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# **OHA Nurse Staffing Webinar**

## **Meal and Rest Break Requirements**

### **September 30, 2022**

Health Care Regulation & Quality Improvement

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# OHA Nurse Staffing Webinar

## Meal and Rest Break Requirements

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### Agenda

- Reminder: Nurse Staffing Plan Overview
- Meal and Break Requirements
- Reminder: Nurse Staffing Plan Attachments
- Nurse Staffing Myths Exposed
- Q & A
- Upcoming Webinars
- Nurse Staffing Resources

# Reminder: Nurse Staffing Plan Overview

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- Any hospital unit where nursing services are provided must have a Nurse Staffing Plan approved by the nurse staffing committee
- The Nurse Staffing Plan must be reviewed by the Hospital Nurse Staffing Committee at least once a year
- The Hospital Nurse Staffing Committee can update the plan more frequently
- Described in Oregon Revised Statute 441.155 & 441.156 and Oregon Administrative Rule 333-510-0110

# Meal and Break Requirements

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- The Nurse Staffing Plan must consider tasks not related to direct patient care, including meal and rest breaks
  - Ensure NSMs receive meal and rest breaks
  - Document all breaks (missed and received)
  - Process to make sure the unit doesn't drop below minimum numbers during breaks
- Required by Oregon Revised Statute 441.155(2)(h) and Oregon Administrative Rule 333-510-0110(2)(h)

# Reminder: Nurse Staffing Plan Attachments

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Any document that is part of the Nurse Staffing Plan must:

- Have been approved by the Hospital Nurse Staffing Committee as part of the Nurse Staffing Plan; **and**
- Be referenced in the Nurse Staffing Plan by title and date/version number; **or**
- Be included as an attachment appendix

# Nurse Staffing Myths Exposed

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## Myth

You only need to document meal breaks, not rest breaks

Buddy breaking is compliant with the nurse staffing law

**(OR)**

Buddy breaking is not compliant with the nurse staffing law.

## Fact

All meal breaks and rest breaks must be documented. The hospital must document whether the break was received or missed.

Buddy breaking is not inherently compliant or noncompliant. The NSP must describe how it ensures that NSMs receive all meal and rest breaks as required, and how it ensures the unit does not drop below minimum numbers. If the unit uses a buddy breaking system, the NSP must clearly describe how the unit does not drop below minimum numbers during buddy breaks

# Nurse Staffing Myths Exposed

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## Myth

Nurses count towards the unit's minimum numbers while they are on a break

Nurses can complete charting and other tasks during breaks

## Fact

Nurses are not considered “on the unit” when they are on a break. They do not count towards the minimum numbers of nursing staff members on the unit.

A nurse is not on break if they are completing work tasks during that time. The hospital may be cited for failing to provide the nurse with a meal and/or rest break.

(Requiring work tasks during a break may also be a violation of Oregon Bureau of Labor & Industry requirements, which is outside of OHA jurisdiction.)

# Q & A

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Does there need to be an RN covering meals/breaks who is not in a patient assignment?

If I clock out for my meals and breaks, am I required to remain on site?

**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.**

Do we have to have break sheets?

Do ratios have to be maintained during breaks?

Why must you take your lunch break within the first 6 hours of the beginning of your shift?



# 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

# Nurse Staffing Resources:

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

- Nurse Staffing Interpretive Guidance (Meal and Rest Break Practice Tool)
- Sample Nurse Staffing Survey Tool Kit
- 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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