

HB 2794 -1 STAFF MEASURE SUMMARY

House Committee On Behavioral Health and Health Care

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Meeting Dates: 3/27, 4/3

WHAT THE MEASURE DOES:

The measure directs a health care facility to establish a procedure to obtain, track, and retain complaints from staff persons regarding medical supplies or equipment that the staff person believes to be faulty or dangerous.

Detailed Summary

- Defines "associated information" as that gathered in the investigation of or in response to a staff person complaint regarding a medical supply or equipment used in the provision of care in a health care facility. Defines "staff person" as an individual employee or contract worker at a health care facility.
- Directs a health care facility to establish and maintain procedures that a staff person may use to submit a complaint regarding a medical supply or equipment if the staff person believes in good faith that the supply/equipment is faulty or dangerous. Directs the facility to retain a copy of the complaint for 10 years from the date of submission and to inform a person if a supply/equipment subject to a complaint within the retention period is currently being used, has previously been used within the retention period, or is no longer used. Directs the facility to allow a person to obtain a copy of the complaint and information about previous, current, or past use of the supply/equipment.
- Directs the Oregon Health Authority (OHA) to adopt rules for health care facilities to carry out provisions of the measure. Directs the Oregon Department of Human Services to adopt rules for long term care facilities. Specifies that rules must provide for uniform standards and procedures and protect against disclosure of protected health and other information.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces the measure.

Detailed Summary

- Defines "associated information" as that gathered in the investigation of or in response to a staff person complaint regarding a medical supply or equipment used in the provision of care in a health care facility. Defines "staff person" as an individual employee or contract worker at a health care facility.
- Directs a health care facility to establish and maintain procedures for a staff person to file a complaint to the health care facility in which they are working when they believe in good faith that a medical supply or equipment used in the provision of care is faulty or dangerous.
- Directs the facility to retain a copy of the complaint for five years and to have a procedure through which a person may obtain a copy of the complaint for a supply/equipment that the facility uses or has used in the provision of care within the complaint retention period.
- Specifies that a staff person may also submit a complaint to the Oregon Department of Human Services (ODHS), the Oregon Health Authority (OHA), or another agency.
- Prohibits a health care facility from taking disciplinary action against a staff person in response to a complaint.
- Directs OHA to adopt rules for health care facilities and ODHS to adopt rules for long term care facilities to carry out provisions of the measure as appropriate.

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- Specifies that any rules adopted by agencies to carry out provisions of the measure must protect against the disclosure of protected health information or other state and federal disclosure laws.
- Adds supply/equipment complaints to statute regarding complaints about standard of care in a health care facility.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

BACKGROUND:

The Health Facility Licensing and Certification Program (HFCL) of the Oregon Health Authority is responsible for regulating certain types of non-long term health care facilities and agencies in both acute and community-based settings. The Oregon Department of Human Services (ODHS) provides regulatory oversight for certain long term care facilities, including adult foster homes, residential care and assisted living facilities, and nursing facilities. The Survey and Certification team at the HFCL and ODHS receive and investigate complaints regarding the facilities that they each oversee.

Additionally, the Oregon office of Occupational Safety and Health (OR-OSHA) at the Department of Consumer and Business Services (DCBS) adopts and enforces occupational safety and health standards, including those for health care settings. Key issues for which OR-OSHA issues citations in health care settings include hazard communication, bloodborne pathogens, safety committees, emergency eyewash stations, safe patient handling, and workplace violence.

House Bill 2794 directs a health care facility to establish a procedure to obtain, track, and retain complaints from staff persons regarding medical supplies or equipment that the staff person believes to be faulty or dangerous.