House Bill 2746

Sponsored by Representative GOODWIN (Presession 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.

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441.154, 441.155, 441.156, 441.157, 441.164, 441.165, 441.166, 441.169, 441.171, 441.173, 441.175 and 441.177 are repealed.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:

(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 the rules adopted under ORS 441.015 to 441.087.

(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 in italic and bracketed is existing law to be omitted. New sections are in boldfaced type.
(c) Suspend or revoke a license issued under ORS 441.025 for failure to pay a civil penalty imposed under ORS 441.710.

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

(4) Any long term care facility that has been ordered to restrict the admission of patients pursuant to subsection (3)(d) of this section shall post a notice of the restriction, provided by the department, on all doors providing ingress to and egress from the facility, for the duration of the restriction.

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

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

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

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