

RETALIATION PROHIBITED

The hospital may not take retaliatory action against a nursing staff member who:

- Discloses (to a manager, an accreditation organization or a public body) a hospital policy or practice that the staff member believes violates a law or professional standard and poses a risk to patient or public welfare;
- Provides information to an accreditation organization or a public body that is investigating an alleged violation by the hospital;
- Objects to or refuses to participate in any hospital policy or practice that the nursing staff believes violates a law or rule or professional standard that poses a risk to patient or public welfare; or
- Participates in a committee or peer review process or files a report or a complaint that discusses allegations of unsafe or potentially dangerous care.

The above protection against retaliatory action does not apply unless the nursing staff, before making a disclosure:

- (a) Gives written notice to a hospital manager of the practice or violation that the nursing staff believes poses a risk; and
- (b) Provides the manager a reasonable opportunity to correct the practice or violation.

A nursing staff is not required to comply with the preliminary notice provisions above if the nursing staff:

- (a) Is certain that the practice or violation is known to a manager *and* an emergency situation exists;
 - (b) Reasonably fears physical harm as a result of the disclosure; or
 - (c) Makes the disclosure to an accreditation organization or a public body to provide evidence of a practice or violation that the staff believes is a crime.
- A hospital that takes any retaliatory action described in ORS 441.181 against a nursing staff commits an unlawful employment practice.
 - A nursing staff who believes they have been retaliated against may bring an action in circuit court of the county in which the hospital is located.
 - A nursing staff claiming to be aggrieved by an alleged violation of ORS 441.181 may also file a complaint with the Commissioner of the Bureau of Labor and Industries.

Notice Regarding Nurse Employment Outside of Hospital

ORS 441.192 provides that the hospital may require a registered nurse who is receiving full employment benefits from the hospital to provide notice of any outside employment. A nurse who does not provide notice as required by a hospital may be disciplined if the failure to provide notice creates a risk to a patient.

If the hospital determines that the outside employment causes a risk to patients, the hospital may require the nurse to discontinue the outside employment. The hospital may not unreasonably restrict the outside employment of a nurse and may restrict outside employment only if it provides an explanation in writing.

A nurse who does not discontinue outside employment if required by the hospital may be disciplined or terminated from employment by the hospital.