

Requested by Representative NELSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 4088**

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

3 Delete lines 6 through 20 and delete pages 2 through 6 and insert:
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5 **“HOSPITAL SAFETY REQUIREMENTS**

6
7 **“SECTION 1. Sections 2 and 3 of this 2024 Act are added to and
8 made a part of ORS 654.412 to 654.423.**

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

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

15 **“(c) The hospital shall post the signage in English, and may addi-
16 tionally post the signage in other languages based on the most com-
17 monly spoken languages in the county where the hospital is located.**

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

1 **ken in this state.**

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

5 **“(A) Informs hospital employees of the rights and protections af-**
6 **forded to employees under ORS 654.062 (5)(d); and**

7 **“(B) Explains that victims of an assault may contact law enforce-**
8 **ment by calling 9-1-1 or another identified law enforcement telephone**
9 **number.**

10 **“(b) The hospital shall post the signage in a conspicuous and ac-**
11 **cessible location where the hospital typically notifies employees of**
12 **their workplace rights.**

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

17 **“(d) The Commissioner of the Bureau of Labor and Industries shall**
18 **make available model language, in English and Spanish, that may be**
19 **used by hospitals for purposes of complying with the signage require-**
20 **ments under this subsection.**

21 **“SECTION 3. (1) As used in this section, ‘report’ means a work-**
22 **related injury and illness recordkeeping form that is required by the**
23 **federal Occupational Safety and Health Administration to be main-**
24 **tained by employers for purposes of classifying and recording work-**
25 **related illnesses and injuries.**

26 **“(2)(a) Whenever an employer that is a hospital is required, under**
27 **applicable rules, regulations or standards of the federal Occupational**
28 **Safety and Health Administration, to submit a report to the adminis-**
29 **tration, the hospital shall submit a copy of the hospital’s report to the**
30 **Director of the Department of Consumer and Business Services not**

1 later than 90 days after the hospital's report is due to the federal Oc-
2 cupational Safety and Health Administration.

3 **“(b) The Director of the Department of Consumer and Business**
4 **Services may elect, on an annual basis, to compile and post to the**
5 **department's website information reported to the department under**
6 **paragraph (a) of this subsection. The information posted must be in**
7 **aggregate form such that the information cannot be used to identify,**
8 **contact or locate any single individual or a specific hospital.**

9 **“SECTION 4.** ORS 441.096 is amended to read:

10 **“441.096. (1)(a) Except as provided in paragraph (b) of this sub-**
11 **section, a health care practitioner working at a health care facility and**
12 **providing direct care to a patient shall wear an identification badge indi-**
13 **cating the practitioner's name and professional title.**

14 **“(b) Except where applicable federal law or rules and regulations**
15 **require otherwise, no person working in a hospital shall be required**
16 **to wear an identification badge that includes the worker's last name**
17 **unless the worker specifically requests that the badge include the**
18 **worker's last name.**

19 **“(2) A health care facility shall develop policies that specify the size and**
20 **content of the identification badge required by subsection (1) of this section.**

21 **“(3) As used in this section[,]:**

22 **“(a) ‘Health care facility’ means a health care facility as defined in ORS**
23 **442.015 or a mental health facility, alcohol treatment facility or drug treat-**
24 **ment facility licensed or operated under ORS chapter 426 or 430.**

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

26 **“SECTION 5.** ORS 654.182 is amended to read:

27 **“654.182. (1) In carrying out ORS 654.176, the Director of the Department**
28 **of Consumer and Business Services shall adopt rules that include, but are**
29 **not limited to, provisions:**

30 **“(a) Prescribing the membership of the committees to ensure equal num-**

1 bers of employees, who are volunteers or are elected by their peers, and
2 employer representatives and specifying the frequency of meetings.

3 “(b) Requiring employers to make adequate written records of each meet-
4 ing and to file and maintain the records subject to inspection by the director.

5 “(c) Requiring employers to compensate employee representatives on
6 safety committees at the regular hourly wage while the employees are en-
7 gaged in safety committee training or are attending safety committee
8 meetings.

9 “(d) Prescribing the duties and functions of safety committees, which in-
10 clude, but are not limited to:

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

13 “(B) Establishing procedures for investigating all safety incidents, acci-
14 dents, illnesses and deaths.

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

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

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

20 “(g) **Requiring an employer that is a hospital to permit a represen-**
21 **tative of a labor union representing staff of the hospital to attend**
22 **safety meetings of the hospital’s safety committee as a nonvoting**
23 **participant. As used in this paragraph, ‘hospital’ means a hospital, as**
24 **defined in ORS 442.015, that employs staff who are represented by one**
25 **or more labor unions pursuant to a collective bargaining agreement.**

26 “(2) An employer that is a member of a multiemployer group operating
27 under a collective bargaining agreement that contains provisions regulating
28 the formation and operation of a safety committee that meets or exceeds the
29 minimum requirements of this section and ORS 654.176 shall be considered
30 to have met the requirements of this section and ORS 654.176.

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

4 “[(j)] (k) Intentionally, knowingly or recklessly causes physical injury to
5 a flagger or a highway worker while the flagger or highway worker is per-
6 forming official duties.

7 “(2)(a) Assault in the third degree is a Class C felony.

8 “(b) Notwithstanding paragraph (a) of this subsection, assault in the third
9 degree under subsection (1)(a) or (b) of this section is a Class B felony if:

10 “(A) The assault resulted from the operation of a motor vehicle; and

11 “(B) The defendant was the driver of the motor vehicle and was driving
12 while under the influence of intoxicants.

13 “(3) As used in this section:

14 “(a) ‘Flagger’ has the meaning given that term in ORS 811.230.

15 “(b) ‘Highway worker’ has the meaning given that term in ORS 811.230.

16 “(c) **‘Hospital’ has the meaning given that term in ORS 442.015, ex-**
17 **cept for a hospital that primarily provides inpatient mental health**
18 **treatment to adults and adolescents who are between nine and 17 years**
19 **of age and emergency psychiatric care for adults 18 years of age or**
20 **older.**

21 “[(c)] (d) ‘Staff member’ means:

22 “(A) A corrections officer as defined in ORS 181A.355, a youth correction
23 officer, a youth correction facility staff member, a Department of Corrections
24 or Oregon Youth Authority staff member or a person employed pursuant to
25 a contract with the department or youth authority to work with, or in the
26 vicinity of, adults in custody, youths or adjudicated youths; and

27 “(B) A volunteer authorized by the department, youth authority or other
28 entity in charge of a corrections facility to work with, or in the vicinity of,
29 adults in custody, youths or adjudicated youths.

30 “[(d)] (e) ‘Youth correction facility’ has the meaning given that term in

1 ORS 162.135.

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3

“GRANT PROGRAM

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

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8 **“SECTION 8. The Hospital Workplace Violence Prevention Efforts**
9 **Fund is established in the State Treasury, separate and distinct from**
10 **the General Fund. The fund shall consist of moneys credited to the**
11 **fund from moneys appropriated, allocated, deposited or transferred to**
12 **the fund by the Legislative Assembly or otherwise. Interest earned by**
13 **the Hospital Workplace Violence Prevention Efforts Fund shall be**
14 **credited to the fund. Moneys in the fund are continuously appropriated**
15 **to the Oregon Health Authority to carry out the provisions of section**

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

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18 **“(a) ‘Access security measures’ are systems that enhance security**
19 **at entrance and access points within a hospital, including, but not**
20 **limited to:**

21

“(A) Metal screenings.

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“(B) Weapons detection systems.

23

“(C) Trained screening staff.

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

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

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“(A) Providing violence prevention training.

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

“(C) Implementing access security measures.

1 **“(2)(a) The Oregon Health Authority shall develop and administer**
2 **a program for awarding grants to eligible hospitals to help fund**
3 **workplace violence prevention efforts and any workforce, construction**
4 **and equipment costs that are necessary to implement the workplace**
5 **violence prevention efforts.**

6 **“(b) To be eligible for a grant, a hospital must demonstrate to the**
7 **authority’s satisfaction that the hospital has secured approval from**
8 **the hospital’s safety committee of the workplace violence prevention**
9 **efforts for which the hospital is seeking grant funding.**

10 **“(3) The authority shall adopt rules to carry out the provisions of**
11 **this section, including rules governing the form and process by which**
12 **hospitals may apply for and be awarded grants under the program.**
13 **At a minimum, the rules must:**

14 **“(a) Include a methodology for reviewing and accepting grant ap-**
15 **plications;**

16 **“(b) Establish grant application periods that enable the authority**
17 **to distribute grant funds in accordance with the grant distribution**
18 **requirements established under section 10 of this 2024 Act; and**

19 **“(c) Require a hospital to include information in a grant application**
20 **that demonstrates that the hospital received approval from the**
21 **hospital’s safety committee of the workplace violence prevention ef-**
22 **forts for which the hospital is seeking grant funding.**

23 **“(4) In reviewing grant applications, the authority shall give prior-**
24 **ity to applications received from:**

25 **“(a) Critical access hospitals as defined by the authority by rule;**
26 **and**

27 **“(b) Type A or type B hospitals as described in ORS 442.470.**

28 **“SECTION 10. The Oregon Health Authority shall begin distributing**
29 **the funds specifically appropriated to the authority under section 11**
30 **of this 2024 Act to approved grant applicants at the conclusion of a**

1 grant application period established under section 9 of this 2024 Act,
2 but not later than 90 days after the date specified in section 14 of this
3 2024 Act.

4 **“SECTION 11.** In addition to and not in lieu of any other appropri-
5 ation, there is appropriated to the Oregon Health Authority, for the
6 biennium ending on June 30, 2025, out of the General Fund, the
7 amount of \$_____ for the purpose of carrying out the provisions of
8 section 9 of this 2024 Act.

9 **“SECTION 12.** (1) Section 9 is repealed on January 2, 2030.

10 **“(2)** On the date of the repeal of section 9 of this 2024 Act under
11 subsection (1) of this section, any moneys in the Hospital Workplace
12 Violence Prevention Efforts Fund established under section 8 of this
13 2024 Act that are unexpended, unobligated and not subject to any
14 conditions shall revert to the General Fund.

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“MISCELLANEOUS

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18 **“SECTION 13.** The unit captions used in this 2024 Act are provided
19 only for the convenience of the reader and do not become part of the
20 statutory law of this state or express any legislative intent in the
21 enactment of this 2024 Act.

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“OPERATIVE DATES

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25 **“SECTION 14.** (1) Sections 2 and 3 and 7 to 10 of this 2024 Act and
26 the amendments to ORS 441.096 and 654.182 by sections 4 and 5 of this
27 2024 Act become operative on January 1, 2025.

28 **“(2)** Notwithstanding the operative date specified in subsection (1)
29 of this section, the Bureau of Labor and Industries, the Department
30 of Business and Consumer Services and the Oregon Health Authority

1 may take any action before the operative date specified in subsection
2 (1) of this section that is necessary for the bureau, the department and
3 the authority to exercise, on and after the operative date specified in
4 subsection (1) of this section, all of the duties, functions and powers
5 conferred on the bureau, the department and the authority by sections
6 2 and 3 and 7 to 10 of this 2024 Act and the amendments to ORS 441.096
7 and 654.182 by sections 4 and 5 of this 2024 Act.

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“EFFECTIVE DATE

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11 **“SECTION 15. This 2024 Act being necessary for the immediate**
12 **preservation of the public peace, health and safety, an emergency is**
13 **declared to exist, and this 2024 Act takes effect on its passage.”.**

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