

HOUSE AMENDMENTS TO HOUSE BILL 2203

By COMMITTEE ON BEHAVIORAL HEALTH AND HEALTH CARE

April 16

1 In line 2 of the printed bill, after “workers” insert “; creating new provisions; amending ORS
2 654.062; and declaring an emergency”.

3 Delete lines 4 through 8 and insert:

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

5 **“(1) ‘Behavioral health employer’ means:**

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

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

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

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

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

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

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

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

14 **“(i) An emergency shelter.**

15 **“(2) ‘Built environment’ includes facilities, vehicles and other physical locations where**
16 **work is performed on an ongoing basis.**

17 **“(3) ‘Lone worker’ means an individual who works in a situation or location without a**
18 **colleague nearby or where the individual works without close or direct supervision.**

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

23 **“(2) A safety plan developed under this section must include:**

24 **“(a) A plan for the safety of lone workers, including a requirement that the behavioral**
25 **health employer either:**

26 **“(A) Offer a communication device to any worker who might be working alone with a**
27 **client; or**

28 **“(B) Allow workers to request another staff member to be present before working alone**
29 **with a client.**

30 **“(b) A plan for the safety of the built environment, including:**

31 **“(A) How workers may report structural security hazards; and**

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

34 **“(c) Information for workers about the safety trainings that the behavioral health em-**
35 **ployer is required to provide under section 5 of this 2025 Act, including the time frame within**

1 which the employer must provide all required trainings for a new worker and how often the
2 employer must provide renewal trainings for current workers.

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

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

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

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

16 “(4) The division shall collaborate with the authority and the Department of Human
17 Services to provide to behavioral health employers, and to advertise to behavioral health
18 employers the availability of, free consultation and training on developing safety plans under
19 this section.

20 “(5) The division shall ensure compliance with the provisions of this section and shall
21 establish a process for enforcing violations of this section.

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

26 “(2) The authority shall adopt rules to carry out the provisions of this section, including
27 rules prescribing:

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

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

31 “SECTION 4. (1) The Oregon Health Authority shall prescribe by rule a requirement that
32 a behavioral health employer that is regulated by the authority must include structural se-
33 curity elements that promote worker safety in the design of the employer’s facility.

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

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

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

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

42 “SECTION 5. (1) A behavioral health employer shall provide training to workers that, at
43 a minimum, addresses:

44 “(a) General worker safety that focuses on providing workers with skills and knowledge
45 regarding:

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

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

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

7 “(b) De-escalation techniques for managing and mitigating potentially aggressive behav-
8 ior from clients.

9 “(c) The available options for reporting alleged workplace safety violations and
10 allegations of discrimination, retaliation or harassment to the Occupational Safety and
11 Health Division of the Department of Consumer and Business Services, the Bureau of Labor
12 and Industries and other relevant state agencies, including the rights and protections af-
13 farded to workers who engage in such reporting.

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

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

20 “(4) The division, the Oregon Health Authority and the Department of Human Services
21 shall collaborate to:

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

24 “(b) Publish and make available to behavioral health employers a list of approved third-
25 party organizations that offer curriculum and structured virtual and in-person training pro-
26 grams that a behavioral health employer may use to provide the training required under this
27 section.

28 “(c) Establish a list of contacts and staff at each of the respective agencies who are
29 available to provide the training required under this section to workers on behalf of behav-
30 ioral health employers.

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

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

36 “(a) ‘Behavioral health provider’ means the owner or operator of a:

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

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

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

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

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

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

44 “(b) ‘Exceptional service rate’ means a higher payment rate based on the assessed ser-
45 vice needs of a resident.

1 **“(2) The Oregon Health Authority shall:**

2 **“(a) Expedite the processing time for exceptional service rate requests submitted by be-**
3 **havioral health providers; and**

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

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

7 **“654.062. (1)** Every employee should notify the employer of any violation of law, regulation or
8 standard pertaining to safety and health in the place of employment when the violation comes to the
9 knowledge of the employee.

10 **“(2)** However, any employee or representative of the employee may complain to the Director of
11 the Department of Consumer and Business Services or any authorized representatives of the director
12 of any violation of law, regulation or standard pertaining to safety and health in the place of em-
13 ployment, whether or not the employee also notifies the employer.

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

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

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

26 **“(a)** Opposed any practice forbidden by ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750
27 to 654.780;

28 **“(b)** Made any complaint or instituted or caused to be instituted any proceeding under or related
29 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
30 testify in any such proceeding;

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

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

35 **“(e)** With no reasonable alternative and in good faith, refused to expose the employee or pro-
36 spective employee to serious injury or death arising from a hazardous condition at a place of em-
37 ployment.

38 **“(6)(a)** Any employee or prospective employee alleging to have been barred or discharged from
39 employment or otherwise discriminated against in compensation, or in terms, conditions or privileges
40 of employment, in violation of subsection (5) of this section may, within one year after the employee
41 or prospective employee has reasonable cause to believe that the violation has occurred, file a
42 complaint with the Commissioner of the Bureau of Labor and Industries alleging discrimination un-
43 der the provisions of ORS 659A.820. Upon receipt of the complaint the commissioner shall process
44 the complaint under the procedures, policies and remedies established by ORS chapter 659A and the
45 policies established by ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 in the same

1 way and to the same extent that the complaint would be processed if the complaint involved
2 allegations of unlawful employment practices under ORS 659A.030 (1)(f).

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

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

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

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

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

24 “(b) If a person bars or discharges an employee or prospective employee from employment or
25 otherwise discriminates against the employee or prospective employee more than 60 days after the
26 employee or prospective employee has engaged in any of the protected activities described under
27 subsection (5)(a) to (e) of this section, such action does not create a presumption in favor of or
28 against finding that a violation of subsection (5) of this section has occurred. Where such action has
29 occurred more than 60 days after the protected activity, this subsection does not modify any existing
30 rule of case law relating to the proximity of time between a protected activity and an adverse em-
31 ployment action. The burden of proof shall be on the employee or prospective employee to demon-
32 strate by a preponderance of the evidence that a violation occurred.

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

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

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

39 “(b) **‘Medical assistance’ has the meaning given that term in ORS 414.025.**

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

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

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

1 “(3) The authority shall study:

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

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

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

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

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

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

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

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

21 “(c) ‘Secure residential treatment facility’ means a facility described in ORS 443.465.

22 “(d) ‘Secure residential treatment home’ means a home described in ORS 443.465.

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

27 “SECTION 11. (1) As used in this section, ‘behavioral health employer’ has the meaning
28 given that term in section 1 of this 2025 Act.

29 “(2) The Occupational Safety and Health Division of the Department of Consumer and
30 Business Services, the Oregon Health Authority and the Department of Human Services shall
31 collaborate to:

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

34 “(A) Assaultive behaviors towards workers; or

35 “(B) Assaultive behaviors towards clients;

36 “(b) Identify ways to increase coordination among the division, the authority and the
37 Department of Human Services with regard to:

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

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

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

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

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

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

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

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

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

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

13 “(2) The Occupational Safety and Health Division of the Department of Consumer and
14 Business Services, the Oregon Health Authority and the Department of Human Services may
15 take any action before the operative date specified in subsection (1) of this section that is
16 necessary to enable the agencies to exercise, on and after the operative date specified in
17 subsection (1) of this section, all of the duties, functions and powers conferred on the agen-
18 cies by sections 1 to 6 of this 2025 Act and the amendments to ORS 654.062 by section 7 of
19 this 2025 Act.

20 “SECTION 15. This 2025 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
22 on its passage.”.