

# Enrolled Senate Bill 26

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CHAPTER .....

## AN ACT

Relating to employees at facilities under the jurisdiction of the Oregon Health Authority; creating new provisions; amending ORS 179.390; and declaring an emergency.

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

**SECTION 1.** ORS 179.390 is amended to read:

179.390. (1) The superintendent of an institution within the jurisdiction of the Department of Corrections shall, subject to the approval of the Director of the Department of Corrections, appoint in the manner provided by law all assistants, officers and other employees at the institution under the jurisdiction of the superintendent. The superintendent may suspend or remove an assistant, officer or other employee in the manner provided by law, reporting all acts of suspension or removal to the Director of the Department of Corrections for approval or disapproval.

**(2) The Director of the Oregon Health Authority or a designee at a facility under the jurisdiction of the Oregon Health Authority shall, as provided by law, appoint, suspend or discharge an employee of the authority. The director or a designee shall discharge an employee at a facility under the jurisdiction of the authority if it has been substantiated that the employee physically or sexually abused a patient or client.**

[(2)] (3) The Director of the Department of Corrections and the Director of the Oregon Health Authority shall:

(a) Fix the salaries of assistants, officers and employees where their salary is not fixed by law.

(b) Suspend or discharge any subordinate of a superintendent when public service requires such action, except when suspending or discharging the subordinate violates the State Personnel Relations Law **under ORS chapter 240.**

[(3)] (4) *[The Director of the Oregon Health Authority or a designee at a facility under jurisdiction of the Oregon Health Authority shall, as provided by law, appoint, suspend or discharge an employee of the authority.]* The Director **of the Oregon Health Authority** may designate up to three employees at each facility **under the jurisdiction of the Oregon Health Authority** to act in the name of the director in accordance with ORS 240.400.

[(4)] (5) In addition to or in lieu of employing physicians, the Director of the Department of Corrections or the designee of the director may contract for the personal services of physicians licensed to practice medicine by the Oregon Medical Board or naturopathic physicians licensed under ORS chapter 685 to serve as medical advisors for the Oregon Health Authority. Advisors under contracts entered into under this subsection shall be directly responsible for administration of medical treatment programs at penal and correctional institutions, as defined in ORS 421.005.

**SECTION 2.** The amendments to ORS 179.390 by section 1 of this 2019 Act apply only to incidents of physical and sexual abuse occurring on or after the effective date of this 2019 Act.

**SECTION 3.** This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

**Passed by Senate February 7, 2019**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 4, 2019**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2019

**Approved:**

.....M.,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2019

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Bev Clarno, Secretary of State