

HB 4088 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Jules Dellinger, LPRO Analyst

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/13

WHAT THE MEASURE DOES:

The measure directs the Oregon Health Policy Board and the Oregon Health and Science University to develop and implement a pilot program to prevent hospital workplace violence and makes assaults on hospital workers a Class C felony. The measure establishes hospital worker safety requirements relating to signage and union representative participation and directs hospitals to report on hospital worker assaults annually.

Detailed Summary:

Hospital Worker Safety Signage, Rights, and Reports (Sections 1-5):

- Requires hospitals to post public signage about hospital worker safety and employee signage to inform its employees of their rights and protections granted by law for reporting assault incidents and of the procedures to do so.
- Prohibits hospitals from requiring workers to wear ID badges with their last name and requires hospitals to allow union representatives to participate in worker safety meetings and committees.
- Directs hospitals to submit an annual report to certain interim committees and the Department of Business Services on assault-related injuries, prevention and protection programs, incidents, and turnover rates.

Assault in the Third Degree (Section 6):

- Expands the crime of assault in the third degree to include intentionally or knowingly causing physical injury to another person, knowing that the other person is working in a hospital, and while the other person is performing official duties.
- Prohibits charging people who, at the time of the alleged offense, were experiencing a mental-health-related condition that significantly impairs their judgment or behavior.
- Excludes assaults committed in certain mental health and psychiatric hospitals.

Hospital Workplace Violence Pilot Program (Sections 7 & 8):

- Directs the Oregon Health Policy Board and the Oregon Health and Science University (OHSU) to administer a pilot program researching, analyzing, and developing recommendations for establishing a statewide hospital staff training program to prevent and respond to workplace violence.
- Specifies what the program must evaluate and consider in its development.
- Requires OHSU to submit a report on the pilot program and recommendations for establishing a statewide violence prevention program to the health-care-related interim committees no later than September 1, 2025.
- Sunsets the pilot program on January 2, 2026.

Declares an emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

HB 4088 STAFF MEASURE SUMMARY

In an [analysis focusing on workplace violence](#) due to intentional injuries caused by another person to healthcare workers, the US Bureau of Labor Statistics found that private “healthcare workers accounted for 73% of all nonfatal workplace injuries and illnesses due to violence in 2018.” In 2008, the Oregon Occupational Safety & Health Administration published a [report on hospital assault data](#) collected pursuant to [House Bill 2022 \(2007\)](#), which required data collection and reporting and implementation of strategies to protect hospital workers from assault.

[House Bill 2141 \(2023\)](#) and [Senate Bill 563 \(2023\)](#) each proposed that assaults on hospital workers be added to the assault in the third degree statute. The bills primarily differed in the requisite mental state and limitations on charging related to mental illness.

Assault in the third degree ([ORS 163.165](#)) is a Class C or B felony, depending on the circumstances. Assault in the third degree, for the most part, prohibits similar conduct to assault in the fourth degree ([ORS 163.160](#)): causing physical injury. One way an assault becomes third degree rather than fourth degree is when the assault is against specific workers, such as highway workers, taxi operators, emergency medical services providers, and youth correctional facility staff members. Hospital workers are not currently included.