



 Oregon Association  
of Hospitals and Health Systems

# IMPLEMENTATION OF OREGON NURSE STAFFING LAW

May 9, 2017

# HOUSEKEEPING ITEMS

- Please enter your AUDIO PIN.
- To communicate with speakers, please use the “chat” function.
- Ask questions at any time.
- This webcast will be recorded.
- A copy of today’s slides and a link to the webcast recording will be emailed after webcast.

The screenshot displays the GoToMeeting interface. At the top, the 'Attendee List' shows two participants: Nathaniel Scheidemen (Organizer) and Susie Chapstick (Me). Below this, the 'Audio' section is visible, with 'Audio Mode' set to 'Use Telephone'. The dial number is 217-287-4119 and the access code is 847-686-874. The 'Audio PIN: 46' is highlighted with a red box. Below the audio settings, the 'Chat' window is open, with the 'Chat' tab also highlighted by a red box. The chat area contains a text input field with the placeholder '[Type message here]' and a 'Send' button. At the bottom of the interface, the 'Meet Now' section displays the meeting ID 847-686-874 and the GoToMeeting logo.

# TODAY'S OBJECTIVES

- How to maximize your success with implementation of the current rules for nurse staffing
  - Clarification from the Oregon Health Authority
  - Learn from each other
  - Know your resources

# TODAY'S SPEAKERS

## Samaritan Albany General Hospital

- Crystal Smith, Nurse Manager & Staffing Committee Co-Chair

## Oregon Health Authority Public Health Division

- Dana Selover, MD, MPH-HC-HDRQI Section Manager
- Annabelle Henry, JD, MBA-HFLC Program Manager
- Anna Davis, JD-Nurse Staffing Policy Analyst

# TODAY'S AGENDA

- Nurse staffing survey experience to date
  - Hospital comments
  - OHA comments
- Review of OHA survey/tools
  - Survey prep: updated tools available
  - How to complete a Plan of Correction
- Waivers
  - OHA waiver applications to date
  - Key elements to include in a waiver application
- FAQs
  - Themes of OHA FAQ document
  - Continuing questions

# NURSE STAFFING SURVEYS TO DATE

## ➤ Hospital experience

- Samaritan Albany General Hospital
  - First hospital surveyed under the new rules
  - Three day survey: April 19-21, 2017
  - As HNSC Co-Chair, was involved in the entire survey

# OVERALL.....

- Surveyors very easy to work with
- Challenging to gauge when to have staff available for interview with surveyors
- We prepared binders of the requested information for the first day of the survey
- Exit survey was completed by phone since we ran out of time
- We expected some positive feedback, although none given

# HOSPITAL NURSE STAFFING SURVEY

## ➤ Overall:

- We made assumptions that our process was clear & reliable
- Lack of specific documentation made it challenging for surveyors to connect the dots
  - Staffing committee
    - Member roles missing
    - Meeting minutes lacked
      - » Motions made by whom, both first & second
      - » If no opposition to motion was made
      - » Note: We now use a minutes template



# HOSPITAL NURSE STAFFING SURVEY

- Lack of specific documentation made it challenging for surveyors to connect the dots
  - Staffing Plans
    - Lacked specific verbiage
      - One plan referenced a checklist, although we had no physical checklist

# THANK YOU

**Crystal Smith, RN**

Nurse Manager

Samaritan Albany General Hospital

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**Oregon**  **Association**  
**of Hospitals and Health Systems**

[www.oahhs.org](http://www.oahhs.org)

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# Hospital Nurse Staffing Surveys, Waivers, and FAQ

OAHHS Webinar - May 9, 2017

Dana Selover, MD, MPH – HCRQI Section Manager  
Annabelle Henry, JD, MBA – HFLC Program Manager  
Anna Davis, JD – Nurse Staffing Policy Analyst  
Public Health Division



# OHA's Nurse Staffing Surveys

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- **Surveys have started**

- OHA expects to do 22 standard surveys in 2017.
- OHA receives 3 – 10 nurse staffing complaints each year.
- First survey conducted in April. First survey report due in June.

- **What we already know**

- We rely on hospitals to provide correct, up-to-date contact information for both Hospital Nurse Staffing Committee Cochairs, so we can provide required advance notice. Cochair Change form is available at:  
[www.healthoregon.org/nursestaffing](http://www.healthoregon.org/nursestaffing)
- Surveyors are using the survey tools. Revisions to improve tool functionality and survey flow ongoing.

# OHA's Nurse Staffing Survey Tools

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- Surveys focus on compliance with nurse staffing laws and administrative rules.
- Specific topics covered in a standard survey are:
  - Hospital Nurse Staffing Plans
    - Plan Implementation
    - Plan Components
  - Replacement Staffing Requirements
  - Posting Requirements
  - Hospital Nurse Staffing Committee (HNSC) Requirements
  - Overtime Limitations
- A complaint investigation may focus on one or more of these topics and may use some of the same tools

# OHA's Nurse Staffing Survey Tools

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- Survey tools available at [www.healthoregon.org/nursestaffing](http://www.healthoregon.org/nursestaffing)
- Sample tool kit includes:
  - Most recent tools
  - 3-business day notice sent to hospitals and cochairs receive
  - Nurse Staffing Entry List
- Initial use of tools successful. Sequencing and additional revisions in progress.

# Survey Tools: Notice of Survey



PUBLIC HEALTH DIVISION, Center for Health Protection  
Health Care Regulation and Quality Improvement Section  
Health Facility Licensing and Certification Program  
Kate Brown, Governor



Survey & Certification Unit  
800 NE Oregon Street, Suite 465  
Portland, OR 97232  
Voice: (971) 673-0540  
Fax: (971) 673-0556  
TTY: 771  
<http://www.healthoregon.org/hclc>  
[mailbox.hclc@state.or.us](mailto:mailbox.hclc@state.or.us)

April 5, 2017

SENT VIA EMAIL AND REGULAR MAIL

Dr. William Worrall Mayo  
Hospital Administrator  
Healthytown Hospital  
1234 Healthy Way  
Wellness, Oregon 97777

Edith Cavell  
Nurse Staffing Committee Co-chair  
Healthytown Hospital  
1234 Healthy Way  
Wellness, Oregon 97777

Lenah Higbee  
Nurse Staffing Committee Co-chair  
Healthytown Hospital  
1234 Healthy Way  
Wellness, Oregon 97777

RE: Nurse Staffing Survey Notice

Dear Dr. Mayo, Ms. Cavell, and Ms. Higbee:

Beginning on April 10, 2017 our office will begin a nurse staffing survey at Healthytown Hospital in accordance with the requirements of Oregon Administrative Rule 333-501-0035.

When surveyors arrive at the hospital, they will identify themselves and meet with the hospital administration to describe the survey process and request documents. A full needs list will be provided at that meeting. Please prepare for this meeting by gathering the documents in the attached list and provide the listed documents when surveyors arrive at the hospital.

During their time on site, surveyors will need to interview the hospital nurse staffing committee co-chairs Ms. Cavell and Ms. Higbee. The survey will also include a review of relevant records and interviews of any other person(s) surveyors deem necessary to determine compliance. Further information about the nurse staffing survey process and sample survey tools are available at [www.healthoregon.org/nursestaffing](http://www.healthoregon.org/nursestaffing).

If you have questions or concerns about the logistics of the survey, you may contact our office at (971) 673-0540.

Sincerely,

Lisa Finkle  
Nurse Staffing Advisory Board Specialist

If you need this information in an alternate format,  
please call our office at (971) 673-0540 or TTY 711.



# Survey Tools: Entry List

## Nurse Staffing Entry List

Provide these items when surveyors arrive at the hospital.	Received
1. List of all hospital services with an asterisk by each service that has a nurse staffing plan in effect.	
2. Current campus map.	
3. List of hospital patient care areas, inpatient and outpatient units, including satellite locations, where nursing services are provided. For each unit include <ul style="list-style-type: none"><li>• the scope of service</li><li>• the number of beds and number of patient treatment areas</li><li>• shift hours</li><li>• any hospital-wide nurse staffing plans used this year and last year</li><li>• any unit nurse staffing plans used this year and last year</li><li>• the contact information for the nurse manager</li></ul>	
4. List of all key administrative and management staff, including titles.	
5. All policies and procedures related to hospital nurse staffing services.	
6. A copy of any policy regarding nurse education and training hours.	
7. A copy of the hospital policy regarding mandatory overtime.	
8. The hospital's policy regarding the process for evaluating an initiating limitations on admission or diversion of patients to another hospital.	



# OHA's Nurse Staffing Survey Tools Changes

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- Staffing Data Review – Now set up for one sheet per unit
- Maximum Hour Review – Reformatted to capture information in updated overtime rule
- General changes in tools



# Nurse Staffing Survey Reports and Complaint Investigation Reports: Plan of Correction Guidance

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- Handed out by surveyors at on-site surveys and available at [www.healthoregon.org/nursestaffing](http://www.healthoregon.org/nursestaffing)
- Describes report structure, process, and timelines
- Describes Plan of Correction timelines and tips
- Provides long- and short-term preparation ideas for hospitals and HNSCs

# Nurse Staffing Survey Reports and Complaint Investigation Reports: Plan of Correction Guidance



PUBLIC HEALTH DIVISION, Center for Health Protection  
Health Care Regulation and Quality Improvement Section  
Health Facility Licensing and Certification Program  
Kate Brown, Governor



Survey & Certification Unit  
800 NE Oregon Street, Suite 465  
Portland, OR 97232  
Voice: (971) 673-0540  
Fax: (971) 673-0556  
TTY: 711  
<http://www.healthoregon.org/hclc>  
[mailbox.hclc@state.or.us](mailto:mailbox.hclc@state.or.us)

## Nurse Staffing Survey Reports and Complaint Investigation Reports: Plan of Correction Guidance

The purpose of this memo is to address Health Facility Licensing & Certification ("Agency") reports and the hospitals' Plans of Correction as described in Oregon Administrative Rules (OAR) 333-501-0035 and 333-510-0040. Topics covered include:

[What happens after a survey or complaint investigation?](#)  
[Plan of Correction tips](#); and  
[How hospitals can prepare for surveys](#).

### What happens after a survey or complaint investigation?

The report is sent by the agency to the hospital. A report contains one or more Citations. Each Citation consists of the legal standard and findings of fact that support a determination that the hospital did not meet the legal standard. Failure to meet a legal standard is a deficiency which is summarized in the Deficient Practice Statement within a Citation.

- The report is sent within 30 business days after the survey closes;
- The report is sent to the hospital administrator and both co-chairs of the hospital nurse staffing committee; and
- The report includes a cover letter which gives directions for the response.

Revised 03/08/2017



# Nurse Staffing Waiver

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- Current standard requires applicant to demonstrate that waiver is necessary to ensure hospital is staffed to meet the health care needs of its patients
- OHA contacts the hospital if a waiver request does not provide enough information to make a determination
- OHA has received approximately 26 waiver requests
- 23 of the 26 of waiver requests for minimum numbers of nursing staff members
- Most for specific procedural units (eg OR, Endoscopy, Cath Lab, etc.)
- If granted, waivers will be valid for one year

# Nurse Staffing Waivers

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- New waiver request form coming soon.
- New request form instructions will suggest hospitals include the following information in a waiver request:
  - Specific days and times when waiver will govern unit staffing
  - Description of training, experience, and BLS certification status of techs
  - Explanation of why waiver is necessary for patient care needs
  - Date HNSC was informed of waiver request
  - Description of what happens if more than one patient is in the unit when unit is using staffing minimums specified in waiver
  - Applicable professional standards that support waiver

# Nurse Staffing FAQ

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- FAQ now available at [www.healthoregon.org/nursestaffing](http://www.healthoregon.org/nursestaffing)
- FAQ provide general guidance
- Answers are Yes, No, or Maybe and include an explanation
- FAQ Covers:
  - HNSCs
  - Nurse Staffing Plans
  - Overtime
  - Replacement Staffing
  - Complaints and Surveys
  - General Questions

# Nurse Staffing FAQ

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- Hot topics in the FAQ that we're still getting questions about:
  - Who is covered by nurse staffing regulations: RNs, LPNs & CNAs
  - Whether specific units need Nurse Staffing Plans
  - Matrices and grids
  - Units with standard shifts longer than 12 hours
  - On-call shifts and time worked
  - 10-hour rest period



## **Nurse Staffing Information:** [www.healthoregon.org/nursestaffing](http://www.healthoregon.org/nursestaffing)

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## **Additional Resources:**

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## **HFLC Information:**

General Inquiries  
[mailbox.hclc@state.or.us](mailto:mailbox.hclc@state.or.us)  
(971) 673-0540

Oregon  
Health  
Authority

# RESOURCES FOR YOU

## ➤ Oregon Health Authority

- <https://public.health.oregon.gov/ProviderPartnerResources/HealthcareProvidersFacilities/HealthcareHealthCareRegulationQualityImprovement/Pages/nursestaffing.aspx>

## ➤ Oregon Nurse Staffing Collaborative

- <http://www.oahhs.org/onsc>

# QUESTIONS?



# THANK YOU

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