A-Engrossed

House Bill 4088

Ordered by the House February 19
Including House Amendments dated February 19

(Corrected Sponsor)

Sponsored by Representative NELSON, Senator MANNING JR, Representatives BOSHART DAVIS, TRAN; Representatives GAMBA, HELM, JAVADI, KROPF, LEVY E, LIVELY, RUIZ, WALTERS, Senators FREDERICK, MEEK, TAYLOR, WOODS (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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act directs hospitals to take actions with respect to the protection of hospital employees.

The Act directs the OHA to administer a grant program.

The Act takes effect when the Governor signs it. (Flesch Readability Score: 60.9).

The Act directs the OHA to contract with the OHSU to run a pilot program. The Act directs the OHSU to report on the program by Sept. 1, 2025. (Flesch Readability Score: 65).

Requires hospitals to take certain actions with respect to protecting hospital employees from workplace assaults. Directs hospitals to post signage informing employees of rights and protections regarding workplace assaults.

Requires hospitals to file certain reports regarding work-related illnesses and injuries to the Director of the Department of Consumer and Business Services for posting to the department's website.

Expands the crime of assault in the third degree to include causing physical injury to a person working in a hospital while worker is performing official duties. Requires the Oregon Health Policy Board to enter into an agreement with the Oregon Health and Science University to administer a pilot program for purposes of developing recommendations for establishing a statewide program to train hospital staff on procedures to prevent and respond to incidents of workplace violence.

Requires the Oregon Health Authority to develop and administer a grant program to provide financial assistance to eligible hospitals for workplace violence prevention efforts. Establishes the timeline within which the authority must begin distributing grant funds to approved grant applicants.

Declares an emergency, effective on passage.

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

HOSPITAL SAFETY REQUIREMENTS

SECTION 1. Sections 2 and 3 of this 2024 Act are added to and made a part of ORS 654.412 to 654.423.

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.
SECTION 2. (1)(a) Every health care employer that is a hospital shall post signage that informs the public that it is a crime under ORS 163.165 to cause physical injury to another person who is working in a hospital and acting in the course of their official duties.

(b) The hospital shall post the signage within 15 feet of all hospital public entrances in areas that are clearly visible to the public.

(c) The hospital shall post the signage in English, and may additionally post the signage in other languages based on the most commonly spoken languages in the county where the hospital is located.

(d) The Director of the Department of Consumer and Business Services shall make available to hospitals model signage that meets the requirements of this subsection. The model signage must be made available in at least the five languages that are most commonly spoken in this state.

(2)(a) In addition to the signage required under subsection (1) of this section, every health care employer that is a hospital shall post signage that:

(A) Informs hospital employees of the rights and protections afforded to employees under ORS 654.062 (5)(d); and

(B) Explains that victims of an assault may contact law enforcement by calling 9-1-1 or another identified law enforcement telephone number.

(b) The hospital shall post the signage in a conspicuous and accessible location where the hospital typically notifies employees of their workplace rights.

(c) The hospital shall post the signage in English and Spanish, and may additionally post the signage in other languages based on the most commonly spoken languages in the county where the hospital is located.

(d) The Commissioner of the Bureau of Labor and Industries shall make available model language, in English and Spanish, that may be used by hospitals for purposes of complying with the signage requirements under this subsection.

SECTION 3. (1) As used in this section, “report” means a work-related injury and illness recordkeeping form that is required by the federal Occupational Safety and Health Administration to be maintained by employers for purposes of classifying and recording work-related illnesses and injuries.

(2)(a) Whenever an employer that is a hospital is required, under applicable rules, regulations or standards of the federal Occupational Safety and Health Administration, to submit a report to the administration, the hospital shall submit a copy of the hospital’s report to the Director of the Department of Consumer and Business Services not later than 90 days after the hospital’s report is due to the federal Occupational Safety and Health Administration.

(b) The Director of the Department of Consumer and Business Services may elect, on an annual basis, to compile and post to the department’s website information reported to the department under paragraph (a) of this subsection. The information posted must be in aggregate form such that the information cannot be used to identify, contact or locate any single individual or a specific hospital.

SECTION 4. ORS 441.096 is amended to read:

441.096. (1)(a) Except as provided in paragraph (b) of this subsection, a health care practitioner working at a health care facility and providing direct care to a patient shall wear an identification badge indicating the practitioner’s name and professional title.
(b) Except where applicable federal law or rules and regulations require otherwise, no person working in a hospital shall be required to wear an identification badge that includes the worker's last name unless the worker specifically requests that the badge include the worker's last name.

(2) A health care facility shall develop policies that specify the size and content of the identification badge required by subsection (1) of this section.

(3) As used in this section:[,]

(a) “Health care facility” means a health care facility as defined in ORS 442.015 or a mental health facility, alcohol treatment facility or drug treatment facility licensed or operated under ORS chapter 426 or 430.

(b) “Hospital” has the meaning given that term in ORS 442.015.

SECTION 5. ORS 654.182 is amended to read:

654.182. (1) In carrying out ORS 654.176, the Director of the Department of Consumer and Business Services shall adopt rules that include, but are not limited to, provisions:

(a) Prescribing the membership of the committees to ensure equal numbers of employees, who are volunteers or are elected by their peers, and employer representatives and specifying the frequency of meetings.

(b) Requiring employers to make adequate written records of each meeting and to file and maintain the records subject to inspection by the director.

(c) Requiring employers to compensate employee representatives on safety committees at the regular hourly wage while the employees are engaged in safety committee training or are attending safety committee meetings.

(d) Prescribing the duties and functions of safety committees, which include, but are not limited to:

(A) Establishing procedures for workplace safety inspections by the committee.

(B) Establishing procedures for investigating all safety incidents, accidents, illnesses and deaths.

(C) Evaluating accident and illness prevention programs.

(e) Prescribing guidelines for the training of safety committee members.

(f) Prescribing alternate forms of safety committees and safety meetings to meet the special needs of small employers, agricultural employers and employers with mobile worksites.

(g) Requiring an employer that is a hospital to permit a representative of a labor union representing staff of the hospital to attend safety meetings of the hospital’s safety committee as a nonvoting participant. As used in this paragraph, “hospital” means a hospital, as defined in ORS 442.015, that employs staff who are represented by one or more labor unions pursuant to a collective bargaining agreement.

(2) An employer that is a member of a multiemployer group operating under a collective bargaining agreement that contains provisions regulating the formation and operation of a safety committee that meets or exceeds the minimum requirements of this section and ORS 654.176 shall be considered to have met the requirements of this section and ORS 654.176.

ASSAULT

SECTION 6. ORS 163.165 is amended to read:

163.165. (1) A person commits the crime of assault in the third degree if the person:

(a) Recklessly causes serious physical injury to another by means of a deadly or dangerous
weapon;
(b) Recklessly causes serious physical injury to another under circumstances manifesting extreme indifference to the value of human life;
(c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon under circumstances manifesting extreme indifference to the value of human life;
(d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a public transit vehicle while the operator is in control of or operating the vehicle. As used in this paragraph, “public transit vehicle” has the meaning given that term in ORS 166.116;
(e) While being aided by another person actually present, intentionally or knowingly causes physical injury to another;
(f) While committed to a youth correction facility, intentionally or knowingly causes physical injury to another knowing the other person is a staff member while the other person is acting in the course of official duty;
(g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical services provider, as defined in ORS 682.025, while the emergency medical services provider is performing official duties;
(h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child 10 years of age or younger;
(i) With knowledge that another person is working in a hospital, intentionally or knowingly causes physical injury to the working person while the working person is acting in the course of official duty;
[[i]] (j) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical injury to the operator of a taxi while the operator is in control of the taxi; or
[[j]] (k) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway worker while the flagger or highway worker is performing official duties.
(2)(a) Assault in the third degree is a Class C felony.
(b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under subsection (1)(a) or (b) of this section is a Class B felony if:
(A) The assault resulted from the operation of a motor vehicle; and
(B) The defendant was the driver of the motor vehicle and was driving while under the influence of intoxicants.
(3) As used in this section:
(a) “Flagger” has the meaning given that term in ORS 811.230.
(b) “Highway worker” has the meaning given that term in ORS 811.230.
(c) “Hospital” has the meaning given that term in ORS 442.015, except for a hospital that primarily provides inpatient mental health treatment to adults and adolescents who are between nine and 17 years of age and emergency psychiatric care for adults 18 years of age or older.
[[c]] (d) “Staff member” means:
(A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth correction facility staff member, a Department of Corrections or Oregon Youth Authority staff member or a person employed pursuant to a contract with the department or youth authority to work with, or in the vicinity of, adults in custody, youths or adjudicated youths; and
(B) A volunteer authorized by the department, youth authority or other entity in charge of a
corrections facility to work with, or in the vicinity of, adults in custody, youths or adjudicated youths.

[(d)] (e) “Youth correction facility” has the meaning given that term in ORS 162.135.

GRANT PROGRAM

SECTION 7. Sections 8 and 9 of this 2024 Act are added to and made a part of ORS 654.412 to 654.423.

SECTION 8. The Hospital Workplace Violence Prevention Efforts Fund is established in the State Treasury, separate and distinct from the General Fund. The fund shall consist of moneys credited to the fund from moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise. Interest earned by the Hospital Workplace Violence Prevention Efforts Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Health Authority to carry out the provisions of section 9 of this 2024 Act.

SECTION 9. (1) As used in this section:
(a) “Access security measures” are systems that enhance security at entrance and access points within a hospital, including, but not limited to:
(A) Metal screenings.
(B) Weapons detection systems.
(C) Trained screening staff.
(b) “Safety committee” means a safety committee described under ORS 654.176.
(c) “Workplace violence prevention efforts” include, but are not limited to:
(A) Providing violence prevention training.
(B) Providing assault prevention and protection training required under ORS 654.414 (1).
(C) Implementing access security measures.
(2)(a) The Oregon Health Authority shall develop and administer a program for awarding grants to eligible hospitals to help fund workplace violence prevention efforts and any workforce, construction and equipment costs that are necessary to implement the workplace violence prevention efforts.
(b) To be eligible for a grant, a hospital must demonstrate to the authority’s satisfaction that the hospital has secured approval from the hospital’s safety committee of the workplace violence prevention efforts for which the hospital is seeking grant funding.
(3) The authority shall adopt rules to carry out the provisions of this section, including rules governing the form and process by which hospitals may apply for and be awarded grants under the program. At a minimum, the rules must:
(a) Include a methodology for reviewing and accepting grant applications;
(b) Establish grant application periods that enable the authority to distribute grant funds in accordance with the grant distribution requirements established under section 10 of this 2024 Act; and
(c) Require a hospital to include information in a grant application that demonstrates that the hospital received approval from the hospital’s safety committee of the workplace violence prevention efforts for which the hospital is seeking grant funding.
(4) In reviewing grant applications, the authority shall give priority to applications received from:
(a) Critical access hospitals as defined by the authority by rule; and
(b) Type A or type B hospitals as described in ORS 442.470.

SECTION 10. The Oregon Health Authority shall begin distributing the funds specifically
appropriated to the authority under section 11 of this 2024 Act to approved grant applicants
at the conclusion of a grant application period established under section 9 of this 2024 Act,
but not later than 90 days after the date specified in section 14 of this 2024 Act.

SECTION 11. In addition to and not in lieu of any other appropriation, there is appro-
priated to the Oregon Health Authority, for the biennium ending on June 30, 2025, out of the
General Fund, the amount of $________ for the purpose of carrying out the provisions of
section 9 of this 2024 Act.

SECTION 12. (1) Section 9 is repealed on January 2, 2030.
(2) On the date of the repeal of section 9 of this 2024 Act under subsection (1) of this
section, any moneys in the Hospital Workplace Violence Prevention Efforts Fund established
under section 8 of this 2024 Act that are unexpended, unobligated and not subject to any
conditions shall revert to the General Fund.

MISCELLANEOUS

SECTION 13. The unit captions used in this 2024 Act are provided only for the conven-
ience of the reader and do not become part of the statutory law of this state or express any
legislative intent in the enactment of this 2024 Act.

OPERATIVE DATES

SECTION 14. (1) Sections 2, 3 and 7 to 10 of this 2024 Act and the amendments to ORS
441.096 and 654.182 by sections 4 and 5 of this 2024 Act become operative on January 1, 2025.
(2) Notwithstanding the operative date specified in subsection (1) of this section, the
Bureau of Labor and Industries, the Department of Business and Consumer Services and the
Oregon Health Authority may take any action before the operative date specified in sub-
section (1) of this section that is necessary for the bureau, the department and the authority
to exercise, on and after the operative date specified in subsection (1) of this section, all of
the duties, functions and powers conferred on the bureau, the department and the authority
by sections 2, 3 and 7 to 10 of this 2024 Act and the amendments to ORS 441.096 and 654.182
by sections 4 and 5 of this 2024 Act.

EFFECTIVE DATE

SECTION 15. This 2024 Act being necessary for the immediate preservation of the public
peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect
on its passage.