

Administrator Alert

Policy updates & rule clarifications for Nursing Facilities

Office of Licensing and Regulatory Oversight

October 25, 2013

Temporary Rule for Nursing Assistant Staffing Ratios for Nursing Facilities Effective October 1, 2013

Dear Administrators,

Please share this information with your staff, corporate partners, and other interested parties. This Administrator Alert is to inform of the new temporary rule requirements that became effective October 1, 2013 for increasing the minimum standard of nursing assistant staffing in nursing facilities for the purpose of direct care to residents.

Background:

In 2006, Governor Kulongoski appointed a Nursing Facility Staffing Commission. The Commission addressed maximizing quality of care for nursing facility residents by increasing the Hours per Resident Day (HPRD) of direct care operationally through NA staffing to resident ratios as a beginning step. Phase 1 and 2 were implemented in 2008 and 2009 respectively.

Phase 3 is now entering the implementation stage with changing the standard of 2.31 HPRD to the new standard of 2.46 Hours per Resident Day (HPRD) of direct care hours by NAs.

Workgroup meetings with stakeholders representing the labor union, and the nursing facility industry have been held and an agreement for **temporary** rule has been reached effective October 1, 2013 which will cover the transitional period while requirements for permanent rule and implementation are being discussed.



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Fiscal Support:

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 improve the quality of care in nursing facilities by increasing the ratios for Certified Nursing Assistant (CNA).

\$0.53 per Medicaid resident per day will be delivered through a NA add-on which commenced on October 1, 2013.

Implementation of nursing assistant staffing increase for temporary Oregon Administrative Rule:

Based on the temporary rule and payment having been commenced we are asking nursing facility providers to do the following during the transition period while permanent rule is being discussed:

- **Maintain:** Current mandatory minimum NA staffing to resident ratios. Reporting and enforcement remains unchanged (411-086-0100 (5) (c)) per shift per day.
- **New:** Forms SDS 0717A, Nursing Assistant (NA) Staff Ratio Chart must be posted next to Form SDS 0717, Direct Care Staff Daily Report.
- **New:** Providers must additionally staff to the new minimum standard of 2.46 HPRD of CNA/NA staff.
- Continue using the 2013 Quarterly Report format until January 1, 2014 for your quarterly report; posting the current Direct Care Staff Daily Report (SDS 0717); and the poster "Do you have a complaint (DSH 9028).
- January 1, 2014 Quarterly Reporting Matrix will reflect an increase.

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Proposed Permanent Rule:

- Anticipated is an increase in overall staffing which will occur through the ratio methodology currently in practice. Potentially this may result in no change to the day shift ratio but may increase both the evening and night shift staffing ratios.

Enforcement:

- Enforcement for the current rule requirements remains unchanged.
- Enforcement for the new standard will commence Quarter 2, 2014. Updates will be provided as changes occur.

Supplemental documents links and attachments:

- Oregon Administrative Rule 411-086-0100 (Temporary)
http://www.dhs.state.or.us/policy/spd/rules/411_086.pdf
- Current Nursing Assistant (NA) Staff Ratio Chart (SDS 0717A 2009)

Updates

Rule Advisory Committees are being scheduled for the discussion related to permanent rule. As agreements are reached and information is available to share, I will communicate through the Administrator Alert system.

Providers will be given time to transition from the current standard to the new standard before the enforcement process is enacted.

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

