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Oregon Nurse Staffing Advisory Board (NSAB)
 Wednesday, July 26, 2023
 1:00 PM – 5:00 PM

Meeting Minutes

Cochair	Uzo Izunagbara, DNP, MSN, MHA, RN (presiding)
Members present	Jenni Word, RN; Barbara Merrifield, MSN, RN; Chandra Ferrell, CNA; Lace Velk, RN; Mariah Hayes, MN, RN, NE-BC; Becky Wise, RN; Kitty Rogers, DNP, RN, NEA-BC, CEN, CPEN, TCRN, CPHQ
Members absent	Kelsey Betts, RN; Joel Hernandez, RN; Todd Luther, RN, CEN; Shannon Edgar, RN, MBA;
PHD staff present	Dana Selover, MD, MPH; Anna Davis, JD; Kimberly Voelker, MPH; Ashley Thirstrup; Austin Schmidt, RN; Ilana Kurtzig; Tip McIntosh

Guests present	Donell Owens (Kaiser Sunnyside); Gina Cole (Legacy Health); Margaret Mukai (MKM Consultants); Janis Beardsley (Morrow County); Danielle Meyer (OAHHS); Andrew Phillips, Brooke Baldwin, Desiree McCue, Emily Palmquist, Erica Swartz, Joshua Heiland, Molly Blaser, Tara Menon (OHSU); Christy Simila, Jesse Mensik Kennedy, Paige Spence, Therese Hooft (ONA); Shannon O'Fallon (Oregon DOJ); Anna LaRosa, Shauna Cline (Saint Alphonsus); Kerry Kilgore (SLCH); Jennifer Peterson (St. Anthony); Tia Rodriguez (West Valley);
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Agenda Item 1	<i>Call to Order</i>
<p>The meeting was conducted as an online Zoom meeting with computer and phone audio options. The meeting was called to order and members were notified that the meeting would be recorded. Board co-chair greeted board members and initiated rollcall.</p>	

Agenda Item 2	<i>Minutes</i>
<p>Board co-chair asked whether there were any edits, corrections, or questions about the minutes from the April 2023 Quarterly NSAB meeting.</p> <p>Motion to approve April minutes as written: Jenni Word</p>	

Seconded: Lace Velk
Motion passed.

Agenda Item 3	<i>Membership & Program Updates</i>
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K. Voelker welcomed new board member, Kitty Rogers. Board member introduced themselves to board. K. Voelker stated that the last vacant position had been filled, but encouraged interested parties to apply because applications are valid for two years and having applications in the pool is useful when vacancies arise.

K. Voelker informed the board of required Workday training due at the end of 2023 and where to find it.

K. Voelker reminded the board of the hybrid/in-person NSAB meeting in October 2023.

A. Davis stated that there was still a co-chair vacancy and that they expected the Governor to appoint from the current membership because of there were no longer any vacancies on the board.

D. Selover clarified the selection process and suggested co-chair term duration alterations to the NSAB bylaws.

Board co-chair asked how term durations be changed.

D. Selover explained that board member terms are set in statute and that co-chair terms are set by the bylaws.

Board co-chair asked when the board can expect the nurse manager co-chair vacancy to be appointed by the governor.

A. Davis answered that OHA did not know the timeline.

D. Selover stated that K. Voelker continued to advocate for the Nurse Staffing Advisory Board to the Governor's Office, though the response was slow.

There were no additional questions or comments related to the membership and program updates.

Agenda Item 4	<i>TRIPS</i>
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K. Voelker presented the Travel Reimbursement for Nurse Staffing Advisory Board Members slides, which included information about what is included for reimbursement and how it differs from compensation. Other information covered in the slides were the State's

reimbursement process, documentation needed for reimbursement, reimbursement requests, and rates.

Board co-chair asked if there were any federal or Oregon-specific state rules about remote participation and reimbursement.

K. Voelker answered that there were no travel related reimbursements for remote participation and that they would send the slides and resources to board members.

D. Selover asked who would be responsible for reimbursement coordination.

K. Voelker answered that they and T. McIntosh would work together. T. McIntosh will receive and check initial requests.

A. Davis noted that if any member wishes to fly to Portland, they should notify OHA as soon as possible because the process for OHA to buy the plane ticket is lengthy.

There were no additional questions or comments related to the TRIPS reimbursement.

Agenda Item 5	<i>Status Updates</i>
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K. Voelker reminded the board that the waiver dashboard is presented twice a year, once in January and again in July. The survey dashboard, complaint dashboard, and revisit dashboard are presented at each board meeting.

Nurse Staffing Waivers

K. Voelker presented the waiver dashboard for Large Hospitals (>150 beds) and explained how to read the dashboard. Data present on the dashboard included initial waiver applications, subsequent waiver applications, renewals, partial denial, expired waivers, and lapsed waivers.

Board co-chair noted that the bar graph on the dashboard was dated 07/10/2023 and asked whether the chart included data from previous submissions.

K. Voelker confirmed that data from previous submissions was included and noted that the graph included information from when the law had changed in 2015. They explained the data under the initial waiver application included hospitals that submitted their first waiver request in 2016.

K. Voelker presented the waiver dashboard for Medium Hospitals (26-150 beds) and noted there were no changes in the Initial Waiver Application column and Subsequent Waiver Application column since January 2023. There had been one renewal request withdrawn as it had been made a year in advance and the hospital would need to resubmit closer to the original waiver's expiration date.

K. Voelker presented the waiver dashboard for Critical Access Hospitals (25 beds or fewer) and stated that there was one initial waiver application since January 2023. There were two subsequent waiver applications granted and one that was pending. There had been one Special Inpatient Care Facility (SICF) that had applied for a waiver which had been denied and after revisions, the revised request was granted and then renewed twice.

K. Voelker stated there were twelve hospitals with waivers expiring in September 2023 and nine hospitals with waivers expiring in October 2023.

Nurse Staffing Surveys

K. Voelker presented the Nurse Staffing Survey dashboard, which included information about the number of hospitals surveyed and Plan of Correction (POC) status for surveys completed in Cycle 2 (2021 – 2023). It also included information regarding the average number of days between survey entrance to POC approval, the average number of submissions to achieve POC approval, and how many surveys were conducted since the last NSAB meeting.

The following slide presented the Nurse Staffing Survey Status for Cycle 2. It displayed the progress of hospital surveys and their POC for each year in Cycle 2.

There were no questions about the survey dashboard.

Nurse Staffing Complaint Investigations

K. Voelker presented the Nurse Staffing Complaint Investigations dashboard, which included the number of investigations completed since 2016, number of investigations with one or multiple allegations, percentage of how many allegations were substantiated, and the number of complaints investigated since the April 2023 NSAB meeting. They also presented the status of POCs for completed complaint investigations.

Board co-chair asked why the chart reflected 53 completed investigations with a total of 227 allegations, as well as 54 investigations conducted.

K. Voelker answered that 53 investigations had been completed and that the 54th investigation was still in progress.

K. Voelker also presented the Hospitals with Complaint Investigations for 2021 - 2023, which displayed the progress of complaint investigations and POCs.

There were no additional questions or comments about complaints.

Nurse Staffing Revisits

K. Voelker presented the Nurse Staffing Revisit dashboard, which reflected information about revisits combined with full nurse staffing surveys, how many hospitals have had repeat

noncompliance citations, standalone revisits, and how many hospitals had passed their revisits or were in the POC process following a revisit.

There were no questions or comments about revisits.

Agenda Item 6	<i>HB 2697</i>
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D. Selover presented a brief overview of House Bill (HB) 2697 which included explanations of key provisions, an implementation plan, and the timeline of the bill. They then introduced A. Thirstrup, OHA Government Relations Director, to provide additional information.

A. Thirstrup greeted the board and reiterated how the bill introduced several new changes to the law. They expressed gratitude for the time and effort put into the package by the bill negotiators.

A. Thirstrup briefly described HB 3396 and HB 2045.

Board member noted that by June 2025, there will be numerous complaints received. Given the current difficulty faced of hiring and training surveyors and investigators, board member asked if there was a plan in place to train investigators in the requirements the new bill by 2025.

D. Selover answered that the agency has a plan to hire and train staff before June 2025.

A. Davis added that there are plans to keep staff active in the interim so that they can develop tools for the complaint investigations under the new law.

Board member asked about enforcement between September 2023 and June 2025.

D. Selover answered that the bill's requirements for enforcement prior to June 2025 were still being studied.

Board member asked if complaints would be addressed before 2025 but the enforcement would not take place until then.

D. Selover answered that OHA was discussing requirements with its leadership and DOJ, and that OHA would create rules to implement the bill's requirements.

Board member asked about nurse staffing waivers under HB 2697.

A. Davis answered that there will be two types of waivers under the law. One that is self-authorizing and the other is the traditional nurse staffing waiver that would need to be applied for with the Oregon Health Authority (OHA). They stated that waivers will continue to exist but will change significantly.

Board member noted that they were unsatisfied with the definitions for professional, technical and service staff and its reference to the National Labor Relations Board regulations if there was a collective bargaining agreement. They stated the definitions were not clear.

D. Selover explained that the bill provided the definitions for the professional, technical, and service staffing definitions and OHA has limited rulemaking ability under the law.

Board co-chair asked about visibility on OHA's analysis of the new bill.

D. Selover answered that OHA's analysis would be apparent through work product, such as communications to the public.

Board co-chair noted that very clear guidance will be needed while waiting for enforcement and encouraged OHA to prioritize this.

D. Selover stated that some communication and guidance regarding implementation would be sent out by September 1st.

Board member noted their concerns surrounding procedures such as open complaint intakes and current Plans of Correction, and asked for more information about what to expect for ongoing activities.

Board member echoed the same urgency for guidance as their board member peers.

Agenda Item 7	<i>Break</i>
Board co-chair called for a five-minute break.	

Agenda Item 8	<i>Committee Updates</i>
<i>Rules Review Committee</i>	
K. Voelker updated the board on the Rules Review Committee activities and timeline, as well as the impact of the HB 2697 on the committee's work.	
Board co-chair asked whether OHA would create a Rules Review Committee for HB 2697.	
K. Voelker explained the difference between the Rules Review Committee and a Rules Advisory Committee (RAC) and explained that a RAC would likely be set up soon.	
D. Selover reiterated that a RAC would be established and referenced HB 2993 RAC requirements.	
Board member voiced their appreciation for the Rules Review Committee's work and asked whether the committee was going to continue its review of existing definitions.	

D. Selover noted that the Rules Review Committee was not going to continue its work on reviewing definitions because definitions and requirements would change under HB 2697.

Board co-chair asked whether NSAB membership would be expanded to add professional, technical, and service staff.

D. Selover stated that the bill did not include an advisory board for professional, technical, and service staff, nor did it expand NSAB membership.

Board member extended thanks to K. Voelker for their work and presentation.

There were no additional questions or comments related to the Rules Review Committee.

Agenda Item 9	<i>Annual Legislative Report</i>
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K. Voelker presented the Annual Legislative Report that included an overview and the timeline. Upon the Report Priorities slide, K. Voelker asked for the board's priorities and included suggestions.

Board member asked for clarification of the priority titled, "Areas of continued focus."

K. Voelker answered that on the previous report, that section focused on areas where hospitals were continuing to struggle, NSAB had spent significant time, and how OHA would address those problems, such as patient acuity, meal and rest breaks, and minimum numbers.

Board member expressed concern about decisions on CMPs and wanted more information about that before including it in the annual report.

Board co-chair asked whether OHA had an update on CMPs.

A. Davis answered that the OHA had met with DOJ. OHA found that it would need to do additional rulemaking before implementing CMPs as advised by the NSAB. They noted that the new statute would go into effect before rulemaking for CMPs would finish, so OHA would not be able to move forward with CMPs under the previous law.

Board co-chair suggested changing the title for Survey Reports and Plans of Corrections given the changes the new bill brings.

D. Selover reminded the board that the report is retroactive and serves as a recap and a bit of a preview.

K. Voelker agreed that the report highlights what has been done over the past year and that all activities are transparent. K. Voelker asked the board for suggestions and input on report content.

Board member suggested that the “Continuing impact of COVID-19” should be retitled.

K. Voelker presented the tentative timeline for completing and reviewing the report.

Board member voiced that they were supportive of the timeline and would volunteer to be the nurse manager to go through it.

There were no additional questions or comments related to the Annual Legislative Report.

Agenda Item 10	<i>Emerging Issues in Nurse Staffing</i>
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Board co-chair initiated a round robin with K. Voelker facilitating time and asked the board for emerging issues.

Board member, B. Merrifield, wanted to discuss the use of term “noncompliance” when the new law is implemented.

Board member, J. Word, reiterated their concern about the new nurse staffing law and how well it can be interpreted by other hospitals who might not be able to staff to the require ratios.

Board member, K. Betts, discussed concerns with staffing shortages and patient and staff safety.

Board member, C. Ferrell, voiced concerns about CNA patient limits when the law goes into effect on September 1st, particularly as it relates to hospitals not understanding law requirements.

Board member, L. Velk, discussed how staffing shortages contribute to staff fatigue and that understanding between administration, managers, and nurses should be promoted to facilitate a healthier work environment.

Board member, M. Hayes, stated they were worried about filling open nurse positions, especially CNA ratios.

Board co-chair thanked the board for their thoughts on emerging issues and acknowledged the operational nature of most of the issues.

Board member wanted added their concerns about the impact of the new law on workload intensity and acuity.

Board member stated that they thought there was an intersection between staffing shortages and workplace violence. They asked whether OHA was supporting hospitals in improving staff safety.

D. Selover was uncertain if they could make any concrete comments on the issue raised. They asked A. Davis to provide more information about hospital safety through the lens of licensing rules and Centers for Medicare & Medicaid Services Conditions of Participation.

A. Davis noted that there were bills introduced during the past legislative sessions about increasing penalties for assaults on hospital staff. They noted that federal regulations that OHA enforced focused on patient safety, not staff safety or workplace violence prevention. They noted that Oregon Bureau of Labor & Industries (BOLI) and Occupational Safety and Health Administration (OSHA) were more directly responsible for workplace safety regulations.

There were no additional questions or comments related to emerging issues.

Agenda Item 11	<i>Public Comment</i>
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K. Voelker reminded the board and the public that each commenter had two minutes to make a comment to the board.

K. Voelker announced to the board that those who had signed up for public comment prior to the meeting are not present. They called out two names that had signed up but received no response.

K. Voelker invited those who wish to make a public comment to post in the chat.

There was no comment.

Board co-chair thanked the board and adjourned the NSAB meeting.

Agenda Item 12	<i>Meeting Adjourned</i>
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Approved by NSAB on October 27, 2023

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