

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 1549 - A4

81st Oregon Legislative Assembly – 2022 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Emily Coates
Reviewed by: John Borden, Tom MacDonald
Date: 2/25/2022

Measure Description:

Requires Health Licensing Office to issue temporary staffing agency authorization to qualified applicant.

Government Unit(s) Affected:

Oregon Health Authority (OHA), Oregon Judicial Department (OJD)

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Analysis:

This measure directs the Health Licensing Office (HLO), a division within the Oregon Health Authority (OHA), to issue a temporary staffing agency authorization to an applicant that submits all required documentation. Temporary staffing agencies are defined as entities that provide temporary work to personnel providing health care services or assistance with activities of daily living for or on behalf of entities that engage the temporary staffing agency. To renew an authorization, a temporary staffing agency must submit a renewal application, including a renewal fee; every two years, and HLO will require an applicant to provide fingerprints for the purpose of conducting state and national criminal records check.

This measure prohibits a temporary agency from operating without authorization and requires a temporary agency to obtain an authorization for each separate physical location. HLO shall maintain and publish a list of temporary staffing agencies authorized in the state on a publicly available website. This measure allows a temporary staffing agency to charge an entity that engages the temporary staffing agency fees or other amounts related to subsequent hiring of personnel by the entity, or pay to the entity such fees or amounts if the temporary staffing agency hires staff members; if the temporary staffing agency directly solicits or attempts to solicit, employment of the personnel or the entity’s staff members and an agreement between the temporary staffing agency and the entity allows each party to charge or receive fees from the other party.

HLO may impose a civil penalty on a temporary staffing agency, not exceeding \$500 per day, for violating the measure or related administrative rules. Moneys collected from civil penalties shall be deposited in the HLO account. No later than December 31, 2022, OHA, in collaboration, with stakeholders shall create and submit a report to an interim committee of the Legislative Assembly related to health care. This measure outlines the requirements of the report and is repealed on January 2, 2023. This measure declares an emergency, effective upon passage.

OHA estimates the fiscal impact of this measure to be \$690,947 General Fund, two permanent full-time positions and one limited-duration position (1.50 FTE) for the 2021-23 biennium and \$407,483 Other Funds, two positions (2.00 FTE) for the 2023-25 biennium.

OHA reports the Public Health (PH) division will need to hire two permanent full-time positions in order to publish and maintain a publicly available website of all temporary staffing agencies. Additional positions may be required to perform work beyond the scope and capabilities of the two requested positions. The agency is unable

to determine if additional positions will be required at this time, however position and services and supplies resources will be addressed after the report to the Legislature in December of 2022.

The Health Policy and Analytics (HPA) division will need to hire one 12-month position starting April 1, 2022 to engage stakeholders, conduct policy research, perform contract management, and coordinate and develop the required report by December 31, 2022. HPA notes the division would need to contract resources to support the study including rate development recommendations, including stakeholder input, which is included in OHA's fiscal request.

This measure is anticipated to have a minimal fiscal impact on the Oregon Judicial Department.