) Fees for lists of nurses and Board meeting packets shall be established by Board office policy and shall not exceed production and mailing costs. These fees shall be published yearly in the Board newsletter.
- (2) All information shall be disclosed or protected from disclosure in accordance with Chapter 192 of the Oregon Revised Statutes.
- (3) Requests for records may be verbal, however, the Board of Nursing may require the request to:
  - (a) Be in writing (either U.S. Mail, FAX or e-mail).
  - (b) Be dated.
  - (c) Be signed.
  - (d) Adequately describe the records being requested.
  - (e) Indicate the date the records are needed.
- (4) A reasonable period of time, as determined by the Board, shall be allowed for the records custodian or other staff to locate and assemble the requested records.
- (5) Fees shall be calculated as follows:
  - (a) Photocopies: Up to 10 pages at no cost, \$0.05 per page for more than 10 pages.
  - (b) Actual cost for use of material and equipment for producing copies of non-standard records. Non-standard records include records other than paper records.
  - (c) Labor (includes locating, compiling, editing or otherwise processing information and records): There shall be no charge for the first 30 minutes of staff time. The labor rate assessed thereafter shall be \$20/per hour.
  - (d) If the nature of a request requires the Board to seek legal counsel prior to fulfilling a record request, any fees incurred for review of records, redacting material from the records or segregating the records into exempt or non-exempt records, are the responsibility of the requestor.
  - (e) Actual cost for delivery of records, such as postage, FAX costs and courier fees.
- (6) If a records request fee is estimated to be more than \$25, the requestor shall be provided written notice of the estimated amount before the requested records are compiled. The Board will not compile the records until the requestor informs the Board to proceed with responding to the request.
- (7) Public records not exempt from disclosure may be inspected during office hours at the Board office upon reasonable notice, but fees as outlined in (5) above still apply.

**Stat. Auth: ORS 678.150, 678.410**

**Stats. Implemented: ORS 678.410**

**851-002-0010, 0040 amended 11/18/10**

**851-002-0010, 0040 amended 6/17/10**

**851-002-0020, 0035 amended 11/19/09**

# ***DRAFT***

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Oregon State Board of Nursing • Nurse Practice Act

- 1 **851-002-0010, 0040 amended 11/19/09**
- 2 **851-002-0010 and 851-002-0040 amended 9/17/09**
- 3 **851-002-0010 amended 4/12/07; 851-002-0055 adopted 4/12/07**
- 4 **851-002-0020, 0035 amended 11/9/06**
- 5 **851-002-0060 amended 4/13/06**
- 6 **851-002-0040, 0050 amended 9/16/04**
- 7 **851-002-0040 amended 2/12/04**
- 8 **851-002-0010 and 851-002-0040 amended 6/13/03**
- 9 **851-002-0010 amended 9/11/02**

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