

## **ANTI-RETALIATION NOTICE**

### **Oregon Nurse Staffing Law: SB 469**

AUGUST 2016

As stated in SB 469, Oregon's Nurse Staffing Law, retaliation against a nursing staff member is prohibited for disclosure about a hospital activity, policy, or practice in violation of a law or professional standards of practice that may pose a risk to the health, safety, or welfare of a patient or the public. This notice summarizes the provisions of ORS 441.181, 441.183, 441.184 and 441.192 and is posted for hospital nursing staff as required by the statute.

#### ***441.181: Retaliation for disclosure is prohibited***

A hospital may not take retaliatory action against a nursing staff member because the nursing staff:

- (a) Discloses, reports or provides information about an activity, policy, or practice in violation of a law or professional standards of practice
- (b) Objects to or refuses to participate in an activity, policy, or practice in violation of a law or professional standards of practice
- (c) Participates in a committee or peer review process or files a report or complaint that discusses allegations of unsafe, dangerous or potentially dangerous care

If a nursing staff member is concerned about any hospital activity, policy, or practice in violation of a law or professional standards of practice that may pose a risk to the health, safety, or welfare of a patient or the public, the nurse is requested to provide notice to a hospital manager (or other reporting structure as defined by hospital policy) to provide the manager a reasonable opportunity for correction. If the nursing staff member is reasonably certain that the activity, policy, practice or violation is known to one or more hospital managers, or an emergency situation exists, or reasonably fears physical harm as a result of the disclosure, or reasonably believes that a crime has been committed, there is no requirement to notify a hospital manager prior to disclosure.

#### ***441.183: Remedies for retaliation***

If a nursing staff member has been retaliated against, he/she may seek remedy through the county circuit court system, up to and including punitive damages.

#### ***441.184: Unlawful employment practices***

A hospital that takes any retaliatory action against a nursing staff commits an unlawful employment practice. A nursing staff member claiming retaliation may file a complaint with the Commissioner of the Bureau of Labor and Industries.

#### ***441.192: Notice of employment outside of hospital***

A hospital may require a full time registered nurse, who is receiving benefits, to provide notice of any outside employment. If a hospital determines the outside employment causes a risk to hospitalized patients receiving services, the hospital may require the nurse to discontinue the outside employment. The hospital is to provide a written explanation how the outside employment creates a risk to patients. If the nurse does not comply, the hospital may pursue disciplinary action of the nurse up to and including termination.

To read the entire Oregon Revised Statutes for Hospital Nursing Services, go to:  
<https://public.health.oregon.gov/rulesregulations/Pages/OregonRevisedStatutes.aspx>