

HOUSE AMENDMENTS TO HOUSE BILL 4088

By COMMITTEE ON JUDICIARY

February 19

1 On page 1 of the printed bill, delete line 3 and insert “441.096 and 654.182; and declaring an
2 emergency.”.

3 Delete lines 6 through 20 and delete pages 2 through 6 and insert:
4

“HOSPITAL SAFETY REQUIREMENTS 5 6

7 “SECTION 1. Sections 2 and 3 of this 2024 Act are added to and made a part of ORS
8 654.412 to 654.423.

9 “SECTION 2. (1)(a) Every health care employer that is a hospital shall post signage that
10 informs the public that it is a crime under ORS 163.165 to cause physical injury to another
11 person who is working in a hospital and acting in the course of their official duties.

12 “(b) The hospital shall post the signage within 15 feet of all hospital public entrances in
13 areas that are clearly visible to the public.

14 “(c) The hospital shall post the signage in English, and may additionally post the signage
15 in other languages based on the most commonly spoken languages in the county where the
16 hospital is located.

17 “(d) The Director of the Department of Consumer and Business Services shall make
18 available to hospitals model signage that meets the requirements of this subsection. The
19 model signage must be made available in at least the five languages that are most commonly
20 spoken in this state.

21 “(2)(a) In addition to the signage required under subsection (1) of this section, every
22 health care employer that is a hospital shall post signage that:

23 “(A) Informs hospital employees of the rights and protections afforded to employees un-
24 der ORS 654.062 (5)(d); and

25 “(B) Explains that victims of an assault may contact law enforcement by calling 9-1-1 or
26 another identified law enforcement telephone number.

27 “(b) The hospital shall post the signage in a conspicuous and accessible location where
28 the hospital typically notifies employees of their workplace rights.

29 “(c) The hospital shall post the signage in English and Spanish, and may additionally post
30 the signage in other languages based on the most commonly spoken languages in the county
31 where the hospital is located.

32 “(d) The Commissioner of the Bureau of Labor and Industries shall make available model
33 language, in English and Spanish, that may be used by hospitals for purposes of complying
34 with the signage requirements under this subsection.

35 “SECTION 3. (1) As used in this section, ‘report’ means a work-related injury and illness

1 recordkeeping form that is required by the federal Occupational Safety and Health Adminis-
2 tration to be maintained by employers for purposes of classifying and recording work-related
3 illnesses and injuries.

4 “(2)(a) Whenever an employer that is a hospital is required, under applicable rules, reg-
5 ulations or standards of the federal Occupational Safety and Health Administration, to sub-
6 mit a report to the administration, the hospital shall submit a copy of the hospital’s report
7 to the Director of the Department of Consumer and Business Services not later than 90 days
8 after the hospital’s report is due to the federal Occupational Safety and Health Adminis-
9 tration.

10 “(b) The Director of the Department of Consumer and Business Services may elect, on
11 an annual basis, to compile and post to the department’s website information reported to the
12 department under paragraph (a) of this subsection. The information posted must be in ag-
13 gregate form such that the information cannot be used to identify, contact or locate any
14 single individual or a specific hospital.

15 “SECTION 4. ORS 441.096 is amended to read:

16 “441.096. (1)(a) Except as provided in paragraph (b) of this subsection, a health care prac-
17 titioner working at a health care facility and providing direct care to a patient shall wear an iden-
18 tification badge indicating the practitioner’s name and professional title.

19 “(b) Except where applicable federal law or rules and regulations require otherwise, no
20 person working in a hospital shall be required to wear an identification badge that includes
21 the worker’s last name unless the worker specifically requests that the badge include the
22 worker’s last name.

23 “(2) A health care facility shall develop policies that specify the size and content of the iden-
24 tification badge required by subsection (1) of this section.

25 “(3) As used in this section[,]:

26 “(a) ‘Health care facility’ means a health care facility as defined in ORS 442.015 or a mental
27 health facility, alcohol treatment facility or drug treatment facility licensed or operated under ORS
28 chapter 426 or 430.

29 “(b) ‘Hospital’ has the meaning given that term in ORS 442.015.

30 “SECTION 5. ORS 654.182 is amended to read:

31 “654.182. (1) In carrying out ORS 654.176, the Director of the Department of Consumer and
32 Business Services shall adopt rules that include, but are not limited to, provisions:

33 “(a) Prescribing the membership of the committees to ensure equal numbers of employees, who
34 are volunteers or are elected by their peers, and employer representatives and specifying the fre-
35 quency of meetings.

36 “(b) Requiring employers to make adequate written records of each meeting and to file and
37 maintain the records subject to inspection by the director.

38 “(c) Requiring employers to compensate employee representatives on safety committees at the
39 regular hourly wage while the employees are engaged in safety committee training or are attending
40 safety committee meetings.

41 “(d) Prescribing the duties and functions of safety committees, which include, but are not limited
42 to:

43 “(A) Establishing procedures for workplace safety inspections by the committee.

44 “(B) Establishing procedures for investigating all safety incidents, accidents, illnesses and
45 deaths.

1 “(C) Evaluating accident and illness prevention programs.

2 “(e) Prescribing guidelines for the training of safety committee members.

3 “(f) Prescribing alternate forms of safety committees and safety meetings to meet the special
4 needs of small employers, agricultural employers and employers with mobile worksites.

5 “(g) **Requiring an employer that is a hospital to permit a representative of a labor union**
6 **representing staff of the hospital to attend safety meetings of the hospital’s safety commit-**
7 **tee as a nonvoting participant. As used in this paragraph, ‘hospital’ means a hospital, as**
8 **defined in ORS 442.015, that employs staff who are represented by one or more labor unions**
9 **pursuant to a collective bargaining agreement.**

10 “(2) An employer that is a member of a multiemployer group operating under a collective bar-
11 gaining agreement that contains provisions regulating the formation and operation of a safety com-
12 mittee that meets or exceeds the minimum requirements of this section and ORS 654.176 shall be
13 considered to have met the requirements of this section and ORS 654.176.

14
15 “ASSAULT

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17 “**SECTION 6.** ORS 163.165 is amended to read:

18 “163.165. (1) A person commits the crime of assault in the third degree if the person:

19 “(a) Recklessly causes serious physical injury to another by means of a deadly or dangerous
20 weapon;

21 “(b) Recklessly causes serious physical injury to another under circumstances manifesting ex-
22 treme indifference to the value of human life;

23 “(c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon
24 under circumstances manifesting extreme indifference to the value of human life;

25 “(d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
26 injury to the operator of a public transit vehicle while the operator is in control of or operating the
27 vehicle. As used in this paragraph, ‘public transit vehicle’ has the meaning given that term in ORS
28 166.116;

29 “(e) While being aided by another person actually present, intentionally or knowingly causes
30 physical injury to another;

31 “(f) While committed to a youth correction facility, intentionally or knowingly causes physical
32 injury to another knowing the other person is a staff member while the other person is acting in the
33 course of official duty;

34 “(g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical ser-
35 vices provider, as defined in ORS 682.025, while the emergency medical services provider is per-
36 forming official duties;

37 “(h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child
38 10 years of age or younger;

39 “(i) **With knowledge that another person is working in a hospital, intentionally or know-**
40 **ingly causes physical injury to the working person while the working person is acting in the**
41 **course of official duty;**

42 “[i] (j) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle,
43 physical injury to the operator of a taxi while the operator is in control of the taxi; or

44 “[j] (k) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway
45 worker while the flagger or highway worker is performing official duties.

1 “(2)(a) Assault in the third degree is a Class C felony.
2 “(b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under sub-
3 section (1)(a) or (b) of this section is a Class B felony if:
4 “(A) The assault resulted from the operation of a motor vehicle; and
5 “(B) The defendant was the driver of the motor vehicle and was driving while under the influ-
6 ence of intoxicants.
7 “(3) As used in this section:
8 “(a) ‘Flagger’ has the meaning given that term in ORS 811.230.
9 “(b) ‘Highway worker’ has the meaning given that term in ORS 811.230.
10 “(c) **‘Hospital’ has the meaning given that term in ORS 442.015, except for a hospital that**
11 **primarily provides inpatient mental health treatment to adults and adolescents who are be-**
12 **tween nine and 17 years of age and emergency psychiatric care for adults 18 years of age or**
13 **older.**
14 “[c] (d) ‘Staff member’ means:
15 “(A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth cor-
16 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member
17 or a person employed pursuant to a contract with the department or youth authority to work with,
18 or in the vicinity of, adults in custody, youths or adjudicated youths; and
19 “(B) A volunteer authorized by the department, youth authority or other entity in charge of a
20 corrections facility to work with, or in the vicinity of, adults in custody, youths or adjudicated
21 youths.
22 “[d] (e) ‘Youth correction facility’ has the meaning given that term in ORS 162.135.

23
24 **“GRANT PROGRAM**

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26 **“SECTION 7. Sections 8 and 9 of this 2024 Act are added to and made a part of ORS**
27 **654.412 to 654.423.**

28 **“SECTION 8. The Hospital Workplace Violence Prevention Efforts Fund is established in**
29 **the State Treasury, separate and distinct from the General Fund. The fund shall consist of**
30 **moneys credited to the fund from moneys appropriated, allocated, deposited or transferred**
31 **to the fund by the Legislative Assembly or otherwise. Interest earned by the Hospital**
32 **Workplace Violence Prevention Efforts Fund shall be credited to the fund. Moneys in the**
33 **fund are continuously appropriated to the Oregon Health Authority to carry out the pro-**
34 **visions of section 9 of this 2024 Act.**

35 **“SECTION 9. (1) As used in this section:**

36 **“(a) ‘Access security measures’ are systems that enhance security at entrance and ac-**
37 **cess points within a hospital, including, but not limited to:**

38 **“(A) Metal screenings.**

39 **“(B) Weapons detection systems.**

40 **“(C) Trained screening staff.**

41 **“(b) ‘Safety committee’ means a safety committee described under ORS 654.176.**

42 **“(c) ‘Workplace violence prevention efforts’ include, but are not limited to:**

43 **“(A) Providing violence prevention training.**

44 **“(B) Providing assault prevention and protection training required under ORS 654.414 (1).**

45 **“(C) Implementing access security measures.**

