

Administrator Alert

Policy updates & rule clarifications for Nursing Facilities

Office of Licensing and Regulatory Oversight

August 21, 2013

Phase 3 Nursing Assistant Staffing Ratios for Nursing Facilities

Dear Administrators,

Please share this informational alert with your staff, corporate partners, and other interested parties.

Background:

In 2006, Governor Kulongoski created the Nursing Facility Staffing Commission. The Commission addressed maximizing quality of care for nursing facility residents. The Commission was comprised of representatives of Oregon's nursing facility providers, front-line nursing staff, advocate organizations, Oregon Legislators, and a representative of the Governor's office.

One of the recommendations to meet the goal of increased quality of care and quality of life for residents centered on the direct care giving staff. It was determined that through increasing the minimum nursing assistant staffing standards of nursing assistant to resident ratio, a higher level of care could be achieved.

The Commission recommendations set a new standard of 2.46 Hours per Resident Day (HPRD) of direct care changing the 2006 standard of 1.66 HPRD. Phased implementation occurred in 2008 and 2009 for the first two increments and increased the HPRD to 2.31. This left the Phase 3 increase of 0.15 HPRD for a planned implementation in the 2011-2013 biennium. However, due to the general economic state it was postponed until now.



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The 2008/2009 increase of HPRD resulted in an operational change in the ratio from the 2006 standards (see below) to the **current standard**:

Day shift of 1 CNA to 10 residents to the current ratio of **1 CNA to 7 residents**;

Evening shift of 1 CNA to 15 residents to the current ratio of **1 CNA to 11 residents**;

Night shift of 1 CNA to 25 residents to the current ratio of **1 CNA to 18 residents**.

In addition, the Commission's recommendations included creating a process for monitoring of staffing levels and for enforcement of the standards to ensure to ensure compliance. The recommendation has been actioned and carried out by the DHS Office of Licensing and Regulatory Oversight (formerly OLQC) with mandatory quarterly self-reporting by the facilities, assessment for sanctions and/or a Staffing Plan of Correction.

Phase 3:

The 2013 Governor's Recommended Budget for 2013-15 included an investment of \$675,000.00 (General Fund) resulting in \$2.0M (Total Fund after Federal match) to support the Phase 3 implementation of 0.15 HPRD which will increase the current 2.31 HPRD to 2.46 HPRD. The recommendation has been approved for the 2013-2015 budget and work has begun on the plan for implementation.

Fiscal Support:

Financial support will be delivered through an CNA rate add-on to support Phase 3.

Implementation:

In keeping with the Department's policy of transparency and provider community involvement to best serve our customers; our next steps will be to form a Rule Advisory Committee to discuss what the increase means in an operational application. Preliminarily it will be recommended to phase in the new standard over a period of time giving providers time to recruit, hire, and train new quality staff before the enforcement phase of the new standards commences.



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As updates occur, details will be shared through Administrative Alerts.

Supplemental documents attached:

Nursing Facility Staffing Commission Final Report, October 2006

Please contact Joanne Birney at 503-945-6748 or Joanne.Birney@state.or.us if you have any questions.