

Rules Hearing and Public Comment Report

Date: November 18, 2025
From: Joseph Sullivan, Temporary Health Care Staff Rate Setting Program Manager
Subject: Report on Rulemaking Hearing and Public Comments

Hearing Date: October 15, 2025
Hearing Location: Remote, Zoom
Hearing Officer: Pete Edlund, HPA Rules Coordinator
Public Comment Period: October 1, 2025 - October 21, 2025
Title of Proposed Rules: Updating to add additional clarifying language and definition.
Hearing Recording: <https://www.youtube.com/watch?v=antFgr-uo0M>

Summary of written comments received during the public comment period, October 1, 2024 - October 21, 2025.

Comments from various Healthcare Staff, not in response to public comment period.

Oregon Health Authority (OHA) received several emails from Health Care Staff, some of which were received during the public comment period. These emails were in response to the proposed rates but did not reference the Rules, Public Comment or the Public Comment Period. These emails indicated some staff interpreted the Temporary Health Care Staff Rate Setting Program (the “Program”) as lowering wages for all health care workers. Although these emails were not received as public comments, because the reference was to the proposed rates within the rule, OHA is responding.

OHA Response: OHA does not set maximum wages. Wages are determined between the workforce, Temporary Staffing Agencies (“TSA”), and the hospitals or

facilities engaging the TSA.

OHA sets maximum bill rates for specific temporary personnel, as required by Oregon Revised Statutes (ORS) 676.695 through 676.725, which apply only to temporary staff working in the following roles and settings:

Hospitals (as defined in ORS 442.015):

- Registered Nurse (excluding APRNs and Nurse Managers)
- Certified Nursing Assistant (CNA)

Facilities (as defined in ORS 443.305, 443.886, or 443.400) and Skilled Nursing Facilities (as defined in ORS 442.015):

- Registered Nurse (RN)
- Licensed Practical/Vocational Nurse (LPN/LVN)
- Certified Medical Assistant (CMA)
- Certified Nursing Assistant (CNA)
- Direct Caregiver

You can find the current maximum bill rates on our program webpage:

<https://www.oregon.gov/oha/HPA/HP-PCO/Pages/rate-setting.aspx>

Comments from Troy Duker, Hospital Association of Oregon

Received via email 10/21/2025 from Danielle Moyer

OAR 409-039-0040 Maximum Rates for a Hospital or Facility, Table 1

OHA's proposed rules would decrease the maximum rates for RNs and CNAs in hospitals and other facilities. The reduction in rates is concerning and is unrealistic for Oregon as the cost of hospital labor continues to increase. ODHS shared that reductions are influenced by national BLS data that shows trends in healthcare worker compensation. This is not representative of Oregon healthcare worker compensation.

The rates set in Table 1 are inconsistent with HB 2655, ORS 676.716, and ORS 676.695.

ORS 676.716(1) states “The authority shall establish more than one maximum rate under this section.” Pursuant to ORS 676.716(2), “The differences in maximum rates established under this section must be based on factors including but not limited to . . . type of licensed care setting. . .” ORS 676.695 Section (2)(b) defines personnel for hospitals as RNs and CNAs. This definition differs from the definition of personnel in other settings, which are set forth in ORS 676.695(2)(a).

There are two primary conclusions from these sections. First, OAR 408-039-0040 Table 1 should have rates for RNs and CNAs specific to the hospital setting. Second, the maximum rates for other categories of workers do not apply in the hospital setting.

Request: We request the table for the rule be revised as follows and that OHA set corresponding rates:

Column: “Personnel Type”

RN (Hospital)

RN (Other Facilities)

LPN/LVN (**Other Facilities**)

CMA (**Other Facilities**)

CNA (Hospital)

CNA (**Other Facilities**)

Direct Caregiver (**Other Facilities**)

OHA Response: OHA will update the rate table to better reflect the personnel types impacted in each care setting for clarity and transparency. However, the Technical Advisory Group made up of economic and fiscal experts from various state agencies recommended the same rate for CNAs in both hospitals and facilities as the data showed negligible difference between settings for these personnel. OHA will continue to monitor for any changes to the relationship between compensation in those two settings and will adjust the rate table accordingly.