Guide to Reading a Legislative Measure

Legislative session and year

82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

A-Engrossed

House Bill 2048

Ordered by the House March 23
Including House Amendments dated March 23

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on 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.

Directs Health Licensing Office to issue provisional registration to applicant for behavior analysis interventionist registration. **Becomes operative October 1, 2023.**

Requires office to contract with third party to study access to behavior analysis interventionists. Directs office to submit findings to interim committees of Legislative Assembly related to health care not later than September 15, 2024.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1 Relating to behavior analysis interventionists; creating new provisions; amending ORS 676.815; and
2 prescribing an effective date.
3
4 **Be It Enacted by the People of the State of Oregon:**
5 **SECTION 1.** ORS 676.815 is amended to read:
6 676.815. (1) The Health Licensing Office shall establish by rule criteria for the registration of
7 behavior analysis interventionists. The criteria must include, but are not limited to, the requirement
8 that the applicant:
9 [(1)] **(a)** Have a high school diploma, a modified diploma, a certificate for passing an approved
10 high school equivalency test such as the General Educational Development (GED) test or a degree
11 from a post-secondary institution;
12 [(2)] **(b) Be at least 18 years of age;**
13 [(3)] **(c)** Have successfully completed a state and nationwide criminal records check that re-
14 quires fingerprinting;
15 [(4)] **(d)** Have completed at least 40 hours of professional training in applied behavior analysis
16 approved by the office by rule; and
17 [(5)] **(e)** Receive ongoing training and supervision by a licensed behavior analyst, by a licensed
18 assistant behavior analyst or by another licensed health care professional.
19 **(2) The office shall adopt rules to establish a process to issue a provisional registration**
20 **to an applicant for registration under subsection (1) of this section. The provisional regis-**
21 **tration:**
22 **(a) Must be issued to the applicant if the applicant meets the criteria for registration**
23 **under subsection (1) of this section;**
24 **(b) Must be issued within five business days of the date on which the office received the**
25 **completed application for registration under subsection (1) of this section if, within the**

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**.

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1 **five-day period, the office has not issued to the applicant a registration under subsection (1)**
2 **of this section; and**
3 **(c) Expires on the date on which registration under subsection (1) of this section is issued**
4 **to the applicant or, if the applicant is denied registration, on the date on which the regis-**
5 **tration is denied.**
6 **SECTION 2. The amendments to ORS 676.815 by section 1 of this 2023 Act apply to ap-**
7 **plications received on and after the operative date specified in section 3 of this 2023 Act.**
8 **SECTION 3. (1) The amendments to ORS 676.815 by section 1 of this 2023 Act become**
9 **operative on October 1, 2023.**
10 **(2) The Health Licensing Office may take any action before the operative date specified**
11 **in subsection (1) of this section that is necessary to enable the office to exercise, on and**
12 **after the operative date specified in subsection (1) of this section, all of the duties, functions**
13 **and powers conferred on the office by the amendments to ORS 676.815 by section 1 of this**
14 **2023 Act.**
15 **SECTION 4. The Health Licensing Office shall contract with a third party to study access**
16 **to behavior analysis interventionists in this state. The office shall submit a report in the**
17 **manner provided by ORS 192.245, and may include recommendations for legislation, to the**
18 **interim committees of the Legislative Assembly related to health care no later than Sep-**
19 **tember 15, 2024.**
20 **SECTION 5. Section 4 of this 2023 Act is repealed on January 2, 2025.**
21 **SECTION 6. This 2023 Act takes effect on the 91st day after the date on which the 2023**
22 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**
23

Callout annotations

Legislative session and year

Bill version: If a bill has been amended and the amendment is now incorporated into the text of the measure, it is "engrossed".

Measure number: A member introduces a bill in the chamber in which the member serves. Bills raising revenue must originate in the House.

Sponsor: Member(s) or committee assuming responsibility for introducing a measure.

Summary: Written by Legislative Counsel.

Relating to clause: Measure contents must be germane to the relating to clause. Important for amendments that replace the measure.

Existing law: Current Oregon Revised Statute (ORS) that will be modified. Each section of the relevant ORS will be included, even if not modified.

⭐ *Adding and deleting language*
Items in **boldfaced font** are being added to existing statute
Items in [*italic font in brackets*] are being deleted from existing statute

Legislative concept: Number assigned to draft legislation before the legislation is introduced and assigned a bill number.

Operative dates: If a bill requires administrative preparation before the bill is fully operative, an operative date delays operation of all or part of the bill. If an operative date is used, the entire bill still takes effect on its effective date. However, a specified part of the measure does not become operational until a later specified date. It is important to distinguish between items that are authorized on and after the effective date and items that are not authorized until the operative date.

Repeal date: A statement that repeals a portion of a measure after a certain date. A statement added to the end of the measure which causes an act to become ineffective after a certain date is called a sunset clause.

Effective date: Date measure becomes law. Generally these fall into a few categories:
- *Emergency Clause:* The measure takes effect on either the date specified, or immediately on passage- which means the date the Governor signs the legislation into law.
- *91st day:* The measure takes effect on the 91st day after the current legislative session is adjourned sine die.
- *No specified effective date:* The measure will take effect on January 1 of the year after passage.

For more information about bill types, terminology, and the legislative process, please visit the Oregon State Legislature - Legislative Glossary at https://www.oregonlegislature.gov/citizen_engagement/Pages/Legislative-Glossary.aspx

Hand-engrossing – a process by which amendments are hand-written, or pasted into the appropriate sections of the printed measure.

Generally, "gut and stuff" amendments do not need to be hand-engrossed. They replace the original language of a measure, except for the "Relating To" clause and are complete for the purposes of legislative consideration.

Steps to Hand-Engross a Measure

1. Heading

    In the upper right hand corner, write -
    (your initials)
    date (of engrossing)
    Measure Number – Amendment Number (i.e., HB 2221 – 4)

2. Insertions

    For simple insertions –
    Draw a caret (^) in the body of the measure where the insertion is to begin.
    Write the language to be inserted on the printed measure.
    For complex insertions -
    Cut the original measure and insert the block of printed LC draft text in its proper place. This eliminates errors from retyping. Tape the cut piece of original measure after the amendment and continue.

3. Deletion

    Bracket [ ] the language to be deleted and make a thin line through each line or word. If large sections (more than 4 lines) are to be deleted, draw through the top and bottom line and diagonally through the language to be deleted.

    [abcdef
    ghijkl
    mnopq
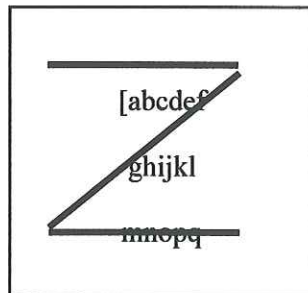
4. Restoration

    Delete the printed brackets by marking through them. This means you are restoring the printed language within the brackets.

    Write the term "restore" in the margin.

PROPOSED AMENDMENTS TO
SENATE BILL 1503

1   On page 1 of the printed bill, delete lines 23 through 25 and insert:

2   "(3) A health care worker may not be required as a condition of work to

3   receive an annual seasonal influenza vaccination unless:

4   "(a) The authority has adopted rules under section 2 of this 2012 Act; or

5   "(b) The vaccination is otherwise required by federal or state law, rule

6   or regulation.".

7   On page 2, after line 18, insert:

8   "**SECTION 2. If the annual reports submitted in 2014 under section**

9   **1 of this 2012 Act reveal that less than 80 percent of all health care**

10   **workers in this state received an annual seasonal influenza**

11   **vaccination in 2013, the Oregon Health Authority shall adopt rules al-**

12   **lowing health care employers to require health care workers to receive**

13   **an annual seasonal influenza vaccination as a condition of work.".**

14   In line 19, delete "2" and insert "3".

15   _____

KCT 2/6/2012

Senate Bill 1503 *-3*

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Health Care, Human Services and Rural Health Policy for the Oregon Nurses Association)

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 **as introduced.**

Requires health care worker to provide health care employer with evidence that worker received annual seasonal influenza vaccination or written declaration that worker declines vaccination.

Requires health care employer to report to Oregon Health Authority on vaccination of health care workers.

Declares emergency, effective on passage.

1 **A BILL FOR AN ACT**

2 Relating to influenza vaccinations; and declaring an emergency.

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

4   **SECTION 1.** **(1) For purposes of this section:**

5   **(a) "Health care employer" means:**

6   **(A) A health care facility, as defined in ORS 442.015;**

7   **(B) An ambulance service, as defined in ORS 682.025;**

8   **(C) A home health agency, as defined in ORS 443.005;**

9   **(D) A hospice program, as defined in ORS 443.850; or**

10   **(E) A residential care facility, as defined in ORS 443.400.**

11   **(b) "Health care worker" means an individual who:**

12   **(A)(i) Is an employee, contractor, volunteer or student providing services for or at the**

13 **premises of a health care employer; or**

14   **(ii) Is a health care practitioner granted privileges by a health care employer; and**

15   **(B) Has contact with patients or infectious materials.**

16   **(2) Each year, a health care worker providing services for or at the premises of a health**

17 **care employer shall provide the health care employer with:**

18   **(a) Evidence that the health care worker received an annual seasonal influenza**

19 **vaccination; or**

20   **(b) A written declaration on a form approved by the Oregon Health Authority stating**

21 **that the health care worker declines the vaccination and stating the reason for the**

22 **declination.**

23   **(3) A health care worker may not be required as a condition of work to receive an annual**

24 **seasonal influenza vaccination, unless** ~~the vaccination is otherwise required by federal or~~

25 ~~state law, rule or regulation.~~ *Insert*

26   **(4) A health care employer shall electronically transmit to the authority an annual report**

27 **containing the following information for the preceding year:**

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    "(a) The authority has adopted rules under section 2 of this 2012 Act; or

    "(b) The vaccination is otherwise required by federal or state law, rule or regulation.".

1   (a) The number of health care workers providing services for or at the premises of the
2 health care employer who received an annual seasonal influenza vaccination;
3   (b)(A) The number of health care workers providing services for or at the premises of
4 the health care employer who submitted a written declaration declining the vaccination; and
5   (B) The stated reasons for the declinations; and
6   (c) The number of health care workers providing services for or at the premises of the
7 health care employer who neither received an annual seasonal influenza vaccination nor
8 submitted a written declaration declining the vaccination.
9   (5) Information regarding a health care worker's vaccination status in the possession or
10 control of a health care employer:
11   (a) Is protected health information under ORS 192.553 to 192.581.
12   (b) Is not subject to disclosure pursuant to ORS 192.410 to 192.505.
13   (6)(a) The authority may adopt rules as necessary to implement this section, including
14 but not limited to rules establishing the dates by which a health care worker must comply
15 with subsection (2) of this section.
16   (b) The rules adopted under this subsection may not be enforced when the State Health
17 Officer of the Oregon Health Authority implements the Oregon Vaccine Education and
18 Prioritization Plan in a vaccine shortage as described in ORS 433.040.
19   SECTION 2. This 2012 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
21 on its passage.
22

Insert

"SECTION 2. If the annual reports submitted in 2014 under section 1 of this 2012 Act reveal that less than 80 percent of all health care workers in this state received an annual seasonal influenza vaccination in 2013, the Oregon Health Authority shall adopt rules allowing health care employers to require health care workers to receive an annual seasonal influenza vaccination as a condition of work.".

Effective dates quick guide

Impact for 2025-2027

Normally 18 months of impact *(if there is no Emergency Clause or other designated date for the bill to take effect)*

Emergency clause is up to **24 months** of impact

Impact for 2027-2029

24 months unless there is a sunset date before June 30, 2029.