

## SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 1549

By JOINT COMMITTEE ON WAYS AND MEANS

February 28

- 1 On page 1 of the printed A-engrossed bill, line 3, after “676.579,” insert “676.590,”.
- 2 In line 5, delete “8” and insert “7”.
- 3 Delete lines 11 through 13.
- 4 In line 14, delete “(3)(a)” and insert “(2)(a)”.
- 5 On page 2, line 5, delete “license” and insert “authorization”.
- 6 Delete lines 14 through 35 and insert:
- 7 “(e) The applicable fee established under ORS 676.576.
- 8 “(2) An authorization issued under this section is subject to ORS 676.572. In order to renew an
- 9 authorization issued under this section, a temporary staffing agency shall submit to the office a re-
- 10 newal application that includes:
- 11 “(a) Any changes to the information described in subsection (1)(a) or (c) of this section;
- 12 “(b) Any other information requested by the office; and
- 13 “(c) The applicable fee established under ORS 676.576.
- 14 “(3) Every two years after the issuance of an authorization under subsection (1) of this section,
- 15 as a condition of authorization renewal, the office shall require a temporary staffing agency to
- 16 provide to the office the fingerprints described in subsection (1)(b) of this section for the purpose
- 17 of conducting updated state and national criminal records checks under ORS 181A.195.
- 18 “(4) The office may refuse to issue or renew an authorization under this section if the office is
- 19 not satisfied with the results of a state or nationwide criminal records check conducted under ORS
- 20 181A.195 using the fingerprints described in subsection (1)(b) of this section.
- 21 **“SECTION 3. The Health Licensing Office shall publish and maintain on a publicly avail-**
- 22 **able website operated by or on behalf of the office a list of temporary staffing agencies au-**
- 23 **thorized under section 2 of this 2022 Act.**
- 24 **“SECTION 4. (1) A temporary staffing agency may not operate in this state without an**
- 25 **authorization issued or renewed under section 2 of this 2022 Act.**
- 26 **“(2) Each separate physical location of a temporary staffing agency must obtain an au-**
- 27 **thorization under section 2 of this 2022 Act.”.**
- 28 In line 36, delete “licensed” and insert “authorized”.
- 29 On page 3, delete lines 1 through 39 and insert:
- 30 “(2) A temporary staffing agency authorized under section 2 of this 2022 Act may charge to an
- 31 entity that engages the temporary staffing agency fees or other amounts related to or associated
- 32 with the subsequent hiring of personnel by the entity, or pay to the entity such fees or amounts if
- 33 the temporary staffing agency hires the entity’s staff members, if:
- 34 “(a) The entity or the temporary staffing agency directly solicits, or attempts to solicit, em-
- 35 ployment of the personnel or the entity’s staff members; and

1 “(b) An agreement between the temporary staffing agency and the entity allows each party to  
2 charge to or receive from the other party the fees or amounts described in this subsection.

3 “**SECTION 6. In the manner prescribed in ORS chapter 183 for contested cases, the**  
4 **Health Licensing Office may impose a form of discipline against a temporary staffing agency**  
5 **authorized under section 2 of this 2022 Act for a violation of section 2, 4 or 5 of this 2022**  
6 **Act or a rule adopted under sections 1 to 7 of this 2022 Act.**

7 “**SECTION 7. (1) The Health Licensing Office may impose on a temporary staffing agency**  
8 **a civil penalty not to exceed \$500 per day per violation of section 2, 4 or 5 of this 2022 Act.**  
9 **The office shall consider as a separate violation each assignment of an individual personnel**  
10 **member in violation of section 5 (1) of this 2022 Act.**

11 “**(2) Moneys from civil penalties imposed under this section shall be deposited in the**  
12 **Health Licensing Office Account established under ORS 676.625 for the administration of**  
13 **sections 1 to 7 of this 2022 Act.”.**

14 In line 40, delete “9” and insert “8”.

15 On page 4, line 23, delete “10” and insert “9”.

16 In line 44, delete “8” and insert “7”.

17 In line 45, delete “11” and insert “10”.

18 On page 5, line 20, delete “8” and insert “7”.

19 After line 23, insert:

20 “**SECTION 11.** ORS 676.590 is amended to read:

21 “676.590. (1) Information obtained by the Health Licensing Office as part of an investigation  
22 conducted under the following laws and any reports issued by an investigator are exempt from  
23 public disclosure:

24 “(a) ORS 676.630 to 676.660, 676.665 to 676.689, 676.730 to 676.748, 681.700 to 681.730, 681.740 to  
25 681.758, 690.005 to 690.225, 690.350 to 690.410 or 694.015 to 694.170 **and sections 1 to 7 of this 2022**  
26 **Act.**

27 “(b) ORS 676.560 to 676.625 if the investigation is related to the regulation of:

28 “(A) Advanced nonablative esthetics under ORS 676.630 to 676.660;

29 “(B) Lactation consultation under ORS 676.665 to 676.689;

30 “(C) Music therapy under ORS 681.700 to 681.730;

31 “(D) Art therapy under ORS 681.740 to 681.758;

32 “(E) Barbering, hair design, esthetics, nail technology or natural hair care under ORS 690.005  
33 to 690.225;

34 “(F) Electrologists and body art practitioners under ORS 690.350 to 690.410;

35 “(G) Dealing in hearing aids under ORS 694.015 to 694.170; [or]

36 “(H) Genetic counseling under ORS 676.730 to 676.748; **or**

37 “**(I) Temporary staffing agencies under sections 1 to 7 of this 2022 Act.**

38 “(2) The office shall disclose information obtained as part of an investigation described in sub-  
39 section (1) of this section to a person who demonstrates by clear and convincing evidence that the  
40 public interest in disclosure outweighs other interests in nondisclosure, including the public interest  
41 in nondisclosure.

42 “(3) A complaint that forms the basis for an investigation described in subsection (1) of this  
43 section shall not be considered information obtained as part of an investigation and is not exempt  
44 from public disclosure.

45 “(4) Upon request, the office shall disclose to a person against whom disciplinary action is

1 sought any information obtained as part of an investigation described in section (1) of this section,  
2 if the information is not otherwise privileged or confidential under state or federal law.”.

3 In line 30, delete “8” and insert “7”.

4 In line 43, delete “8” and insert “7”.

5 On page 6, line 25, delete “8” and insert “7”.

6 Delete lines 29 through 40 and insert:

7 **“SECTION 15. (1) As used in this section:**

8 **“(a) ‘Personnel’ means an individual, regardless of whether the individual is licensed or**  
9 **otherwise authorized by the state to practice a health care occupation or profession, who**  
10 **provides health care services or assistance with activities of daily living to clients, patients**  
11 **or residents for or on behalf of an entity that engages the temporary staffing agency with**  
12 **which the individual is associated.**

13 **“(b) ‘Rate’ means the total amount that a temporary staffing agency charges to or re-**  
14 **ceives from an entity that engages the temporary staffing agency to assign personnel to the**  
15 **entity on a temporary basis.**

16 **“(c)(A) ‘Temporary staffing agency’ means an entity that operates in this state for the**  
17 **purpose of providing temporary work to personnel providing health care services or assist-**  
18 **ance with activities of daily living for or on behalf of entities that engage the temporary**  
19 **staffing agency.**

20 **“(B) ‘Temporary staffing agency’ does not include:**

21 **“(i) A staff arrangement established by an entity solely for use by the entity, or by any**  
22 **entity associated with the entity, and in which the only costs are salaries paid to individuals**  
23 **who perform work;**

24 **“(ii) An individual who provides the individual’s services on a temporary basis;**

25 **“(iii) An employment agency as defined in ORS 658.005;**

26 **“(iv) Home health agencies licensed under ORS 443.015;**

27 **“(v) In-home care agencies licensed under ORS 443.315; or**

28 **“(vi) Home care workers and personal support workers listed on the home care registry**  
29 **as defined in ORS 410.600.**

30 **“(2) Not later than December 31, 2022, the Oregon Health Authority shall, in collaboration**  
31 **with the stakeholders described in subsection (3) of this section, create and submit a report**  
32 **in the manner provided in ORS 192.245 to an interim committee of the Legislative Assembly**  
33 **related to health care. The report must include:**

34 **“(a) A policy proposal and recommendations to establish a process to determine annual**  
35 **rates that a temporary staffing agency may charge to or receive from an entity that engages**  
36 **the temporary staffing agency; and**

37 **“(b) Prioritization of the compensation of personnel, quality care outcomes for clients,**  
38 **patients and residents of an entity that engages a temporary staffing agency and the fiscal**  
39 **viability of care providers based in this state.**

40 **“(3) The stakeholders must include, but are not limited to:**

41 **“(a) Providers of long-term care, acute care services and primary care services, or rep-**  
42 **resentatives of the providers;**

43 **“(b) Personnel;**

44 **“(c) A representative of the Department of Human Services; and**

45 **“(d) A representative of the Office of the Governor.**

1       **“SECTION 16.** Section 15 of this 2022 Act is repealed on January 2, 2023.

2       **“SECTION 17.** Notwithstanding any other provision of law, the General Fund appropri-  
3       **ation** made to the Oregon Health Authority by section 1 (1), chapter 668, Oregon Laws 2021,  
4       **for the biennium ending June 30, 2023, for health systems, health policy and analytics, and**  
5       **public health, is increased by \$690,947, for the purpose of implementing this 2022 Act.**

6       **“SECTION 18.** (1) Sections 1 to 7 of this 2022 Act and the amendments to ORS 658.015,  
7       **676.565, 676.579, 676.590, 676.613, 676.622 and 676.625 by sections 8 to 14 of this 2022 Act become**  
8       **operative on July 1, 2023.**

9       **“(2) The Health Licensing Office may take any action before the operative date specified**  
10       **in subsection (1) of this section that is necessary to enable the office to exercise, on and**  
11       **after the operative date specified in subsection (1) of this section, all of the duties, functions**  
12       **and powers conferred on the office by sections 1 to 7 of this 2022 Act and the amendments**  
13       **to ORS 658.015, 676.565, 676.579, 676.590, 676.613, 676.622 and 676.625 by sections 8 to 14 of this**  
14       **2022 Act.**

15       **“SECTION 19.** This 2022 Act being necessary for the immediate preservation of the public  
16       **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**  
17       **on its passage.”.**

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