

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, KROPP, 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).

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

[The Act directs the OHPB 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 submit an annual report to the interim committees of the Legislative Assembly and to the Director of the Department of Consumer and Business Services regarding the status of the hospital's assault prevention and protection program and the results of any root cause analyses conducted by the hospital.]

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]* **acting in the course of official duty.** *[Specifies when a person may not be charged with the crime.]*

[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.

A BILL FOR AN ACT

1
2 Relating to safety of persons working in hospitals; creating new provisions; amending ORS 163.165,
3 441.096 and 654.182; and declaring an emergency.

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

HOSPITAL SAFETY REQUIREMENTS

7
8 **SECTION 1. Sections 2 and 3 of this 2024 Act are added to and made a part of ORS 654.412**
9 **to 654.423.**

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

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

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

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

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

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

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

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

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

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

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

31 (2)(a) Whenever an employer that is a hospital is required, under applicable rules, regu-
32 lations or standards of the federal Occupational Safety and Health Administration, to submit
33 a report to the administration, the hospital shall submit a copy of the hospital’s report to
34 the Director of the Department of Consumer and Business Services not later than 90 days
35 after the hospital’s report is due to the federal Occupational Safety and Health Adminis-
36 tration.

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

42 **SECTION 4.** ORS 441.096 is amended to read:

43 441.096. (1)(a) Except as provided in paragraph (b) of this subsection, a health care practi-
44 tioner working at a health care facility and providing direct care to a patient shall wear an iden-
45 tification badge indicating the practitioner’s name and professional title.

1 weapon;

2 (b) Recklessly causes serious physical injury to another under circumstances manifesting ex-
3 treme indifference to the value of human life;

4 (c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon un-
5 der circumstances manifesting extreme indifference to the value of human life;

6 (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
7 injury to the operator of a public transit vehicle while the operator is in control of or operating the
8 vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS
9 166.116;

10 (e) While being aided by another person actually present, intentionally or knowingly causes
11 physical injury to another;

12 (f) While committed to a youth correction facility, intentionally or knowingly causes physical
13 injury to another knowing the other person is a staff member while the other person is acting in the
14 course of official duty;

15 (g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical ser-
16 vices provider, as defined in ORS 682.025, while the emergency medical services provider is per-
17 forming official duties;

18 (h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child
19 10 years of age or younger;

20 (i) **With knowledge that another person is working in a hospital, intentionally or know-**
21 **ingly causes physical injury to the working person while the working person is acting in the**
22 **course of official duty;**

23 [(i)] (j) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle,
24 physical injury to the operator of a taxi while the operator is in control of the taxi; or

25 [(j)] (k) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway
26 worker while the flagger or highway worker is performing official duties.

27 (2)(a) Assault in the third degree is a Class C felony.

28 (b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under sub-
29 section (1)(a) or (b) of this section is a Class B felony if:

30 (A) The assault resulted from the operation of a motor vehicle; and

31 (B) The defendant was the driver of the motor vehicle and was driving while under the influence
32 of intoxicants.

33 (3) As used in this section:

34 (a) "Flagger" has the meaning given that term in ORS 811.230.

35 (b) "Highway worker" has the meaning given that term in ORS 811.230.

36 (c) **"Hospital" has the meaning given that term in ORS 442.015, except for a hospital that**
37 **primarily provides inpatient mental health treatment to adults and adolescents who are be-**
38 **tween nine and 17 years of age and emergency psychiatric care for adults 18 years of age or**
39 **older.**

40 [(c)] (d) "Staff member" means:

41 (A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth cor-
42 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member
43 or a person employed pursuant to a contract with the department or youth authority to work with,
44 or in the vicinity of, adults in custody, youths or adjudicated youths; and

45 (B) A volunteer authorized by the department, youth authority or other entity in charge of a

1 corrections facility to work with, or in the vicinity of, adults in custody, youths or adjudicated
2 youths.

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

4
5 **GRANT PROGRAM**

6
7 **SECTION 7. Sections 8 and 9 of this 2024 Act are added to and made a part of ORS 654.412**
8 **to 654.423.**

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

16 **SECTION 9. (1) As used in this section:**

17 (a) “Access security measures” are systems that enhance security at entrance and ac-
18 cess points within a hospital, including, but not limited to:

19 (A) Metal screenings.

20 (B) Weapons detection systems.

21 (C) Trained screening staff.

22 (b) “Safety committee” means a safety committee described under ORS 654.176.

23 (c) “Workplace violence prevention efforts” include, but are not limited to:

24 (A) Providing violence prevention training.

25 (B) Providing assault prevention and protection training required under ORS 654.414 (1).

26 (C) Implementing access security measures.

27 (2)(a) The Oregon Health Authority shall develop and administer a program for awarding
28 grants to eligible hospitals to help fund workplace violence prevention efforts and any
29 workforce, construction and equipment costs that are necessary to implement the workplace
30 violence prevention efforts.

31 (b) To be eligible for a grant, a hospital must demonstrate to the authority’s satisfaction
32 that the hospital has secured approval from the hospital’s safety committee of the workplace
33 violence prevention efforts for which the hospital is seeking grant funding.

34 (3) The authority shall adopt rules to carry out the provisions of this section, including
35 rules governing the form and process by which hospitals may apply for and be awarded
36 grants under the program. At a minimum, the rules must:

37 (a) Include a methodology for reviewing and accepting grant applications;

38 (b) Establish grant application periods that enable the authority to distribute grant funds
39 in accordance with the grant distribution requirements established under section 10 of this
40 2024 Act; and

41 (c) Require a hospital to include information in a grant application that demonstrates
42 that the hospital received approval from the hospital’s safety committee of the workplace
43 violence prevention efforts for which the hospital is seeking grant funding.

44 (4) In reviewing grant applications, the authority shall give priority to applications re-
45 ceived from:

1 (a) Critical access hospitals as defined by the authority by rule; and

2 (b) Type A or type B hospitals as described in ORS 442.470.

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

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

11 **SECTION 12.** (1) Section 9 is repealed on January 2, 2030.

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

16
17 MISCELLANEOUS

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

22
23 OPERATIVE DATES

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25 **SECTION 14.** (1) Sections 2, 3 and 7 to 10 of this 2024 Act and the amendments to ORS
26 441.096 and 654.182 by sections 4 and 5 of this 2024 Act become operative on January 1, 2025.

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

35
36 EFFECTIVE DATE

37
38 **SECTION 15.** This 2024 Act being necessary for the immediate preservation of the public
39 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect
40 on its passage.

41 _____