

## HB 4088 -2 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/13, 2/15, 2/15

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#### WHAT THE MEASURE DOES:

The measure directs the Oregon Health Policy Board and the Oregon Health and Science University to develop and implement a pilot program to prevent hospital workplace violence and makes assaults on hospital workers a Class C felony. The measure establishes hospital worker safety requirements relating to signage and union representative participation and directs hospitals to report on hospital worker assaults annually.

#### Detailed Summary:

##### **Hospital Worker Safety Signage, Rights, and Reports (Sections 1-5):**

- Requires hospitals to post public signage about hospital worker safety and employee signage to inform its employees of their rights and protections granted by law for reporting assault incidents and of the procedures to do so.
- Prohibits hospitals from requiring workers to wear ID badges with their last name and requires hospitals to allow union representatives to participate in worker safety meetings and committees.
- Directs hospitals to submit an annual report to certain interim committees and the Department of Business Services on assault-related injuries, prevention and protection programs, incidents, and turnover rates.

##### **Assault in the Third Degree (Section 6):**

- Expands the crime of assault in the third degree to include intentionally or knowingly causing physical injury to another person, knowing that the other person is working in a hospital, and while the other person is performing official duties.
- Prohibits charging people who, at the time of the alleged offense, were experiencing a mental-health-related condition that significantly impairs their judgment or behavior.
- Excludes assaults committed in certain mental health and psychiatric hospitals.

##### **Hospital Workplace Violence Pilot Program (Sections 7 & 8):**

- Directs the Oregon Health Policy Board and the Oregon Health and Science University (OHSU) to administer a pilot program researching, analyzing, and developing recommendations for establishing a statewide hospital staff training program to prevent and respond to workplace violence.
- Specifies what the program must evaluate and consider in its development.
- Requires OHSU to submit a report on the pilot program and recommendations for establishing a statewide violence prevention program to the health-care-related interim committees no later than September 1, 2025.
- Sunsets the pilot program on January 2, 2026.

Declares an emergency, effective on passage.

#### ISSUES DISCUSSED:

- proportionality of potential impacts of assault enhancement on people of color, people with disabilities, and people with mental disorders
- scope of the locations at which the assault enhancement would apply and of the workers to whom it would apply
- administrative burdens for hospitals and investigative burdens for enhanced assault crime
- effectiveness of similar laws in other states

**EFFECT OF AMENDMENT:**

-2 Replaces the measure. The amendment addresses hospital worker safety in various ways. This includes adding to the requirements for hospitals related to hospital worker safety, making assault of a hospital worker a felony, and establishing a hospital worker safety grand program to be administered by the Oregon Health Authority.

Detailed Summary:

**Hospital Safety Requirements (Sections 1–5)**

- Requires hospitals to post public signage stating that assaulting a hospital worker is a crime and to post employee signage informing hospital workers that they cannot be discriminated against for reporting an assault and explaining that workers can report an assault by contacting law enforcement.
- Requires hospitals to submit any reports on workplace illnesses and injuries to the Oregon Department of Consumer and Business Services (DCBS) that they are already required to submit to the federal Occupational Safety and Health Administration. Permits the DCBS to publish to its website an anonymized compilation of the information it receives.
- Prohibits hospitals from requiring workers to wear ID badges with their last name and requires hospitals to allow union representatives to participate in worker safety meetings and committees.

**Assault (Section 6)**

- Adds intentionally or knowingly causing physical injury to another person knowing that the other person is working in a hospital and while they are acting in the course of their official duties to assault in the third degree, a Class C felony.
- Excludes assaults committed in certain mental health and psychiatric hospitals.

**Grant Program (Sections 7–12)**

- Establishes the Hospital Workplace Violence Prevention Efforts Fund.
- Directs the Oregon Health Authority (OHA) to develop and administer a grant award program for workplace violence prevention efforts in hospitals.
- Requires grant applicants and applications to meet certain standards.
- Appropriates general funds for the biennium ending June 30, 2025, to OHA for carrying out program.
- Ends the grant program on January 2, 2030.

Declares an emergency, effective on passage.

*FISCAL: Has fiscal impact*

*REVENUE: No revenue impact*

**BACKGROUND:**

In an [analysis focusing on workplace violence](#) due to intentional injuries caused by another person to healthcare workers, the US Bureau of Labor Statistics found that private “healthcare workers accounted for 73% of all nonfatal workplace injuries and illnesses due to violence in 2018.” In 2008, the Oregon Occupational Safety & Health Administration published a [report on hospital assault data](#) collected pursuant to [House Bill 2022 \(2007\)](#), which required data collection and reporting and implementation of strategies to protect hospital workers from assault. Hospitals, under [ORS 654.062](#), are prohibited from firing or barring from employment or otherwise discriminating against an employee because the employee has in good faith reported an assault that occurred in a healthcare location.

Assault in the third degree ([ORS 163.165](#)) is a Class C or B felony, depending on the circumstances. Assault in the third degree, for the most part, prohibits similar conduct to assault in the fourth degree ([ORS 163.160](#)): causing

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physical injury. One way an assault becomes third degree rather than fourth degree is when the assault is against specific workers, such as highway workers, taxi operators, emergency medical services providers, and youth correctional facility staff members. Hospital workers are not currently included.

[House Bill 2141 \(2023\)](#) and [Senate Bill 563 \(2023\)](#) each proposed that assaults on hospital workers be added to the assault in the third degree statute. The bills primarily differed in the requisite mental state and limitations on charging related to mental illness.