

Requested by Representative NELSON

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2794**

1 On page 1 of the printed bill, line 2, after “facilities” insert “; creating  
2 new provisions; and amending ORS 441.044”.

3 Delete lines 4 through 26 and delete page 2 and insert:

4 **“SECTION 1. Section 2 of this 2025 Act is added to and made a part  
5 of ORS chapter 441.**

6 **“SECTION 2. (1) As used in this section:**

7 **“(a) ‘Associated information’ means information gathered in the  
8 investigation of or in response to a complaint submitted by a staff  
9 person regarding a medical supply or equipment that a health care  
10 facility uses in the provision of care.**

11 **“(b) ‘Health care facility’ has the meaning given that term in ORS  
12 441.015.**

13 **“(c) ‘Staff person’ means an individual employee or contracted  
14 worker who works at or for a health care facility.**

15 **“(2) A health care facility shall:**

16 **“(a) Establish and maintain procedures that a staff person may use  
17 to submit to the health care facility a complaint regarding a medical  
18 supply or equipment that the health care facility supplies and uses in  
19 the provision of care if the staff person believes in good faith that the  
20 medical supply or equipment is faulty or dangerous;**

21 **“(b) Retain a copy of a complaint submitted under this subsection**

1 and associated information for a period of five years from the date a  
2 complaint is submitted to the health care facility; and

3 “(c) Establish and maintain procedures that a person may use to  
4 request and obtain a copy of a complaint and associated information  
5 retained under this subsection regarding a medical supply or equip-  
6 ment that the health care facility supplies and uses or, within the last  
7 five years, has supplied and used in the provision of care for the per-  
8 son.

9 “(3) A staff person may submit a complaint under ORS 441.044 re-  
10 garding a medical supply or equipment that a health care facility  
11 supplies and uses in the provision of care if the staff person believes  
12 in good faith that the medical supply or equipment is faulty or dan-  
13 gerous.

14 “(4) A health care facility may not take any disciplinary or other  
15 adverse action against a staff person because the staff person submits  
16 in good faith a complaint to the health care facility or an appropriate  
17 regulatory body under ORS 441.044, regarding a medical supply or  
18 equipment that the health care facility supplies and uses in the pro-  
19 vision of care.

20 “(5)(a) The Oregon Health Authority shall adopt rules for health  
21 care facilities, except long term care facilities, to carry out the pro-  
22 visions of this section.

23 “(b) The Department of Human Services shall adopt rules for long  
24 term care facilities to carry out the provisions of this section.

25 “(c) Rules adopted under this subsection must protect against dis-  
26 closure of protected health information and other information subject  
27 to state or federal laws limiting the disclosure of health information.

28 “SECTION 3. ORS 441.044 is amended to read:

29 “441.044. (1) Rules adopted pursuant to ORS 441.025 shall include proce-  
30 dures for the filing of complaints as to the standard of care in any health

1 care facility, **including a complaint regarding a medical supply or**  
2 **equipment under section 2 of this 2025 Act**, and provide for the  
3 confidentiality of the identity of any complainant.

4 “(2) A health care facility, or person acting in the interest of the facility,  
5 may not take any disciplinary or other adverse action against any employee  
6 who in good faith brings evidence of inappropriate care or any other vio-  
7 lation of law or rules to the attention of the proper authority solely because  
8 of the employee’s action as described in this subsection.

9 “(3) Any employee who has knowledge of inappropriate care or any other  
10 violation of law or rules shall utilize established reporting procedures of the  
11 health care facility administration before notifying the Department of Hu-  
12 man Services, Oregon Health Authority or other state agency of the alleged  
13 violation, unless the employee believes that patient health or safety is in  
14 immediate jeopardy or the employee makes the report to the department or  
15 the authority under the confidentiality provisions of subsection (1) of this  
16 section.

17 “(4) The protection of health care facility employees under subsection (2)  
18 of this section shall commence with the reporting of the alleged violation  
19 by the employee to the administration of the health care facility or to the  
20 department, authority or other state agency pursuant to subsection (3) of this  
21 section.

22 “(5) Any person suffering loss or damage due to any violation of sub-  
23 section (2) of this section has a right of action for damages in addition to  
24 other appropriate remedy.

25 “(6) The provisions of this section do not apply to a nursing staff, as de-  
26 fined in ORS 441.179, who claims to be aggrieved by a violation of ORS  
27 441.181 committed by a hospital.

28 “(7) Information obtained by the department or the authority during an  
29 investigation of a complaint or reported violation under this section is con-  
30 fidential and not subject to public disclosure under ORS 192.311 to 192.478.

1 Upon the conclusion of the investigation, the department or the authority  
2 may publicly release a report of the department's or the authority's findings  
3 but may not include information in the report that could be used to identify  
4 the complainant or any patient at the health care facility. The department  
5 or the authority may use any information obtained during an investigation  
6 in an administrative or judicial proceeding concerning the licensing of a  
7 health care facility, and may report information obtained during an investi-  
8 gation to a health professional regulatory board as defined in ORS 676.160,  
9 the Long Term Care Administrators Board, the Board of Licensed Dietitians  
10 or the Behavior Analysis Regulatory Board as that information pertains to  
11 a licensee of the board.”.

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