



Legislative Fiscal Office
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Bill Title: Relating to safety of persons working in hospitals; declaring an emergency.

Government Unit(s) Affected: Department of Consumer and Business Services, Oregon Youth Authority, Oregon Health and Science University, District Attorneys, Judicial Department, Public Defense Commission, Long Term Care Ombudsman, Oregon Medical Board, Board of Nursing, Board of Pharmacy, Oregon Health Authority, Department of Justice, Bureau of Labor and Industries, Department of Corrections, Counties, Cities, Criminal Justice Commission

Summary of Fiscal Impact

2023-25 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Oregon Health Authority	\$ 1,462,038	\$ -	\$ -	\$ -	\$ 1,462,038	4	1.50
Total Fiscal Impact	\$ 1,462,038	\$ -	\$ -	\$ -	\$ 1,462,038	4	1.50

2025-27 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Oregon Health Authority	\$ 2,900,989	\$ -	\$ -	\$ -	\$ 2,900,989	4	3.00
Total Fiscal Impact	\$ 2,900,989	\$ -	\$ -	\$ -	\$ 2,900,989	4	3.00

- There is an indeterminate fiscal impact for the Department of Consumer and Business Services.

Measure Description

This measure requires every health care employer that is a hospital to post signage that informs the public it is a crime to cause physical injury to another person who is working in a hospital and directs the Director of the Department of Consumer and Business Services (DCBS) to make available to hospitals model signage that meets specified requirements and is available in five languages. In addition to the required signage, every health care employer that is a hospital must inform hospital employees of the specified rights and protections afforded to employees, and that victims of an assault may contact law enforcement. The measure directs the Bureau of Labor and Industries (BOLI) to make available model language in English and Spanish. The measure requires an employer that is a hospital to submit a specified report, within 90 days after the report is due to the Federal Occupational Safety and Health Administration, to DCBS. DCBS, on an annual basis, is required to compile and post the report on the department’s website. These provisions become operative January 1, 2025.

The measure expands the crime of assault in the third degree, a Class C felony, to include if a person with knowledge that another person is working in a hospital, intentionally or knowingly causes physical injury to the working person while the person is acting in the course of official duty.

The Oregon Health Authority (OHA) is required to develop and administer a program to award grants to eligible hospitals to fund workplace violence prevention and any construction and equipment deemed necessary to

implement the workforce violence prevention efforts. The measure establishes the Hospital Workplace Violence Prevention Efforts Fund, with funds continuously appropriated to OHA to carry out the specified provisions related to hospital workplace violence. These provisions become operative January 1, 2025.

The measure provides a one-time blank General Fund appropriation to OHA for the grant program. The measure authorizes OHA to begin distributing funds to approved grant applicants at the conclusion of grant application period, but not later than 90 days after January 1, 2025. The grant program is repealed on January 2, 2030, and any monies in the Hospital Workplace Violence Prevention Efforts Fund that are unexpended, unobligated, and not subject to any conditions will revert to the General Fund.

BOLI, DCBS, and OHA may take any action before January 1, 2025.

Fiscal Analysis

The fiscal impact of the measure is \$1.5 million General Fund and four positions (1.50 FTE) for the 2023-25 biennium, and \$2.9 million General Fund and four positions (4.00 FTE) for the 2025-27 biennium.

Oregon Health Authority

The fiscal impact on OHA is \$1.5 million General Fund and four positions (1.50 FTE) for the 2023-25 biennium and \$2.9 million and four positions (3.00 FTE) for the 2025-27 biennium.

OHA anticipates awarding ten hospitals grants of \$481,480 each to implement hospital workplace violence prevention, for a total of \$4.8 million in grants through the grant program repeal date of January 2, 2030. In addition to the awards, program administration costs are estimated to be \$125,271 per year; a total of \$626,355 over the course of the program. These costs include consultation support, technical assistance, local consultation, stipends for participants, and evaluation of the program. The total cost of the grant program for five years is approximately \$5.4 million. OHA would also hire one part-time Administrative Specialist 2, one full-time Program Analyst 3, one full-time Fiscal Analyst 2, and one part-time Procurement and Contract Specialist 3 to implement and support the grant program through January 2, 2030.

In the 2023-25 biennium, OHA would expend \$1.5 million which includes \$962,960 to hospitals, \$125,271 for program administrative costs, and \$373,807 for personal services and position-related services and supplies.

In the 2025-27 biennium, OHA would expend \$2.9 million which includes \$1.9 million to hospitals, \$250,542 for program administrative costs and \$724,527 for personal services and position-related services and supplies.

Department of Consumer and Business Services

The fiscal impact for DCBS is indeterminate. The agency reports the provisions requiring hospitals to provide work-related injury and illness recordkeeping reports to DCBS would require modifications to the agency's current IT structure to capture, store, and post the reports, though these costs are currently unknown.

Department of Corrections

The fiscal impact to the Department of Corrections (DOC) is minimal in the 2023-25 biennium. The estimated cost in the 2023-25 biennium is \$12,554 General Fund. and \$226,850 General Fund in the 2025-27 biennium. These costs will increase to an estimated \$304,999 General Fund in 2027-29, \$319,596 General Fund in 2029-31, and \$320,521 General Fund in 2031-33.

The estimated costs result from an anticipated increase in the number of annual felony convictions under the measure and the effect on community corrections and DOC prison populations. To determine the potential impact for these crimes, the Criminal Justice Commission (CJC) utilized sentencing data on crime category six assault III convictions from 2023. Based on this data, CJC anticipates the measure will result in an additional ten felony convictions per year. CJC estimates 24% of new felony convictions will be sentenced to a DOC facility,

with an average sentence length of 24 months, 15% will be sentenced to local control, with an average sentence length of six months, and 61% of convictions will be sentenced to probation, with an average sentence length of 36 months.

The fiscal impact assumes a three-month lag between the measure's effective date and the date first offenders may be received through the criminal justice system. The cost estimates include funds that would be distributed to county community corrections departments for the costs of probation, post-prison supervision, and local control. As part of the cost calculations, the estimated marginal cost per day for a DOC facility is \$26.05 per offender and the estimated cost per day for probation is \$13.83 per offender.

Should this measure become law, any deviation between the estimates assumed in this fiscal analysis and the actual number of criminal cases, convictions, and length of sentences issued would be incorporated in the Department of Administrative Services corrections population forecast. These forecasts are issued twice per year and used to determine any necessary budget modifications to the agency.

Other agencies

All other impacted agencies report a minimal or no fiscal impact.

Relevant Dates

The measure declares an emergency and takes effect on passage.