

SB 1549 A STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Action Date: 02/11/22

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 4-0-1-0

Yeas: 4 - Jama, Knopp, Lieber, Taylor

Exc: 1 - Hansell

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/8, 2/10, 2/11

WHAT THE MEASURE DOES:

Directs the Health Licensing Office (HLO) to issue renewable one-year temporary staffing licenses for temporary staffing agencies (temp agencies) that provide temporary work to personnel providing health care services or assistance with activities of daily living. Specifies the process for an applicant to receive and renew a temporary staffing license. Requires applicant as a condition for license issuance and renewal to submit fingerprints of officers, directors, and other persons with an ownership interest in the temp agency 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 temp agencies. Prohibits temp agency to operate without a license. Requires temp agency to obtain a license for each separate physical location. Specifies the duties of a licensed temp agency, including those related to personnel and records retention. Prohibits a licensed temp agency from charging a rate greater than an applicable rate established by the HLO by rule. Prohibits a licensed temp agency 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 temp agency 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 licensed temp agency and an entity must include and may not include. Permits the HLO to discipline a licensed temp agency 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 not to exceed \$500 per day per violation. Becomes operative on July 1, 2023. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Challenges being faced by Oregon's health care industry
- COVID-19 pandemic impact on health care workforce
- Lack of oversight of health care staffing agencies
- Reliance of health care providers on staffing agencies
- Workforce shortage in health care industry
- Limitations on service to patients due to lack of staff
- Cost of temporary staff

EFFECT OF AMENDMENT:

Replaces the measure.

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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. In addition to their wages, out-of-state temporary staff are also commonly provided with housing and travel reimbursement.

Senate Bill 1549 A establishes license requirements and maximum rates for temporary staffing agencies that provide workers for health care services or personal care assistance.