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# OHA Hospital Staffing Webinar May 3, 2024

Public Health Division

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The logo for the Oregon Health Authority. It features the word "Oregon" in a smaller, orange, sans-serif font above the word "Health" in a large, blue, serif font. Below "Health" is the word "Authority" in a smaller, orange, sans-serif font. The entire logo is set against a light blue, curved background.

Oregon  
Health  
Authority

# OHA Hospital Staffing Webinar

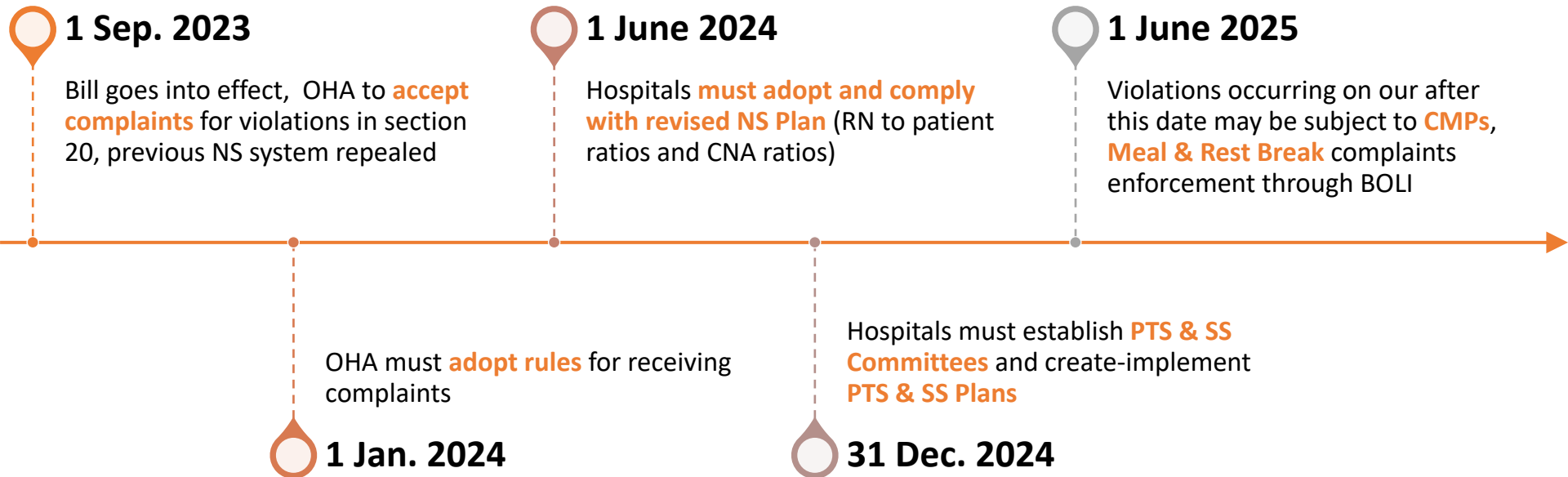
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## Agenda

- Hospital staffing law overview
- Hospital staffing complaints
- Investigation overview
- Tips for success
- Question & Answer

# Hospital Staffing Law Overview

Legislature passed HB 2697 in 2023, which made significant changes to hospital staffing law:



# Rulemaking for HB 2697

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- Rules Advisory Committee (RAC) included Nurse Staffing Advisory Board (NSAB) members and representatives from ONA, OFNHP, SEIU, AFSCME, and HAO
- Repealing rules no longer supported by the hospital staffing law
- Renumbering rules that are still supported by the law
- New rules related to:
  - Definitions required to implement hospital staffing rules
  - Filing hospital staffing complaints
  - Processing complaints
  - Hospital staffing enforcement process
- OHA may form additional RACs to address new and continuing questions as we learn more about the law

# Important Upcoming Dates

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- **May 15, 2024**
  - New hospital staffing rules projected to go into effect
- **June 1, 2024**
  - Nurse staffing plans must meet HB 2697 requirements, including RN-to-patient ratios
- **December 31, 2024**
  - Hospitals must have Professional/Technical Staffing Committees and Staffing Plans
  - Hospitals must have Service Staffing Committees and Staffing Plans
- **June 1, 2025**
  - OHA may begin imposing civil penalties for violations of ORS 441.792 that occur on or after June 1, 2025

# Valid Complaints as of September 1, 2023<sup>1</sup>

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OHA is currently investigating complaints related to:

- Failure to adopt a Nurse Staffing Plan
- Failure to comply with the nursing staff member (RNs, LPNs, CNAs) staffing levels in Nurse Staffing Plan
- Failure to release a nurse staffing committee member to attend a Nurse Staffing Committee meeting
- Requiring a nursing staff member to work mandatory overtime (exceptions apply)

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<sup>1</sup> See ORS 441.792

# Valid Complaints starting December 31, 2024<sup>1</sup>

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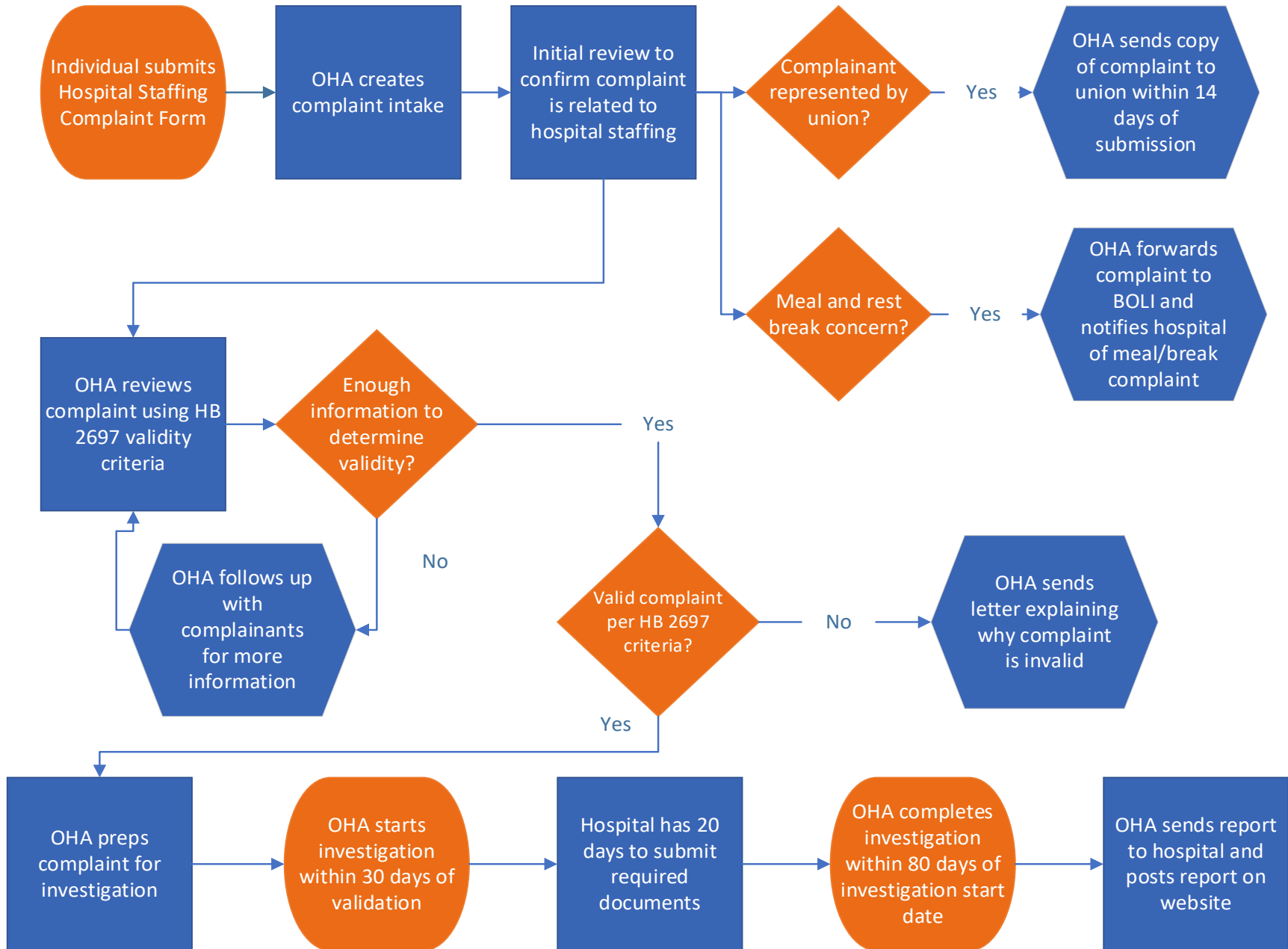
OHA can investigate the following complaints starting December 31, 2024:

- Failure to establish a hospital Professional/Technical Staffing Committee (PTSC) or Service Staffing Committee (SSC)
- Failure to create a Professional/Technical Staffing Plan (PTSP) or Service Staffing Plan (SSP)
- Failure to comply with the staffing level in the PTSP or the SSP (including CNAs)
- Failure to release a PTSC member or SSC member to attend a PTSC or SSC meeting, respectively

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<sup>1</sup> See ORS 441.792

# OHA Hospital Staffing Complaint Process Flowchart





# Valid Complaints

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- Under hospital staffing law, OHA can only investigate **valid** complaints. A complaint is valid if it is:
  - Submitted within 60 days of the alleged violation; and
  - Alleges the violation of a provision listed in ORS 441.792
- Complaints can be submitted through the [Hospital Staffing Online Complaint Form](#)

Hospital staff members and Exclusive Representatives can submit a complaint about an alleged violation of the hospital staffing law through OHA's online [Hospital Staffing Complaint Intake Form](#)

**NOTE:** The Oregon Bureau of Labor & Industries (BOLI) enforces the laws related to meal and rest break complaints. Before June 1, 2025, meal and rest break complaints are subject to the limitations in [ORS 653.261](#) and [OAR 839-020-0050](#). You may file a complaint about missed meal and rest breaks directly with BOLI through the [BOLI Complaint Resolution Center](#)

# Meal and Rest Break Enforcement

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- Oregon Bureau of Labor & Industries (BOLI) is responsible for enforcing laws related to meal and rest breaks
- Before June 1, 2025, meal and rest break complaints are subject to current limitations in ORS 653.261 and OAR 839-020-0050.
- Meal and rest breaks can be filed directly with BOLI or indirectly through OHA.
  - If a meal and rest break complaint is filed with OHA, OHA forwards that complaint to BOLI
  - BOLI may still require the complainant to file a BOLI complaint form

# Hospital Staffing – Tips for Success

# Tips for Success – Submitting Complaints

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- Avoid abbreviations - write out the full name of the unit/service area that is the subject of the complaint
- We can only investigate the specific complaints outlined in the statute. The law includes a lot of requirements for Staffing Committee operations and Staffing Plans that are not subject to the complaint process.
- Be specific when describing what is required and what went wrong.
  - *For example, if you are asked what the staffing plan requires, write “1 RN is required for every 5 patients on the unit” or “An RN cannot be assigned more than 5 patients at a time” – don’t write “5”*

# Tips for Success – Staffing Plans

- OHA can only enforce staffing (including statutory ratios) that is written as **required** in the nurse staffing plan

OHA can usually enforce staffing levels that are described as:	OHA may not be able to enforce staffing levels described as:
<ul style="list-style-type: none"><li>• Required</li></ul>	<ul style="list-style-type: none"><li>• Recommended staffing</li></ul>
<ul style="list-style-type: none"><li>• Mandatory</li></ul>	<ul style="list-style-type: none"><li>• Ideal staffing</li></ul>
<ul style="list-style-type: none"><li>• Maximum ratios</li></ul>	<ul style="list-style-type: none"><li>• Core staffing</li></ul>
<ul style="list-style-type: none"><li>• Minimum numbers</li></ul>	<ul style="list-style-type: none"><li>• Allowed staffing</li></ul>
<ul style="list-style-type: none"><li>• Staffing levels “must” or “shall”</li></ul>	<ul style="list-style-type: none"><li>• Staffing levels “may”</li></ul>
	<ul style="list-style-type: none"><li>• Staffing guideline</li></ul>

# Tips for Success - Investigations

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- Be aware of deadlines– the due date to submit documents will not be delayed if the Entrance Conference is delayed
- Submit all documents necessary for OHA to determine whether the hospital maintained compliance.
  - OHA provides investigation-specific Needs List to Hospital Administrator and CNO on the investigation start date
  - Necessary documents may vary between hospitals based on the complaints under investigation
  - OHA may reach out to hospital and NSC Co-Chairs with questions
- Contact OHA as questions arise

# Q & A

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*Enter your questions into the chat for OHA to answer!*

# Hospital Staffing Resources:

**Website:** [www.healthoregon.org/nursestaffing](http://www.healthoregon.org/nursestaffing)

**Email:** [mailbox.nursestaffing@odhsoha.Oregon.gov](mailto:mailbox.nursestaffing@odhsoha.Oregon.gov)

**Complaint form:**

<https://www.surveymonkey.com/r/OregonHospitalStaffingComplaint>

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## Meal and Rest Break Resources:

**Bureau of Oregon Labor & Industries (BOLI)**

**Website:** [www.Oregon.gov/BOLI](http://www.Oregon.gov/BOLI)

**Email:** [BOLI\\_Help@boli.Oregon.gov](mailto:BOLI_Help@boli.Oregon.gov)

**File a meal/rest break complaint:**

<https://complaints.boli.oregon.gov/home/landing>