

2024

OHA Nurse Staffing Advisory Board

Legislative Report



Acknowledgments

The Oregon Health Authority prepared this publication in collaboration with members of the Public Health Division Health Care Regulation and Quality Improvement Section, and the Oregon Nurse Staffing Advisory Board.

For more information contact:

Kimberly Voelker, MPH

Hospital Staffing Policy Analyst

Health Facility Licensing & Certification

Public Health Division

Oregon Health Authority

Mailbox.nursestaffing@odhsoha.oregon.gov

Please cite this publication as follows:

Oregon Public Health Division. Nurse Staffing Advisory Board: 2024
Legislative Report.

Portland, OR. Date TBD.



Contents

Executive summary	4
Key achievements.....	6
Impact of HB 2697	7
Rules Advisory Committee for HB 2697	8
Complaint investigations	9
Hospital staffing resources	11
Variances and waivers	12
Plan for the coming year.....	13
Conclusion	14

Executive summary

Oregon’s hospital staffing law requires hospitals and direct staff to work together to promote safe patient care. These laws have been part of Oregon’s commitment to improving health care since 2001. In 2015, changes in the law created a Nurse Staffing Advisory Board (NSAB) supported by the Oregon Health Authority (OHA).



This report discusses:

- The NSAB’s key achievements in the last year
- Impact of HB 2697 on the board’s work
- Board involvement in Rules Advisory Committee for HB 2697
- Board focus on OHA’s
 - Complaint investigations
 - Hospital staffing resources
 - Rural hospital variances and nurse staffing waivers
- Plan for the coming year

In 2023, the Legislature passed HB 2697*, which expands hospital staffing requirements, creates registered nurse (RN) ratios to be adopted in hospital nurse staffing plans for certain units, sets maximum assignment limits for certified nursing assistants (CNAs), modifies nurse staffing plan requirements, and sets mandatory civil monetary penalties for noncompliance beginning in 2025. The bill also created a complaint-driven enforcement process and eliminated routine nurse staffing surveys.

HB 2697 bill also created staffing requirements for professional, technical, and service staffing, and required the Oregon Bureau of Labor & Industries (BOLI) to adopt new enforcement mechanisms for breaks of hospital staff members. Although the NSAB does not provide oversight of this work, it is aware of these additional changes to hospital staffing.

* Codified in Oregon Revised Statutes 441.760 – 441.795

The board continues to provide valuable input to OHA regarding hospital nurse staffing. In November 2023 and March 2024, NSAB members participated on Rules Advisory Committees (RACs) for temporary and then permanent rules to implement HB 2697.

The new rules address hospital staffing complaint processes, as well as hospital staffing plan waivers and mandatory overtime.

NSAB reviews complaint trends at its quarterly meetings and advises OHA on resources that can help direct care and hospital partners across Oregon better understand the law. NSAB has provided advice on the Hospital Staffing FAQ and Hospital Staffing Complaint Form, as well as recommended OHA's continued outreach through hospital staffing webinars.

Finally, to ensure the success of Oregon's nurse staffing laws, NSAB encourages the Governor to continue to make timely appointments and reappointments to the board:

The full legislative report is available at www.healthoregon.org/nursestaffing.

Key achievements

NSAB continues to advise OHA on opportunities to enhance patient safety, assure quality care, support nurses, and ensure that OHA's activities are both efficient and effective. NSAB members' work on the Rules Advisory Committees demonstrates the board's commitment to balancing the need for fair, consistent enforcement mechanisms with education and outreach about the hospital nurse staffing law.



NSAB recognizes that there is still much to learn about implementation of the new staffing law. The board has shared thoughtful recommendations to OHA on emerging issues in hospital staffing. The board looks forward to providing additional guidance on opportunities for education and outreach to hospitals, hospital staff, and other interested partners across the state on nurse staffing issues as OHA works within the larger context of hospital staffing regulation.

Impact of HB 2697

In June 2023, the Legislature passed HB 2697, which made significant changes to Oregon’s hospital staffing law. The new law includes nurse staffing and other hospital staffing changes.

The hospital staffing law went into effect on September 1, 2023, although certain provisions begin operating in 2024 and 2025, as seen in the image below:



Sep. 1, 2023	<ul style="list-style-type: none">• Triennial survey and Plans of Correction end• OHA launched a new hospital staffing complaint form and began investigating nurse staffing complaints under the new law
Jan. 1, 2024	<ul style="list-style-type: none">• OHA adopted temporary rules related to processing complaints
May 15, 2024	<ul style="list-style-type: none">• OHA adopted permanent rules
Jun. 1, 2024	<ul style="list-style-type: none">• Deadline for hospitals to adopt and implement Nurse Staffing Plans (NSPs) that meet new statutory requirements
Dec. 31, 2024	<ul style="list-style-type: none">• Professional/Technical and Service Staffing Committees must be established and staffing plans must be created
Jun. 1, 2025	<ul style="list-style-type: none">• Hospitals may be subject to civil penalties for violations in ORS 441.792 that occur on or after June 1, 2025

The board will advise OHA on implementation of Oregon’s new nurse staffing requirements through participation in any additional Rules Advisory Committees, making recommendations on implementation of the law, and providing suggestions on resources to improve understanding of law requirements.

Rules Advisory Committee for HB 2697

NSAB members participated on the Rules Advisory Committee (RAC) that OHA formed in November 2023. NSAB members served alongside representatives of associations that represented Oregon hospitals and hospices; unions who represented nursing, professional, technical, and service staff members; and individuals from communities likely to be affected by the rules.



HB 2697 narrowed OHA's rulemaking authority for hospital staffing. Under HB 2697, OHA may only adopt rules necessary for:

- The processing of complaints under ORS 441.791;
- The forwarding of complaints regarding meal and rest breaks to BOLI under ORS 441.790;
- The requirements for nurse-to-patient ratios in emergency departments under ORS 441.765(2)(a); and
- The provisions of ORS 441.770(1) and (8)(b) relating to mandatory overtime for RNs, LPNs, and CNAs.

The temporary rules RAC met in November 2023 to provide recommendations on temporary rules for HB 2697 that OHA adopted on January 1, 2024. The permanent rules RAC met twice in March 2024 to review permanent hospital staffing rules, which were adopted on May 15, 2024. The permanent rules were adopted in Oregon Administrative Rules (OAR) Chapter 333, Division 503 and can be found the OHA Hospital Staffing website.

The NSAB understands that these rules may need to be updated as OHA and the board learn more about their impacts on nurse staffing. The NSAB looks forward to providing valuable feedback for any future RACs on nurse staffing.

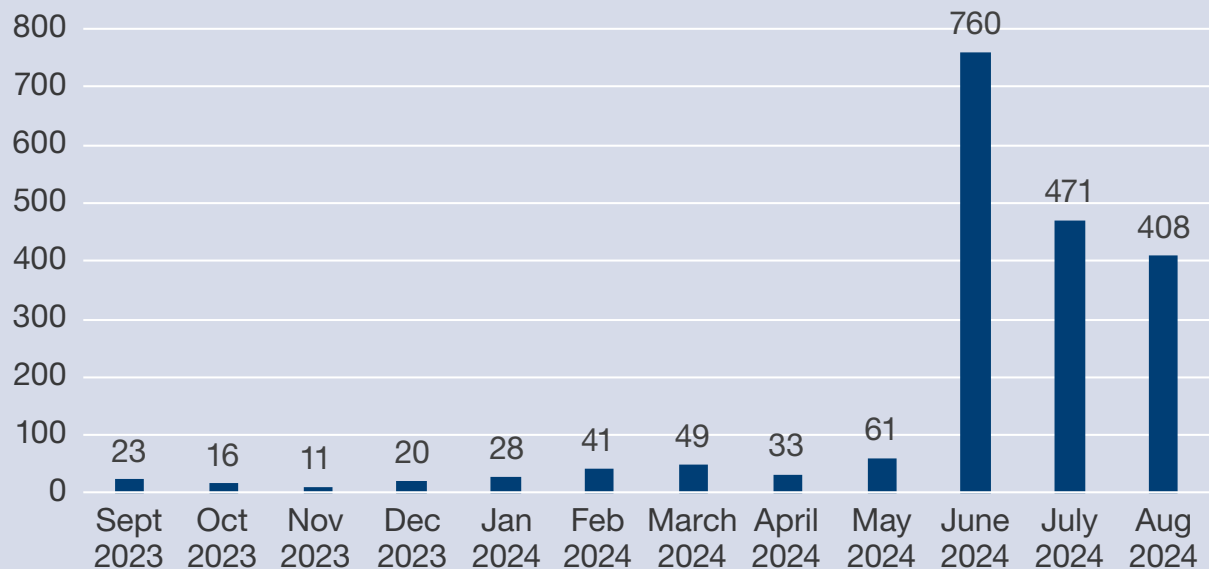
Complaint investigations

HB 2697 made hospital staffing enforcement activities complaint-driven and eliminated routine, triennial nurse staffing surveys. Under HB 2697, OHA can only investigate complaints that are submitted within 60 days of the alleged incident and, if true, would represent a violation listed in ORS 441.792 (“valid complaints”).



The board routinely discusses trends in hospital staffing complaint submissions and investigations, including the recent increase in complaint submissions. At its July 2024 quarterly meeting, the NSAB discussed the recent increase in submitted hospital staffing complaints. Starting June 1, 2024*, submissions to OHA increased from an average of 30 complaints per month to more than 30 complaints per day. June, July, and August complaints submissions each exceeded the total number of complaints submitted in September 2023 through May 2024.

Number of hospital staffing complaints submitted per month†



* On June 1, 2024, hospitals were required to have adopted staffing plans that complied with the new law

† The number of submitted complaints includes complaints OHA can investigate (valid complaints), complaints OHA cannot investigate (invalid complaints), and complaints for which OHA needs additional information to determine validity

The board is closely monitoring the increase in complaint submissions and discussed the trend at its most recent quarterly meeting in October 2024.

Additionally, the board is aware of the results of OHA's investigations. As of December 2, 2024, OHA had completed investigations for 242 hospital staffing complaints:

- There were 147 complaints where violations were cited (61%).
- There were 95 complaints where no violations were cited (39%).

The board has provided advice on complaint process improvements, including tools used during the complaint process and resources to increase understanding of the staffing law. Please read more about the board's feedback in ["Hospital staffing resources"](#).

Hospital staffing resources

As the board and OHA work together to implement the new law, hospitals and nursing staff members have many questions about HB 2697 and what to expect as part of the new complaint process. The NSAB has provided valuable feedback to OHA on resources* that help improve understanding of the new law.



- The board has reviewed and provided advice on each version of [The House Bill \(HB\) 2697 Hospital Staffing Law Frequently Asked Questions \(FAQ\)](#). The FAQ includes sections about the law’s effective dates, hospital staffing complaints, hospital staffing enforcement, OHA’s hospital staffing investigation process, and it addresses questions that the board has shared on behalf of members of the public.
- The board has also provided feedback to OHA on how best to gather information via the [Oregon Hospital Staffing Complaint Form](#), including identifying potentially confusing or misleading questions for revision.
- The board understands the public’s interest in OHA’s work and recommended that OHA create a dashboard to show the status of hospital staffing complaints and investigations. The dashboard is currently posted on the [OHA Hospital Staffing website](#) and is updated biweekly.
- The board believes OHA’s webinars about the previous law provided a valuable opportunity for nursing staff members and hospitals to ask questions about the law. The board recommended OHA host similar webinars to answer questions about hospital staffing under the new law.
- OHA has since held webinars on [Hospital Staffing Overview](#), [Hospital Staffing Complaints](#), [Hospital Staffing Special Topics](#), and [Hospital Professional/Technical and Service Staffing](#).

* All resources are posted on the OHA Hospital Staffing website: www.healthoregon.org/nursestaffing

Variations and waivers

The board receives regular updates from OHA on hospital staffing waivers and variations. Under HB 2697, hospitals can vary their staffing plans from statutory requirements in two ways:

- Type A or Type B rural hospitals* can vary from adopting the required nurse-to-patient ratios in ORS 441.765 if the Nurse Staffing Committee approves a variance and OHA is notified (ORS 441.763(6)).
- All hospitals can submit a waiver request to vary from the hospital staffing plan requirements described in ORS 441.761 to 441.795 if the waiver is necessary to ensure the hospital is staffed to meet the health care needs of patients.



* Type A hospitals are small hospitals (with 50 or fewer beds) that are located more than 30 miles from another hospital.

Type B hospitals are small hospitals (with 50 or fewer beds) that are located within 30 miles of another hospital.

Plan for the coming year

- NSAB will continue making recommendations to OHA on the implementation of HB 2697, particularly as it relates to education and outreach.
- NSAB will review and make recommendations on trends for submitted complaints, invalid complaints, and hospital staffing investigations.
- The board plans to hold a facilitated work session in 2025 to discuss the board's goals and priorities with the new hospital staffing law.
- NSAB will continue to provide OHA with feedback on implementing the hospital staffing law from hospital-based direct care nursing staff members, hospital administrators and nurse managers, and other interested parties.
- The board will continue to accept public comments at each quarterly NSAB meeting.
- OHA and the board will continue to consider how best to support Oregon's nursing staffing members and hospitals on emerging nurse staffing issues.
- The board will continue to encourage interested parties across the state to apply for NSAB positions and ask the Governor to appoint members in a timely manner. To see current and upcoming vacancies on the board, please visit the OHA Hospital Staffing website at www.healthoregon.org/nursestaffing.
- NSAB will form additional committees as new issues arise.
- NSAB and OHA will continue working closely together to build shared understanding of patient care issues, including staffing of nursing staff members.



Conclusion

NSAB members continue to collaborate with nurses and hospitals and advise OHA on promoting safe patient care. NSAB members use their commitment to safe patient care as their guide. Members recognize that nurse staffing affects safe nursing care and the quality of patient outcomes.

The board recognizes that it is in a period of transition for Oregon hospital staffing regulations. NSAB members look forward to continuing to advise OHA on implementation of the hospital staffing law and will continue to identify opportunities to promote understanding of the new law.



You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact The Health Facility Licensing and Certification Program at 971-673-0540 or email mailbox.nursestaffing@odhsoha.oregon.gov. We accept all relay calls.

Oregon Health Authority
Public Health Division
Health Facility Licensing and
Certification Program
Phone: 971-673-0540

