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# OHA Nurse Staffing Webinar

## Nurse Staffing During an Emergency

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Health Care Regulation & Quality Improvement

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## Nurse Staffing During an Emergency

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### Agenda

- Nurse staffing during an emergency rules
- Requirements for Incident Managements Teams and Nurse Staffing Committees
- Key concepts: crisis standards of care, written assessments, and contingency plans
- Nurse Staffing Myths Exposed
- Q & A
- Upcoming Webinars
- Nurse Staffing Resources

# Deviating from the Approved Plan

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- A hospital is not required to follow the approved Nurse Staffing Plan in the event of:
  1. A national emergency or state emergency requiring the implementation of a facility disaster plan and crisis standards of care; or
  2. Sudden and unforeseen adverse weather conditions; or
  3. An infectious disease epidemic suffered by hospital staff.
- If the hospital deviates from the Nurse Staffing Plan due to a national or state emergency declaration, there are additional requirements
- Described in Oregon Revised Statute 441.165 and Oregon Administrative Rule OAR 333-510-0140

# Other Emergencies

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- The hospital can only deviate from the approved Nurse Staffing Plans for one of the reasons described in the previous slide
- If there is an emergency that does not meet the rule requirement, either Co-Chair of the Nurse Staffing Committee can call a meeting to have the committee consider making changes to the Nurse Staffing Plan
  - The changed Nurse Staffing Plan must have all required elements and be approved by the nurse staffing committee before it can be implemented

# Requirements for Incident Management Teams & Nurse Staffing Committees

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If the hospital deviates due a state or national emergency declaration and following implementation of its facility disaster plan and crisis standards of care, it must:

- Within 30 business days, notify both Nurse Staffing Committee Co-Chairs of the deviation and provide them a written assessment of the nursing needs
- Nurse Staffing Committee Co-Chairs must call a meeting to develop a contingency Nurse Staffing Plan
- The hospital's deviation from the Nurse Staffing Plan cannot be in effect more than 90 cumulative days without approval from the Nurse Staffing Committee

# Emergency Deviation Timeline

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National or state emergency declaration. Hospital implements facility disaster plan and crisis standards of care, and deviates from Nurse Staffing Plan.

**Within 30 business days:**

Incident Management team notifies NSC & provides written needs assessment

**Upon receipt of needs assessment:**

Nurse Staffing Committee Co-Chairs call a meeting. Nurse Staffing Committee develops contingency plan

**No more than 90 cumulative days of deviation:**

If there is no contingency plan approved by the Nurse Staffing Committee within 90 cumulative days of deviation, the hospital reverts to the original Nurse Staffing Plan.

# Crisis Standards of Care

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**Crisis standards of care** are policies or standards related to rationing of patient care:

- **Objective prioritization of care** – determining which services the hospital will continue to provide in recognition that not all services will be provided during the emergency;
- **Prioritization of patients** – determining which patients will receive treatment sooner and which patients, who would otherwise receive treatment, will not; and
- **Limitation on services due to declared emergency** – establishing changes in the way care is provided, including services that may be partially offered or discontinued

# Incident Management Team (IMT) – Written Assessment

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The written assessment must include the IMT's assessment of the nurse staffing needs arising from the emergency.

Issues to address include:

- Which units have deviated from their Nurse Staffing Plans due to the emergency?
- Are nurses being assigned to units for which they are not normally assigned? Which units are affected?
- Are there different “stages” of hospital response? What is expected to change between each response stage? How would changes be reported to the Nurse Staffing Committee and other affected nurses?
- What is the hospital's crisis standards of care policy. How is care being provided under this policy?



# Contingency Plans

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- The contingency Nurse Staffing Plan, approved by the Nurse Staffing Committee in a declared emergency when both the facility disaster plan and crisis standards of care have been implemented, is not required to have all of the same elements as a regular nurse staffing plan
- The contingency plan must address needs arising from the emergency. Factors to address include:
  - Changes to minimum staffing numbers;
  - Changes to how patient acuity and nursing care intensity information is used to staff the unit;
  - Changes to the process for providing meal and rest breaks;
  - Changes to the required trainings for nursing staff members, including changes to the timeline for completion and documentation of required qualifications, competencies, and trainings; and
  - Changes to the process for evaluating and initiating limitations on admission or diversion of patients

# Nurse Staffing Myths Exposed

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## Myth

The hospital declares the emergency.

OR

OHA declares the emergency.

## Fact

For the purposes of nurse staffing, an emergency declaration can only come from the Governor of Oregon (state emergency) or the President of the United States (national emergency). Neither the hospital nor OHA can make an emergency declaration that allows hospitals to deviate from their approved Nurse Staffing Plans.

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# Nurse Staffing Myths Exposed

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## Myth

The facility disaster plan is a policy developed by the hospital during an emergency.

## Fact

The facility disaster plan is the plan developed as part of the emergency preparedness requirements for Centers for Medicare & Medicaid Services (CMS). The facility disaster plan has an all-hazards approach and takes into account the hospital's unique circumstances, patient population, and services offered when providing for continuity of operations in the event of a disaster.

# Nurse Staffing Myths Exposed

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## Myth

The hospital can deviate from its Nurse Staffing Plan during a national or state emergency declaration.

The hospital must receive approval from the Nurse Staffing Committee before it deviates from the Nurse Staffing Plan.

## Fact

The hospital can only deviate from the approved Nurse Staffing Plan if it has also implemented its facility disaster plan and crisis standards of care.

If the hospital meets all emergency requirements listed in the nurse staffing rules, it can unilaterally deviate from approved Nurse Staffing Plans.

# OHA 2022 Nurse Staffing Webinar Series

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Fridays - 10:00 AM – 11:00 AM on Zoom

- ✓ **September 16** – Overview
- ✓ **September 23** – Nurse staffing plan requirements
- ✓ **September 30** – Meal and Rest break requirements (nurse staffing plan and timekeeping requirements)
- ✓ **October 7** – Voluntary vs. Mandatory overtime (including recordkeeping requirements)
- ✓ **October 14** – Nurse staffing during an emergency
- **October 21** – OHA nurse staffing complaint process
- **October 28** – Nurse staffing committee requirements

## Q & A

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Is an Emergency plan and a Surge plan the same?

Should contingency staffing plans be approved by the NSC before implementation?

**The questions and answers are provided for general information only and may not be relied upon for purposes of regulatory compliance. The questions and answers are not legal advice and are not intended to be legally binding on the Oregon Health Authority when conducting a survey or complaint investigation.**

Who keeps track of the 90 days of emergency? If no changes to our regular plans are needed for the contingency, how do we document?

How do we document that we are in crisis and are utilizing our emergency staffing plan appropriately?

# Nurse Staffing Resources:

**Website:** [www.healthoregon.org/nursestaffing](http://www.healthoregon.org/nursestaffing)

- Sample Nurse Staffing Survey Tool Kit (Facility Disaster Plan Tool)
- Nurse Staffing Reports and approved Plans of Correction

# Nurse Staffing Resources:

**Website:** [www.healthoregon.org/nursestaffing](http://www.healthoregon.org/nursestaffing)

**Email:** [mailbox.nursestaffing@odhsoha.oregon.gov](mailto:mailbox.nursestaffing@odhsoha.oregon.gov)

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## **Additional Resources:**

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