

SENATE AMENDMENTS TO SENATE BILL 163

By COMMITTEE ON HUMAN SERVICES AND RURAL HEALTH POLICY

March 10

1 On page 1 of the printed bill, line 2, after “441.679” delete the rest of the line and insert “and
2 443.735.”.

3 On page 2, line 2, delete “to the Oregon”.

4 In line 3, delete “State Board of Nursing for inclusion” and delete “678.442” and insert
5 “441.678”.

6 In line 8, delete “to the board for inclusion of the findings”.

7 In line 9, delete “678.442” and insert “441.678”.

8 Delete lines 12 through 29 and insert:

9 “**SECTION 2.** ORS 441.678 is amended to read:

10 “441.678. (1) If a nursing assistant found by the Department of Human Services to be responsible
11 for abuse does not respond to the department within 30 days after notice of the opportunity for [*an*
12 *administrative review,*] **a contested case hearing**, the department shall [*notify the Oregon State*
13 *Board of Nursing, which shall place the abuse finding in the registry maintained under ORS*
14 *678.150.*] **place the abuse finding in the registry maintained under this section.**

15 “**(2) If a nursing assistant is found to be responsible for abuse, the nursing assistant is**
16 **entitled to a contested case hearing under ORS chapter 183. Upon a finding of abuse in a final**
17 **order, the department shall place the finding in the registry maintained under this section.**

18 “**(3) The department shall maintain a nursing assistant registry that contains, at a min-**
19 **imum, the information required by 42 C.F.R. 483.156.**

20 “[*(2) If a nursing assistant is found to be responsible for abuse, neglect or misappropriation of a*
21 *resident’s funds, the nursing assistant is entitled to an administrative review under subsection (3) of*
22 *this section. If, after the review, the nursing assistant is found responsible, the department shall notify*
23 *the Oregon State Board of Nursing of its finding, which shall place the finding in the registry main-*
24 *tained under ORS 678.150.*]

25 “[*(3) The administrative review shall be conducted by a panel of three persons, consisting of one*
26 *person from the department’s management staff who is responsible for the monitoring of nursing homes,*
27 *one person who is a registered nurse and who is on the staff of the Oregon State Board of Nursing*
28 *and one person who is on the staff of the department but not directly involved in the monitoring of*
29 *nursing homes and who has expertise in areas related to nursing care in a facility.*].”.

30 In line 39, delete “678.442” and insert “441.678”.

31 On page 3, line 10, delete “678.442” and insert “441.678”.

32 In line 32, delete “678.442” and insert “441.678”.

33 On page 4, delete lines 29 through 45 and delete page 5.

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