



# Temporary Staffing Agency Program

**OREGON REVISED STATUTES**  
**(UNOFFICIAL COPY)**  
**CHAPTER 676.695 – 725**  
**2023 EDITION**



## **HEALTH LICENSING OFFICE**

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**Health Licensing Office, Temporary Staffing Agency Program**  
**Oregon Revised Statutes, Chapter 676.695 – 725**  
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TEMPORARY STAFFING AGENCIES

**676.695 Definitions for ORS 676.695 to 676.725.** As used in ORS 676.695 to 676.725:

(1) “Hospital” has the meaning given that term in ORS 442.015.

(2) “Personnel” means:

(a) A registered nurse, licensed practical nurse, certified medical assistant, certified nursing assistant or direct caregiver who provides health care services or assistance with activities of daily living to clients, patients or residents for or on behalf of an in-home care agency as defined in ORS 443.305, a facility with a memory care endorsement as described in ORS 443.886, a residential care facility as defined in ORS 443.400 or a skilled nursing facility as defined in ORS 442.015 that engages the temporary staffing agency with which the registered nurse, licensed practical nurse, certified medical assistant, certified nursing assistant or direct caregiver is associated; or

(b) A registered nurse or certified nursing assistant who provides health care services to patients for or on behalf of a hospital that engages the temporary staffing agency with which the registered nurse or certified nursing assistant is associated.

(3)(a) “Temporary staffing agency” means an entity that operates in this state for the purpose of providing temporary work to personnel providing health care services or assistance with activities of daily living for or on behalf of entities that engage the temporary staffing agency.

(b) “Temporary staffing agency” does not include:

(A) A staff arrangement established by an entity solely for use by the entity, or by any entity associated with the entity, and in which the only costs are salaries paid to individuals who perform work;

(B) An individual who provides the individual’s services on a temporary basis;

(C) An employment agency as defined in ORS 658.005;

(D) Home health agencies licensed under ORS 443.015;

(E) In-home care agencies licensed under ORS 443.315; or

(F) Home care workers and personal support workers listed on the home care registry as defined in ORS 410.600. [2022 c.92 §1; 2023 c.506 §3]

**Note:** The amendments to 676.695 by section 13, chapter 506, Oregon Laws 2023, become operative January 1, 2025. See section 15, chapter 506, Oregon Laws 2023. The text that is operative on and after January 1, 2025, is set forth for the user’s convenience.

**676.695.** As used in ORS 676.695 to 676.725:

(1) “Hospital” has the meaning given that term in ORS 442.015.

(2) “Personnel” means:

(a) A registered nurse, licensed practical nurse, certified medical assistant, certified nursing assistant or direct caregiver who provides health care services or assistance with activities of daily living to clients, patients or residents for or on behalf of an in-home care agency as defined in ORS 443.305, a facility with a memory care endorsement as described in ORS 443.886, a residential care facility as defined in ORS 443.400 or a skilled nursing facility as defined in ORS 442.015 that engages the temporary staffing agency with which the registered nurse, licensed practical nurse, certified medical assistant, certified nursing assistant or direct caregiver is associated; or

(b) A registered nurse or certified nursing assistant who provides health care services to patients for or on behalf of a hospital that engages the temporary staffing agency with which the registered nurse or certified nursing assistant is associated.

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(3) “Rate” means the total amount that a temporary staffing agency may charge to or receive from an entity that engages the temporary staffing agency to assign personnel to the entity on a temporary basis.

(4)(a) “Temporary staffing agency” means an entity that operates in this state for the purpose of providing temporary work to personnel providing health care services or assistance with activities of daily living for or on behalf of entities that engage the temporary staffing agency.

(b) “Temporary staffing agency” does not include:

(A) A staff arrangement established by an entity solely for use by the entity, or by any entity associated with the entity, and in which the only costs are salaries paid to individuals who perform work;

(B) An individual who provides the individual’s services on a temporary basis;

(C) An employment agency as defined in ORS 658.005;

(D) Home health agencies licensed under ORS 443.015;

(E) In-home care agencies licensed under ORS 443.315; or

(F) Home care workers and personal support workers listed on the home care registry as defined in ORS 410.600.

**676.698 Temporary staffing agency authorization; renewal.** (1) Subject to subsection (4) of this section, the Health Licensing Office shall issue a temporary staffing agency authorization to an applicant that submits to the office:

(a) An application that includes the names and addresses of the applicant’s officers and directors and any other person that has ownership, partnership or a similar interest in the applicant;

(b) For the purposes of conducting a state or nationwide criminal records check under ORS 181A.195, the fingerprints of all individuals described in paragraph (a) of this subsection;

(c) Copies of the applicant’s organizational documents, including but not limited to articles of incorporation and other relevant filings;

(d) Any other information requested by the office; and

(e) The applicable fee established under ORS 676.576.

(2) An authorization issued under this section is subject to ORS 676.572. In order to renew an authorization issued under this section, a temporary staffing agency shall submit to the office a renewal application that includes:

(a) Any changes to the information described in subsection (1)(a) or (c) of this section;

(b) Any other information requested by the office; and

(c) The applicable fee established under ORS 676.576.

(3) Every two years after the issuance of an authorization under subsection (1) of this section, as a condition of authorization renewal, the office shall require a temporary staffing agency to provide to the office the fingerprints described in subsection (1)(b) of this section for the purpose of conducting updated state and national criminal records checks under ORS 181A.195.

(4) The office may refuse to issue or renew an authorization under this section if the office is not satisfied with the results of a state or nationwide criminal records check conducted under ORS 181A.195 using the fingerprints described in subsection (1)(b) of this section. [2022 c.92 §2]

**676.701 Publicly available list of authorized temporary staffing agencies.** The Health Licensing Office shall publish and maintain on a publicly available website operated by or on behalf of the office a list of temporary staffing agencies authorized under ORS 676.698. [2022 c.92 §3]

**676.704 Prohibition on operation without authorization.** (1) A temporary staffing agency may not operate in this state without an authorization issued or renewed under ORS 676.698.

For an official copy of the Oregon Revised Statutes, please go to the Oregon State Legislature website: [https://www.oregonlegislature.gov/bills\\_laws](https://www.oregonlegislature.gov/bills_laws) or call 1-800-332-2313.

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(2) Each separate physical location of a temporary staffing agency must obtain an authorization under ORS 676.698. [2022 c.92 §4]

**676.707 Temporary staffing agency duties regarding personnel, records; fees.** (1) A temporary staffing agency authorized under ORS 676.698, shall:

(a) Ensure all personnel the temporary staffing agency employs or for whom the temporary staffing agency procures temporary employment or that the temporary staffing agency refers or assigns to temporary employment, for the practice or performance of the services provided by the personnel:

(A) Meets any professional authorization or qualification requirements established;

(B) Has completed any state or nationwide criminal records check required for the position in which the personnel is employed or to which the personnel is assigned or referred;

(C) Has completed any required training and continuing education for the position in which the personnel is employed or to which the personnel is assigned or referred;

(D) Possesses the necessary skills, knowledge and experience and meet any other relevant requirements for the position in which the personnel is employed or to which the personnel is assigned or referred; and

(E) Complies with any relevant requirements related to the health of staff employed by the entity at which the personnel is employed or to which the personnel is assigned or referred.

(b) Assign personnel to settings for which the personnel has the appropriate work experience and background to provide the services required by the specific setting.

(c) Retain records for at least 10 years in a manner that makes the records immediately available to the Health Licensing Office upon request of the office.

(d) Meet any other requirements established by the office by rule.

(2) A temporary staffing agency authorized under ORS 676.698, may charge to an entity that engages the temporary staffing agency fees or other amounts related to or associated with the subsequent hiring of personnel by the entity, or pay to the entity such fees or amounts if the temporary staffing agency hires the entity's staff members, if:

(a) The entity or the temporary staffing agency directly solicits, or attempts to solicit, employment of the personnel or the entity's staff members; and

(b) An agreement between the temporary staffing agency and the entity allows each party to charge to or receive from the other party the fees or amounts described in this subsection. [2022 c.92 §5; 2023 c.506 §4]

**676.710 Complaint process; Health Licensing Office authority to impose additional civil penalties.** (1) The Health Licensing Office shall establish a process to receive and investigate complaints regarding a temporary staffing agency authorized under ORS 676.698 or current or former personnel of a temporary staffing agency, including any current or former personnel employed by a temporary staffing agency or for whom a temporary staffing agency procured temporary employment or that the temporary staffing agency referred or assigned to temporary employment. The process established under this section must allow any person to submit a complaint. The office shall investigate a complaint received through the process established under this section and shall report its findings to the complainant and the temporary staffing agency to which the complaint relates.

(2) The office may impose civil penalties on a temporary staffing agency in addition to the civil penalties described in ORS 676.725, or revoke, suspend or impose conditions on the authorization of a temporary staffing agency pursuant to criteria adopted by the Oregon Health Authority by rule, in circumstances including but not limited to the following:

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(a) If personnel currently or formerly employed by a temporary staffing agency, or for whom a temporary staffing agency procures temporary employment or that the temporary staffing agency refers or assigns to temporary employment:

(A) Engages in abuse, neglect or exploitation of a patient, resident, client or consumer of the entity that engaged the temporary staffing agency;

(B) Engages in conduct that presents a threat to the health, safety or welfare of others, including but not limited to a patient, resident, client, consumer or employee of the entity that engaged the temporary staffing agency; or

(C) Does not meet the qualifications or requirements for the position in which the personnel is working, including but not limited to qualifications or requirements for knowledge, skills or experience or professional authorization; or

(b) If the temporary staffing agency is not in compliance with ORS 676.698, 676.704 or 676.707 or rules adopted under ORS 676.698, 676.704 or 676.707. [2023 c.506 §2]

**Note:** The amendments to 676.710 by section 12, chapter 506, Oregon Laws 2023, become operative January 1, 2025. See section 15, chapter 506, Oregon Laws 2023. The text that is operative on and after January 1, 2025, is set forth for the user's convenience.

**676.710.** (1) The Health Licensing Office shall establish a process to receive and investigate complaints regarding a temporary staffing agency authorized under ORS 676.698 or current or former personnel of a temporary staffing agency, including any current or former personnel employed by a temporary staffing agency or for whom a temporary staffing agency procured temporary employment or that the temporary staffing agency referred or assigned to temporary employment. The process established under this section must allow any person to submit a complaint. The office shall investigate a complaint received through the process established under this section and shall report its findings to the complainant and the temporary staffing agency to which the complaint relates.

(2) The office may impose civil penalties on a temporary staffing agency in addition to the civil penalties described in ORS 676.725, or revoke, suspend or impose conditions on the authorization of a temporary staffing agency pursuant to criteria adopted by the Oregon Health Authority by rule, and in circumstances including but not limited to the following:

(a) If personnel currently or formerly employed by a temporary staffing agency, or for whom a temporary staffing agency procures temporary employment or that the temporary staffing agency refers or assigns to temporary employment:

(A) Engages in abuse, neglect or exploitation of a patient, resident, client or consumer of the entity that engaged the temporary staffing agency;

(B) Engages in conduct that presents a threat to the health, safety or welfare of others, including but not limited to a patient, resident, client, consumer or employee of the entity that engaged the temporary staffing agency; or

(C) Does not meet the qualifications or requirements for the position in which the personnel is working, including but not limited to qualifications or requirements for knowledge, skills or experience or professional authorization; or

(b) If the temporary staffing agency is not in compliance with ORS 676.698, 676.704, 676.707, 676.716, 676.719 or 676.722 or rules adopted under ORS 676.698, 676.704, 676.707, 676.716, 676.719 or 676.722.

**676.713 Discipline.** In the manner prescribed in ORS chapter 183 for contested cases, the Health Licensing Office may impose a form of discipline against a temporary staffing agency authorized under ORS 676.698 for a violation of ORS 676.698, 676.704 or 676.707 or a rule adopted under ORS 676.695 to 676.725. [2022 c.92 §6]

For an official copy of the Oregon Revised Statutes, please go to the Oregon State Legislature website: [https://www.oregonlegislature.gov/bills\\_laws](https://www.oregonlegislature.gov/bills_laws) or call 1-800-332-2313.

**676.716 Temporary staffing agency maximum rates; required consultation; annual evaluation of maximum rates; rules.** (1) The Oregon Health Authority shall adopt rules to establish the maximum rates that, except as provided in ORS 676.719, a temporary staffing agency authorized under ORS 676.698 may charge to or receive from an entity that engages the temporary staffing agency. The authority shall establish more than one maximum rate under this section. The maximum rates established under this section must, for the category of personnel for which the maximum rates are established:

(a) Be based on the most recently available wage data from the Employment Department and include any applicable fringe benefits, charges for administrative and contract fees and other special charges; and

(b) Bear a reasonable relationship to the wage data described in paragraph (a) of this subsection.

(2) The differences in the maximum rates established under this section must be based on factors including but not limited to the minimum wages in geographic regions of this state, shift differentials, holiday pay, type of licensed care setting, relevant state and federal regulatory requirements, personnel with specialty training and information obtained through the consultation described in subsection (3) of this section.

(3) The authority shall consult with at least the following in establishing the maximum rates under this section:

(a) Temporary staffing agencies authorized under ORS 676.698 or representatives of temporary staffing agencies authorized under ORS 676.698; and

(b) Providers of long term care services, acute care services and primary care services, or representatives of the providers described in this paragraph.

(4) The authority shall annually evaluate the maximum rates established under this section and may, based on changes in the labor market, the wage data described in subsection (1) of this section and other factors the authority considers relevant, adjust the maximum rates established under this section. In evaluating and adjusting the maximum rates established under this section, the authority shall consult with the individuals and entities described in subsection (3) of this section.

(5) The authority may adopt rules to carry out this section. [2023 c.506 §9]

**Note:** 676.716 becomes operative January 1, 2025. See section 15, chapter 506, Oregon Laws 2023.

**676.719 Exception from maximum rates.** A temporary staffing agency that is engaged by a hospital may charge to and receive from the hospital rates that exceed the maximum rates established under ORS 676.716 if the rates apply to 25 or fewer personnel in a single licensed care setting. [2023 c.506 §10]

**Note:** 676.719 becomes operative January 1, 2025. See section 15, chapter 506, Oregon Laws 2023.

**676.722 Waiver of maximum rates; emergency waiver of maximum rates; rules.** (1) The Oregon Health Authority shall establish a process through which a temporary staffing agency or an entity that engages a temporary staffing agency may apply to the authority for a waiver of the maximum rates described in ORS 676.716 in circumstances other than those described in subsection (2) of this section. The authority shall establish a period of time for which a waiver granted under this section is valid and a process through which a waiver may be renewed.

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(2)(a) The authority shall establish a process through which an entity that intends to engage a temporary staffing agency authorized under ORS 676.698 at a rate higher than a maximum rate established under ORS 676.716, may request an emergency waiver of the maximum rates. The process must allow the entity to submit a written request for an emergency waiver if:

(A) There is an emergency, as defined in ORS 401.025, a state of emergency is declared pursuant to ORS 401.165 or a public health emergency is declared pursuant to ORS 433.441; and

(B) The entity intends to engage the temporary staffing agency in order to respond to the emergency or state of emergency.

(b) A request for an emergency waiver made pursuant to this subsection shall be automatically approved and issued upon submission to the authority.

(c) An emergency waiver issued under this subsection is valid for 90 days and may be renewed. The authority shall approve or deny a request to renew an emergency waiver within three business days after receiving the request.

(d) A temporary staffing agency engaged by an entity for which an emergency waiver is issued under this subsection may charge to or receive from the entity rates consistent with the emergency waiver.

(3) The authority may adopt rules to carry out this section. [2023 c.506 §11]

**Note:** 676.722 becomes operative January 1, 2025. See section 15, chapter 506, Oregon Laws 2023.

**676.725 Civil penalties.** (1) The Health Licensing Office may impose on a temporary staffing agency a civil penalty not to exceed \$500 per day per violation of ORS 676.698, 676.704, 676.707 or 676.710. The office shall consider as a separate violation each assignment of an individual personnel member in violation of ORS 676.707 (1).

(2) Moneys from civil penalties imposed under this section shall be deposited in the Health Licensing Office Account established under ORS 676.625 for the administration of ORS 676.695 to 676.725. [2022 c.92 §7; 2023 c.506 §5]

**Note:** The amendments to 676.725 by section 14, chapter 506, Oregon Laws 2023, become operative January 1, 2025. See section 15, chapter 506, Oregon Laws 2023. The text that is operative on and after January 1, 2025, is set forth for the user's convenience.

**676.725.** (1) The Health Licensing Office may impose on a temporary staffing agency a civil penalty not to exceed \$500 per day per violation of ORS 676.698, 676.704, 676.707, 676.710, 676.716, 676.719 or 676.722. The office shall consider as a separate violation each assignment of an individual personnel member in violation of ORS 676.707 (1).

(2) Moneys from civil penalties imposed under this section shall be deposited in the Health Licensing Office Account established under ORS 676.625 for the administration of ORS 676.695 to 676.725.