HB 4004-3
(LC 193)
2/8/22 (LHF/ps)

Requested by HOUSE COMMITTEE ON BEHAVIORAL HEALTH (at the request of Representative Rob Nosse)

PROPOSED AMENDMENTS TO HOUSE BILL 4004

On page 1 of the printed bill, delete lines 5 through 27.

On page 2, delete lines 1 through 18 and insert:

"SECTION 1. (1) As used in this section:

"(a) 'Behavioral health care' means services and supports for individuals with mental health or substance use disorders.

"(b) 'Provider' means:

"(A) A mental health or substance use disorder crisis line provider;

"(B) An Urban Indian Health Program in this state;

"(C) A Tribal Behavioral Health Program grant recipient in this state; or

"(D) An entity:

"(i) That provides behavioral health care to adults or youth, of which at least 50 percent are uninsured, enrolled in the state medical assistance program or enrolled in Medicare;

"(ii) That is not a hospital; and

"(iii) That:

"(I) Has been certified by the Oregon Health Authority to provide behavioral health care;

"(II) Provides behavioral health care through a program contracting with or administered by the Oregon Youth Authority;

"(III) Provides behavioral health rehabilitation services through a

program contracting with or administered by the Department of Human Services;

"(IV) Is a licensed opioid treatment program;

"(V) Provides withdrawal management services; or

"(VI) Is a sobering center.

"(2) The Oregon Health Authority shall administer a program to distribute grants to providers.

"(3) A provider may use a grant under subsection (2) of this section to:

"(a) Increase compensation for the provider's staff;

"(b) Pay a retention bonus to an individual on the provider's staff if necessary to prevent the individual from leaving the provider's employ; or

"(c) Hire new staff and provide a hiring bonus, if necessary to recruit new staff.

"(4) A provider must use at least 75 percent of the grant on direct compensation to the provider's staff in the form of wages, benefits and bonuses. The remainder may be spent on programs or other noncompensatory means to increase workforce retention or recruitment.

"(5) Notwithstanding the definition of 'compensation' in ORS 652.210, a hiring or retention bonus paid under subsection (3) of this section is not a violation of ORS 652.220.

"(6) Providers must report to the Oregon Health Authority, in the form and manner prescribed by the authority, on how the grants were spent and whether the expenditures resulted in improved compensation for staff.

"(7) Each grant shall be a percentage of the funds available under section 5 of this 2022 Act that represents a provider's staffing costs, for both filled and vacant positions, relative to the staffing costs of

all providers in this state. Applicants for grants must state in the application how the grant will be spent in accordance with subsection (3) of this section.

"(8) Any portion of a grant that is not spent as provided in this section constitutes an overpayment that the Oregon Health Authority shall recover from a provider.

"(9) The Oregon Health Authority shall adopt rules necessary to carry out the provisions of this section.

"SECTION 2. (1) The Oregon Health Authority shall contract with nurses and behavioral health professionals to provide care in adult and child residential behavioral health treatment facilities, opioid treatment programs, withdrawal management programs and sobering centers in this state to address staffing shortages at such facilities caused by the COVID-19 pandemic.

"(2) The authority shall seek any necessary approval from the Centers for Medicare and Medicaid Services to secure federal financial participation in the costs of contracts described in subsection (1) of this section if funding from the Federal Emergency Management Agency is unavailable.".

On page 4, line 7, after "of" insert "adjudicated".

In line 8, after "each" insert "adjudicated".

In line 12, delete "May 1" and insert "May 31".