

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2024**

1 On page 1 of the printed A-engrossed bill, line 2, after “amending” insert
2 “ORS 654.062 and”.

3 Delete lines 5 through 20 and delete pages 2 through 4 and insert:
4

5 **“BEHAVIORAL HEALTH CARE PROVIDER INCENTIVES**

6
7 **“SECTION 1. (1) As used in this section, ‘behavioral health care’**
8 **means services and supports for individuals who have mental health**
9 **disorders or substance use disorders.**

10 **“(2) The Oregon Health Authority shall establish a program to**
11 **award grants to eligible entities. The grants awarded under this sec-**
12 **tion must be used to foster the recruitment and retention of behav-**
13 **ioral health care providers at the eligible entity.**

14 **“(3) Subject to subsection (5) of this section, the following entities**
15 **are eligible to receive grants under this section, if the entity meets the**
16 **requirements described in subsection (4) of this section:**

17 **“(a) Urban Indian health programs operated by an urban Indian**
18 **organization pursuant to 25 U.S.C. 1651 et seq.;**

19 **“(b) Recipients of the authority’s tribal mental health program**
20 **grants;**

21 **“(c) Qualified medical providers that offer office-based medication-**

1 **assisted treatment services; and**

2 **“(d) Other entities that are not hospitals and that:**

3 **“(A) Have been certified by the authority to provide behavioral**
4 **health care;**

5 **“(B) Provide behavioral health care through a program contracting**
6 **with or administered by the Oregon Youth Authority;**

7 **“(C) Are licensed opioid treatment programs; or**

8 **“(D) Provide withdrawal management services.**

9 **“(4) Subject to subsection (5) of this section, an entity described in**
10 **subsection (3) of this section is eligible to receive a grant under this**
11 **section if the entity:**

12 **“(a) Provides behavioral health care to adults or youth, of which**
13 **at least 50 percent are uninsured or enrolled in the state medical as-**
14 **sistance program or Medicare;**

15 **“(b) Operates an outpatient or residential facility;**

16 **“(c) Provides team-based care; and**

17 **“(d) Serves individuals with acute behavioral health needs, as de-**
18 **finied by the Oregon Health Authority by rule.**

19 **“(5) The crisis hotline center described in ORS 430.627 is eligible to**
20 **receive grants under this section.**

21 **“(6) An entity that receives a grant under subsection (2) of this**
22 **section may use the funds to provide the following incentives to be-**
23 **havioral health care providers, in an effort to increase the recruitment**
24 **and retention of behavioral health care providers at the entity:**

25 **“(a) Scholarships for undergraduate and graduate students going**
26 **into the behavioral health care field;**

27 **“(b) Loan forgiveness and repayment incentives;**

28 **“(c) Tuition assistance; and**

29 **“(d) Stipends for students enrolled in graduate behavioral health**
30 **care educational programs.**

1 “(7)(a) An entity that receives a grant under subsection (2) of this
2 section shall report to the Oregon Health Authority, in the form and
3 manner prescribed by the authority, on how the entity spent the grant
4 and how the expenditures impacted the recruitment and retention of
5 behavioral health care providers at the entity. The report must in-
6 clude, as applicable to the entity, the following information:

7 “(A) The licensure, certification or position type of each behavioral
8 health care provider who received an incentive listed in subsection (6)
9 of this section;

10 “(B) The amount of grant moneys spent per behavioral health care
11 provider; and

12 “(C) The entity’s staffing vacancy rate prior to receiving the grant
13 under subsection (2) of this section and after receiving the grant under
14 subsection (2) of this section.

15 “(b) In prescribing the form and manner of the report described in
16 this subsection, the authority shall seek to minimize the administra-
17 tive burden imposed on the entities to the extent practicable.

18 “**SECTION 2.** Section 20, chapter 70, Oregon Laws 2024, is amended to
19 read:

20 “**Sec. 20.** (1) The United We Heal Medicaid Payment Program is estab-
21 lished in the Oregon Health Authority. The goal of the program is to in-
22 crease the available behavioral health care workforce in this state **through**
23 **workforce recruitment and retention strategies**. The authority shall
24 provide supplemental medical assistance payments to eligible behavioral
25 health care [*providers*] **entities** to enable the [*providers*] **entities** to access
26 enhanced apprenticeship and training programs and opportunities, **increased**
27 **wages, health care benefits and workplace safety standards** by partic-
28 ipating in a labor-management training trust.

29 “(2) The authority shall prescribe by rule eligibility criteria for receiving
30 the payments consistent with the goal of the program expressed in subsection

1 (1) of this section.

2 “(3) To participate in the program, a behavioral health [*provider must*]
3 **care entity shall** enter into a memorandum of understanding with the au-
4 thority specifying how the [*payments will be used*] **entity will use the**
5 **payments received under this section. Allowable uses of payments**
6 **under this section must include enhanced opportunities for appren-**
7 **ticeships and on-the-job training, wraparound services, increased**
8 **wages, health care benefits and workplace safety standards through**
9 **participation in a labor-management training trust.** The authority shall
10 terminate payments if the [*provider*] **entity** fails to abide by or violates the
11 terms of the memorandum of understanding. [*A provider*] **An entity** may re-
12 quest a contested case proceeding to challenge a termination.

13

14 **“BEHAVIORAL HEALTH WORKER SAFETY**

15

16 **“SECTION 3.** ORS 654.062 is amended to read:

17 “654.062. (1) Every employee should notify the employer of any violation
18 of law, regulation or standard pertaining to safety and health in the place
19 of employment when the violation comes to the knowledge of the employee.

20 “(2) However, any employee or representative of the employee may com-
21 plain to the Director of the Department of Consumer and Business Services
22 or any authorized representatives of the director of any violation of law,
23 regulation or standard pertaining to safety and health in the place of em-
24 ployment, whether or not the employee also notifies the employer.

25 “(3) Upon receiving any employee complaint, the director shall make in-
26 quiries, inspections and investigations that the director considers reasonable
27 and appropriate. When an employee or representative of the employee has
28 complained in writing of an alleged violation and no resulting citation is
29 issued to the employer, the director shall furnish to the employee or repre-
30 sentative of the employee, upon written request, a statement of reasons for

1 the decision.

2 “(4) The director shall establish procedures for keeping confidential the
3 identity of any employee who requests protection in writing. When a request
4 has been made, neither a written complaint from an employee, or represen-
5 tative of the employee, nor a memorandum containing the identity of a
6 complainant may be disclosed under ORS 192.311 to 192.478.

7 “(5) It is an unlawful employment practice for any person to bar or dis-
8 charge from employment or otherwise discriminate against any employee or
9 prospective employee because the employee or prospective employee has:

10 “(a) Opposed any practice forbidden by ORS 654.001 to 654.295, 654.412 to
11 654.423 and 654.750 to 654.780;

12 “(b) Made any complaint or instituted or caused to be instituted any
13 proceeding under or related to ORS 654.001 to 654.295, 654.412 to 654.423 and
14 654.750 to 654.780, or has testified or is about to testify in any such pro-
15 ceeding;

16 “(c) Exercised on behalf of the employee, prospective employee or others
17 any right afforded by ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750
18 to 654.780;

19 “(d) In good faith reported an assault that occurred on the premises of a
20 health care employer as defined in ORS 654.412 or in the home of a patient
21 receiving home health care services; or

22 “(e) With no reasonable alternative and in good faith, refused to expose
23 the employee or prospective employee to serious injury or death arising from
24 a hazardous condition at a place of employment.

25 “(6)(a) Any employee or prospective employee alleging to have been
26 barred or discharged from employment or otherwise discriminated against in
27 compensation, or in terms, conditions or privileges of employment, in vio-
28 lation of subsection (5) of this section may, within one year after the em-
29 ployee or prospective employee has reasonable cause to believe that the
30 violation has occurred, file a complaint with the Commissioner of the Bureau

1 of Labor and Industries alleging discrimination under the provisions of ORS
2 659A.820. Upon receipt of the complaint the commissioner shall process the
3 complaint under the procedures, policies and remedies established by ORS
4 chapter 659A and the policies established by ORS 654.001 to 654.295, 654.412
5 to 654.423 and 654.750 to 654.780 in the same way and to the same extent that
6 the complaint would be processed if the complaint involved allegations of
7 unlawful employment practices under ORS 659A.030 (1)(f).

8 “(b) Within 90 days after receipt of a complaint filed under this sub-
9 section, the commissioner shall notify the complainant of the commissioner’s
10 determination.

11 “(c) The affected employee or prospective employee may bring a civil
12 action in any circuit court of the State of Oregon against any person alleged
13 to have violated subsection (5) of this section. The civil action must be
14 commenced within one year after the employee or prospective employee has
15 reasonable cause to believe a violation has occurred, unless a complaint has
16 been timely filed under ORS 659A.820.

17 “(d) **Subject to paragraph (e) of this subsection,** the commissioner or
18 the circuit court may order all appropriate relief including rehiring or rein-
19 statement to the employee’s former position with back pay.

20 “(e) **If the commissioner or the circuit court finds that a behavioral**
21 **health employer discharged an employee in violation of subsection (5)**
22 **of this section, the employee shall have the right to be reinstated to**
23 **the employee’s former position with back pay.**

24 “(7)(a) In any action brought under subsection (6) of this section, there
25 is a rebuttable presumption that a violation of subsection (5) of this section
26 has occurred if a person bars or discharges an employee or prospective em-
27 ployee from employment or otherwise discriminates against an employee or
28 prospective employee within 60 days after the employee or prospective em-
29 ployee has engaged in any of the protected activities described in subsection
30 (5)(a) to (e) of this section. The person may rebut the presumption that a

1 violation of subsection (5) of this section has occurred by a demonstration
2 of a preponderance of the evidence.

3 “(b) If a person bars or discharges an employee or prospective employee
4 from employment or otherwise discriminates against the employee or pro-
5 spective employee more than 60 days after the employee or prospective em-
6 ployee has engaged in any of the protected activities described under
7 subsection (5)(a) to (e) of this section, such action does not create a
8 presumption in favor of or against finding that a violation of subsection (5)
9 of this section has occurred. Where such action has occurred more than 60
10 days after the protected activity, this subsection does not modify any existing
11 rule of case law relating to the proximity of time between a protected ac-
12 tivity and an adverse employment action. The burden of proof shall be on the
13 employee or prospective employee to demonstrate by a preponderance of the
14 evidence that a violation occurred.

15 “(8) The director shall adopt rules necessary for the administration of
16 subsection (5)(e) of this section that are in accordance with the federal Oc-
17 cupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

18 **“(9) As used in this section, ‘behavioral health employer’ means:**

19 **“(a) A residential treatment facility, as defined in ORS 443.400;**

20 **“(b) A residential treatment home, as defined in ORS 443.400;**

21 **“(c) A secure residential treatment facility, as described in ORS**
22 **443.465, unless the facility is located on an Oregon State Hospital**
23 **campus or otherwise operated by the state;**

24 **“(d) A secure residential treatment home, as described in ORS**
25 **443.465;**

26 **“(e) A sobering facility, as defined in ORS 430.306;**

27 **“(f) A detoxification center, as defined in ORS 430.306;**

28 **“(g) A halfway house, as defined in ORS 430.306;**

29 **“(h) A mobile crisis intervention team, as defined in ORS 430.626;**

30 **or**

1 “(i) An emergency shelter.

2 “**SECTION 4.** (1) As used in this section:

3 “(a) ‘Residential treatment facility’ has the meaning given that
4 term in ORS 443.400.

5 “(b) ‘Residential treatment home’ has the meaning given that term
6 in ORS 443.400.

7 “(c) ‘Secure residential treatment facility’ means a facility de-
8 scribed in ORS 443.465.

9 “(d) ‘Secure residential treatment home’ means a home described
10 in ORS 443.465.

11 “(2) A residential treatment facility, residential treatment home,
12 secure residential treatment facility or secure residential treatment
13 home may place reasonable limitations, as defined by the Oregon
14 Health Authority by rule, on a resident’s access to and possession of
15 alcohol, marijuana and weapons, including firearms and knives.

16 “**SECTION 5.** (1) As used in this section, ‘behavioral health em-
17 ployer’ means:

18 “(a) A residential treatment facility, as defined in ORS 443.400;

19 “(b) A residential treatment home, as defined in ORS 443.400;

20 “(c) A secure residential treatment facility, as described in ORS
21 443.465, unless the facility is located on an Oregon State Hospital
22 campus or otherwise operated by the state;

23 “(d) A secure residential treatment home, as described in ORS
24 443.465;

25 “(e) A sobering facility, as defined in ORS 430.306;

26 “(f) A detoxification center, as defined in ORS 430.306;

27 “(g) A halfway house, as defined in ORS 430.306;

28 “(h) A mobile crisis intervention team, as defined in ORS 430.626;

29 **or**

30 “(i) An emergency shelter.

1 “(2) A behavioral health employer shall provide training to workers
2 that, at a minimum, addresses:

3 “(a) General worker safety that focuses on providing workers with
4 skills and knowledge regarding:

5 “(A) The potential risks that a worker may face in the work envi-
6 ronment of a particular behavioral health setting, including but not
7 limited to behavioral health settings involving mobile crisis inter-
8 vention teams, as defined in ORS 430.626.

9 “(B) Protocols for using safety equipment, emergency communi-
10 cation devices and alert systems in emergency or crisis situations.

11 “(b) De-escalation techniques for managing and mitigating poten-
12 tially aggressive behavior from clients.

13 “(c) The available options for reporting alleged workplace safety
14 violations and allegations of discrimination, retaliation or harassment
15 to the Occupational Safety and Health Division of the Department of
16 Consumer and Business Services, the Bureau of Labor and Industries
17 and other relevant state agencies, including the rights and protections
18 afforded to workers who engage in such reporting.

19 “(3) Training provided under this section must incorporate simu-
20 lated scenarios and role-playing to ensure workers have an opportu-
21 nity to apply the training principles in real-world scenarios.

22 “(4) A behavioral health employer shall provide the training under
23 this section to new workers within 90 days of hiring, and periodically
24 thereafter, but not less than once every three years.

25 “(5) Each behavioral health employer shall retain records docu-
26 menting the completion of the training required under this section.
27 At a minimum, the records must include the date of training, topics
28 covered and the names of the workers who attended the training. The
29 records shall be made available, upon request, to the division.

30 “SECTION 6. (1) Section 5 of this 2025 Act becomes operative on

1 July 1, 2026.

2 “(2) The Department of Consumer and Business Services may take
3 any action before the operative date specified in subsection (1) of this
4 section that is necessary to enable the department to exercise, on and
5 after the operative date specified in subsection (1) of this section, all
6 of the duties, functions and powers conferred on the department by
7 section 5 of this 2025 Act.

8

9 “APPROPRIATIONS

10

11 “SECTION 7. Notwithstanding any other provision of law, the
12 General Fund appropriation made to the Oregon Health Authority by
13 section 1 (1), chapter __, Oregon Laws 2025 (Enrolled House Bill 5025),
14 for the biennium beginning July 1, 2025, for Medicaid, is increased by
15 \$995,154 for the purpose of carrying out section 20, chapter 70, Oregon
16 Laws 2024, as amended by section 2 of this 2025 Act.

17 “SECTION 8. Notwithstanding any other law limiting expenditures,
18 the limitation on expenditures established by section 5 (1), chapter __,
19 Oregon Laws 2025 (Enrolled House Bill 5025), for the biennium begin-
20 ning July 1, 2025, as the maximum limit for payment of expenses from
21 federal funds, other than those described in section 2, chapter __,
22 Oregon Laws 2025 (Enrolled House Bill 5025), collected or received by
23 the Oregon Health Authority for Medicaid, is increased by \$862,718 for
24 the purpose of carrying out section 20, chapter 70, Oregon Laws 2024,
25 as amended by section 2 of this 2025 Act.

26 “SECTION 9. Notwithstanding any other provision of law, the
27 General Fund appropriation made to the Oregon Health Authority by
28 section 1 (2), chapter __, Oregon Laws 2025 (Enrolled House Bill 5025),
29 for the biennium beginning July 1, 2025, for behavioral health, is in-
30 creased by \$4,974,618 for the purpose of carrying out the provisions of

1 section 1 of this 2025 Act.

2 **“SECTION 10. Notwithstanding any other law limiting expenditures,**
3 **the limitation on expenditures established by section 5 (2), chapter __,**
4 **Oregon Laws 2025 (Enrolled House Bill 5025), for the biennium begin-**
5 **ning July 1, 2025, as the maximum limit for payment of expenses from**
6 **federal funds, other than those described in section 2, chapter __,**
7 **Oregon Laws 2025 (Enrolled House Bill 5025), collected or received by**
8 **the Oregon Health Authority for behavioral health, is increased by**
9 **\$274,489 for the purpose of carrying out the provisions of section 1 of**
10 **this 2025 Act.**

11

12

“CAPTIONS

13

14 **“SECTION 11. The unit captions used in this 2025 Act are provided**
15 **only for the convenience of the reader and do not become part of the**
16 **statutory law of this state or express any legislative intent in the**
17 **enactment of this 2025 Act.**

18

19

“EFFECTIVE DATE

20

21 **“SECTION 12. This 2025 Act being necessary for the immediate**
22 **preservation of the public peace, health and safety, an emergency is**
23 **declared to exist, and this 2025 Act takes effect July 1, 2025.”.**

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