

## SENATE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED HOUSE BILL 2243

By JOINT COMMITTEE ON WAYS AND MEANS

June 16

1 On page 1 of the printed A-engrossed bill, line 4, after “678.820” insert “and section 37, chapter  
2 \_\_\_, Oregon Laws 2009 (Enrolled House Bill 2059)”.

3 In line 5, after “678.840” insert “and section 15, chapter \_\_\_, Oregon Laws 2009 (Enrolled House  
4 Bill 2059)”.

5 On page 2, after line 39, insert:

6 “**SECTION 3a. If House Bill 2058 becomes law, section 1 of this 2009 Act (amending ORS  
7 678.800) is repealed and ORS 678.800, as amended by section 13, chapter \_\_\_, Oregon Laws 2009  
8 (Enrolled House Bill 2058), is amended to read:**

9 “678.800. (1) [*There is hereby created a Board of Examiners of Nursing Home Administrators.*]  
10 **The Nursing Home Administrators Board is established within the Oregon Health Licensing  
11 Agency.**

12 “(2) The board consists of nine members appointed by the Governor and subject to confirmation  
13 by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must  
14 be concerned with the care and treatment of the chronically ill or infirm elderly patients and must  
15 be residents of this state. Of the members of the board:

16 “(a) Three must be nursing home administrators licensed under [*ORS 678.710 to 678.780, 678.800  
17 to 678.840 and 678.990 (2)*] **ORS 678.710 to 678.840;**

18 “(b) One must be a medical doctor licensed by the Oregon Medical Board actively engaged in  
19 private practice and conversant with the care and treatment of the long-term patient;

20 “(c) One must be a licensed professional nurse actively engaged in caring for chronically ill and  
21 infirm patients and licensed by the Oregon State Board of Nursing;

22 “(d) One must be a pharmacist licensed by the State Board of Pharmacy; and

23 “(e) Three must be members of the public who are not:

24 “(A) Otherwise eligible for appointment to the board; or

25 “(B) A spouse, domestic partner, child, parent or sibling of a nursing home administrator.

26 “(2)(a) Board members required to be nursing home administrators may be selected by the Gov-  
27 ernor from a list of three to five nominees submitted by any professional organization representing  
28 nursing home administrators.

29 “(b) Except for those persons described in paragraph (a) of this subsection, no member of the  
30 board may have a direct financial interest in a nursing home.

31 “(c) No more than two of the members of the board may be officials or full-time employees of  
32 state or local governments.

33 “(d) At least one public member must be at least 62 years of age.

34 “(e) No public members of the board may hold any pecuniary interest in, or have any employ-  
35 ment contract with, a long term care facility.

1 “(f) In selecting the members of the board, the Governor shall strive to balance the represen-  
2 tation on the board according to:

3 “(A) Geographic areas of this state; and

4 “(B) Ethnic group.

5 “(3)(a) The term of office of each member is three years but a member serves at the pleasure  
6 of the Governor. The terms must be staggered so that no more than three terms end each year.  
7 Before the expiration of the term of a member, the Governor shall appoint a successor whose term  
8 begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for  
9 any cause the Governor shall make an appointment to become immediately effective for the unex-  
10 pired term.

11 “(b) A board member shall be removed immediately from the board if, during the member’s term,  
12 the member:

13 “(A) Is not a resident of this state;

14 “(B) Has been absent from three consecutive board meetings, unless at least one absence is ex-  
15 cused; or

16 “(C) Is not a licensed nursing home administrator or a retired nursing home administrator whose  
17 license as a nursing home administrator was in good standing at the time of retirement, if the  
18 member was appointed to serve on the board as a nursing home administrator.

19 “(4) The members of the board are entitled to compensation and expenses as provided in ORS  
20 292.495. The board may provide by rule for compensation to board members for the performance of  
21 official duties at a rate that is greater than the rate provided in ORS 292.495.

22 **“SECTION 3b. If House Bill 2058 becomes law, section 2 of this 2009 Act is repealed.**

23 **“SECTION 3c.** If House Bill 2058 becomes law, section 3 of this 2009 Act is amended to read:

24 **“Sec. 3.** (1) The amendments to ORS 678.800 by section [I] 3a of this 2009 Act are intended to  
25 change the name of the ‘Board of Examiners of Nursing Home Administrators’ to the ‘Nursing Home  
26 Administrators Board.’

27 “(2) For the purpose of harmonizing and clarifying statute sections published in Oregon Revised  
28 Statutes, the Legislative Counsel may substitute for words designating the ‘Board of Examiners of  
29 Nursing Home Administrators,’ wherever they occur in Oregon Revised Statutes, other words des-  
30 ignating the ‘Nursing Home Administrators Board.’”.

31 On page 6, after line 32, insert:

32 **“SECTION 16a. If House Bill 2059 becomes law, section 15, chapter \_\_, Oregon Laws 2009**  
33 **(Enrolled House Bill 2059) (amending ORS 678.725), is repealed and ORS 678.725, as amended**  
34 **by section 16 of this 2009 Act, is amended to read:**

35 **“678.725. (1)(a) Unless state or federal laws relating to confidentiality or the protection**  
36 **of health information prohibit disclosure,** any health care facility licensed under ORS 441.015,  
37 any licensee licensed by the Oregon Health Licensing Agency, any physician licensed by the Oregon  
38 Medical Board, any licensed professional nurse and any licensed pharmacist shall[, *and any other*  
39 *person may,*] report to the agency suspected violations of ORS 678.710 to 678.840 and unsanitary or  
40 other unsatisfactory conditions in a nursing home.

41 **“(b) Unless state or federal laws relating to confidentiality or the protection of health**  
42 **information prohibit disclosure, a licensee licensed under ORS 678.710 to 678.840 who has**  
43 **reasonable cause to believe that a licensee of any board as defined in section 1, chapter \_\_,**  
44 **Oregon Laws 2009 (Enrolled House Bill 2059), has engaged in prohibited conduct as defined**  
45 **in section 1, chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2059), shall report the pro-**

1 **hibited conduct in the manner provided in section 1, chapter \_\_, Oregon Laws 2009 (Enrolled**  
2 **House Bill 2059).**

3 **“(c) Any person may report to the agency suspected violations of ORS 678.710 to 678.840**  
4 **or unsanitary conditions in a nursing home.**

5 **“(2) Information acquired by the agency pursuant to subsection (1) of this section is confidential**  
6 **and is not subject to public disclosure.**

7 **“(3) Any person who reports or provides information to the agency under subsection (1) of this**  
8 **section and who provides information in good faith may not be subject to an action for civil damages**  
9 **as a result of making the report or providing the information.**

10 **“SECTION 16b. The amendments to ORS 678.725 by section 16a of this 2009 Act become**  
11 **operative January 1, 2010.**

12 **“SECTION 16c.** If House Bill 2059 becomes law, section 37, chapter \_\_, Oregon Laws 2009  
13 (Enrolled House Bill 2059), is amended to read:

14 **“Sec. 37.** Sections 1, 6, 9, 11, 13, 17, 20, 23, 26, 28, 30, 33 and 35, **chapter \_\_, Oregon Laws**  
15 **2009 (Enrolled House Bill 2059), [of this 2009 Act]** and the amendments to ORS 675.583, 678.135,  
16 678.725, 679.310, 681.505, 682.220, 684.200, 687.051, 688.135, 688.605 and 689.455 by sections 2, 3, 4,  
17 7, 14, [15,] 18, 21, 24, 31 and 36, **chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2059), [of**  
18 **this 2009 Act]** and **section 16a of this 2009 Act** apply to prohibited conduct as defined in section  
19 **1, chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2059), [of this 2009 Act]** that occurs on  
20 or after the effective date of **chapter \_\_, Oregon Laws 2009 (Enrolled House Bill 2059) [this 2009**  
21 **Act].”.**