

A-Engrossed House Bill 4088

Ordered by the House February 19
Including House Amendments dated February 19

Sponsored by Representative NELSON, Senators GELSER BLOUIN, MANNING JR, Representatives BOSHART DAVIS, TRAN; Representatives GAMBIA, HELM, JAVADI, KROPF, LEVY E, LIVELY, RUIZ, WALTERS, Senators FREDERICK, MEEK, TAYLOR, WOODS (Presession filed.)

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 directs hospitals to take actions with respect to the protection of hospital employees.

The Act directs the OHA to administer a grant program.

The Act takes effect when the Governor signs it. (Flesch Readability Score: 60.9).

[Digest: The Act directs hospitals to take actions with respect to the protection of hospital staff.]

[The Act directs the OHPB to contract with the OHSU to run a pilot program. The Act directs the OHSU to report on the program by Sept. 1, 2025. (Flesch Readability Score: 65).]

Requires hospitals to take certain actions with respect to protecting hospital employees from workplace assaults. Directs hospitals to post signage informing employees of rights and protections regarding workplace assaults.

[Requires hospitals to submit an annual report to the interim committees of the Legislative Assembly and to the Director of the Department of Consumer and Business Services regarding the status of the hospital's assault prevention and protection program and the results of any root cause analyses conducted by the hospital.]

Requires hospitals to file certain reports regarding work-related illnesses and injuries to the Director of the Department of Consumer and Business Services for posting to the department's website.

Expands the crime of assault in the third degree to include causing physical injury to a person working in a hospital while worker is *[performing official duties]* **acting in the course of official duty.** *[Specifies when a person may not be charged with the crime.]*

[Requires the Oregon Health Policy Board to enter into an agreement with the Oregon Health and Science University to administer a pilot program for purposes of developing recommendations for establishing a statewide program to train hospital staff on procedures to prevent and respond to incidents of workplace violence.]

Requires the Oregon Health Authority to develop and administer a grant program to provide financial assistance to eligible hospitals for workplace violence prevention efforts. Establishes the timeline within which the authority must begin distributing grant funds to approved grant applicants.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to safety of persons working in hospitals; creating new provisions; amending ORS 163.165,
3 441.096 and 654.182; and declaring an emergency.

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

HOSPITAL SAFETY REQUIREMENTS

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

10 **SECTION 2. (1)(a) Every health care employer that is a hospital shall post signage that**
11 **informs the public that it is a crime under ORS 163.165 to cause physical injury to another**

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 person who is working in a hospital and acting in the course of their official duties.

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

4 (c) The hospital shall post the signage in English, and may additionally post the signage
5 in other languages based on the most commonly spoken languages in the county where the
6 hospital is located.

7 (d) The Director of the Department of Consumer and Business Services shall make
8 available to hospitals model signage that meets the requirements of this subsection. The
9 model signage must be made available in at least the five languages that are most commonly
10 spoken in this state.

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

13 (A) Informs hospital employees of the rights and protections afforded to employees under
14 ORS 654.062 (5)(d); and

15 (B) Explains that victims of an assault may contact law enforcement by calling 9-1-1 or
16 another identified law enforcement telephone number.

17 (b) The hospital shall post the signage in a conspicuous and accessible location where the
18 hospital typically notifies employees of their workplace rights.

19 (c) The hospital shall post the signage in English and Spanish, and may additionally post
20 the signage in other languages based on the most commonly spoken languages in the county
21 where the hospital is located.

22 (d) The Commissioner of the Bureau of Labor and Industries shall make available model
23 language, in English and Spanish, that may be used by hospitals for purposes of complying
24 with the signage requirements under this subsection.

25 **SECTION 3.** (1) As used in this section, “report” means a work-related injury and illness
26 recordkeeping form that is required by the federal Occupational Safety and Health Adminis-
27 tration to be maintained by employers for purposes of classifying and recording work-related
28 illnesses and injuries.

29 (2)(a) Whenever an employer that is a hospital is required, under applicable rules, regu-
30 lations or standards of the federal Occupational Safety and Health Administration, to submit
31 a report to the administration, the hospital shall submit a copy of the hospital’s report to
32 the Director of the Department of Consumer and Business Services not later than 90 days
33 after the hospital’s report is due to the federal Occupational Safety and Health Adminis-
34 tration.

35 (b) The Director of the Department of Consumer and Business Services may elect, on an
36 annual basis, to compile and post to the department’s website information reported to the
37 department under paragraph (a) of this subsection. The information posted must be in ag-
38 gregate form such that the information cannot be used to identify, contact or locate any
39 single individual or a specific hospital.

40 **SECTION 4.** ORS 441.096 is amended to read:

41 441.096. (1)(a) Except as provided in paragraph (b) of this subsection, a health care practi-
42 tioner working at a health care facility and providing direct care to a patient shall wear an iden-
43 tification badge indicating the practitioner’s name and professional title.

44 (b) Except where applicable federal law or rules and regulations require otherwise, no
45 person working in a hospital shall be required to wear an identification badge that includes

1 **the worker's last name unless the worker specifically requests that the badge include the**
2 **worker's last name.**

3 (2) A health care facility shall develop policies that specify the size and content of the identifi-
4 cation badge required by subsection (1) of this section.

5 (3) As used in this section[,]:

6 (a) "Health care facility" means a health care facility as defined in ORS 442.015 or a mental
7 health facility, alcohol treatment facility or drug treatment facility licensed or operated under ORS
8 chapter 426 or 430.

9 (b) "**Hospital**" has the meaning given that term in ORS 442.015.

10 **SECTION 5.** ORS 654.182 is amended to read:

11 654.182. (1) In carrying out ORS 654.176, the Director of the Department of Consumer and
12 Business Services shall adopt rules that include, but are not limited to, provisions:

13 (a) Prescribing the membership of the committees to ensure equal numbers of employees, who
14 are volunteers or are elected by their peers, and employer representatives and specifying the fre-
15 quency of meetings.

16 (b) Requiring employers to make adequate written records of each meeting and to file and
17 maintain the records subject to inspection by the director.

18 (c) Requiring employers to compensate employee representatives on safety committees at the
19 regular hourly wage while the employees are engaged in safety committee training or are attending
20 safety committee meetings.

21 (d) Prescribing the duties and functions of safety committees, which include, but are not limited
22 to:

23 (A) Establishing procedures for workplace safety inspections by the committee.

24 (B) Establishing procedures for investigating all safety incidents, accidents, illnesses and deaths.

25 (C) Evaluating accident and illness prevention programs.

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

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

29 (g) **Requiring an employer that is a hospital to permit a representative of a labor union**
30 **representing staff of the hospital to attend safety meetings of the hospital's safety commit-**
31 **tee as a nonvoting participant. As used in this paragraph, "hospital" means a hospital, as**
32 **defined in ORS 442.015, that employs staff who are represented by one or more labor unions**
33 **pursuant to a collective bargaining agreement.**

34 (2) An employer that is a member of a multiemployer group operating under a collective bar-
35 gaining agreement that contains provisions regulating the formation and operation of a safety com-
36 mittee that meets or exceeds the minimum requirements of this section and ORS 654.176 shall be
37 considered to have met the requirements of this section and ORS 654.176.

38
39 **ASSAULT**

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41 **SECTION 6.** ORS 163.165 is amended to read:

42 163.165. (1) A person commits the crime of assault in the third degree if the person:

43 (a) Recklessly causes serious physical injury to another by means of a deadly or dangerous
44 weapon;

45 (b) Recklessly causes serious physical injury to another under circumstances manifesting ex-

1 treme indifference to the value of human life;

2 (c) Recklessly causes physical injury to another by means of a deadly or dangerous weapon un-
3 der circumstances manifesting extreme indifference to the value of human life;

4 (d) Intentionally, knowingly or recklessly causes, by means other than a motor vehicle, physical
5 injury to the operator of a public transit vehicle while the operator is in control of or operating the
6 vehicle. As used in this paragraph, "public transit vehicle" has the meaning given that term in ORS
7 166.116;

8 (e) While being aided by another person actually present, intentionally or knowingly causes
9 physical injury to another;

10 (f) While committed to a youth correction facility, intentionally or knowingly causes physical
11 injury to another knowing the other person is a staff member while the other person is acting in the
12 course of official duty;

13 (g) Intentionally, knowingly or recklessly causes physical injury to an emergency medical ser-
14 vices provider, as defined in ORS 682.025, while the emergency medical services provider is per-
15 forming official duties;

16 (h) Being at least 18 years of age, intentionally or knowingly causes physical injury to a child
17 10 years of age or younger;

18 (i) **With knowledge that another person is working in a hospital, intentionally or know-**
19 **ingly causes physical injury to the working person while the working person is acting in the**
20 **course of official duty;**

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

23 [(j)] (k) Intentionally, knowingly or recklessly causes physical injury to a flagger or a highway
24 worker while the flagger or highway worker is performing official duties.

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

26 (b) Notwithstanding paragraph (a) of this subsection, assault in the third degree under sub-
27 section (1)(a) or (b) of this section is a Class B felony if:

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

29 (B) The defendant was the driver of the motor vehicle and was driving while under the influence
30 of intoxicants.

31 (3) As used in this section:

32 (a) "Flagger" has the meaning given that term in ORS 811.230.

33 (b) "Highway worker" has the meaning given that term in ORS 811.230.

34 (c) **"Hospital" has the meaning given that term in ORS 442.015, except for a hospital that**
35 **primarily provides inpatient mental health treatment to adults and adolescents who are be-**
36 **tween nine and 17 years of age and emergency psychiatric care for adults 18 years of age or**
37 **older.**

38 [(c)] (d) "Staff member" means:

39 (A) A corrections officer as defined in ORS 181A.355, a youth correction officer, a youth cor-
40 rection facility staff member, a Department of Corrections or Oregon Youth Authority staff member
41 or a person employed pursuant to a contract with the department or youth authority to work with,
42 or in the vicinity of, adults in custody, youths or adjudicated youths; and

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

1 [(d)] (e) “Youth correction facility” has the meaning given that term in ORS 162.135.

2
3 **GRANT PROGRAM**

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

7 **SECTION 8.** The Hospital Workplace Violence Prevention Efforts Fund is established in
8 the State Treasury, separate and distinct from the General Fund. The fund shall consist of
9 moneys credited to the fund from moneys appropriated, allocated, deposited or transferred
10 to the fund by the Legislative Assembly or otherwise. Interest earned by the Hospital
11 Workplace Violence Prevention Efforts Fund shall be credited to the fund. Moneys in the
12 fund are continuously appropriated to the Oregon Health Authority to carry out the pro-
13 visions of section 9 of this 2024 Act.

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

15 (a) “Access security measures” are systems that enhance security at entrance and ac-
16 cess points within a hospital, including, but not limited to:

17 (A) Metal screenings.

18 (B) Weapons detection systems.

19 (C) Trained screening staff.

20 (b) “Safety committee” means a safety committee described under ORS 654.176.

21 (c) “Workplace violence prevention efforts” include, but are not limited to:

22 (A) Providing violence prevention training.

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

24 (C) Implementing access security measures.

25 (2)(a) The Oregon Health Authority shall develop and administer a program for awarding
26 grants to eligible hospitals to help fund workplace violence prevention efforts and any
27 workforce, construction and equipment costs that are necessary to implement the workplace
28 violence prevention efforts.

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

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

35 (a) Include a methodology for reviewing and accepting grant applications;

36 (b) Establish grant application periods that enable the authority to distribute grant funds
37 in accordance with the grant distribution requirements established under section 10 of this
38 2024 Act; and

39 (c) Require a hospital to include information in a grant application that demonstrates
40 that the hospital received approval from the hospital’s safety committee of the workplace
41 violence prevention efforts for which the hospital is seeking grant funding.

42 (4) In reviewing grant applications, the authority shall give priority to applications re-
43 ceived from:

44 (a) Critical access hospitals as defined by the authority by rule; and

45 (b) Type A or type B hospitals as described in ORS 442.470.

