

# D R A F T

## SUMMARY

Authorizes county to declare shortage of health care and human services personnel and apply to Oregon Health Authority for moneys to make grants to employers to alleviate shortage by offering certain benefits to potential workers and educators.

Appropriates moneys to Oregon Health Authority to distribute to counties for purposes related to encouraging healthy eating, physical activity and mental health.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to funding county health measures; and declaring an emergency.

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

**SECTION 1. (1) As used in sections 1 to 3 of this 2023 Act:**

**(a) “County vacancy” means a vacancy in a position ordinarily held or sought in a county by health care and human services personnel.**

**(b) “Health care and human services personnel” means workers, potential workers and educators in the fields of health care and human services.**

**(c) “Shortage declaration” means a declaration by the governing body of a county made under subsection (2) of this section that the county is experiencing a shortage of health care and human services personnel.**

**(2) The governing body of a county may make by ordinance or resolution a shortage declaration if any of the following circumstances applies to the county:**

**(a) The county is in a health professional shortage area designated**

1 by the Health Resources and Services Administration of the United  
2 States Department of Health and Human Services;

3 (b) The county is in an area affected by a national crisis or decla-  
4 ration of a public health emergency;

5 (c) The county has a health ranking, index or metric of concern;

6 (d) The Governor has declared a state of emergency that applies to  
7 any part of the county;

8 (e) A needs assessment of both private and public institutions in the  
9 county indicates that:

10 (A) In a county with a population of less than 20,000, the number  
11 of county vacancies is greater than three.

12 (B) In a county with a population of 20,000 or more and less than  
13 75,000, the number of county vacancies is greater than five.

14 (C) In a county with a population of 75,000 or more and less than  
15 150,000, the number of county vacancies is greater than 10.

16 (D) In a county with a population of 150,000 or more and less than  
17 375,000, the number of county vacancies is greater than 15.

18 (E) In a county with a population of 375,000 or more, the number  
19 of county vacancies is greater than 25;

20 (f) The governing body of the county declares that lack of access  
21 to primary, secondary or tertiary programs and services based on  
22 workforce limitations puts the health of the county's residents at risk;

23 (g) The county is experiencing local challenges to the achievement  
24 of health objectives promulgated by the United States Department of  
25 Health and Human Services;

26 (h) The county identifies local challenges to addressing health cri-  
27 ses identified by the Surgeon General; or

28 (i) The county identifies local challenges to addressing collateral  
29 crises.

30 (3)(a) A shortage declaration shall expire at the end of the 90th day  
31 following the date on which the declaration was made.

(b) The governing body of the county may make subsequent shortage declarations in accordance with subsection (2) of this section at any time.

(4)(a) The governing body of a county that has made a shortage declaration is eligible to apply to the Oregon Health Authority for access to moneys in the County Health Care and Human Services Fund established under section 5 of this 2023 Act to be used for the purposes set forth in section 2 of this 2023 Act.

(b) The Oregon Health Authority shall prescribe an application process for counties, including deadlines, forms and the information and documentation that must be included to support the county's shortage declaration claims.

(c) An application must, at a minimum, set forth the basis on which the governing body made the shortage declaration and the number and categories of health care and human services personnel positions the county is seeking to have filled.

(d) If the Oregon Health Authority is satisfied that the county's application substantiates the county's basis and vacancy claims under subsection (2) of this section, the authority shall approve the application and make moneys from the County Health Care and Human Services Fund available to the governing body of the county upon request for the purpose of awarding grants to employers under section 2 of this 2023 Act.

**SECTION 2.** (1)(a) During the period of a shortage declaration in a county whose application has been approved under section 1 of this 2023 Act, the governing body of the county may award grants to public and private health care and human services employers for the purpose of providing to health care and human services personnel any of the following benefits:

(A) Scholarships for undergraduate and graduate students studying for entry into the fields of health care and human services.

1       **(B) Loan forgiveness and repayment incentives for health care and**  
2 **human services providers.**

3       **(C) Housing assistance.**

4       **(D) Signing bonuses.**

5       **(E) Part-time and flextime opportunities.**

6       **(F) Retention bonuses.**

7       **(G) Professional development.**

8       **(H) Tax subsidies.**

9       **(I) Child care and elder care subsidies.**

10       **(J) Subsidized dual certification with a focus on rural and vulner-**  
11 **able populations and pay equity.**

12       **(K) Tuition assistance and reimbursement.**

13       **(L) Bonuses and stipends for supervisors of interns.**

14       **(M) Licensure examination preparation.**

15       **(N) Stipends for graduate students enrolled in health care and hu-**  
16 **man services programs.**

17       **(O) Physical and behavioral health assistance.**

18       **(P) Telehealth infrastructure subsidies, including, but not limited**  
19 **to, broadband service.**

20       **(Q) Safety needs.**

21       **(b) The value of any benefit provided to health care and human**  
22 **services personnel pursuant to this subsection may not be included in**  
23 **the definition of “compensation” for purposes of ORS 652.210.**

24       **(2)(a) Health care and human services personnel eligible for benefits**  
25 **under this section may be, or be studying to qualify as, any of the**  
26 **following practioners:**

27       **(A) Psychologists.**

28       **(B) Doctors.**

29       **(C) Nurses.**

30       **(D) Physician assistants.**

31       **(E) Dentists.**

1 (F) Dental hygienists.

2 (G) Audiologists, speech-language pathologists, music therapists  
3 and art therapists.

4 (H) Emergency medical services providers.

5 (I) Optometrists.

6 (J) Chiropractors.

7 (K) Naturopathic physicians.

8 (L) Veterinarians and veterinary technicians.

9 (M) Massage therapists.

10 (N) Physical therapists.

11 (O) Pharmacists.

12 (P) Dietitians.

13 (Q) Environmental health specialists.

14 (b) To be eligible, a practitioner listed in paragraph (a) of this sub-  
15 section must be current with all licenses, certificates or other cre-  
16 dentials that are required for the practice of their occupation or  
17 profession under all applicable law.

18 (c) The Oregon Health Authority may amend the list in paragraph  
19 (a) of this subsection by rule in furtherance of sections 1 to 3 of this  
20 2023 Act.

21 (d) In addition, health care and human services personnel eligible  
22 for benefits under this section may be employed in any of the following  
23 fields:

24 (A) Physical, behavioral and nutritional health.

25 (B) Animal services.

26 (C) Developmental disabilities.

27 (D) Disability, aging and veteran services.

28 (E) Health and human services administration.

29 (F) Solid waste and recycling.

30 (G) Emergency management.

31 (H) Child care.

1       **(3)(a) The Oregon Health Authority shall prescribe an application**  
2 **process for employers, including deadlines and forms that an employer**  
3 **may use to apply to a county for a grant pursuant to this section.**

4       **(b) The application must be submitted by an employer to the gov-**  
5 **erning body of the county in which the health care and human ser-**  
6 **vices personnel will perform services for the employer.**

7       **(c) The application must set forth:**

8       **(A) The number of county vacancies that would need to be filled to**  
9 **meet the community need, categorized by field, occupation or profes-**  
10 **sion and any credentials that are required for the practice of the oc-**  
11 **cupation or profession;**

12       **(B) The impact of the county vacancies on community health;**

13       **(C) The employer's strategy to recruit and retain health care and**  
14 **human services personnel to reduce the crisis; and**

15       **(D) Any other information the authority considers important for**  
16 **the governing body of a county to review an application under this**  
17 **section.**

18       **(4)(a) Within 30 days following receipt of an application for a grant**  
19 **submitted pursuant to this section, the governing body of the county**  
20 **shall review and approve or reject the application.**

21       **(b) Before making a decision on an employer's application, the**  
22 **governing body may consult with the employer and, after such con-**  
23 **sultation, the employer may amend the application.**

24       **(c) The governing body shall notify each applicant of the approval**  
25 **or rejection of the application and the amount of any grant awarded**  
26 **with respect to an approved application.**

27       **(d) The rejection of an application and the amount of a grant award**  
28 **may not be appealed, but an employer may reapply at any time before**  
29 **the deadline.**

30       **(5)(a) As soon as practicable after approving an application, the**  
31 **governing body of the county shall offer a grant agreement to each**

1 **successful applicant.**

2 **(b) Once the agreement is signed, the governing body shall, under**  
3 **section 1 (4) of this 2023 Act, request the Oregon Health Authority to**  
4 **make available to the governing body moneys in the amount of the**  
5 **grant award for transfer to the employer in accordance with the terms**  
6 **of the agreement between the county and the employer.**

7 **SECTION 3. (1) The governing body of each county that awards**  
8 **grants under section 2 of this 2023 Act shall annually submit to the**  
9 **Oregon Health Authority an anonymous and aggregated list of the**  
10 **health care and human services personnel who have been granted**  
11 **benefits by employers using the grant moneys, categorized by:**

12 **(a) Age;**

13 **(b) Ethnicity;**

14 **(c) Gender;**

15 **(d) Race;**

16 **(e) Disability;**

17 **(f) Language spoken; and**

18 **(g) Sexual orientation.**

19 **(2) In addition, each governing body shall report to the authority**  
20 **the extent to which the following populations have benefited from the**  
21 **grants awarded under section 2 of this 2023 Act:**

22 **(a) Members of federally recognized Indian tribes in this state;**

23 **(b) People of color;**

24 **(c) Lesbian, gay, bisexual and transgender youth;**

25 **(d) Veterans;**

26 **(e) Persons with disabilities;**

27 **(f) Individuals with intellectual and developmental disabilities;**

28 **(g) Individuals with limited English proficiency;**

29 **(h) Individuals working with adults in custody or formerly in cus-**  
30 **tody;**

31 **(i) Socially vulnerable communities; and**

1 (j) Any other underserved population specified by the authority.

2 (3)(a) Each employer that receives a grant under section 2 of this  
3 2023 Act shall provide the information set forth in subsections 1 and  
4 2 of this section to the governing body of the county from which the  
5 employer received the grant. The employer shall provide the informa-  
6 tion on or before a deadline set by the county.

7 (b) All such information must be provided voluntarily by the health  
8 care and human services personnel and must be reported in a form  
9 that is anonymous and aggregated in a manner that protects the  
10 identities of the personnel.

11 SECTION 4. Not later than September 15, 2024, the Oregon Health  
12 Authority shall submit a report, in the manner provided by ORS  
13 192.245, setting forth in detail the progress and outcomes of the pro-  
14 visions of sections 1 to 3 of this 2023 Act, to the interim committees  
15 of the Legislative Assembly related to health care and human services.

16 SECTION 5. (1) The County Health Care and Human Services Fund  
17 is established in the State Treasury, separate and distinct from the  
18 General Fund. Interest earned by the County Health Care and Human  
19 Services Fund shall be credited to the fund. Moneys in the County  
20 Health Care and Human Services Fund are continuously appropriated  
21 to the Oregon Health Authority for the purposes set forth in sections  
22 1 to 3 this 2023 Act.

23 (2) Moneys in the County Health Care and Human Services Fund  
24 shall consist of:

25 (a) Moneys appropriated or otherwise transferred or credited to the  
26 fund by the Legislative Assembly.

27 (b) Interest earned by moneys in the fund.

28 (c) Moneys or other assets transferred or otherwise credited to the  
29 fund from any public or private source.

30 SECTION 6. Sections 1 to 5 of this 2023 Act are repealed on January  
31 2, 2030.



**SECTION 7. There is appropriated to the Oregon Health Authority, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$58,000,000 for the purpose of carrying out the provisions of sections 1 to 3 of this 2023 Act as follows:**

**(1) \$50,000,000 for counties to award as grants under section 2 (4) and (5) of this 2023 Act; and**

**(2) \$8,000,000 to pay for costs incurred by counties in carrying out the provisions of sections 1 to 3 of this 2023 Act.**

**SECTION 8. There is appropriated to the Oregon Health Authority, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$31,000,000, to be used by the authority for the purpose of carrying out the provisions of section 9 of this 2023 Act.**

**SECTION 9. (1)(a) The Oregon Health Authority shall distribute \$30 million to counties to enable counties to partner over the next five years with school districts to design, implement and evaluate programming for their students and staff on healthy eating, physical activity and mental health.**

**(b) Compensation paid to county and school district employees while performing services pursuant to paragraph (a) of this subsection may not be included in the definition of “compensation” for purposes of ORS 652.210.**

**(2)(a) The authority shall expend \$1 million to partner with local businesses, universities and other entities to develop initiatives related to hunger, nutrition and health.**

**(b) Such initiatives shall seek to:**

**(A) Improve food access and affordability;**

**(B) Integrate nutrition and health considerations into higher education curricula and the work of health profession organizations, health systems, hospitals, clinics and other facilities that provide health services and private companies;**

**(C) Empower consumers to make, and have access to, healthy nu-**

1   **tritional choices;**

2       **(D) Support physical activity for everybody; and**

3       **(E) Enhance nutrition and food security research.**

4       **SECTION 10. Section 9 of this 2023 Act is repealed on January 2,**  
5   **2027.**

6       **SECTION 11. This 2023 Act being necessary for the immediate**  
7   **preservation of the public peace, health and safety, an emergency is**  
8   **declared to exist, and this 2023 Act takes effect on its passage.**

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