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Oregon Nurse Staffing Advisory Board (NSAB)

November 9, 2021
 4:00 PM – 4:30 PM

Meeting Minutes

Cochairs	Susan King, MS, RN, CEN, FAAN
Members present	Zennia Ceniza, RN, MA, CCRN, ACNP-BC, NE-BC; Uzo Izunagbara, RN; Jenni Word, RN; Joel Hernandez, RN; Kelsey Betts, RN; Chandra Ferrell, CNA
Members absent	Rob Campbell, CP, ADN, RN; Debbie Robinson, RN, MSN; Barbara Merrifield, MSN, RN
PHD staff present	Dana Selover, MD, MPH; Kimberly Voelker, MPH; Mellony Bernal

Guests present	Ruth Miles (Salem Health); KPTV; Tabitha Myers (Bay Area Hospital); Claudia Wells (Bay Area Hospital); Roberta Bench (Legacy Silverton); Jackie Fabrick (Providence);
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Agenda Item 1	<i>Call to Order</i>
The meeting was conducted as an online Zoom meeting with computer or phone audio options. The meeting was called to order and members confirmed their presence on the meeting via roll call. All other individuals present identified themselves.	

Agenda Item 2	<i>Review Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact</i>
K. Voelker introduced the meeting agenda and asked attendees to reserve use of the chat function for board members. She stated that there would be a public rule hearing for members of the public to speak at a later date as well as a period for written comments.	
D. Selover stated that the board would review the Statement of Need and Fiscal Impact (SNFI) form, as well as the newest proposed rules. She stated that the SNFI needed to be	

reviewed by the board before the rules could move forward for public comment, and she added that the draft rules needed to be submitted for public comment by November 10th if OHA was to meet the January 1st, 2022 filing deadline required in statute. She stated the rules before the board incorporated feedback from previous board meetings and Department of Justice (DOJ) review.

D. Selover presented the draft rules and explained how to read the rules. She noted that OHA had added a cross-reference in the emergency preparedness rules so hospital emergency preparedness teams would be aware of the nurse staffing requirements during a declared emergency.

D. Selover presented the SNFI and explained that the SNFI states the parties that would be affected by the rule change; the statutory authority for the rule change; what changes are being made to the rules; and the fiscal impact of the rules on affected parties. She stated that OHA expected a financial impact for the staff time related to complying with the rules, but because OHA did not know the duration of future emergencies, OHA could not calculate the financial impact on hospitals for complying with these rules. She stated that they did not expect a financial impact on OHA because OHA was already completing nurse staffing complaint investigations, and she acknowledged that complaints about noncompliance with these new rules would be investigated per OHA's nurse staffing complaint investigation process. She stated that there were no hospitals that were small businesses, so small businesses would not be affected by these rules and small businesses were therefore not impacted by the rulemaking process.

D. Selover concluded her presentation of the draft rules and the SNFI.

Agenda Item 3

Discuss Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact

D. Selover asked for feedback from the board on the financial impact of the new rules and if there were any comments on the presented documents.

Board co-chair requested clarification on the decision the board was asked to make. She stated that the proposed rules did not incorporate the board's feedback related to facility disaster plans and crisis standards of care, and she asked whether OHA was requesting feedback on the contents of the rule or whether OHA should move the rules forward for public comment.

D. Selover clarified that OHA wanted feedback on whether it should move the rules forward for public comment, and as part of that process, OHA required feedback from the board on the SNFI. She acknowledged OHA would likely receive additional comments during the public comment period and stated that OHA responded to each public comment by saying whether OHA was making a change and why a change was or was not being made.

Board co-chair thanked D. Selover for clarification and she clarified that voting to move the rules forward did not imply agreement with the rules' content.

Board member asked why the board would vote to send the rules forward for public comment if they wanted additional changes to the rules.

D. Selover stated that OHA was required to get input from its Rules Advisory Committee, which was the NSAB for nurse staffing rules. She stated that OHA balanced input from the NSAB, and other groups as well as input from DOJ as the state's legal counsel, and while it was OHA's preference to have consensus on the proposed rules before moving them forward for public comment, OHA was also working under time constraints. She stated that OHA needed to move the rules forward to public comment if they wanted to meet the January 1st, 2022 statutory deadline, and she stated that if the board wanted to delay implementation of the rules, she would need to receive approval from OHA leadership.

Board member thanked D. Selover for clarification and stated she was comfortable with moving the rules forward, since there would be additional opportunities to comment and revise the rules.

Board member noted that the board had provided feedback that the definition for crisis standards of care should include reference to documentation and assessment requirements and asked why that was omitted in the proposed rules.

D. Selover stated that OHA was balancing feedback from different groups and that OHA did not want to limit the definition of crisis standards of care to documentation and assessment. She stated that those examples would be included in interpretive guidance.

Board member stated that she would like to see a little more detail for the crisis standards of care definition, but she agreed with moving the rules forward for public comment.

There were no additional comments or questions about the SNFI or the proposed rules. K. Voelker asked for the board to vote on whether to move the rules forward for public comment, and she stated that a yes vote meant that the rules should move forward for public comment. She clarified that a yes vote did not imply agreement with the content of the proposed rules. Board members typed their vote into the chat or unmuted themselves to vote.

Chandra Ferrell – Aye
Zennia Ceniza – Aye
Susan King – Aye
Uzoma Izunagbara – Aye
Jenni Word – Aye
Kelsey Betts – Aye
Joel Hernandez – Aye

All board members present voted move the proposed rules forward for public comment.

Agenda Item 4	<i>Review next steps</i>
D. Selover explained the next steps, which included OHA opening the draft rules for public comment, and she stated that the board would receive instructions on how to make a public comment and the timelines for making public comment. She thanked the board for their feedback and their review of the rules.	
Action Item(s)	<ul style="list-style-type: none">• OHA to move draft rules forward for public comment
Agenda Item 4	<i>Meeting Adjourned</i>

Approved by the NSAB January 26, 2022

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