



Facilities Planning and Safety Unit

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Civil Monetary Penalties Committee Meeting Agenda

Date: June 8, 2022

Time: 3:00 PM – 4:30 PM

To receive meeting login information, register for the meeting here:

<https://www.zoomgov.com/meeting/register/vJlscu2opz8uEpmGPHxOyTygPaCLyyyTkg>

Time	Agenda Item	Materials Provided	Presenter
3:00 PM – 3:05 PM	Item 1 – Review the meeting agenda		Kimberly Voelker
3:05 PM – 3:15 PM	Item 2 – Summarize past CMP Committee Discussion <ul style="list-style-type: none">• Scope of CMP Committee and NSAB• Financial and workload impact on OHA• Tags Related to Unsafe Patient Care• Identifying noncompliance		Kimberly Voelker & Anna Davis
3:15 PM – 4:05 PM	Item 3 – Discuss draft CMP Decision-making Tool	<ul style="list-style-type: none">• Draft CMP Decision-making Tool	Kimberly Voelker & Anna Davis

	<ul style="list-style-type: none"> • Vote to recommend NSAB support implementation of CMP tool 		
4:05 PM – 4:25 PM	Item 4 – Discuss CMP report for NSAB <ul style="list-style-type: none"> • Recommend changes • Vote on CMP Report 	<ul style="list-style-type: none"> • Draft CMP Report 	Kimberly Voelker
4:25 PM – 4:30 PM	Item 5 – Summarize action items and next steps		Kimberly Voelker
4:30 PM	Meeting adjourned		

Upcoming Meetings

- *NSAB Quarterly Meeting – July 27th, 2022: 1:00 PM – 5:00 PM*

Everyone has a right to know about and use Oregon Health Authority (OHA) programs and services. OHA provides free help. Some examples of the free help OHA can provide are:

- Sign language and spoken language interpreters
- Written materials in other languages
- Braille
- Large print
- Audio and other formats

If you need help or have questions, please contact Kimberly Voelker at 971-803-0914, 711 TTY or kimberly.n.voelker@state.or.us at least 48 hours before the meeting.

Civil Monetary Penalty Decision-Making Tool

Hospital _____

Survey Type _____ Survey Exit Date _____

NS Policy Analyst _____ Date _____

This form is for use by OHA to identify situations that reflect safe patient care has been or may be negatively affected. After a hospital has been issued its nurse staffing report, the Nurse Staffing Policy Analyst will complete Sections 1 - 3 in Part A. The Nurse Staffing Policy Analyst will complete Section 4 after the hospital has submitted three POCs or submitted a late POC. If the point total in Part A exceeds the threshold, complete Part B. (See Section 4 for definition of late POC.)

This form should be saved with the hospital's survey or investigation folder.

Part A: Identifying Noncompliance

For each section, record the number of points as instructed on the form.

Section 1 - Total Number of Deficiencies

Check the box next to the number of deficiencies cited on this SOD. Check the boxes if the SOD was issued for a standalone revisit survey. (For example, if 12 tags were cited, the 2 Points Box and "Add 4 points if revisit survey", resulting in a total of 6 points.)

- | | | |
|--|---------------|--------------------------|
| Check if less than 10 tags cited: | (0 Points) | <input type="checkbox"/> |
| Check if 10 - 15 tags cited: | (2 Points) | <input type="checkbox"/> |
| <i>Add 4 points if revisit survey</i> | + (4 Points) | <input type="checkbox"/> |
| Check if 16 - 20 tags cited: | (4 Points) | <input type="checkbox"/> |
| <i>Add 8 points if revisit survey</i> | + (8 Points) | <input type="checkbox"/> |
| Check if 20+ tags cited: | (8 Points) | <input type="checkbox"/> |
| <i>Add 16 points if revisit survey</i> | + (16 Points) | <input type="checkbox"/> |

Point Total for Section 1: _____

Section 2 - Repeated Noncompliance

Check the box for each survey Cycle the tag was cited. The points are added only if the hospital has received the citation within the past two survey cycles. For example, if a hospital is cited for E600 in Cycle 2 but not cited in Cycle 1, do not add the points because there is no repeat compliance.

	Cycle 1 (0 points)	Cycle 2 (2 points if recently cited)	Cycle 3 (4 points if recently cited)	Cycle 4 (8 points if recently cited)	Complaint (1 point)	Points
<i>Example 1 - Tag cited in Cycle 1 and Cycle 2</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Example 1: 2 Points
<i>Example 2 - Tag cited in Cycle 1, Cycle 2, and Cycle 3</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Example 2: 6 points
<i>Example 3 - Tag cited in Cycle 2 and Cycle 3</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Example 3: 4 points
<i>Example 4 - Tag cited in Cycle 1 and Cycle 3</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Example 4: 4 points
<i>Example 5 - Tag cited in Cycle 1 and Cycle 4</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Example 5: 0 points

	Cycle 1 (0 points)	Cycle 2 (2 points if recently cited)	Cycle 3 (4 points if recently cited)	Cycle 4 (8 points if recently cited)	Complaint (1 point)	Points
Tag E630- NSP Qualifications, trainings &	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tag E638 - NSP Acuity & Intensity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tag E640 - NSP Minimum Numbers: Specified Shifts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tag E642 - NSP Minimum Numbers: 1 RN + 1 NSM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tag E646 - NSP Tasks not Related to Direct Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tag E654 - Annual Review Factors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tag E665 - NSM Mandatory Overtime	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Point Total for Section 2: _____

Section 3 - Tags Closely Related to Unsafe Patient Care

The NSAB CMP Committee advised that a reasonable belief that safe patient care had been or may be negatively impacted if the following tags were cited. Mark each tag that was cited on the SOD.

Tag E630: NSP Qualifications, trainings & competencies

Tag E646: NSP Tasks not Related to Direct Patient Care

Tag E638: NSP Acuity & Intensity

Tag E654: Annual Review Factors

Tag E640: NSP Minimum Numbers: Specified Shifts

Tag E665: NSM Mandatory Overtime

Tag E642: Minimum Numbers: 1 RN + 1 NSM

Number of Section 3 Tags cited: _____ x 1 point = _____ points

Point Total for Section 3: _____

Calculate Point Totals from Part A, Sections 1 - 3

This section calculates the points from Sections 1 - 3. This section should be filled out after the nurse staffing report has been sent to the hospital. If Sections 1 - 3 exceeds X points, complete Part B.

Total from Section 1: _____ +

Total from Section 2: _____ +

Total from Section 3: _____

= _____ points

If total exceeds 27 points, complete Part B.

Section 4 - Plan of Correction Engagement

Note: Do not complete this section until the hospital has submitted three Plans of Correction or the hospital submits a late POC.

A late POC is a POC submitted after its 30 work-day deadline, or if the hospital has received an extension on its POC from OHA, after the POC extension deadline.

If there is new information to record in this section, print a new Section 4 page. Draw a single line through the previous version and date and initial. Retain both versions in the hospital's POC folder.

Section 4A: Number of POC Submissions

POC 1 Accepted: 0 points

POC 1 Unacceptable: 0 points

POC 2 Unacceptable: 0 points

POC 3 Unacceptable: _____ tags to correct × 1 point = _____ points

POC 4 Unacceptable: _____ tags to correct × 2 points = _____ points

POC 5 Unacceptable: _____ tags to correct × 3 points = _____ points

Add 20 points for each additional POC that is unaccepted (POC 6, POC 7, etc.)

Point Total for Section 4A: _____

Section 4B: Late POC Submissions

Use the space below to record incidents where the POC was received more than 5 work days after its original due date. If the hospital received an extension, only list incidents where the POC was received more than one work day after the extended due date.

	POC Version #	POC Due Date	Check if extension	Extension Due Date	Date POC Received	# Work Days Late
Incident 1			<input type="checkbox"/>			
Incident 2			<input type="checkbox"/>			
Incident 3			<input type="checkbox"/>			
Incident 4			<input type="checkbox"/>			
Incident 5			<input type="checkbox"/>			

POC received 6 - 20 work days late: # Incidents _____ × 2 points = _____ points

POC received 21 or more work days late: # Incidents _____ × 5 points = _____ points

Extended POC received 1 or more work days late: # Incidents _____ × 2 points = _____ points

Point Total for Section 4B: _____

Calculate Point Totals from Part A, Section 4

If there is a new point total for Section 4 (as a result of multiple POC submissions or late POC submissions), print a new calculation page. Draw a line through the previous version and date and initial. Retain each version in the hospital's POC folder.

Total from Section 4A: _____ +
Total from Section 4B: _____ = _____ points

If total exceeds 55 points, complete Part B.

Part B: Decision-making

Decision by HFLC Survey & Certification Manager

Issue Warning Letter - There is noncompliance that reflects safe patient care has been or may be negatively impacted. The hospital will be sent a warning letter and required to submit a POC within the required deadline. If the submitted POC is not acceptable, OHA may issue a CMP.

Issue Civil Monetary Penalty - There is noncompliance that reflects safe patient care has been or may be negatively impacted. Check the box next to each applicable statement.

The hospital is noncompliant with many aspects of the nurse staffing law. It received 10 or more citations during the survey. (See Part A, Section 1 - Total Number of Deficiencies)

The hospital has failed to correct or maintain compliance for deficiencies previously cited against the hospital. (See Part A, Section 2 - Repeated Noncompliance.)

The hospital received at least one citation closely related to unsafe patient care. (See Part A, Section 3 - Tags Closely Related to Unsafe Patient Care.)

The hospital is not engaged in the Plan of Correction process. (See Part A, Section 4 - POC Engagement.)

Comments:

Printed Name _____ Date _____

Signature _____

Decision by HCRQI Program Manager

Issue Warning Letter - There is noncompliance that reflects safe patient care has been or may be negatively impacted. The hospital will be sent a warning letter and required to submit a POC within the required deadline. If the submitted POC is not acceptable, OHA may issue a CMP.

Issue Civil Monetary Penalty - There is noncompliance that reflects safe patient care has been or may be negatively impacted. Check the box next to each applicable statement.

The hospital is noncompliant with many aspects of the nurse staffing law. It received 10 or more citations during the survey. (See Part A, Section 1 - Total Number of Deficiencies)

The hospital has failed to correct or maintain compliance for deficiencies previously cited against the hospital. (See Part A, Section 2 - Repeated Noncompliance.)

The hospital received at least one citation closely related to unsafe patient care. (See Part A, Section 3 - Tags Closely Related to Unsafe Patient Care.)

The hospital is not engaged in the Plan of Correction process. (See Part A, Section 4 - POC Engagement.)

Comments:

Printed Name _____ Date _____

Signature _____

Decision by NS Policy Analyst

Issue Warning Letter - There is noncompliance that reflects safe patient care has been or may be negatively impacted. The hospital will be sent a warning letter and required to submit a POC within the required deadline. If the submitted POC is not acceptable, OHA may issue a CMP.

Issue Civil Monetary Penalty - There is noncompliance that reflects safe patient care has been or may be negatively impacted. Check the box next to each applicable statement.

The hospital is noncompliant with many aspects of the nurse staffing law. It received 10 or more citations during the survey. (See Part A, Section 1 - Total Number of Deficiencies)

The hospital has failed to correct or maintain compliance for deficiencies previously cited against the hospital. (See Part A, Section 2 - Repeated Noncompliance.)

The hospital received at least one citation closely related to unsafe patient care. (See Part A, Section 3 - Tags Closely Related to Unsafe Patient Care.)

The hospital is not engaged in the Plan of Correction process. (See Part A, Section 4 - POC Engagement.)

Comments:

Printed Name _____ Date _____

Signature _____