

A-Engrossed Senate Bill 4

Ordered by the Senate May 8
Including Senate Amendments dated May 8

Sponsored by Senators MONNES ANDERSON, DEVLIN; Senators AVAKIAN, BATES, BURDICK, CARTER, COURTNEY, METSGER, MORRISETTE, WALKER, WESTLUND, Representatives BERGER, BONAMICI, BOONE, BRUUN, ESQUIVEL, GARRARD, GELSER, GIROD, GREENLICK, HUNT, KRIEGER, MERKLEY, ROBLAN, ROSENBAUM, SCHAUFLE, SCOTT, WITT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Declares nursing workforce **and nursing faculty** shortage. Includes increasing nursing workforce as goal of Nursing Shortage Coalition Committee. Authorizes committee to make grants for training and retaining nursing faculty members. Renames Nursing Education Grant Fund as Nursing Shortage Grant Fund.

Allows exception for nurses receiving service retirement allowance to 1,040 hours of employment limitation by public employer and to requirement that employee must be employed at least half-time to be eligible to participate in group benefit plan.

Appropriates moneys from General Fund to Nursing Shortage Grant Fund.

Appropriates moneys from General Fund to Nursing Services Program.

Appropriates moneys from General Fund to [*Portland State University*] **Oregon Health and Science University** for Oregon Center for Nursing.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to nursing; creating new provisions; amending ORS 238.082, 243.105, 353.603, 353.606,
3 353.609 and 353.612; appropriating money; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. There is declared a nursing workforce and nursing faculty shortage in**
6 **Oregon. The declaration of the nursing workforce shortage shall remain in effect until the**
7 **Governor suspends the declaration by executive action.**

8 **SECTION 2.** ORS 353.603 is amended to read:

9 353.603. (1) Oregon Health and Science University shall distribute grants [*to post-secondary ed-*
10 *ucation institutions to support nursing education programs*] based on the selections of the Oregon
11 Nursing Shortage Coalition Committee and in accordance with appropriate university policies and
12 procedures. If the university is not able to distribute a grant [*to a post-secondary education*
13 *institution*] selected by the committee, the university shall report to the committee the reason for
14 not distributing the grant.

15 (2) Grants distributed under this section to a community college or state institution of higher
16 education may be based on an intergovernmental agreement entered into by Oregon Health and
17 Science University and the college or institution.

18 (3) Oregon Health and Science University may not use more than [*five*] **three** percent of the
19 amount received from the Nursing [*Education*] **Shortage** Grant Fund established in ORS 353.612 for
20 the grant program in any biennium for administrative expenses incurred in administering ORS

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 353.600 to 353.612.

2 (4) Oregon Health and Science University may accept contributions of funds and assistance from
3 the United States Government or its agencies, or from any other source, public or private, and agree
4 to conditions placed on the funds not inconsistent with the purposes of ORS 353.600 to 353.612. The
5 university shall use funds and assistance received under this subsection for grants distributed under
6 this section or for administering ORS 353.600 to 353.612.

7 (5) Oregon Health and Science University shall deposit moneys received by the university for
8 purposes of ORS 353.600 to 353.612 in the Nursing *[Education]* **Shortage** Grant Fund. The total
9 amount of grants distributed under this section may not exceed the amount of moneys available for
10 distribution in the fund.

11 **SECTION 3.** ORS 353.609 is amended to read:

12 353.609. (1) The Oregon Nursing Shortage Coalition Committee shall:

13 **(a) Adopt criteria for awarding grants to public and private organizations that expand the**
14 **Oregon nursing workforce by addressing both recruitment and retention of nurses;**

15 *[(a)]* **(b) Adopt criteria for awarding grants to post-secondary education institutions under this**
16 **section;**

17 *[(b)]* **(c) Based on the criteria, select public and private organizations to receive grants to**
18 **support the expansion of the Oregon nursing workforce and** post-secondary education insti-
19 **tutions to receive grants to support nursing education programs; and**

20 *[(c)]* **(d) Determine the amounts of the grants to be distributed under ORS 353.603.**

21 (2) The goal of the committee in adopting criteria and selecting grant recipients shall be to in-
22 crease **the nursing workforce and** the capacity of nursing education programs statewide.

23 (3) The criteria adopted by the committee shall include, but not be limited to, consideration for:

24 (a) Whether the grant funds will be used to increase the capacity of a nursing education pro-
25 gram;

26 (b) Whether the grant funds will be matched with funds from other sources or used to leverage
27 additional funds from other sources;

28 (c) Ensuring that grant funds are awarded for nursing education programs in both urban areas
29 and rural areas of the state;

30 (d) Ensuring that grant funds are used to increase the capacity for all levels of nursing educa-
31 tion; *[and]*

32 (e) Ensuring that grant funds are used to increase the diversity of people who enter nursing
33 education programs, including targeting underrepresented groups of people in the nursing
34 profession*[,]*; **and**

35 **(f) Ensuring that grant funds are used to address retention of nursing professionals in**
36 **the Oregon nursing workforce.**

37 (4) The total amount of grants awarded by the committee may not exceed the amount of moneys
38 available for distribution as grants.

39 (5) A post-secondary education institution awarded a grant under this section may use the grant
40 funds to:

41 (a) Develop nursing education program infrastructure;

42 (b) *[Train]* **Educate and provide scholarships to students to develop** additional nurse educa-
43 **tors;**

44 (c) **Recruit and retain nursing faculty through grants for student loan repayments,**
45 **endowments to fund faculty positions and salary bonuses for faculty members;**

1 [(c)] (d) Develop regional learning laboratories;

2 [(d)] (e) Provide technical support to nursing education programs;

3 [(e)] (f) Create learning materials that supplement available faculty expertise;

4 [(f)] (g) Coordinate student clinical experiences statewide; [and]

5 [(g)] (h) Expand the capacity of nursing education programs to [train] educate new nurses
6 across the state[.];

7 (i) Increase diversity in nursing; and

8 (j) Develop nursing curriculum.

9 **SECTION 4.** ORS 353.612 is amended to read:

10 353.612. (1) The Nursing [Education] **Shortage** Grant Fund is established separate and distinct
11 from the General Fund. All moneys received by the Oregon Department of Administrative Services
12 or Oregon Health and Science University for purposes of ORS 353.600 to 353.612 shall be deposited
13 into the State Treasury and credited to the Nursing [Education] **Shortage** Grant Fund.

14 (2) Interest earned from the Nursing [Education] **Shortage** Grant Fund shall be credited to the
15 fund.

16 (3) All moneys in the Nursing [Education] **Shortage** Grant Fund are continuously appropriated
17 to the department for allocation to the university for the purposes of ORS 353.600 to 353.612.

18 **SECTION 5. Section 6 of this 2007 Act is added to and made a part of ORS 353.600 to**
19 **353.612.**

20 **SECTION 6. The Oregon Center for Nursing, in partnership with other entities involved**
21 **with nursing workforce development, shall serve in an advisory role to the State Workforce**
22 **Investment Board.**

23 **SECTION 7.** ORS 243.105 is amended to read:

24 243.105. As used in ORS 243.105 to 243.285, unless the context requires otherwise:

25 (1) "Benefit plan" includes, but is not limited to:

26 (a) Contracts for insurance or other benefits, including medical, dental, vision, life, disability and
27 other health care recognized by state law, and related services and supplies;

28 (b) Comparable benefits for employees who rely on spiritual means of healing; and

29 (c) Self-insurance programs managed by the Public Employees' Benefit Board.

30 (2) "Board" means the Public Employees' Benefit Board.

31 (3) "Carrier" means an insurance company or health care service contractor holding a valid
32 certificate of authority from the Director of the Department of Consumer and Business Services, or
33 two or more companies or contractors acting together pursuant to a joint venture, partnership or
34 other joint means of operation, or a board-approved guarantor of benefit plan coverage and com-
35 pensation.

36 (4)(a) "Eligible employee" means an officer or employee of a state agency who elects to partic-
37 ipate in one of the group benefit plans described in ORS 243.135. The term includes state officers
38 and employees in the exempt, unclassified and classified service, and state officers and employees,
39 whether or not retired, who:

40 (A) Are receiving a service retirement allowance, a disability retirement allowance or a pension
41 under the Public Employees Retirement System or are receiving a service retirement allowance, a
42 disability retirement allowance or a pension under any other retirement or disability benefit plan
43 or system offered by the State of Oregon for its officers and employees;

44 (B) Are eligible to receive a service retirement allowance under the Public Employees Retire-
45 ment System and have reached earliest retirement age under ORS chapter 238;

1 (C) Are eligible to receive a pension under ORS 238A.100 to 238A.245, and have reached earliest
2 retirement age as described in ORS 238A.165; or

3 (D) Are eligible to receive a service retirement allowance or pension under another retirement
4 benefit plan or system offered by the State of Oregon and have attained earliest retirement age
5 under the plan or system.

6 (b) "Eligible employee" does not include individuals:

7 (A) Engaged as independent contractors;

8 (B) Whose periods of employment in emergency work are on an intermittent or irregular basis;

9 (C) Who are employed on less than half-time basis unless the individuals are employed in posi-
10 tions classified as job-sharing positions [*or*], unless the individuals are defined as eligible under rules
11 of the board **or unless the individual is employed as a nurse or nursing educator**;

12 (D) Appointed under ORS 240.309;

13 (E) Provided sheltered employment or make-work by the state in an employment or industries
14 program maintained for the benefit of such individuals; or

15 (F) Provided student health care services in conjunction with their enrollment as students at the
16 state institutions of higher education.

17 (5) "Family member" means an eligible employee's spouse and any unmarried child or stepchild
18 within age limits and other conditions imposed by the board with regard to unmarried children or
19 stepchildren.

20 (6) "Payroll disbursing officer" means the officer or official authorized to disburse moneys in
21 payment of salaries and wages of employees of a state agency.

22 (7) "Premium" means the monthly or other periodic charge for a benefit plan.

23 (8) "State agency" means every state officer, board, commission, department or other activity
24 of state government.

25 **SECTION 8.** ORS 238.082 is amended to read:

26 238.082. (1) Subject to the limitations in subsection (2) of this section, any public employer may
27 employ any person receiving a service retirement allowance if the administrative head of such em-
28 ployer is satisfied that such employment is in the public interest.

29 (2) The period or periods of employment by one or more public employers of any person receiv-
30 ing a service retirement allowance may not total 1,040 hours or more in any calendar year; but if
31 the person is receiving old-age, survivors or disability insurance benefits under the federal Social
32 Security Act, the person may be employed for the number of hours for which the salary equals the
33 maximum allowed for receipt of the full amount of those benefits to which the person is entitled.

34 (3) The limitations on employment imposed by subsection (2) of this section do not apply to a
35 retired member who is employed as a teacher or as an administrator, as those terms are defined in
36 ORS 342.120, if the retired member is employed by a school district or education service district that
37 has its administrative office located within a county with a population of not more than 35,000 in-
38 habitants according to the latest federal decennial census. A retired member who is employed as a
39 teacher, as defined in ORS 342.120, by the same public employer that employed the member at the
40 time of retirement remains in the same collective bargaining unit that included the member before
41 retirement.

42 (4) The limitations on employment imposed by subsection (2) of this section do not apply to a
43 retired member who is employed:

44 (a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to
45 the latest federal decennial census;

1 (b) By the municipal police department of a city with a population of fewer than 15,000 inhab-
2 itants, according to the latest federal decennial census;

3 (c) By the state or a county for work in a correctional institution located in a county with a
4 population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

5 (d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service
6 District or the Sunriver Service District; or

7 (e) By the Oregon State Police for work in a county with a population of fewer than 75,000 in-
8 habitants, according to the latest federal decennial census.

9 (5) The limitations on employment imposed by subsection (2) of this section do not apply to a
10 retired member who is employed to temporarily replace an employee who serves in the National
11 Guard or in a reserve component of the Armed Forces of the United States and who is called to
12 federal active duty.

13 (6) The limitations on employment imposed by subsection (2) of this section do not apply to a
14 retired member who is employed by a road assessment district organized under ORS 371.405 to
15 371.535.

16 **(7) The limitations on employment imposed by subsection (2) of this section do not apply**
17 **to a retired member who is a nurse and is employed by a public employer as a nurse or for**
18 **the purpose of teaching nursing.**

19 [(7)] (8) Subsections (3) to [(6)] (7) of this section do not apply to any member who retires under
20 the provisions of ORS 238.280 (1) or (2).

21 [(8)] (9) Employment under this section does not affect the status of a person as a retired
22 member of the system and a recipient of retirement benefits under this chapter.

23 **SECTION 9.** ORS 353.606 is amended to read:

24 353.606. (1) There is created the Oregon Nursing Shortage Coalition Committee.

25 (2) The committee consists of 10 members, as follows:

26 (a) Two members who represent the Oregon State Board of Nursing appointed by the board.

27 (b) Two members who represent the Northwest Organization of Nurse Executives appointed by
28 the Oregon State Board of Nursing from a list of persons submitted to the board by the Northwest
29 Organization of Nurse Executives.

30 (c) Two members who represent the Oregon Nurses Association appointed by the Oregon State
31 Board of Nursing from a list of persons submitted to the board by the Oregon Nurses Association.

32 (d) One member appointed by the Oregon State Board of Nursing who represents **a nursing**
33 **program in an** Oregon-based, generally accredited, not-for-profit private [*institutions*] **institution**
34 of higher education from a list of persons submitted to the board by the [*Oregon Independent Col-*
35 *leges Association*] **Oregon Council of Deans.**

36 (e) Two members appointed by the Commissioner for Community College Services from a list of
37 persons submitted to the commissioner by the Oregon Community College Association. **One mem-**
38 **ber appointed in accordance with this paragraph must be a nursing faculty member from a**
39 **community college nursing program.**

40 (f) One member **appointed by and** who represents Oregon Health and Science University [*ap-*
41 *pointed by the university*] **who is a registered nurse and a member of the faculty of the School**
42 **of Nursing at the university.**

43 (3) When appointing members to the committee, the Oregon State Board of Nursing, the Com-
44 missioner for Community College Services and Oregon Health and Science University shall ensure
45 that there is at least one member from each of the following areas of the state:

1 (a) Rural western Oregon.

2 (b) Coastal Oregon.

3 (c) Eastern Oregon.

4 (d) Urban areas.

5 (4) The term of office of each member is four years, but a member serves at the pleasure of the
6 appointing authority. Before the expiration of the term of a member, the appointing authority shall
7 appoint a successor whose term begins on July 1 next following. A member is eligible for reap-
8 pointment. If there is a vacancy for any cause, the appointing authority shall make an appointment
9 to become immediately effective for the unexpired term.

10 (5) The committee shall elect one of its members to serve as chairperson and another to serve
11 as vice chairperson, for the terms and with the duties and powers necessary for the performance
12 of the functions of such offices as the committee determines.

13 (6) The committee shall meet at times and places specified by the call of the chairperson or of
14 a majority of the members of the committee.

15 (7) A majority of the members of the committee constitutes a quorum for the transaction of
16 business.

17 (8) Members of the committee are entitled to actual and necessary travel expenses in the man-
18 ner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
19 of the committee shall be paid out of funds received by Oregon Health and Science University for
20 that purpose.

21 (9) Oregon Health and Science University shall provide staff support to the committee.

22 **SECTION 10. There is appropriated to the Oregon Department of Administrative Ser-**
23 **VICES, for the biennium beginning July 1, 2007, out of the General Fund, the amount of**
24 **\$2,000,000 for deposit in the Nursing Shortage Grant Fund for the purpose of recruiting and**
25 **retaining nursing faculty under ORS 353.609.**

26 **SECTION 11. There is appropriated to the Oregon Department of Administrative Ser-**
27 **VICES, for the biennium beginning July 1, 2007, out of the General Fund, the amount of**
28 **\$1,200,000 for deposit in the Nursing Shortage Grant Fund for distribution to Oregon Health**
29 **and Science University for the Oregon Center for Nursing.**

30 **SECTION 12. There is appropriated to the Oregon Student Assistance Commission, for**
31 **the biennium beginning July 1, 2007, out of the General Fund, the amount of \$500,000 for the**
32 **purpose of the Nursing Services Program.**

33 **SECTION 13. This 2007 Act being necessary for the immediate preservation of the public**
34 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
35 **July 1, 2007.**

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