

SB 1549 -2 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Prepared By: Wenzel Cummings, LPRO Analyst

Meeting Dates: 2/8, 2/10

WHAT THE MEASURE DOES:

Directs the Oregon Health Authority (OHA) to issue a renewable temporary staffing agency license valid for one year to qualified applicant. Defines a temporary staffing agency to mean an entity that provides temporary work to personnel providing health care services. Excludes from the definition an individual who provides that individual's services on a temporary basis, employment agencies, home health agencies, in-home care agencies, home care and personal support workers who are listed on the home care registry. Specifies requirements for an applicant to be licensed and for license renewal. Prohibits a temporary staffing agency from operating without a license. Requires the OHA to publish and maintain a list of temporary staffing agencies on the a website. Prohibits a temporary staffing agency from charging or receiving a rate greater than the maximum rates established by the OHA by rule. Requires the OHA to establish by rule the maximum rates that a temporary staffing agency may charge, and permits multiple rates to be established by OHA using factors that include geographic regions of the state, personnel education and qualifications, and settings. Permits a temporary staffing agency to apply to the OHA to use a rate higher than has been established. Requires the OHA to provide a list of provisions that must be included and may not be included in an agreement between a temporary staffing agency and a person that engages the temporary staffing agency. Provides for a \$500 civil penalty per day per violation to be imposed upon a temporary staffing agency by the OHA for violations related to licensure, operation without a license, and compliance. Directs that moneys from civil penalties imposed be credited to an account designated by the OHA for administration of the licensure of temporary staffing agencies. Prohibits a temporary staffing agency from charging an amount that is fifteen percent or more greater than the total amount the temporary staffing agency charged to a similarly situated person as of January 1, 2021. Declares emergency, effective on passage. Makes licensure requirements operative January 1, 2023. Repeals 15 percent limit on amount temporary staffing agencies may charge on January 2, 2023.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure. Directs the Health Licensing Office (HLO) to issue renewable one-year temporary staffing licenses. Specifies the process for an applicant to receive a temporary staffing license. Specifies the process for a temporary staffing agency (TSA) to renew a license. Requires as a condition for license renewal a licensed TSA to submit fingerprints of officers, directors, and other persons with an ownership interest in the TSA for purposes of a state and national criminal records check, and permits the HLO to refuse to issue or renew a license if the HLO is not satisfied with the results of the criminal records check. Directs the HLO to publish and maintain on its website a list of licensed TSAs. Prohibits a TSA to operate without a license. Requires a TSA to obtain a license for each separate physical location. Specifies the duties of a licensed TSA, including duties related to personnel and records retention. Prohibits a licensed TSA from charging a rate greater than an applicable rate established by the HLO by rule. Prohibits a licensed TSA from charging a fee related to the subsequent hiring of personnel by an entity if the entity has not directly solicited the employment of the personnel. Directs the HLO to adopt rules to establish rates that a licensed TSA may charge and to evaluate and adjust the rates annually. Permits the HLO to establish more than one rate based on specified factors, including geographic regions of the state and personnel education. Directs the HLO to provide lists of provisions that an agreement between a

SB 1549 -2 STAFF MEASURE SUMMARY

licensed TSA and an entity must include and may not include. Permits the HLO to discipline a licensed TSA for a violation related to licensure, operation without a license, compliance, and permissible rates to be charged and permits the HLO to impose a civil penalty of \$500 per day per violation. Becomes operative on July 1, 2023. Declares emergency, effective upon passage.

BACKGROUND:

During the multiple waves of infections from the COVID-19 virus, health care facilities in the state reported severe strain on health care services stemming from heavy case loads, testing demands, burned out employees, infections among staff, and staffing shortages. The strain on health care facilities led to the deployment of 1,200 members of the Oregon National Guard to assist hospitals with administrative and non-clinical support. The strains also required the state to deploy health care workers from outside the state through temporary staffing agencies, including clinicians to support hospitals, temporary staff to support long-term care facilities, and traveling nurses.

Senate Bill 1549 provides for the issuance of licenses for temporary staffing agencies and prohibits licensed temporary staffing agencies from operating without a license and from charging more than the maximum rate to be set by the Oregon Health Authority.