

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2800

By COMMITTEE ON RULES

July 12

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon insert “creating new pro-  
2 visions; and”.

3 On page 2, line 10, delete “qualified,”.

4 In line 11, delete “and nursing services” and insert “or staffing agencies”.

5 In line 14, delete “development and”.

6 On page 3, after line 7, insert:

7 “(5)(a) An employer may not impose upon unionized nursing staff any changes in wages, hours  
8 or other terms and conditions of employment pursuant to a staffing plan developed or modified under  
9 subsection (1) of this section unless the employer first provides notice to and, on request, bargains  
10 with the union as the exclusive collective bargaining representative of the nursing staff in the bar-  
11 gaining unit.

12 “(b) A staffing plan developed or modified under subsection (1) of this section does not create,  
13 preempt or modify a collective bargaining agreement or require a union or employer to bargain over  
14 the staffing plan while a collective bargaining agreement is in effect.”.

15 After line 16, insert:

16 “**SECTION 3. (1) As used in this section:**

17 “(a) ‘**Circulating nurse**’ means a registered nurse who is responsible for coordinating the  
18 nursing care and safety needs of the patient in the operating room and who also meets the  
19 needs of operating room team members during surgery.

20 “(b) ‘**Type I ambulatory surgical center**’ means a licensed health care facility for the  
21 performance of outpatient surgical procedures including, but not limited to,  
22 cholecystectomies, tonsillectomies or urological procedures, involving general anesthesia or  
23 a relatively high infection control consideration.

24 “(2)(a) The duties of a circulating nurse performed in an operating room of a Type I  
25 ambulatory surgical center or a hospital shall be performed by a registered nurse licensed  
26 under ORS 678.010 to 678.410.

27 “(b) In any case requiring anesthesia or conscious sedation, a circulating nurse shall be  
28 assigned to, and present in, an operating room for the duration of the surgical procedure  
29 unless it becomes necessary for the circulating nurse to leave the operating room as part  
30 of the surgical procedure. While assigned to a surgical procedure, a circulating nurse may  
31 not be assigned to any other patient or procedure.

32 “(c) Nothing in this section precludes a circulating nurse from being relieved during a  
33 surgical procedure by another circulating nurse assigned to continue the surgical procedure.

34 “(3) At the request of a Type I ambulatory surgical center or a hospital, the Department  
35 of Human Services may grant a variance from the requirements of this section based on

1 patient care needs or the nursing practices of the surgical center or hospital.

2 SECTION 4. Section 3 of this 2005 Act is added to and made a part of ORS 678.010 to  
3 678.445.”

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