

Oregon State Board of Nursing Operational Bylaws

Article 1: **Name of Organization:** Oregon State Board of Nursing

Article 2: **Mission and Values of the Board**

- Mission: The Oregon State Board of Nursing protects the public by regulating nursing education, licensure, and practice.
- Values: Integrity, Collaboration, Stewardship, Simplicity, Innovation.

Article 3: **Activities of the Board**

*Authority: Oregon Revised Statutes Chapter 678.010-678.448,
Oregon Administrative Rule Chapter 851*

- Hire and review the performance of the executive director
 - Hiring of executive director occurs as needed in coordination with the Department of Administrative Services Human Resources Division.
 - The Board hires the executive director, who then reports to the governor. Only the governor can remove the director.
 - Internal (staff/board) and external complaints regarding the executive director's performance should be directed to the board president, who will discuss with the director, the board, and, if desired, the agency's HR manager. If no remedy is found, the president will contact the Governor's Administrative Office.
 - The board shall conduct an annual performance review of the executive director. The board's human resources manager and president will prepare and disseminate a survey regarding performance.
- Board strategic planning
 - Work session occurs annually.
 - Plan outlines board policy topics and learning topics for the next calendar year.
 - Facilitator conducts an open process allowing input by members, agency staff, and the public.
- Legislative Concept approval
 - Each agency has the opportunity to submit changes to its governing statutes during full legislative sessions (held in odd-numbered years).
 - Agency staff will present suggested bill concepts for board consideration and approval prior to each full session, and provide updates as the bills move forward through the legislative process. Bill concepts are due each April in even-numbered years.
 - Governor's office has final approval of all Executive Branch agency concepts.
- Approval of Biennium Agency Budget
 - The board shall approve the Agency Requested Budget (produced by staff) during the June meeting in each even-numbered year for submission according to the Department of Administrative Services schedule.
 - Governor will approve the ARB for inclusion in official Governor's Budget submitted to legislature for consideration during full legislative session.
 - Board president or secretary shall sign certificate of authorization for inclusion in budget packets (Agency Requested Budget in August and Governor's Budget in December).
- Participation in the National Council for State Boards of Nursing
 - The OSBN is a member of the National Council for State Boards of Nursing, an independent, not-for-profit organization through which boards of nursing act and counsel together on matters of common interest and concern affecting public health, safety and welfare, including the development of nursing licensure examinations. The national nursing licensure exam (NCLEX) is a product of the NCSBN.

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- There are opportunities for one or two board members to attend the NCSBN annual and mid-year meetings with the executive director.

Article 4: **The Board**

- The Board shall consist of membership as per ORS 678.140.
- Board member participation
 - Board members are appointed by the governor and confirmed by the Senate.
 - Members may resign at any time by notifying the board president and executive director in writing.
 - Concerns regarding member fitness to serve should be reported to either the president or executive director for referral to the full board and/or Governor's Office as needed.
 - Members who hold any professional licenses/certificates must maintain an unencumbered status during their tenure on the board.
 - Any convictions or other legal issues that occur during a member's tenure should be reported to the executive director or the president.
 - Members are compensated per OAR 851-010-0024.
 - Members may participate on board committees as needed or appointed.
 - Members may participate on committees of the National Council of State Boards of Nursing as available.
- Election of Officers and Duties (OAR 851-010-0005, -0010, -0015)
 - Elections for board officers occur annually.
 - Members make a motion putting forth a candidate, to be seconded and voted on.
 - Officers include president, president-elect, and secretary. Terms are one year. Each position can be reelected to a second term.
 - Duties of president
 - Set meeting agendas with executive director.
 - Conduct board meetings.
 - Facilitate administrative rule hearings.
 - Sign Board Orders generated during the meeting.
 - Direct evaluation of Executive Director.
 - Works with Oregon Department of Administrative Services (DAS) on hiring of new Executive Directors.
 - Duties of president elect: Conduct board meetings in the absence of the president.
 - Duties of secretary
 - Call roll during each meeting.
 - Generally assist the president (time-keeping, keep track of public/executive session).
 - Conduct board meetings in the absence of the president and president-elect. When this occurs, another board member may be requested to step in temporarily as secretary as needed.
- Members are not expected to handle media or third-party calls. Any such calls shall be referred to the communications manager or executive director's office. Please see the Orientation Manual for further information.

Article 5: **Meetings**

- Meetings will be held every month of the calendar year.
 - Five meetings will be multi-day in-person meetings.
 - Seven meetings will be held virtually for the purposes of deliberating on disciplinary cases.
- The presence of five members constitutes a quorum (ORS 678.150 (1)).

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- All members are expected to vote, unless they must recuse themselves or abstain.
- The board shall have one workday per year in conjunction with one of the in person meetings.
- Executive Session shall be held in accordance with ORS 192.660(1), 192.660(2)(f), (h) and (L), 678.126, 676.165 and 676.175(1)
- Special Meetings: The board may hold special meetings as determined by the board president, when called by the executive director, or when requested by any three members of the board (ORS 678.150 (1). Notices and meeting procedure shall comply with Oregon Public Meeting Law.
- Board members should not gather (even in a group of two) to discuss board business outside the public meeting structure. Such a gathering creates the appearance of impropriety, and runs contrary to the policy of the public meetings law. (Oregon Public Meetings Manual (Section II C 1 a)
- Board members may participate virtually if needed with approval from the president.
- Members who cannot attend a meeting must notify the executive director at least one day prior to the meeting. Failure to give notification will result in an unexcused absence reported to the Governor's Office. (Attendance requirements as per ORS 182.010)
- Conduct during meetings:
 - Members should arrive on time and participate in the day's agenda.
 - Members should give speakers, staff, and audience members their full attention and respect.
 - Cell phones should be set to silent during meetings. If a member needs to make an emergency call, she/he should step out of the meeting room.
 - Only agency provided equipment (laptops, iPads, projectors, etc.) should be used to review confidential documents/information. Members and staff may use their own equipment to access the virtual meeting link.
 - Members and staff should avoid eating full meals during meetings, except during appropriate meal times.
 - Members should recognize that the board is a state agency that must operate in a public and open manner and adhere to all public meeting requirements.
 - Members should recognize that the goal of the board is the service and protection of the public. Working for the public interest means looking at issues from the point of view of their impact on the patient or family, rather than the nurse or nursing assistant.
 - Members should avoid wearing any badges or logo clothing that could indicate bias toward any organization or group.
 - Inappropriate member conduct should be reported to either the executive director or president, and will be addressed by the president or presiding member.
- Agenda setting
 - The executive director and president set agendas for in-person board meetings a month prior to the meeting.
 - Agendas items reflect the regular work of the board and topics from the board strategic plan.
- Rule hearings process (& where posted)
 - Changes to Oregon Administrative Rule (the Nurse Practice Act) must be done through a public rule hearing.
 - Notices of rule hearings are published in the Secretary of State's bulletin the month prior to the hearing to give the public adequate notice.
 - The president (or designee) presides over rule hearings (script provided) and member vote.
 - The president determines time spent on public testimony. Testimony may be verbal or written. Written testimony does not need to be read into the record.

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- Board president (or designee) shall call for a vote. Motions are made by executive director (or designee) for seconding, followed by a vote of members.
- In other voting issues (discipline cases, regular order), the board president (or designee) shall call for a vote. Motions are made by executive director (or designee) for seconding, followed by a vote of members. Members who were not present during a discussion related to a vote shall abstain.
- Recusal during meetings: Board members must familiarize themselves with Oregon state ethics laws and follow them. Members should recuse themselves from board discussions or votes if they have a personal, business, financial, or family relationship with a licensee, applicant, or complainant who is involved with a vote or discussion. Board members must recuse themselves in cases in which one of their family members could benefit personally or financially from a board decision. Simply *working* in the same facility does not necessitate recusal, unless the board member has a *work relationship* with the person in question, or could benefit personally or financially from a board decision.
- Board members must avoid the perception of impropriety or bias.