

Enrolled
House Bill 4136

Sponsored by Representatives NATHANSON, FAHEY, HOLVEY, CONRAD, Senators MANNING JR, PROZANSKI; Representatives BOWMAN, GAMBA, GRAYBER (Presession filed.)

CHAPTER

AN ACT

Relating to health care; creating new provisions; amending ORS 678.031 and 678.034; and declaring an emergency.

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

NURSE LICENSURE

SECTION 1. ORS 678.031 is amended to read:

678.031. ORS 678.010 to 678.410 do not apply to:

- (1) The employment of nurses in institutions or agencies of the federal government.
- (2) The practice of nursing incidental to the planned program of study for students enrolled in nursing education programs approved by the Oregon State Board of Nursing or accredited or approved by another state or United States territory as described under ORS 678.040 and approved by the board.
- (3) Nursing practiced outside this state that is incidental to a distance learning program provided by an institution of higher education located in Oregon.
- (4) The furnishing of nursing assistance in an emergency.
- (5) The practice of any other occupation or profession licensed under the laws of this state.
- (6) Care of the sick with or without compensation when performed in connection with the practice of the religious tenets of a well-recognized church or denomination that relies exclusively on treatment by prayer and spiritual means by adherents thereof so long as the adherent does not engage in the practice of nursing as defined in ORS 678.010 to 678.410 and 678.990 or hold oneself out as a registered nurse or a licensed practical nurse.

(7) Nonresident nurses licensed and in good standing in another state if nonresident nurses are practicing in this state on a single[, *temporary*] assignment of not to exceed 90 days, renewable for not to exceed 90 days, for assignments that are for the general public benefit. [*limited to the following:*]

- [(a) *Transport teams;*]
- [(b) *Red Cross Blood Services personnel;*]
- [(c) *Presentation of educational programs;*]
- [(d) *Disaster teams;*]

[(e) *Staffing in a hospital that is responding to a temporary staffing shortage and would be otherwise unable to meet the hospital's staffing requirements;*]

[(f) Staffing a long term care facility that is responding to a temporary staffing shortage and would be otherwise unable to meet its staffing requirements;]

[(g) Providing health care for students who attend school outside of Oregon and who are participating in a school-sponsored event; or]

[(h) Staffing any of the following entities that is responding to a temporary staffing shortage and would otherwise be unable to meet its staffing requirements:]

[(A) An adult or juvenile residential behavioral health treatment facility;]

[(B) An opioid treatment program;]

[(C) A withdrawal management program;]

[(D) A sobering center;]

[(E) A primary care facility; or]

[(F) A behavioral health home, as defined in ORS 414.025.]

SECTION 2. ORS 678.034 is amended to read:

678.034. *[(1)(a) A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that employs nurses under ORS 678.031 (7)(e), (f) or (h) shall:]*

[(A) Notify the Oregon State Board of Nursing in writing of the number of nurses employed under ORS 678.031 (7)(e), (f) or (h), the times of employment and the nature of the staffing shortage;]

[(B) Certify that there is no labor dispute affecting nurses at the hospital, long term care facility or entity described in ORS 678.031 (7)(h); and]

[(C) At the request of the board, provide documentation that the nurses employed under ORS 678.031 (7)(e), (f) or (h) are licensed and in good standing in another state or United States territory.]

[(b) A hospital, long term care facility or entity described in ORS 678.031 (7)(h) that employs nurses as described in paragraph (a) of this subsection shall provide notice in writing of and certify to the nurses' exclusive bargaining representative, if any, the information described in paragraph (a) of this subsection.]

(1) An entity that employs a nurse described under ORS 678.031 (7) shall notify the Oregon State Board of Nursing in writing of the number of nurses so employed and the time of employment and shall certify that there is no labor dispute affecting nurses at the entity. In addition, at the request of the board, the entity shall provide documentation that the nurses so employed are licensed and in good standing in another state or United States territory.

(2) Nurses employed in this state under ORS 678.031 (7)[(e), (f) or (h)], at the time of employment, shall apply for an Oregon license by indorsement or, if the nurse was previously licensed in this state, for reactivation of the nurse's Oregon license.

SECTION 3. The amendments to ORS 678.031 and 678.034 by sections 1 and 2 of this 2024 Act apply to periods of employment beginning on or after the effective date of this 2024 Act.

LANE COUNTY ACCESS TO HEALTH CARE

SECTION 4. (1) The Oregon Health Authority shall enter into an agreement with Lane County Public Health that requires Lane County Public Health to administer moneys as follows, taking into consideration the continuum of health care, including emergency medical care and other same-day health care services:

(a) As distributions to the City of Eugene for the establishment and maintenance of a basic life support unit; and

(b) To fund a health care access innovation fund to finance innovations that are designed to improve access to same-day health care while decreasing the overall same-day health care system costs in the greater Eugene area. As described in this paragraph:

(A) The innovations may include, but are not limited to, a nurse advice line, community health care response programs, alternative medical transportation options and programming to improve access to health care while reducing emergency department utilization.

(B) The costs may include, but are not limited to, costs related to emergency medical services, emergency department utilization and 9-1-1 emergency calls.

(2) The agreement described in subsection (1) of this section must require:

(a) Lane County Public Health to solicit, review and select proposals for the innovations described in subsection (1)(b) of this section, and to consult with coordinated care organizations and other stakeholders to optimize the use of funds described in subsection (1)(b) of this section and leverage additional funding from other sources.

(b) Lane County Public Health to submit a report in the manner provided in ORS 192.245, which may include recommendations for legislation, to the authority and the interim committees of the Legislative Assembly related to health care not later than December 31, 2024. The report described in this paragraph must include a detailed description of how the funds described in subsection (1)(b) of this section administered by Lane County Public Health are used.

(c) Lane County Public Health and the authority to submit a report in the manner provided in ORS 192.245, which may include recommendations for legislation, to the interim committees of the Legislative Assembly related to health care not later than December 31, 2025. The report described in this paragraph must include a detailed description of how the funds described in subsection (1)(b) of this section administered by Lane County Public Health are used and whether and to what degree the innovations described in subsection (1)(b) of this section achieved the objectives of subsection (1)(b) of this section.

(3) The agreement entered into under subsection (1) of this section must allow Lane County Public Health to withhold from the funds administered under subsection (1) of this section a reasonable amount to reimburse Lane County Public Health for administrative costs incurred under this section.

SECTION 5. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Health Authority, for the biennium ending June 30, 2025, out of the General Fund, the amount of \$4,500,000 for the purpose of carrying out the provisions of section 4 of this 2024 Act.

SECTION 6. Of the moneys appropriated under section 5 of this 2024 Act, the Oregon Health Authority shall use:

- (1) \$1,300,000 for carrying out the provisions of section 4 (1)(a) of this 2024 Act; and
- (2) \$3,200,000 for carrying out the provisions of section 4 (1)(b) of this 2024 Act.

SECTION 7. Sections 4 to 6 of this 2024 Act are repealed on January 2, 2026.

CAPTIONS

SECTION 8. The unit captions used in this 2024 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2024 Act.

EFFECTIVE DATE

SECTION 9. This 2024 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect on its passage.

Passed by House March 4, 2024

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate March 6, 2024

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2024

Approved:

.....M.,....., 2024

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2024

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LaVonne Griffin-Valade, Secretary of State