

Requested by Representative NELSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2203**

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

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1. As used in sections 1 to 7 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
9 443.465;**

10 **“(d) A secure residential treatment home, as described in ORS
11 443.465;**

12 **“(e) An adult foster home, as defined in ORS 443.705, that provides
13 residential care to individuals with mental illness;**

14 **“(f) A long term care facility, as defined in ORS 442.015;**

15 **“(g) An ambulatory surgical center, as defined in ORS 442.015;**

16 **“(h) A freestanding birthing center, as defined in ORS 442.015;**

17 **“(i) An outpatient renal dialysis facility, as defined in ORS 442.015;**

18 **“(j) An extended stay center, as defined in ORS 442.015;**

19 **“(k) A sobering facility, as defined in ORS 430.306;**

20 **“(L) A detoxification center, as defined in ORS 430.306;**

21 **“(m) A halfway house, as defined in ORS 430.306;**

1 “(n) A mobile crisis intervention team, as defined in ORS 430.626;
2 or

3 “(o) An emergency shelter.

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

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

9 “SECTION 2. (1) A behavioral health employer shall develop and
10 implement a written safety plan. The safety plan must be tailored to
11 the behavioral health employer’s specific context and easily accessible
12 to staff. A behavioral health employer shall provide a copy of the
13 safety plan to new workers upon hire.

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

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

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

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

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

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

23 “(B) The time frame within which the behavioral health employer
24 must respond to a report of a structural security hazard.

25 “(c) Information for workers about the safety trainings that the
26 behavioral health employer is required to provide under section 5 of
27 this 2025 Act, including the time frame within which the employer
28 must provide all required trainings for a new worker and how often
29 the employer must provide renewal trainings for current workers.

30 “(3) In developing a safety plan under this section, a behavioral

1 **health employer shall:**

2 **“(a) Review the near-miss incident log maintained under section 6**
3 **of this 2025 Act and take any past near-miss incidents into account.**

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

10 **“(B) The Occupational Safety and Health Division of the Depart-**
11 **ment of Consumer and Business Services shall, with the input of be-**
12 **havioral health employers, develop a timeline according to which the**
13 **requirements under this paragraph shall be phased in.**

14 **“(C) The division and the Oregon Health Authority shall collaborate**
15 **to publish suggested resources, including the availability of grants**
16 **under section 3 of this 2025 Act, to support behavioral health employ-**
17 **ers in conducting, or contracting with a third party to conduct, a risk**
18 **assessment.**

19 **“(4) The division shall collaborate with the authority and the De-**
20 **partment of Human Services to provide to behavioral health employ-**
21 **ers, and to advertise to behavioral health employers the availability**
22 **of, free consultation and training on developing safety plans under this**
23 **section.**

24 **“(5) The division shall ensure compliance with the provisions of this**
25 **section and shall establish a process for enforcing violations of this**
26 **section.**

27 **“SECTION 3. (1) The Oregon Health Authority shall administer a**
28 **program for awarding noncompetitive grants to behavioral health**
29 **employers to cover the employer’s costs of conducting, or contracting**
30 **with a third party to conduct, a risk assessment of the employer’s**

1 built environment, as required under section 2 of this 2025 Act.

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

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

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

8 **“SECTION 4. (1) The Oregon Health Authority shall prescribe by
9 rule a requirement that a behavioral health employer that is regulated
10 by the authority must include structural security elements that pro-
11 mote worker safety in the design of the employer’s facility.**

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

16 “(3) The authority shall adopt rules to carry out the grant program
17 described in subsection (2) of this section, including rules prescribing:

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

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

22 **“SECTION 5. (1) A behavioral health employer shall provide train-
23 ing to workers that, at a minimum, addresses:**

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

26 “(A) The potential risks that a worker may face in the work envi-
27 ronment of a particular behavioral health setting, including but not
28 limited to behavioral health settings involving mobile crisis inter-
29 vention teams, as defined in ORS 430.626.

30 “(B) The written safety plan required under section 2 of this 2025

1 **Act.**

2 **“(C) Protocols for using safety equipment, emergency communi-**
3 **cation devices and alert systems in emergency or crisis situations.**

4 **“(b) De-escalation techniques for managing and mitigating poten-**
5 **tially aggressive behavior from clients.**

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

12 **“(2) Training provided under this section must incorporate simu-**
13 **lated scenarios and role-playing to ensure workers have an opportu-**
14 **nity to apply the training principles in real-world scenarios.**

15 **“(3) A behavioral health employer shall provide the training under**
16 **this section to new workers before the worker begins performing any**
17 **work duties, and periodically thereafter, but not less than once every**
18 **three years.**

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

21 **“(a) Develop guidance to assist behavioral health employers in**
22 **meeting the training requirements under this section.**

23 **“(b) Publish and make available to behavioral health employers a**
24 **list of approved third-party organizations that offer curriculum and**
25 **structured virtual and in-person training programs that a behavioral**
26 **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**
29 **agencies who are available to provide the training required under this**
30 **section to workers on behalf of behavioral health employers.**

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

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

7 “(a) ‘Near-miss incident’ means a potential hazard or incident in
8 which no property was damaged, and no personal injury was sustained,
9 but where, given a slight shift in time or position, damage or injury
10 easily could have occurred.

11 “(b) ‘Near-miss incident log’ means a recordkeeping form that is
12 used to track near-miss incidents that occur in the workplace.

13 “(2) A behavioral health employer shall maintain a near-miss inci-
14 dent log. The Occupational Safety and Health Division of the Depart-
15 ment of Consumer and Business Services shall establish by rule
16 minimum standards for near-miss incident logs maintained by behav-
17 ioral health employers. The minimum standards must require infor-
18 mation regarding near-miss incidents that includes, but need not be
19 limited to:

20 “(a) A description of the near-miss incident.

21 “(b) The date, time and location of the near-miss incident.

22 “(c) Potential outcomes.

23 “(d) Identification of the hazard or incident that led to the near-
24 miss incident.

25 “(e) Corrective actions taken to prevent future near-miss incidents.

26 “(3) A behavioral health employer shall maintain a near-miss inci-
27 dent log using:

28 “(a) A template form developed and made available to behavioral
29 health employers by the division; or

30 “(b) A form developed by the behavioral health employer, provided

1 that the form captures, at a minimum, the information described un-
2 der subsection (2) of this section.

3 **“SECTION 7. (1) As used in this section, ‘self-defense’ means the**
4 **use of physical force upon another person in self-defense or to defend**
5 **a third person.**

6 **“(2) A behavioral health employer may not impose sanctions against**
7 **a worker who used physical force in self-defense against an assault if**
8 **the employer finds that the worker:**

9 **“(a) Was acting in self-defense in response to the use or imminent**
10 **use of physical force;**

11 **“(b) Used an amount of physical force that was reasonably neces-**
12 **sary to protect the worker or a third person from assault; and**

13 **“(c) Used the least restrictive procedures necessary under the cir-**
14 **cumstances, in accordance with an approved behavior management**
15 **plan, or other methods of response approved by the behavioral health**
16 **employer.**

17 **“SECTION 8. (1) As used in this section, ‘behavioral health**
18 **provider’ means the owner or operator of a:**

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

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

21 **“(c) A secure residential treatment facility, as described in ORS**
22 **443.465;**

23 **“(d) A secure residential treatment home, as described in ORS**
24 **443.465;**

25 **“(e) A long term care facility, as defined in ORS 442.015; or**

26 **“(f) An adult foster home, as defined in ORS 443.705, that provides**
27 **residential care to individuals with mental illness.**

28 **“(2) The Oregon Health Authority shall adopt rules to allow a be-**
29 **havioral health provider to consider a prospective resident’s full his-**
30 **tory when determining whether to admit the prospective resident.**

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

2 **“(a) ‘Behavioral health provider’ has the meaning given that term**
3 **in section 8 of this 2025 Act.**

4 **“(b) ‘Exceptional service rate’ means a higher payment rate based**
5 **on the assessed service needs of a resident.**

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

7 **“(a) Expedite the processing time for exceptional service rate re-**
8 **quests submitted by behavioral health providers; and**

9 **“(b) Develop a fast-track option for processing an exceptional ser-**
10 **vice rate request when a resident’s behavior has rapidly changed.**

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

12 **“(a) ‘Coordinated care organization’ has the meaning given that**
13 **term in ORS 414.025.**

14 **“(b) ‘Mobile crisis intervention team’ has the meaning given that**
15 **term in ORS 430.626.**

16 **“(2) The Oregon Health Authority shall adopt rules to require a**
17 **coordinated care organization to utilize:**

18 **“(a) Payment methodologies that reimburse providers of outpatient**
19 **behavioral health services based on client acuity; and**

20 **“(b) Prospective payment methodologies that support the ability of**
21 **mobile crisis intervention teams to maintain a minimum staffing level**
22 **of two workers.**

23 **“(3) The authority shall reimburse mobile crisis intervention teams**
24 **for the costs of behavioral health services provided to individuals who**
25 **do not have behavioral health care coverage.**

26 **SECTION 11. ORS 654.062 is amended to read:**

27 **“654.062. (1) Every employee should notify the employer of any violation**
28 **of law, regulation or standard pertaining to safety and health in the place**
29 **of employment when the violation comes to the knowledge of the employee.**

30 **“(2) However, any employee or representative of the employee may com-**

1 plain to the Director of the Department of Consumer and Business Services
2 or any authorized representatives of the director of any violation of law,
3 regulation or standard pertaining to safety and health in the place of em-
4 ployment, whether or not the employee also notifies the employer.

5 “(3) Upon receiving any employee complaint, the director shall make in-
6 quiries, inspections and investigations that the director considers reasonable
7 and appropriate. When an employee or representative of the employee has
8 complained in writing of an alleged violation and no resulting citation is
9 issued to the employer, the director shall furnish to the employee or repre-
10 sentative of the employee, upon written request, a statement of reasons for
11 the decision.

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

17 “(5) It is an unlawful employment practice for any person to bar or dis-
18 charge from employment or otherwise discriminate against any employee or
19 prospective employee because the employee or prospective employee has:

20 “(a) Opposed any practice forbidden by ORS 654.001 to 654.295, 654.412 to
21 654.423 and 654.750 to 654.780;

22 “(b) Made any complaint or instituted or caused to be instituted any
23 proceeding under or related to ORS 654.001 to 654.295, 654.412 to 654.423 and
24 654.750 to 654.780, or has testified or is about to testify in any such pro-
25 ceeding;

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

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

1 receiving home health care services; or

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

5 “(6)(a) Any employee or prospective employee alleging to have been
6 barred or discharged from employment or otherwise discriminated against in
7 compensation, or in terms, conditions or privileges of employment, in vio-
8 lation of subsection (5) of this section may, within one year after the em-
9 ployee or prospective employee has reasonable cause to believe that the
10 violation has occurred, file a complaint with the Commissioner of the Bureau
11 of Labor and Industries alleging discrimination under the provisions of ORS
12 659A.820. Upon receipt of the complaint the commissioner shall process the
13 complaint under the procedures, policies and remedies established by ORS
14 chapter 659A and the policies established by ORS 654.001 to 654.295, 654.412
15 to 654.423 and 654.750 to 654.780 in the same way and to the same extent that
16 the complaint would be processed if the complaint involved allegations of
17 unlawful employment practices under ORS 659A.030 (1)(f).

18 “(b) Within 90 days after receipt of a complaint filed under this sub-
19 section, the commissioner shall notify the complainant of the commissioner’s
20 determination.

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

27 “(d) **Subject to paragraph (e) of this subsection**, the commissioner or
28 the circuit court may order all appropriate relief including rehiring or rein-
29 statement to the employee’s former position with back pay.

30 “(e) **If the commissioner or the circuit court finds that a behavioral**

1 **health employer, as defined in section 1 of this 2025 Act, discharged**
2 **an employee in violation of subsection (5) of this section, the employee**
3 **shall have the right to be reinstated to the employee’s former position**
4 **with back pay.**

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

14 “(b) If a person bars or discharges an employee or prospective employee
15 from employment or otherwise discriminates against the employee or pro-
16 spective employee more than 60 days after the employee or prospective em-
17 ployee has engaged in any of the protected activities described under
18 subsection (5)(a) to (e) of this section, such action does not create a
19 presumption in favor of or against finding that a violation of subsection (5)
20 of this section has occurred. Where such action has occurred more than 60
21 days after the protected activity, this subsection does not modify any existing
22 rule of case law relating to the proximity of time between a protected ac-
23 tivity and an adverse employment action. The burden of proof shall be on the
24 employee or prospective employee to demonstrate by a preponderance of the
25 evidence that a violation occurred.

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

29 **“SECTION 12. (1) As used in this section:**

30 **“(a) ‘Behavioral health employer’ and ‘lone worker’ have the**

1 meanings given those terms in section 1 of this 2025 Act.

2 “(b) ‘Medical assistance’ has the meaning given that term in ORS
3 414.025.

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

7 “(a) Requiring a behavioral health employer to maintain a mini-
8 mum staffing level of two workers; and

9 “(b) Implementing the safety planning and structural security re-
10 quirements imposed under sections 2 and 4 of this 2025 Act.

11 “(3) The authority shall study:

12 “(a) Pathways to secure federal financial participation in the costs
13 of increased staffing and structural security requirements for behav-
14 ioral health employers that serve medical assistance recipients; and

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

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

22 “SECTION 13. (1) The Department of Consumer and Business Ser-
23 vices shall study options to require a carrier, as defined in ORS
24 743B.005, to include mobile crisis intervention as a covered service that
25 is not subject to coinsurance, copayments, deductibles or other out-
26 of-pocket expenses.

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

1 **“SECTION 14. (1) As used in this section, ‘behavioral health pro-**
2 **vider’ has the meaning given that term in section 8 of this 2025 Act.**

3 **“(2) The Oregon Health Authority shall study whether a behavioral**
4 **health provider is permitted by law, when a resident’s personal be-**
5 **longings create a safety hazard for workers, to issue a notice to the**
6 **resident and request the resident to remediate the safety hazard.**

7 **“(3) To the extent permitted by law, the authority shall adopt rules**
8 **to permit a behavioral health provider to issue a notice and request a**
9 **resident to remediate a safety hazard, as described in subsection (2)**
10 **of this section.**

11 **“(4) No later than August 31, 2026, the authority shall report its**
12 **findings and recommendations, in the manner provided in ORS 192.245,**
13 **to the interim committees of the Legislative Assembly related to be-**
14 **havioral health and worker safety.**

15 **“SECTION 15. (1) As used in this section, ‘behavioral health em-**
16 **ployer’ has the meaning given that term in section 1 of this 2025 Act.**

17 **“(2) The Occupational Safety and Health Division of the Department**
18 **of Consumer and Business Services, the Oregon Health Authority and**
19 **the Department of Human Services shall collaborate to:**

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

23 **“(A) Assaultive behaviors towards workers; or**

24 **“(B) Assaultive behaviors towards clients;**

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

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

29 **“(B) The enforcement of laws governing the safety of clients and**
30 **workers;**

1 “(c) Develop a process by which a behavioral health employer may
2 seek guidance about a potential conflict among the rules of the divi-
3 sion, the authority and the department that govern the safety of cli-
4 ents and workers; and

5 “(d) Develop guidance for behavioral health employers about how
6 to comply with the rules of the division, the authority and the de-
7 partment that govern the safety of clients and workers.

8 “(3) In carrying out the provisions of subsection (2) of this section,
9 the division, the authority and the department shall solicit and con-
10 sider input from stakeholders.

11 “(4) No later than August 31, 2026, the division, the authority and
12 the department shall report the agencies’ findings and recommen-
13 dations, in the manner provided in ORS 192.245, to the interim com-
14 mittees of the Legislative Assembly related to behavioral health and
15 worker safety.

16 “SECTION 16. (1) Sections 12 and 13 of this 2025 Act are repealed
17 on January 2, 2026.

18 “(2) Sections 14 and 15 of this 2025 Act are repealed on January 2,
19 2027.

20 “SECTION 17. A behavioral health employer shall begin providing
21 the training required under section 5 of this 2025 Act to workers no
22 later than January 1, 2026.

23 “SECTION 18. On or before January 1, 2026, the Occupational Safety
24 and Health Division of the Department of Consumer and Business
25 Services shall develop a template form for behavioral health employers
26 to use as the near-miss incident log required under section 6 of this
27 2025 Act.

28 “SECTION 19. (1) Sections 1 to 10 of this 2025 Act and the amend-
29 ments to ORS 654.062 by section 11 of this 2025 Act become operative
30 on January 1, 2026.

1 **“(2) The Occupational Safety and Health Division of the Department**
2 **of Consumer and Business Services, the Oregon Health Authority and**
3 **the Department of Human Services may take any action before the**
4 **operative date specified in subsection (1) of this section that is neces-**
5 **sary to enable the agencies to exercise, on and after the operative date**
6 **specified in subsection (1) of this section, all of the duties, functions**
7 **and powers conferred on the agencies by sections 1 to 10 of this 2025**
8 **Act and the amendments to ORS 654.062 by section 11 of this 2025 Act.**

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

12
