

House Bill 2746

Sponsored by Representative GOODWIN (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Repeals provisions governing nurse staffing at hospitals.

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A BILL FOR AN ACT

Relating to nurse staffing requirements; creating new provisions; amending ORS 441.030; and repealing ORS 441.151, 441.152, 441.154, 441.155, 441.156, 441.157, 441.164, 441.165, 441.166, 441.169, 441.171, 441.173, 441.175 and 441.177.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 441.151, 441.152, 441.154, 441.155, 441.156, 441.157, 441.164, 441.165, 441.166, 441.169, 441.171, 441.173, 441.175 and 441.177 are repealed.

SECTION 2. ORS 441.030 is amended to read:

441.030. (1) The Oregon Health Authority or the Department of Human Services may assess a civil penalty and, pursuant to ORS 479.215, shall deny, suspend or revoke a license, in any case where the State Fire Marshal, or the representative of the State Fire Marshal, certifies that there is a failure to comply with all applicable laws, lawful ordinances and rules relating to safety from fire.

(2) The authority may:

(a) Assess a civil penalty or deny, suspend or revoke a license of a health care facility other than a long term care facility in any case where it finds that there has been a substantial failure to comply with ORS 441.015 to 441.087 or the rules or minimum standards adopted under ORS 441.015 to 441.087.

(b) Assess a civil penalty or suspend or revoke a license issued under ORS 441.025 for failure to comply with an authority order arising from a health care facility's substantial lack of compliance with the provisions of ORS 441.015 to 441.087 [or 441.152 to 441.177] or the rules adopted under ORS 441.015 to 441.087 [or 441.152 to 441.177].

[(c) Suspend or revoke a license issued under ORS 441.025 for failure to pay a civil penalty imposed under ORS 441.175.]

(3) The department may:

(a) Assess a civil penalty or deny, suspend or revoke a long term care facility's license in any case where it finds that there has been a substantial failure to comply with ORS 441.015 to 441.087 or the rules or minimum standards adopted under ORS 441.015 to 441.087.

(b) Assess a civil penalty or suspend or revoke a long term care facility's license issued under ORS 441.025 for failure to comply with a department order arising from a long term care facility's substantial lack of compliance with the provisions of ORS 441.015 to 441.087 or the rules adopted under ORS 441.015 to 441.087.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Suspend or revoke a license issued under ORS 441.025 for failure to pay a civil penalty im-
2 posed under ORS 441.710.

3 (d) Order a long term care facility licensed under ORS 441.025 to restrict the admission of pa-
4 tients when the department finds an immediate threat to patient health and safety arising from
5 failure of the long term care facility to be in compliance with ORS 441.015 to 441.087 and the rules
6 adopted under ORS 441.015 to 441.087.

7 (4) Any long term care facility that has been ordered to restrict the admission of patients pur-
8 suant to subsection (3)(d) of this section shall post a notice of the restriction, provided by the de-
9 partment, on all doors providing ingress to and egress from the facility, for the duration of the
10 restriction.

11 **SECTION 3. (1) On the effective date of this 2023 Act, the Oregon Health Authority shall**
12 **cease all audits being conducted under ORS 441.157 and cease all complaint investigations**
13 **being conducted under ORS 441.171.**

14 **(2) A civil penalty imposed under ORS 441.175 prior to the effective date of this 2023 Act**
15 **but not yet collected by the authority on the effective date of this 2023 Act is**
16 **extinguished. This subsection does not impose an obligation upon the authority to return a**
17 **civil penalty paid under ORS 441.175 prior to the effective date of this 2023 Act.**

18 **(3) The authority shall restore a license that was suspended or revoked under ORS**
19 **441.030 (2)(c) if the license was suspended or revoked only for failure to pay a civil penalty**
20 **imposed under ORS 441.175.**

21 **(4) The authority shall remove from the authority's website reports of audits and other**
22 **reports posted in accordance with ORS 441.177.**

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