
Triennial Nurse Staffing Surveys

New Tools and Processes for Cycle 2

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Health Care Regulation & Quality Improvement
Public Health Division

Anna Davis, Survey & Certification Program Manager

Kimberly Voelker, Nurse Staffing Policy Analyst



Overview

- Brief history of Oregon nurse staffing
- Nurse Staffing Advisory Board (NSAB) and OHA improvements survey and investigation process
- Triennial survey process and timelines
- New survey tools
- Nurse Staffing Survey 2021 Plans

Oregon Nurse Staffing History

- **2001** – First nurse staffing law passes
- **2005** – Legislature passes bill that expands definition of nursing staff and creates new requirements
- **2007** – OHA writes rules for the legislation passed in 2001 and 2005
- **2015** – Legislature passes bill that significantly expands nurse staffing requirements
- **2017** – OHA begins Cycle 1 of the nurse staffing surveys
- **2020** – NSAB Process Improvement Committee met four times and planned multiple improvements to surveys and complaint investigations. The NSAB recommended implementation of these improvements.

Nurse Staffing Surveys

On triennial nurse staffing surveys, surveyors use a variety of documents and tools to measure:

- Hospital Nurse Staffing Committee composition and operations
- The Nurse Staffing Plan and its implementation
 - For example: Meal and rest breaks, minimum number of nursing staff members, acuity measures, ADT, etc.
- Mandatory Overtime vs. Voluntary Overtime
- Required Postings

Nurse Staffing Survey Timelines

- **5 business days before the survey:**
OHA sends out notification of the survey. Hospital should prepare requested documents.
- **Entrance Conference:**
Surveyors meet with hospital administration and hospital provides requested documents. Surveyors discuss survey process and select units for survey. Selected units should complete requested tools and documents.
- **During the survey:**
OHA surveyors gather the information necessary to complete the survey. This process includes interviews, record and tool review, and time on the unit. Surveyors may complete some work remotely.
- **Exit Conference:**
OHA Surveyors meet with hospital administration and explain next steps.

Survey Resolution

- After the survey is completed, surveyors review information gathered during survey and have 30 business days to complete report
- Report is sent to Hospital Administrator, CNO and HNSC Co-Chairs. The report is posted on www.healthoregon.org/nursestaffing.
- The hospital has 30 business days to submit a Plan of Correction
- Plan of Correction Review Process

New Survey Tools

- Hospital Nurse Staffing Committee (HNSC) Co-Chair Pre-Interview Questionnaire
- Hospital Nurse Staffing Plan Unit Questionnaire
- Meal and Rest Break Tool
- Mandatory Overtime Review Tool
- Unit Onsite Review Tool

HNSC Co-Chair Pre-Interview Questionnaire

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Nurse Staffing Team

Hospital Nurse Staffing Committee Cochair Pre-Interview Questionnaire

Facility _____

The hospital nurse staffing committee cochairs should complete this pre-interview questionnaire and provide it to the survey team at the entrance conference.

When was the last nurse staffing committee meeting? _____

Direct Care Cochair	Nurse Manager Cochair
---------------------------	-----------------------------

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Please check the box to confirm that the hospital nurse staffing committee meets at least once every three months and at any time and place specified by either co-chair. |
| <input type="checkbox"/> | <input type="checkbox"/> | Please check the box to confirm that the hospital releases staffing committee members from their assignments to attend committee meetings and provides paid time for this purpose. |
| <input type="checkbox"/> | <input type="checkbox"/> | Please check the box to confirm that the nurse staffing committee direct care members are selected in accordance with the requirements based on whether there is a collective bargaining unit. |
| <input type="checkbox"/> | <input type="checkbox"/> | Please check the box to confirm that the nurse manager cochair was elected by a majority of the nurse manager committee members. |
| <input type="checkbox"/> | <input type="checkbox"/> | Please check the box to confirm that the direct care cochair was elected by a majority of the direct care committee members. |
| <input type="checkbox"/> | <input type="checkbox"/> | Please check the box to confirm that the hospital nurse staffing committee charter includes the following:
(a) How meetings are scheduled;
(b) How members are notified of meetings;
(c) How agendas are determined;
(d) How input from hospital nurse specialty or unit staff is submitted;
(e) Who may participate in decision-making;
(f) How decisions are made; and
(g) How the staffing committee shall monitor, evaluate and modify the staffing plan over time. |

Revised 02.20.2020

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This tool replaces: HNSC Charter review and HNSC meeting minute review

Completed by: HNSC Co-Chairs

Measures: HNSC committee operations including co-chair and member selection, meeting frequency, minutes, and committee charter

OHA may request additional evidence:

If at least one Co-Chair indicates potential violations related to the HNSC or if there is disagreement between the co-chairs on answers

Hospital Nurse Staffing Plan Unit Questionnaire

What does this replace?

Written Staffing Plan Review tool and Annual Staffing Plan Review tool

Who completes this tool?

Unit direct care representative/designee and nurse manager

What does it measure?

Nurse Staffing Plan requirements including staffing qualification and competency requirements, ADT, total diagnoses, evidence-based standards, acuity and intensity measures and minimum numbers and Annual Review requirements

When could OHA request additional evidence?

If the direct care representative or nurse manager indicates that there are potential violations in the NSP or its implementation

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Hospital Nurse Staffing Plan Unit Questionnaire

Facility _____ Date _____

Unit _____ Date NSP Approved _____

This form assesses how the unit operationalizes its Nurse Staffing Plan (NSP) and should be completed by the unit's Direct Care Representative (DCR) or designee and Nurse Manager (NM). Nursing staff members (NSM) refers to RNs, CNAs, and LPNs who provide direct patient care resources on the unit.

Indicate the nurse staffing positions on this unit:

- Registered Nurse
- Certified Nursing Assistant
- Licensed Practical Nurse
- Other (with current and approved waiver)
List positions approved under waiver:

List the qualifications and competencies per position type for this unit as described in the Nurse Staffing Plan. Include position's required specialty skills:

Position 1: _____

Position 2: _____

Position 3: _____

Position 4: _____

Position 5: _____

Revised 11.10.2020

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Meal and Rest Break Tool

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Meal and Rest Break Practice Tool

Facility _____ Date _____
Unit _____ Date NSP Approved _____

This form assesses the unit's meal and rest break practices and policies. This should be completed by the unit's Direct Care Representative (DCR) or designee and Nurse Manager (NM). Nursing staff member refers to RNs, CNAs, and LPNs who provide direct patient care on the unit.

	DCR		NM	
	Yes	No	Yes	No
Does the nurse staffing plan describe meal break practices on the unit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the nurse staffing plan describe rest break practices on the unit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the unit document when nursing staff members take meal breaks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the unit document when nursing staff members miss meal breaks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the unit document when nursing staff members take rest breaks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the unit document when nursing staff members miss rest breaks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the Nurse Staffing Plan provide sufficient nursing staff members to maintain the required staffing during meal breaks so that the unit does not drop below the minimum number of nursing staff members required for that shift?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Revised 09.18.2020

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What does this replace?

Written Staffing Plan Review Tool and Maximum Hour Review Tool

Who completes this tool?

Unit direct care representative/designee and nurse manager

What does it measure?

Unit's meal and rest break policies and practices

When could OHA request additional evidence?

If the direct care representative or nurse manager selects "no" for any of the questions or if the answer to the narrative indicates potential meal and rest break violations

Mandatory Overtime Review Tool

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Nurse Staffing Team

Mandatory Overtime Review Tool

Facility _____ Date _____
 Unit _____ Date NSP Approved _____

Oregon's nurse staffing laws limit the overtime a hospital can require of nursing staff members. Mandatory overtime is any time that exceeds the time limits specified below unless the nursing staff member voluntarily chooses to work overtime. Nurse staffing member (NSM) refers to RNs, CNAs, and LPNs who provide direct patient care on the unit.

This form assesses the unit's mandatory overtime practices and policies. This should be completed by the unit's Direct Care Representative (DCR) or designee and Nurse Manager (NM). Questions (a) - (e) relate to the unit's practices within the past six months.

	DCR		NM	
(a) Did any nursing staff member on this unit work beyond the agreed-upon and prearranged shift (regardless of the length of the shift)?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Did any nursing staff member work more than 48 hours in the work week?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Did any nursing staff member work more than 12 hours in a 24-hour period? (Answer "No" if the NSM requested a shift of more than 12 hours in a 24 hour period)	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Did any nurse staffing member work any time within the 10-hour period following the 12th hour worked within 24 hours? For example, Nurse Blaine works an eight-hour shift from 0800 to 1630 and then goes home. Blaine is on call after her shift from 1630 to 0800. At 2100 Blaine responds to call and works for four hours until 0100. Blaine has now worked 12 hours in the 24-hour period beginning at 0800. Blaine now claims the 10-hour rest period when her call shift ends at 0800.	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Revised 10.5.2020

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What does this replace?

Hospital Nurse Staffing Maximum Hour Review tool

Who completes this tool?

Unit direct care representative or designee and nurse manager

What does it measure?

Unit's mandatory overtime policies and practices

When could OHA request additional evidence?

If the direct care representative or nurse manager answer "yes" to any of the questions or if the narrative section indicates potential MOT violations

Unit Onsite Review Tool

What does this replace?

N/A – This tool does not have a corresponding Cycle 1 tool

Who completes this tool?

OHA Surveyors

What does it measure?

Unit staffing practices related to acuity and intensity, minimum staffing numbers, and meal and rest breaks in real time

When could OHA request additional evidence?

If the surveyor observes any potential noncompliance while on the unit or if the direct care staff member being interviewed informs the surveyor that there is noncompliance

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Unit Onsite Review Tool

Facility _____ Date _____

Unit _____ Time _____

NSM _____ Surveyor _____

This form is for use by the surveyor to determine unit practices in real time. This tool provides questions the surveyor may ask direct care NSMs while on the unit. The surveyor may note instances where the NSM was not able to explain unit practices or if the practice differed from what is stated in the unit nurse staffing plan.

Acuity and Intensity on the Unit

NSM knows the process for measuring acuity and intensity on the unit Yes No

NSM's explanation for how acuity and intensity is monitored on the unit:

Does NSM's description match what is in the unit's NSP? (Surveyor may refer to Nurse Staffing Plan Review Tool completed by unit's nurse manager and direct care representative) Yes No

Revised 1.11.2021

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New Report Format

E 646 Nurse Staffing Plan: Tasks Not Related to Pro

(2) The staffing plan:

(h) Must consider tasks not related to providing direct care, including meal breaks and rest breaks;

Stat. Auth.: ORS 413.042 & 441.155

Stats. Implemented: ORS 441.155

Based on interview and review of NSP documentation for 4 of 4 specialties or units (BHU, ED, ICU and SS) it was determined that the hospital failed to implement a hospital-wide NSP that was developed to consider for each unit meal breaks, rest breaks, and other tasks not related to direct patient care and that NSMs received breaks as required. The NSP did not provide for additional NSMs to maintain the staffing ratios required in the NSP during these tasks, creating the possibility that the units did not meet minimum staffing required for the duration of tasks not related to direct patient care.

Findings include:

1. Review of the BHU NSP dated "Final draft 04/20/2019" reflected "Meals and breaks as described in the SHS Meal Periods Rest breaks and Work Schedule Policy will be agreed upon and covered by each department/unit. The House Supervisor and management will collaborate with the unit staff to facilitate coverage as needed." The referenced policy was not attached to the NSP. There was no assurance that staffing would be in accordance with the NSP during meal and rest breaks.

2. Review of a BHU "Meal and Breaks Comments" report generated for the hospitals' timekeeping system reflected:

* During the week of 06/10/2019 through 06/16/2019 revealed a BHU CN did not receive a rest break on 06/11/2019.

* During the week of 07/22/2019 through 07/26/2019 the report reflected an BHU CNA did not receive a rest break on 07/26/2019 and a second BHU CNA did not receive a meal or rest break on 07/25/2019.

* During the week of 08/12/2019 through 08/18/2019 reflected an NSM 4 did not receive a meal or rest break on 08/18/2019 and NSM 5 did not receive a meal and rest break on 08/14/2019.

* Complaints: Review of the timekeeping records offsite "Caregiver Exception Logs" reflected BHU NSMs did not receive all meals and breaks in January and February 2019 as follows:

* On 01/03/2019 two NSMs did not receive meal breaks.

* On 01/29/2019 two RNs and 1 MHA/CNA NSMs did not receive meal breaks.

* On 02/03/2019 six NSMs, including NSM 4, a CN and a MHA/CNA did not receive a meal and rest break.

3. During interview with BHU NM on 08/27/2019 at the time of the BHU timekeeping review, he/she confirmed the NSP was not clear and

Rule text

Deficient Practice Statement

Findings

Survey Plans - 2021

Starting Cycle 2 in March 2021 with new nurse staffing tools and processes

- Audits will be conducted with surveyors onsite and may include additional remote record reviews and interviews
- Full nurse staffing survey combined with Cycle 1 revisits and may combine with pending complaint investigations
- In same cycle year as first cycle: e.g., hospitals surveyed in 2017 receive survey in 2021

Caveat: OHA may delay some surveys in Cycle 2 depending on COVID-19 and hospital surges

- Surveyors may limit onsite time due to COVID-19

Nurse Staffing Information:

Kimberly Voelker, MPH

Nurse Staffing Policy Analyst

Kimberly.N.Voelker@state.or.us

(971) 803-0914

www.healthoregon.org/nursestaffing

Mailbox.nursestaffing@state.or.us

(971) 673-0540

Additional Resources:

Health Care Regulation & Quality Improvement

Dana Selover, MD, MPH

Section Manager

Dana.S.Selover@state.or.us

(971) 673-0546

NSAB Coordination

Matt Gilman, MPPA

Facilities Planning & Safety

Program Manager

Matt.S.Gilman@state.or.us

(971) 673-2317

Surveys & Complaint Investigations

Anna Davis, JD

Survey & Certification

Program Manager

Anna.L.Davis@state.or.us

(971) 673-2950