

House Bill 2665

Sponsored by Representative NOSSE (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 **as introduced**.

Directs Oregon Health Authority to adopt rules to establish rates that temporary staffing agency may charge to or receive from entity that engages temporary staffing agency. Directs authority to establish process to grant waiver of rate. Allows temporary staffing agency to charge emergency increased rate.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1 Relating to temporary staffing agencies; and prescribing an effective date.

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

3 **SECTION 1. Sections 2 to 4 of this 2023 Act are added to and made a part of sections 1**
4 **to 7, chapter 92, Oregon Laws 2022.**

5 **SECTION 2. (1) The Oregon Health Authority shall adopt rules to establish rates that a**
6 **temporary staffing agency authorized under section 2, chapter 92, Oregon Laws 2022, may**
7 **charge to or receive from an entity that engages the temporary staffing agency.**

8 **(2) The authority may establish more than one rate under this section. The differences**
9 **in rates may be based on factors including but not limited to geographic regions of this state,**
10 **personnel education and qualification and settings.**

11 **(3) The authority shall annually evaluate the rates established under this section and,**
12 **based on changes in the market, average industry wages and other factors the authority**
13 **considers relevant, adjust the rates established under this section.**

14 **(4) The authority may adopt rules to carry out this section.**

15 **SECTION 3. (1) The Oregon Health Authority shall establish a process through which a**
16 **temporary staffing agency or an entity that engages a temporary staffing agency, may apply**
17 **to the authority for a waiver of the rates described in section 2 of this 2023 Act. The au-**
18 **thority may establish a period of time for which a waiver granted under this section is valid**
19 **and a process through which a waiver may be renewed.**

20 **(2) The authority may adopt rules to carry out this section.**

21 **SECTION 4. (1) Subject to subsection (4) of this section, a temporary staffing agency may**
22 **charge to or receive from an entity that engages, or intends to engage, the temporary**
23 **staffing agency a rate greater than the rates established in section 2 of this 2023 Act if the**
24 **entity submits to the Oregon Health Authority an emergency increased rate request that**
25 **includes documentation the authority determines is sufficient to demonstrate that:**

26 **(a) The emergency increased rate applies to a limited number of personnel;**

27 **(b) The personnel to whom the emergency increased rate applies will provide services in**
28 **an intensive care or other specialty unit for which unique or higher-cost personnel is re-**
29 **quired;**
30

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 (c) An emergency related to patient or resident care exists that will be substantially al-
2 leviated by the temporary staffing agency charging to or receiving from the entity an emer-
3 gency increased rate; and

4 (d) The emergency increased rate applies to personnel at a single facility.

5 (2) A temporary staffing agency may charge to or receive from an entity that engages,
6 or intends to engage, the temporary staffing agency an emergency increased rate described
7 under subsection (1) of this section for not more than 90 days.

8 (3) The authority may deny an emergency increased rate request submitted under this
9 section within three business days of receiving the request. If the authority provides written
10 notice to the entity, the authority may extend the time period by an additional three business
11 days.

12 (4) In order to ensure that an additional or continued emergency increased rate is ap-
13 propriate, the authority may require from an entity described in this section additional doc-
14 umentation if the entity submits subsequent emergency increased rate requests, and may
15 deny an emergency increased rate request.

16 (5) The authority may adopt rules to carry out this section.

17 **SECTION 5.** (1) Sections 2 to 4 of this 2023 Act become operative on January 1, 2024.

18 (2) The Oregon Health Authority may take any action before the operative date specified
19 in subsection (1) of this section that is necessary to enable the authority, on and after the
20 operative date specified in subsection (1) of this section, all of the duties, functions and
21 powers conferred on the authority by sections 2 to 4 of this 2023 Act.

22 **SECTION 6.** This 2023 Act takes effect on the 91st day after the date on which the 2023
23 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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