

A-Engrossed
Senate Bill 1594

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

Sponsored by Senator GORSEK, Representatives RUIZ, HARTMAN; Senators CAMPOS, DEMBROW, JAMA, LIEBER, MEEK, PATTERSON, PROZANSKI, TAYLOR, WEBER, WOODS, Representatives CHAICHI, EVANS, FAHEY, HUDSON, NELSON, NGUYEN D, WALTERS (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 creates the Task Force on Improving the Safety of Behavioral Health Workers. The Act says who must be on the task force and the duties of the task force.

The Act creates a program in which OHA pays persons who run places that provide mental health care or substance use care so that the persons can provide their workers with on-the-job training or other types of training. (Flesch Readability Score: 69.4).

[Digest: The Act requires each person who runs a place that provides mental health care and substance use care to have a safety plan to protect the person's workers. The Act sets out how a safety plan must be created and requires a person to submit the safety plan to OHA by a certain date. The Act puts civil penalties on persons who do not have safety plans, who do not submit the plans to OHA by the due date or who fail to comply with the safety plans.]

[The Act creates a program in which OHA pays persons who run places that provide mental health care or substance use care so that the persons can provide their workers with on-the-job training or other types of training. (Flesch Readability Score: 61.4).]

[Requires a behavioral health care facility to have in place a safety plan to ensure the safety of the employees of the facility. Specifies procedures for creating the safety plan that include involving the exclusive representative of any employees who are in a collective bargaining unit. Requires behavioral health facilities to submit safety plans to the Oregon Health Authority by September 1, 2025, and every two years thereafter.]

[Requires the authority to establish a process for individuals to file a complaint regarding a violation of a safety plan and allows the authority to audit a facility for compliance with a facility's safety plan.]

[Authorizes the authority to impose specified civil penalties.]

Establishes the Task Force on Improving the Safety of Behavioral Health Workers. Specifies the membership and duties of the task force. Requires the task force to provide a preliminary report on its recommendations for improving worker safety by September 1, 2024, and a final report by December 1, 2024, to the interim committees of the Legislative Assembly related to health.

Establishes the United We Heal Medicaid Payment Program in the **Oregon Health Authority** to make payments to behavioral health facilities to offer apprenticeship and training opportunities to their employee behavioral health providers.

Appropriates moneys to the authority to distribute to the United We Heal Training Trust to provide grants to employers of behavioral health workers to make safety improvements.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to behavioral health providers; and declaring an emergency.

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

4 **SECTION 1. (1) The Task Force on Improving the Safety of Behavioral Health Workers**
5 **is established.**

6 **(2) The task force consists of 16 members appointed as follows:**

7 **(a) The President of the Senate shall appoint two members from among members of the**
8 **Senate.**

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 **(b) The Speaker of the House of Representatives shall appoint two members from among**
2 **members of the House of Representatives.**

3 **(c) The President and the Speaker shall jointly appoint:**

4 **(A) Four employers of behavioral health workers including one from county government;**

5 **(B) Two behavioral health workers;**

6 **(C) Two representatives of organized labor representing behavioral health workers;**

7 **(D) One consumer of behavioral health services; and**

8 **(E) One representative of the state protection and advocacy system described in ORS**
9 **192.517 (1).**

10 **(d) The Governor shall appoint:**

11 **(A) One member from the Governor's staff; and**

12 **(B) One member from the Occupational Safety and Health Division of the Department**
13 **of Consumer and Business Services.**

14 **(3) The task force shall produce a set of recommendations for improving the safety of**
15 **behavioral health workers.**

16 **(4) A majority of the voting members of the task force constitutes a quorum for the**
17 **transaction of business.**

18 **(5) Official action by the task force requires the approval of a majority of the voting**
19 **members of the task force.**

20 **(6) The task force shall elect one of its members to serve as chairperson.**

21 **(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-**
22 **ment to become immediately effective.**

23 **(8) The task force shall meet at times and places specified by the call of the chairperson**
24 **or of a majority of the voting members of the task force.**

25 **(9) The task force may adopt rules necessary for the operation of the task force.**

26 **(10) No later than September 1, 2024, the task force shall submit to the interim commit-**
27 **tees of the Legislative Assembly related to health a preliminary report containing draft pol-**
28 **icy recommendations for improving worker safety.**

29 **(11) No later than December 1, 2024, the task force shall report the task force's final**
30 **recommendations, in the manner provided by ORS 192.245, to the interim committees of the**
31 **Legislative Assembly related to health. The report shall also contain legislative proposals, for**
32 **consideration by the committees, to address the safety concerns that are prevalent in the**
33 **behavioral health industry, including but not limited to proposals for:**

34 **(a) Minimum structural security requirements for behavioral health settings;**

35 **(b) Safe staffing levels;**

36 **(c) Standards for reporting assaults;**

37 **(d) Updating the safety training for workers;**

38 **(e) Minimum requirements for training workers with respect to workplace safety proto-**
39 **cols;**

40 **(f) Minimum standards for safety protocols and procedures;**

41 **(g) Incentive-based programs and enforcement mechanisms to ensure compliance with**
42 **all worker safety and training requirements; and**

43 **(h) Potential funding mechanisms to pay for the requirements.**

44 **(12) The Legislative Policy and Research Director shall provide staff support to the task**
45 **force and the Legislative Counsel shall provide legal support for the drafting of legislative**

1 proposals.

2 (13) Members of the Legislative Assembly appointed to the task force are nonvoting
3 members of the task force and may act in an advisory capacity only.

4 (14) Members of the task force who are not members of the Legislative Assembly or
5 Governor appointees shall be paid compensation and reimbursed for actual and necessary
6 travel and other expenses incurred by them in the performance of their official duties on the
7 task force in the manner and amounts provided for in ORS 292.495.

8 (15) All agencies of state government, as defined in ORS 174.111, are directed to assist
9 the task force in the performance of the duties of the task force and, to the extent permitted
10 by laws relating to confidentiality, to furnish information and advice the members of the task
11 force consider necessary to perform their duties.

12 **SECTION 2.** Section 1 of this 2024 Act is repealed on December 31, 2025.

13 **SECTION 3.** (1) The United We Heal Medicaid Payment Program is established in the
14 Oregon Health Authority. The goal of the program is to increase the available behavioral
15 health care workforce in this state. The authority shall provide payments to employers of
16 behavioral health care providers to enable the employers to offer the providers enhanced
17 apprenticeship and training programs and opportunities.

18 (2) The authority shall prescribe by rule eligibility criteria for receiving the payments
19 consistent with the goal of the program expressed in subsection (1) of this section.

20 (3) To participate in the program, an employer must enter into a memorandum of
21 understanding with the authority specifying how the payments will be used. The authority
22 shall terminate payments if the employer fails to abide by or violates the terms of the
23 memorandum of understanding. An employer may request a contested case proceeding to
24 challenge a termination.

25 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
26 ated to the Oregon Health Authority for the biennium ending June 30, 2025, out of the Gen-
27 eral Fund, the amount of \$4,700,000, which may be expended for carrying out section 3 of this
28 2024 Act.

29 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-
30 ated to the Oregon Health Authority, for the biennium ending June 30, 2025, out of the
31 General Fund, the amount of \$1,000,000, which shall be distributed to the United We Heal
32 Training Trust to be used for providing grants to improve the safety of workers in behavioral
33 health settings.

34 **SECTION 6.** This 2024 Act being necessary for the immediate preservation of the public
35 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect
36 on its passage.

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