

# A-Engrossed House Bill 2203

Ordered by the House April 16  
Including House Amendments dated April 16

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Behavioral Health and Health Care for Representative Rob Nosse)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act makes changes to laws to improve the safety of workers in certain mental health and SUD treatment settings. (Flesch Readability Score: 63.8).**

*[Digest: The Act tells OHA to study the safety of certain health care workers. (Flesch Readability Score: 69.9).]*

*[Requires the Oregon Health Authority to study the safety of behavioral health workers. Directs the authority to submit findings to the interim committees of the Legislative Assembly related to health not later than September 15, 2026.]*

*[Sunsets on January 2, 2027.]*

**Requires a behavioral health employer to develop and implement a written safety plan and to provide safety trainings to workers. Directs the Oregon Health Authority to award grants to behavioral health employers to conduct a risk assessment and to enhance the structural safety of work settings.**

**Entitles an employee of a behavioral health employer to be reinstated with back pay if the employer unlawfully retaliates against the employee.**

**Directs the authority, the Department of Consumer and Business Services, the Occupational Safety and Health Division of the Department of Consumer and Business Services and the Department of Human Services to conduct studies and submit reports to the Legislative Assembly.**

**Declares an emergency, effective on passage.**

## A BILL FOR AN ACT

Relating to the safety of behavioral health workers; creating new provisions; amending ORS 654.062; and declaring an emergency.

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

**SECTION 1. As used in sections 1 to 5 of this 2025 Act:**

**(1) "Behavioral health employer" means:**

**(a) A residential treatment facility, as defined in ORS 443.400;**

**(b) A residential treatment home, as defined in ORS 443.400;**

**(c) A secure residential treatment facility, as described in ORS 443.465;**

**(d) A secure residential treatment home, as described in ORS 443.465;**

**(e) A sobering facility, as defined in ORS 430.306;**

**(f) A detoxification center, as defined in ORS 430.306;**

**(g) A halfway house, as defined in ORS 430.306;**

**(h) A mobile crisis intervention team, as defined in ORS 430.626; or**

**(i) An emergency shelter.**

**(2) "Built environment" includes facilities, vehicles and other physical locations where work is performed on an ongoing basis.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       (3) “Lone worker” means an individual who works in a situation or location without a  
2 colleague nearby or where the individual works without close or direct supervision.

3       **SECTION 2.** (1) A behavioral health employer shall develop and implement a written  
4 safety plan. The safety plan must be tailored to the behavioral health employer’s specific  
5 context and easily accessible to staff. A behavioral health employer shall provide a copy of  
6 the safety plan to new workers upon hire.

7       (2) A safety plan developed under this section must include:

8       (a) A plan for the safety of lone workers, including a requirement that the behavioral  
9 health employer either:

10       (A) Offer a communication device to any worker who might be working alone with a cli-  
11 ent; or

12       (B) Allow workers to request another staff member to be present before working alone  
13 with a client.

14       (b) A plan for the safety of the built environment, including:

15       (A) How workers may report structural security hazards; and

16       (B) The time frame within which the behavioral health employer must respond to a re-  
17 port of a structural security hazard.

18       (c) Information for workers about the safety trainings that the behavioral health em-  
19 ployer is required to provide under section 5 of this 2025 Act, including the time frame within  
20 which the employer must provide all required trainings for a new worker and how often the  
21 employer must provide renewal trainings for current workers.

22       (3) In developing a safety plan under this section, a behavioral health employer shall:

23       (a) Conduct, or contract with a third party to conduct, a risk assessment of the built  
24 environment, including identification of who could be harmed, what harms may occur and  
25 how those harms might be prevented or mitigated. The risk assessment must be specific to  
26 the job and the work environment, the clients receiving care and the competencies and levels  
27 of training of the workers.

28       (b) The Occupational Safety and Health Division of the Department of Consumer and  
29 Business Services shall, with the input of behavioral health employers, develop a timeline  
30 according to which the requirements under this paragraph shall be phased in.

31       (c) The division and the Oregon Health Authority shall collaborate to publish suggested  
32 resources, including the availability of grants under section 3 of this 2025 Act, to support  
33 behavioral health employers in conducting, or contracting with a third party to conduct, a  
34 risk assessment.

35       (4) The division shall collaborate with the authority and the Department of Human Ser-  
36 vices to provide to behavioral health employers, and to advertise to behavioral health em-  
37 ployers the availability of, free consultation and training on developing safety plans under  
38 this section.

39       (5) The division shall ensure compliance with the provisions of this section and shall es-  
40 tablish a process for enforcing violations of this section.

41       **SECTION 3.** (1) The Oregon Health Authority shall administer a program for awarding  
42 noncompetitive grants to behavioral health employers to cover the employer’s costs of con-  
43 ducting, or contracting with a third party to conduct, a risk assessment of the employer’s  
44 built environment, as required under section 2 of this 2025 Act.

45       (2) The authority shall adopt rules to carry out the provisions of this section, including

1 rules prescribing:

2 (a) The form and process by which a behavioral health employer may apply for and be  
3 awarded a grant under this section; and

4 (b) The purposes for which grant funds awarded under this section may be used.

5 **SECTION 4.** (1) The Oregon Health Authority shall prescribe by rule a requirement that  
6 a behavioral health employer that is regulated by the authority must include structural se-  
7 curity elements that promote worker safety in the design of the employer's facility.

8 (2) The authority shall administer a program for awarding grants to behavioral health  
9 employers to retrofit or otherwise modify existing work settings with structural security  
10 enhancements such as keyless entries, communication devices or panic buttons.

11 (3) The authority shall adopt rules to carry out the grant program described in sub-  
12 section (2) of this section, including rules prescribing:

13 (a) The form and process by which a behavioral health employer may apply for and be  
14 awarded a grant under this section; and

15 (b) The purposes for which grant funds awarded under this section may be used.

16 **SECTION 5.** (1) A behavioral health employer shall provide training to workers that, at  
17 a minimum, addresses:

18 (a) General worker safety that focuses on providing workers with skills and knowledge  
19 regarding:

20 (A) The potential risks that a worker may face in the work environment of a particular  
21 behavioral health setting, including but not limited to behavioral health settings involving  
22 mobile crisis intervention teams, as defined in ORS 430.626.

23 (B) The written safety plan required under section 2 of this 2025 Act.

24 (C) Protocols for using safety equipment, emergency communication devices and alert  
25 systems in emergency or crisis situations.

26 (b) De-escalation techniques for managing and mitigating potentially aggressive behavior  
27 from clients.

28 (c) The available options for reporting alleged workplace safety violations and allegations  
29 of discrimination, retaliation or harassment to the Occupational Safety and Health Division  
30 of the Department of Consumer and Business Services, the Bureau of Labor and Industries  
31 and other relevant state agencies, including the rights and protections afforded to workers  
32 who engage in such reporting.

33 (2) Training provided under this section must incorporate simulated scenarios and role-  
34 playing to ensure workers have an opportunity to apply the training principles in real-world  
35 scenarios.

36 (3) A behavioral health employer shall provide the training under this section to new  
37 workers within 90 days of hiring, and periodically thereafter, but not less than once every  
38 three years.

39 (4) The division, the Oregon Health Authority and the Department of Human Services  
40 shall collaborate to:

41 (a) Develop guidance to assist behavioral health employers in meeting the training re-  
42 quirements under this section.

43 (b) Publish and make available to behavioral health employers a list of approved third-  
44 party organizations that offer curriculum and structured virtual and in-person training pro-  
45 grams that a behavioral health employer may use to provide the training required under this

section.

(c) Establish a list of contacts and staff at each of the respective agencies who are available to provide the training required under this section to workers on behalf of behavioral health employers.

(5) Each behavioral health employer shall retain records documenting the completion of the training required under this section. At a minimum, the records must include the date of training, topics covered and the names of the workers who attended the training. The records shall be made available, upon request, to the division.

**SECTION 6.** (1) As used in this section:

(a) "Behavioral health provider" means the owner or operator of a:

(A) A residential treatment facility, as defined in ORS 443.400;

(B) A residential treatment home, as defined in ORS 443.400;

(C) A secure residential treatment facility, as described in ORS 443.465;

(D) A secure residential treatment home, as described in ORS 443.465;

(E) A long term care facility, as defined in ORS 442.015; or

(F) An adult foster home, as defined in ORS 443.705, that provides residential care to individuals with mental illness.

(b) "Exceptional service rate" means a higher payment rate based on the assessed service needs of a resident.

(2) The Oregon Health Authority shall:

(a) Expedite the processing time for exceptional service rate requests submitted by behavioral health providers; and

(b) Develop a fast-track option for processing an exceptional service rate request when a resident's behavior has rapidly changed.

**SECTION 7.** ORS 654.062 is amended to read:

654.062. (1) Every employee should notify the employer of any violation of law, regulation or standard pertaining to safety and health in the place of employment when the violation comes to the knowledge of the employee.

(2) However, any employee or representative of the employee may complain to the Director of the Department of Consumer and Business Services or any authorized representatives of the director of any violation of law, regulation or standard pertaining to safety and health in the place of employment, whether or not the employee also notifies the employer.

(3) Upon receiving any employee complaint, the director shall make inquiries, inspections and investigations that the director considers reasonable and appropriate. When an employee or representative of the employee has complained in writing of an alleged violation and no resulting citation is issued to the employer, the director shall furnish to the employee or representative of the employee, upon written request, a statement of reasons for the decision.

(4) The director shall establish procedures for keeping confidential the identity of any employee who requests protection in writing. When a request has been made, neither a written complaint from an employee, or representative of the employee, nor a memorandum containing the identity of a complainant may be disclosed under ORS 192.311 to 192.478.

(5) It is an unlawful employment practice for any person to bar or discharge from employment or otherwise discriminate against any employee or prospective employee because the employee or prospective employee has:

(a) Opposed any practice forbidden by ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to

654.780;

(b) Made any complaint or instituted or caused to be instituted any proceeding under or related to ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780, or has testified or is about to testify in any such proceeding;

(c) Exercised on behalf of the employee, prospective employee or others any right afforded by ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780;

(d) In good faith reported an assault that occurred on the premises of a health care employer as defined in ORS 654.412 or in the home of a patient receiving home health care services; or

(e) With no reasonable alternative and in good faith, refused to expose the employee or prospective employee to serious injury or death arising from a hazardous condition at a place of employment.

(6)(a) Any employee or prospective employee alleging to have been barred or discharged from employment or otherwise discriminated against in compensation, or in terms, conditions or privileges of employment, in violation of subsection (5) of this section may, within one year after the employee or prospective employee has reasonable cause to believe that the violation has occurred, file a complaint with the Commissioner of the Bureau of Labor and Industries alleging discrimination under the provisions of ORS 659A.820. Upon receipt of the complaint the commissioner shall process the complaint under the procedures, policies and remedies established by ORS chapter 659A and the policies established by ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 in the same way and to the same extent that the complaint would be processed if the complaint involved allegations of unlawful employment practices under ORS 659A.030 (1)(f).

(b) Within 90 days after receipt of a complaint filed under this subsection, the commissioner shall notify the complainant of the commissioner's determination.

(c) The affected employee or prospective employee may bring a civil action in any circuit court of the State of Oregon against any person alleged to have violated subsection (5) of this section. The civil action must be commenced within one year after the employee or prospective employee has reasonable cause to believe a violation has occurred, unless a complaint has been timely filed under ORS 659A.820.

(d) **Subject to paragraph (e) of this subsection**, the commissioner or the circuit court may order all appropriate relief including rehiring or reinstatement to the employee's former position with back pay.

**(e) If the commissioner or the circuit court finds that a behavioral health employer, as defined in section 1 of this 2025 Act, discharged an employee in violation of subsection (5) of this section, the employee shall have the right to be reinstated to the employee's former position with back pay.**

(7)(a) In any action brought under subsection (6) of this section, there is a rebuttable presumption that a violation of subsection (5) of this section has occurred if a person bars or discharges an employee or prospective employee from employment or otherwise discriminates against an employee or prospective employee within 60 days after the employee or prospective employee has engaged in any of the protected activities described in subsection (5)(a) to (e) of this section. The person may rebut the presumption that a violation of subsection (5) of this section has occurred by a demonstration of a preponderance of the evidence.

(b) If a person bars or discharges an employee or prospective employee from employment or otherwise discriminates against the employee or prospective employee more than 60 days after the employee or prospective employee has engaged in any of the protected activities described under

subsection (5)(a) to (e) of this section, such action does not create a presumption in favor of or against finding that a violation of subsection (5) of this section has occurred. Where such action has occurred more than 60 days after the protected activity, this subsection does not modify any existing rule of case law relating to the proximity of time between a protected activity and an adverse employment action. The burden of proof shall be on the employee or prospective employee to demonstrate by a preponderance of the evidence that a violation occurred.

(8) The director shall adopt rules necessary for the administration of subsection (5)(e) of this section that are in accordance with the federal Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

**SECTION 8. (1) As used in this section:**

(a) “Behavioral health employer” and “lone worker” have the meanings given those terms in section 1 of this 2025 Act.

(b) “Medical assistance” has the meaning given that term in ORS 414.025.

(2) The Oregon Health Authority shall retain an actuary to model, based on information gathered from behavioral health employers, the costs of:

(a) Requiring a behavioral health employer to maintain a minimum staffing level of two workers; and

(b) Implementing the safety planning and structural security requirements imposed under sections 2 and 4 of this 2025 Act.

(3) The authority shall study:

(a) Pathways to secure federal financial participation in the costs of increased staffing and structural security requirements for behavioral health employers that serve medical assistance recipients; and

(b) Options for behavioral health employers to be reimbursed for services provided to a medical assistance recipient when a second worker is required to be present to ensure the safety of a lone worker.

(4) No later than December 1, 2025, the authority shall report the authority’s findings and recommendations, in the manner provided in ORS 192.245, to the interim committees of the Legislative Assembly related to behavioral health and worker safety.

**SECTION 9. (1) The Department of Consumer and Business Services shall study options to require a carrier, as defined in ORS 743B.005, to include mobile crisis intervention as a covered service that is not subject to coinsurance, copayments, deductibles or other out-of-pocket expenses.**

(2) No later than December 1, 2025, the department shall report the department’s findings and recommendations, in the manner provided in ORS 192.245, to the interim committees of the Legislative Assembly related to behavioral health and worker safety.

**SECTION 10. (1) As used in this section:**

(a) “Residential treatment facility” has the meaning given that term in ORS 443.400.

(b) “Residential treatment home” has the meaning given that term in ORS 443.400.

(c) “Secure residential treatment facility” means a facility described in ORS 443.465.

(d) “Secure residential treatment home” means a home described in ORS 443.465.

(2) A residential treatment facility, residential treatment home, secure residential treatment facility or secure residential treatment home may place reasonable limitations, as defined by the Oregon Health Authority by rule, on a resident’s access to and possession of alcohol, marijuana and weapons, including firearms and knives.

1       **SECTION 11.** (1) As used in this section, “behavioral health employer” has the meaning  
2 given that term in section 1 of this 2025 Act.

3       (2) The Occupational Safety and Health Division of the Department of Consumer and  
4 Business Services, the Oregon Health Authority and the Department of Human Services shall  
5 collaborate to:

6       (a) Review the rules of each agency regarding the safety of clients and workers and  
7 identify any need for additional guidance with regard to:

8       (A) Assaultive behaviors towards workers; or

9       (B) Assaultive behaviors towards clients;

10       (b) Identify ways to increase coordination among the division, the authority and the De-  
11 partment of Human Services with regard to:

12       (A) The investigation of incidents involving violence between a client and a worker; and

13       (B) The enforcement of laws governing the safety of clients and workers;

14       (c) Develop a process by which a behavioral health employer may seek guidance about a  
15 potential conflict among the rules of the division, the authority and the department that  
16 govern the safety of clients and workers; and

17       (d) Develop guidance for behavioral health employers about how to comply with the rules  
18 of the division, the authority and the department that govern the safety of clients and  
19 workers.

20       (3) In carrying out the provisions of subsection (2) of this section, the division, the au-  
21 thority and the department shall solicit and consider input from stakeholders.

22       (4) No later than August 31, 2026, the division, the authority and the department shall  
23 report the agencies’ findings and recommendations, in the manner provided in ORS 192.245,  
24 to the interim committees of the Legislative Assembly related to behavioral health and  
25 worker safety.

26       **SECTION 12.** (1) Sections 8 and 9 of this 2025 Act are repealed on January 2, 2026.

27       (2) Section 11 of this 2025 Act is repealed on January 2, 2027.

28       **SECTION 13.** A behavioral health employer shall begin providing the training required  
29 under section 5 of this 2025 Act to workers no later than January 1, 2026.

30       **SECTION 14.** (1) Sections 1 to 6 of this 2025 Act and the amendments to ORS 654.062 by  
31 section 7 of this 2025 Act become operative on January 1, 2026.

32       (2) The Occupational Safety and Health Division of the Department of Consumer and  
33 Business Services, the Oregon Health Authority and the Department of Human Services may  
34 take any action before the operative date specified in subsection (1) of this section that is  
35 necessary to enable the agencies to exercise, on and after the operative date specified in  
36 subsection (1) of this section, all of the duties, functions and powers conferred on the agen-  
37 cies by sections 1 to 6 of this 2025 Act and the amendments to ORS 654.062 by section 7 of  
38 this 2025 Act.

39       **SECTION 15.** This 2025 Act being necessary for the immediate preservation of the public  
40 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect  
41 on its passage.  
42