

# A-Engrossed House Bill 4136

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

Sponsored by Representatives NATHANSON, FAHEY, HOLVEY, CONRAD, Senators MANNING JR, PROZANSKI;  
Representatives BOWMAN, GAMBA, GRAYBER (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 changes the laws about when a nurse has to have a license and gives money to Lane County to pay for same-day health care. (Flesch Readability Score: 73.0).**

*[Digest: The Act changes the laws about nurse licenses, gives money to Lane County to pay for fast health care and tells the Oregon Health Authority to look at how to get health care. (Flesch Readability Score: 60.5).]*

Expands the exemption from the licensure requirement for certain nurses. *[Directs the Oregon State Board of Nursing to issue a provisional license to an applicant for licensure.]*

Directs the Oregon Health Authority to enter into an agreement with Lane County Public Health and distribute to Lane County Public Health moneys for the purposes of funding same-day health care services.

*[Directs the authority to review access to urgent and immediate health care services and submit a report to the interim committees of the Legislative Assembly related to health care not later than September 15, 2024.]*

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to health care; creating new provisions; amending ORS 678.031 and 678.034; and declaring  
3 an emergency.

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

## NURSE LICENSURE

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8 **SECTION 1.** ORS 678.031 is amended to read:

9 678.031. ORS 678.010 to 678.410 do not apply to:

10 (1) The employment of nurses in institutions or agencies of the federal government.

11 (2) The practice of nursing incidental to the planned program of study for students enrolled in  
12 nursing education programs approved by the Oregon State Board of Nursing or accredited or ap-  
13 proved by another state or United States territory as described under ORS 678.040 and approved  
14 by the board.

15 (3) Nursing practiced outside this state that is incidental to a distance learning program pro-  
16 vided by an institution of higher education located in Oregon.

17 (4) The furnishing of nursing assistance in an emergency.

18 (5) The practice of any other occupation or profession licensed under the laws of this state.

19 (6) Care of the sick with or without compensation when performed in connection with the  
20 practice of the religious tenets of a well-recognized church or denomination that relies exclusively

**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 on treatment by prayer and spiritual means by adherents thereof so long as the adherent does not  
2 engage in the practice of nursing as defined in ORS 678.010 to 678.410 and 678.990 or hold oneself  
3 out as a registered nurse or a licensed practical nurse.

4 (7) Nonresident nurses licensed and in good standing in another state if nonresident nurses are  
5 practicing in this state on a single[, *temporary*] assignment of not to exceed 90 days, renewable for  
6 not to exceed 90 days, for assignments that are for the general public benefit. [*limited to the fol-*  
7 *lowing:*]

8 [(a) *Transport teams;*]

9 [(b) *Red Cross Blood Services personnel;*]

10 [(c) *Presentation of educational programs;*]

11 [(d) *Disaster teams;*]

12 [(e) *Staffing in a hospital that is responding to a temporary staffing shortage and would be other-*  
13 *wise unable to meet the hospital's staffing requirements;*]

14 [(f) *Staffing a long term care facility that is responding to a temporary staffing shortage and would*  
15 *be otherwise unable to meet its staffing requirements;*]

16 [(g) *Providing health care for students who attend school outside of Oregon and who are partic-*  
17 *ipating in a school-sponsored event; or*]

18 [(h) *Staffing any of the following entities that is responding to a temporary staffing shortage and*  
19 *would otherwise be unable to meet its staffing requirements:*]

20 [(A) *An adult or juvenile residential behavioral health treatment facility;*]

21 [(B) *An opioid treatment program;*]

22 [(C) *A withdrawal management program;*]

23 [(D) *A sobering center;*]

24 [(E) *A primary care facility; or*]

25 [(F) *A behavioral health home, as defined in ORS 414.025.*]

26 **SECTION 2.** ORS 678.034 is amended to read:

27 678.034. [(1)(a) *A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that*  
28 *employs nurses under ORS 678.031 (7)(e), (f) or (h) shall:*]

29 [(A) *Notify the Oregon State Board of Nursing in writing of the number of nurses employed under*  
30 *ORS 678.031 (7)(e), (f) or (h), the times of employment and the nature of the staffing shortage;*]

31 [(B) *Certify that there is no labor dispute affecting nurses at the hospital, long term care facility*  
32 *or entity described in ORS 678.031 (7)(h); and*]

33 [(C) *At the request of the board, provide documentation that the nurses employed under ORS*  
34 *678.031 (7)(e), (f) or (h) are licensed and in good standing in another state or United States territory.*]

35 [(b) *A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that employs*  
36 *nurses as described in paragraph (a) of this subsection shall provide notice in writing of and certify*  
37 *to the nurses' exclusive bargaining representative, if any, the information described in paragraph (a)*  
38 *of this subsection.*]

39 **(1) An entity that employs a nurse described under ORS 678.031 (7) shall notify the**  
40 **Oregon State Board of Nursing in writing of the number of nurses so employed and the time**  
41 **of employment and shall certify that there is no labor dispute affecting nurses at the entity.**  
42 **In addition, at the request of the board, the entity shall provide documentation that the**  
43 **nurses so employed are licensed and in good standing in another state or United States ter-**  
44 **ritory.**

45 (2) Nurses employed in this state under ORS 678.031 (7)[(e), (f) or (h)], at the time of employment,

1 shall apply for an Oregon license by indorsement or, if the nurse was previously licensed in this  
2 state, for reactivation of the nurse's Oregon license.

3 **SECTION 3. The amendments to ORS 678.031 and 678.034 by sections 1 and 2 of this 2024**  
4 **Act apply to periods of employment beginning on or after the effective date of this 2024 Act.**

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6 **LANE COUNTY ACCESS TO HEALTH CARE**  
7

8 **SECTION 4. (1) The Oregon Health Authority shall enter into an agreement with Lane**  
9 **County Public Health that requires Lane County Public Health to administer moneys as fol-**  
10 **lows, taking into consideration the continuum of health care, including emergency medical**  
11 **care and other same-day health care services:**

12 (a) As distributions to the City of Eugene for the establishment and maintenance of a  
13 basic life support unit; and

14 (b) To fund a health care access innovation fund to finance innovations that are designed  
15 to improve access to same-day health care while decreasing the overall same-day health care  
16 system costs in the greater Eugene area. As described in this paragraph:

17 (A) The innovations may include, but are not limited to, a nurse advice line, community  
18 health care response programs, alternative medical transportation options and programming  
19 to improve access to health care while reducing emergency department utilization.

20 (B) The costs may include, but are not limited to, costs related to emergency medical  
21 services, emergency department utilization and 9-1-1 emergency calls.

22 (2) The agreement described in subsection (1) of this section must require:

23 (a) Lane County Public Health to solicit, review and select proposals for the innovations  
24 described in subsection (1)(b) of this section, and to consult with coordinated care organiza-  
25 tions and other stakeholders to optimize the use of funds described in subsection (1)(b) of  
26 this section and leverage additional funding from other sources.

27 (b) Lane County Public Health to submit a report in the manner provided in ORS 192.245,  
28 which may include recommendations for legislation, to the authority and the interim com-  
29 mittees of the Legislative Assembly related to health care not later than December 31, 2024.  
30 The report described in this paragraph must include a detailed description of how the funds  
31 described in subsection (1)(b) of this section administered by Lane County Public Health are  
32 used.

33 (c) Lane County Public Health and the authority to submit a report in the manner pro-  
34 vided in ORS 192.245, which may include recommendations for legislation, to the interim  
35 committees of the Legislative Assembly related to health care not later than December 31,  
36 2025. The report described in this paragraph must include a detailed description of how the  
37 funds described in subsection (1)(b) of this section administered by Lane County Public  
38 Health are used and whether and to what degree the innovations described in subsection  
39 (1)(b) of this section achieved the objectives of subsection (1)(b) of this section.

40 (3) The agreement entered into under subsection (1) of this section must allow Lane  
41 County Public Health to withhold from the funds administered under subsection (1) of this  
42 section a reasonable amount to reimburse Lane County Public Health for administrative  
43 costs incurred under this section.

44 **SECTION 5. In addition to and not in lieu of any other appropriation, there is appropri-**  
45 **ated to the Oregon Health Authority, for the biennium ending June 30, 2025, out of the**

1 **General Fund, the amount of \$4,500,000 for the purpose of carrying out the provisions of**  
2 **section 4 of this 2024 Act.**

3 **SECTION 6. Of the moneys appropriated under section 5 of this 2024 Act, the Oregon**  
4 **Health Authority shall use:**

5 (1) **\$1,300,000 for carrying out the provisions of section 4 (1)(a) of this 2024 Act; and**

6 (2) **\$3,200,000 for carrying out the provisions of section 4 (1)(b) of this 2024 Act.**

7 **SECTION 7. Sections 4 to 6 of this 2024 Act are repealed on January 2, 2026.**

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9 **CAPTIONS**

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11 **SECTION 8. The unit captions used in this 2024 Act are provided only for the convenience**  
12 **of the reader and do not become part of the statutory law of this state or express any leg-**  
13 **islative intent in the enactment of this 2024 Act.**

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15 **EFFECTIVE DATE**

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17 **SECTION 9. This 2024 Act being necessary for the immediate preservation of the public**  
18 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**  
19 **on its passage.**