



Oregon

Kate Brown, Governor

Oregon Department of Human Services

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**NF-21-045 – Provider Alert**

Date: August 24, 2021

To: All Nursing Facilities

From: Aging and People with Disabilities  
ODHS Safety, Oversight and Quality Unit (SOQ)

Subject: **Temporary Revision of OARs Related to CNA Staffing**



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Due to Oregon's current statewide hospital capacity crisis, the Oregon Department of Human Services, Safety, Oversight and Quality Unit is temporarily revising the Oregon Administrative Rules (OARs) related to certified nursing assistant staffing, effective immediately.

Hospitals are currently at capacity and struggling to discharge patients to nursing facilities (NF) in a timely manner. NFs have been denying admissions from hospitals due to a critical staffing shortage across the State, particularly certified nursing assistants.

To allow nursing facilities the ability to increase resident capacity related to these challenges, The Department is temporarily amending the minimum certified nursing assistant ratios as follows:

Current OARs for Certified Nursing Assistants (411-086-0100(C)):

- DAY SHIFT: 1 certified nursing assistant per 7 residents.
- EVENING SHIFT: 1 certified nursing assistant per 9.5 residents.
- NIGHT SHIFT: 1 certified nursing assistant per 17 residents.

Effective August 24<sup>th</sup>, 2021, Temporary OARs for Certified Nursing Assistants (411-086-0100(C)):

- DAY SHIFT: 1 certified nursing assistant per 8.5 residents.
- EVENING SHIFT: 1 certified nursing assistant per 12 residents.
- NIGHT SHIFT: 1 certified nursing assistant per 18 residents.

The Department is also temporarily expanding definitions of who can be counted towards the minimum certified nursing assistant ratios. *Effective immediately, nursing facilities may temporarily utilize the services of nursing assistants, personal care assistants, physical therapists and occupational therapists to account for up to 25% of the required minimum staff required on each shift.*

Nursing facilities must continue to maintain adequate and acceptable staffing levels, as determined by the residents' care plans, to ensure the health and safety of all nursing facility residents as required in OAR 411-086-0100(3).

The revised staffing ratios and use of staff other than certified nursing assistants to meet the minimum CNA staffing ratio **is a temporary measure and will only be allowed during this statewide emergency.**

SOQ will notify facilities approximately thirty-to-sixty-days prior to repealing this emergency rule to give facilities time to ensure restoration of certified nursing assistants at the end of this staffing crisis. Nursing facilities should continue to prioritize recruitment and incentive programs for the impending repeal of this emergency rule.

Throughout the duration of this temporary staffing rule, quarterly staffing reports must continue to be submitted to the Department. You are required to indicate the total number of nursing assistants, personal care assistants, physical therapists and/or occupational therapists utilized for each shift in the explanation section of the quarterly staffing report. You are also required to indicate the total percentage of these staff were utilized for each shift, not to exceed 25% of the total staffing.

If you have questions, please contact the Nursing Facility Licensing Team:  
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