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CHAPTER 437

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION

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ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Adopted Workplace Violence Prevention Rules for Health Care Employers

EFFECTIVE DATE: 01/01/2027

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RULES:
437-001-0295, 437-001-0706, 437-002-0150

AMEND: 437-001-0295

RULE TITLE: Discrimination Complaint

NOTICE FILED DATE: 06/26/2026

RULE SUMMARY: Adds a new provision to the Discrimination Complaint rule, reflecting the 2025 legislative changes from SB 537 (SECTION 6), which specifies healthcare workers can't be discriminated against for reporting on workplace violence. In addition, the address for the U.S. Department of Labor is updated. Prior to adoption, a correction was made to replace a comma with a period at the end of (1)(c).

RULE TEXT:
(1) An employee or prospective employee may file a complaint as provided in ORS 654.062(5) if the employee believes discrimination has occurred because:
(a) The employee opposed a practice forbidden by, or engaged in a practice provided for, in the Oregon Safe Employment Act; or
(b) With no reasonable alternative and in good faith, the employee refused to perform a work task that would expose the

employee to a hazardous condition that presents a real risk of death or serious physical harm and a reasonable person would agree under the circumstances all of the following conditions are met:
(A) Where possible, the employee requested from the employer, and was unable to obtain, a correction of the hazardous condition; and
(B) A hazardous condition that, if exposed, would have subjected the employee to imminent danger or serious physical harm; and
(C) Due to the urgency of the hazardous condition, there was insufficient time or opportunity to correct the hazard through regulatory authorities, such as Oregon OSHA.
(c) Reported, in good faith, an assault or other incident of workplace violence that occurred on the premises of a health care employer, as defined in ORS 654.412, or in the home of a patient receiving home health care services.
(2) The discrimination complaint may be filed in any Circuit Court for the State of Oregon or with the Commissioner of the Bureau of Labor and Industries, 1800 Southwest 1st Avenue, Suite 500, Portland, Oregon 97201, within one year after the employee or prospective employee had reasonable cause to believe they have been barred or discharged from employment or otherwise discriminated against.
(3) The discrimination complaint may also be dual filed with the U.S. Department of Labor, 1301 Clay Street, Suite 1080N, Oakland, CA 94612, as stated in 29 CFR 1977.15.

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 - 654.295, ORS 654.412 - 654.423

AMEND: 437-001-0706

RULE TITLE: Recordkeeping for Health Care Workplace Violence

NOTICE FILED DATE: 06/26/2026

RULE SUMMARY: Makes changes to the existing Recordkeeping for Health Care Assaults rule to reflect 2025 legislative changes from SB 537 and updates references to other standards, as follows:

- Changes wording in title from “Assaults” to “Workplace Violence”.
- Updates the purpose, application, definitions, and directions to align with statutory changes in definitions (SB 537 SECTION 2).
- Updates language and categories in Appendix A to align with statutory changes in definitions (SB 537 SECTION 2).
- Updates language that references OAR 437-001-0700 Recording Workplace Injuries and Illnesses and OAR 437-001-0704 Reporting Fatalities, Catastrophes, Injuries, and Illnesses to Oregon OSHA.
- Removes Appendix B that had listed related statutes, those are removed and instead related statutes are now in Appendix A of proposed OAR 437-002-0150.
- Appendix A of OAR 437-001-0706 was modified prior to adoption as the content was taken out of the table format to improve readability and to comply with regulatory requirements under Title II of the Americans with Disabilities Act (ADA) guidelines for web content. In addition, a period was added in section (K), and an extra bracket was removed from (Q). The outline in Appendix A remains the same, and the changes in wording are adopted as proposed. The change is that the words are no longer “housed” in a complex table and some text is no longer italicized. The need for this formatting change was identified after the notice of proposed rulemaking was filed on June 26, 2026.

RULE TEXT:

(1) Purpose, scope and application. This rule applies to health care employers to protect employees from workplace violence hazards. This rule does not apply to the Oregon State Hospital. This rule is limited to the following health care employers:

(a) Ambulatory surgical center, as defined in ORS 442.015.

(b) Hospital, as defined in ORS 441.760.

(c) Home health agency, as defined in ORS 443.014.

(d) Home hospice program, as defined in ORS 654.412.

(2) Definitions.

(a) Assault - means intentionally, knowingly or recklessly causing physical injury, as defined in ORS 654.412.

(b) Health care employer means:

(A) An ambulatory surgical center, as defined in ORS 442.015.

(B) A hospital, as defined in ORS 441.760.

(C) A home health agency, as defined in ORS 443.014.

(D) A home hospice program, as defined in ORS 654.412

(c) Home health care services means items or services furnished to a patient by an employee of a health care employer in a place of temporary or permanent residence used as the patient’s home, as defined in ORS 654.412

(d) Workplace violence - includes any act or threat of physical violence, harassment, intimidation, assault, homicide or any other threatening behavior that occurs in the workplace, as defined in ORS 654.412.

(A) Threat of physical violence - Where a reasonable person would agree that under the circumstances the conduct would cause the employee to fear physical harm.

(B) Harassment - Where a reasonable person would agree that under the circumstances the conduct toward the employee is unwanted, unwelcome or uninvited.

(C) Intimidation - Where a reasonable person would agree that under the circumstances the employee is compelled to take an action or deterred from taking an action related to their job duties.

(3) Health care assault recordkeeping. In addition to the general recordkeeping requirements in OAR 437-001-0700,

Recording Workplace Injuries and Illnesses, health care employers must use the Health Care Workplace Violence Incident Log, or equivalent, to record incidents. Mandatory Appendix A of 437-001-0706 provides instructions for completing the form.

Note: If the incident results in an in-patient hospitalization, a catastrophe, a fatality, loss of an eye, and either an amputation or an avulsion that results in bone loss, it must be reported to Oregon OSHA within 24 hours after occurrence of the work related incident or employer knowledge (reported to you or any of your agents) of the event . See OAR 437-001-0704, Reporting Fatalities, Catastrophes, Injuries and Illnesses to Oregon OSHA. Record recordable injuries, illnesses, and fatalities on the OSHA 300 Log. See OAR 437-001-0700.

(4) Other recordkeeping information. The following sections of OAR 437-001-0700 apply to incidents of workplace violence recordkeeping and reporting:
(a) Section (6) Work-relatedness
(b) Section (14)(b) Forms
(c) Section (15) Multiple Business Establishments
(d) Section (16) Covered Employees
(e) Section (19) Change of Business Ownership

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4).

STATUTES/OTHER IMPLEMENTED: ORS 654.412 - 654.423, ORS 654.001 - 654.295

NOTE: Attachments referenced are attached to this document. You may view the attachment 437-001-0706.pdf from the Attachments panel. Alternately, you may view the attachments at the following link: https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=340932

ADOPT: 437-002-0150

RULE TITLE: Workplace Violence Prevention for Health Care Employers

NOTICE FILED DATE: 06/26/2026

RULE SUMMARY: New Oregon Administrative Rule that incorporates existing statutory requirements from ORS 654.412 to 654.423 and new requirements from Senate Bill 537 (2025, SECTIONS 2 & 3), which modified ORS 654.412 and 654.414. Prior to this proposed rule, Oregon OSHA enforced directly from the statutes. After proposal and prior to adoption, punctuation corrections were made to the reprinted statutes in Appendix A to align exactly with statutory text.

RULE TEXT:
(1) Purpose, scope and application. This rule applies to health care employers to protect employees from workplace violence hazards. This rule does not apply to the Oregon State Hospital. This rule is limited to the following health care employers:
(a) Ambulatory surgical center, as defined in ORS 442.015.
(b) Hospital, as defined in ORS 441.760.
(c) Home health agency, as defined in ORS 443.014.
(d) Home hospice program, as defined in ORS 654.412.
(2) Definitions.
(a) Assault - means intentionally, knowingly or recklessly causing physical injury, as defined in ORS 654.412.
(b) Health care employer means:
(A) An ambulatory surgical center, as defined in ORS 442.015.
(B) A hospital, as defined in ORS 441.760.
(C) A home health agency, as defined in ORS 443.014.
(D) A home hospice program, as defined in ORS 654.412
(c) Home health care services means items or services furnished to a patient by an employee of a health care employer in a place of temporary or permanent residence used as the patient's home, as defined in ORS 654.412
(d) Workplace violence - includes any act or threat of physical violence, harassment, intimidation, assault, homicide or any other threatening behavior that occurs in the workplace, as defined in ORS 654.412.
(A) Threat of physical violence - Where a reasonable person would agree that under the circumstances the conduct would cause the employee to fear physical harm.
(B) Harassment - Where a reasonable person would agree that under the circumstances the conduct toward the employee is unwanted, unwelcome or uninvited.
(C) Intimidation - Where a reasonable person would agree that under the circumstances the employee is compelled to take an action or deterred from taking an action related to their job duties.
(3) Workplace Violence Prevention Program requirements
(a) Health care employers must have a written workplace violence prevention and response plan based on periodic security and safety assessments to identify existing or potential threats of workplace violence that:
(A) Addresses security considerations related to the following:
(i) Physical attributes of the health care setting;
(ii) Staffing plans, including security staffing;
(iii) Personnel policies;
(iv) First aid and emergency procedures;
(v) Procedures for reporting incidents of workplace violence; and
(vi) Education and training for employees.
(B) Include policies and procedures for:
(i) Conducting internal investigations of incidents of workplace violence that occur on the premises of the health care

employer.
(ii) Identifying employees involved in a workplace violence incident.
(iii) Conducting post-incident employee interviews for the purpose of gathering factual details about an incident of workplace violence.
(iv) Implementing post-incident response strategies that address the following:
(I) First aid or medical care to employees who have been injured in a workplace violence incident; and
(II) Trauma counseling for employees affected by an incident of workplace violence.
(C) Health care employers shall provide to each employee, and if applicable, to the employee's union representative, a written copy of the workplace violence prevention and response plan described in paragraphs (A) and (B) above; in addition, employers must provide a written statement explaining that an employee who reports an incident of workplace violence has a right to be protected from retaliation, under OAR 437-001-0295. For newly hired employees, the health care employer shall provide a copy of the plan and the accompanying statement within 30 calendar days from the date of hire.

Note: Further details describing the Discrimination Complaint process can be found in OAR 437-001-0295.

(b) Health care employers must consult with their safety committee, or with employees during safety meetings when allowed under OAR 437-001-0765, on the following paragraphs (A), (B), (C), and (D). Employers who choose to hold safety meetings in compliance with OAR 437-001-0765, may use an alternative method that is equally effective to consult with employees on the following paragraphs (A), (B), (C), and (D).
(A) Prescribing procedures for health care employers for investigating, collecting, and reporting on incidents of workplace violence.
(B) Conducting periodic security and safety assessments to effectively identify existing or potential threats of workplace violence.
(C) Annually establishing a process to review, and then reviewing on an annual basis the health care employer's workplace violence prevention and protection program, and make recommendations regarding the efficacy of the program and any changes to the program that are necessary to promote the prevention of workplace violence.
(D) Providing workplace violence prevention and protection training on an annual basis for employees and any contracted security personnel who work at the premises of the health care employer.
(c) Health care employers must complete an assessment of all workplace violence incidents. The assessment must include the following:
(A) A measure of the frequency of workplace violence, including attempts of workplace violence, that are committed against employees on the premises of a health care employer or in the home of a patient receiving home health care services during the preceding five years or for the years that records are available if fewer than five years of records are available.
(B) A thorough analysis of the root causes.
(C) Employer plan for addressing the causes.
(D) Consequences of the workplace violence incident.
(E) Summary on the extent security considerations were implemented from the workplace violence and prevention response plan to mitigate risks of workplace violence.
(F) Review completed assessments with the employer's safety committee when one is required or during safety meetings when they are allowed under OAR 437-001-0765.

Note: Additional Requirements for the Recordkeeping of Health Care Workplace Violence Incidence Log are found in OAR 437-001-0706.

(4) Training

(a) Healthcare employers must provide workplace violence prevention and protection training to:
(A) New employees, other than a temporary employee, within 90 days of the employee's initial hiring date.
(B) Temporary employees, within 14 days of the employee's initial hiring date.
(C) Contracted security personnel who work at the premises of the healthcare employer.
(D) Retrain employees annually, including contracted security personnel and temporary employees.
(E) Retrain affected employees, including contracted security personnel and temporary employees, whenever there are changes in the workplace violence prevention and protection program or when conditions at the workplace necessitate retraining.
(b) Workplace violence prevention and protection training shall address the following topics:
(A) General safety and personal safety procedures, including emergency response guidelines that may be used to notify employees and contracted security personnel who work at the premises of the health care employer, of a threat or occurrence of workplace violence;
(B) The meaning of workplace violence;
(C) Escalation cycles for assaultive behaviors, and other violent or threatening behaviors;
(D) Predictive factors of workplace violence;
(E) Techniques for obtaining medical history from a patient with assaultive or other threatening or violent behavior;
(F) Verbal and physical techniques to de-escalate and minimize assaultive behaviors and threats of workplace violence;
(G) Strategies for avoiding physical harm and minimizing use of restraints;
(H) Restraint techniques consistent with regulatory requirements;
(I) Self-defense, including:
(i) The amount of physical force that is reasonably necessary to protect the employee, or a third person, from assault; and
(ii) The use of least restrictive procedures necessary under the circumstances, in accordance with an approved behavior management plan, and any other methods of response approved by the health care employer.
(J) Procedures for documenting and reporting incidents involving assaultive behaviors and incidents of workplace violence;
(K) Programs for post-incident counseling and follow-up;
(L) Resources available to employees for coping with workplace violence;
(M) The health care employer's workplace violence prevention and protection program, including the health care employer's internal investigation process for investigating incidents of workplace violence;
(N) Visual cues and other methods that may be used to identify or notify employees about individuals exhibiting behavioral indicators of workplace violence; and
(O) Responding to active shooter incidents.
(c) A health care employer shall ensure that a person with the appropriate knowledge and expertise is available to employees to answer questions and clarify any aspects of the workplace violence prevention and protection training through in-person interaction, phone, electronic mail or other reasonable means of communication.
(d) A health care employer may use classes, video recordings, brochures, verbal or written training, or other training that the employer determines to be appropriate, based on an employee's job duties under the workplace violence prevention and protection program developed by the employer.

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 - 654.295, ORS 654.412 - 654.423

NOTE: Attachments referenced are attached to this document. You may view the attachment 437-002-0150.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:
https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=340933