

**Nursing Assistant Staffing Increase for Nursing Facilities  
Frequently Asked Questions  
March 4, 2008**

**Q. What is the purpose of the new nursing assistant staffing rules?**

A. The Governor's 2006 Nursing Facility Staffing Commission recommended increasing the minimum staffing requirements at Oregon's 142 nursing facilities, in accordance with federal recommendations, to improve the quality of care and safety for the state's 8,000 nursing facility residents. The commission was made up of legislators, the nursing facility industry, nursing facility workers, SEIU Local 503, the Department of Human Services, and a broader stakeholder group.

**Q. What do the rules do?**

A. The new rules:

- Increase the required minimum Hours Per Resident Day (HPRD) that nursing assistants spend helping residents with daily activities, such as eating and bathing, from 1.66 HPRD to 2.07 HPRD this year and 2.31 HPRD next year (Fully implementing the commission's recommended 2.46 HPRD will be up to the 2009 Legislature),
- Convert HPRD to increased nursing assistant-to-resident ratios for each shift,
- Require nursing facilities to post their daily staffing ratios for the public to see and report their daily staffing ratios quarterly to the state, and
- Require the state to monitor the nursing facilities through the reports, staffing audits and surveys (inspections), and increased public awareness.

**Q. How quickly will this happen?**

A. The increases are being implemented in three phases:

- Phase 1: An increase to 2.07 HPRD became effective March 1, 2008:
  - The Day Shift nursing assistant-to-resident ratio increased from one nursing assistant for 10 residents to one nursing assistant for eight residents (**1:10 to 1:8**).
  - The Evening Shift nursing assistant-to-resident ratio increased from one nursing assistant for 15 residents to one nursing assistant for 12 residents (**1:15 to 1:12**).
  - The Night Shift nursing assistant-to-resident ratio increased from one nursing assistant for 25 residents to one nursing assistant for 20 residents (**1:25 to 1:20**).
- Phase 2: An increase to 2.31 HPRD will become effective April 1, 2009:
  - The Day Shift nursing assistant-to-resident ratio will increase from one nursing assistant for eight residents to one nursing assistant for seven residents (**1:8 to 1:7**).

- The Evening Shift nursing assistant-to-resident ratio will increase from one nursing assistant for 12 residents to one nursing assistant for 11 residents **(1:12 to 1:11)**.
- The Night Shift nursing assistant-to-resident ratio will increase from one nursing assistant for 20 residents to one nursing assistant for 18 residents **(1:20 to 1:18)**.
- Phase 3: Timing and funding will be decided by the 2009 Legislature.

**Q. Will every nursing facility have to increase staff?**

A. Some facilities will have to increase staffing right away, and most will have to increase staffing after the rules are fully implemented. Some facilities are already staffing above the requirements, and they may not see an increase.

**Q. What do these new requirements mean for the workforce?**

A. The state will need an estimated 500-700 new CNAs (certified nursing assistants) by 2010.

**Q. What is the state doing to provide those additional workers?**

A. The state and the nursing facility industry are working together to enhance the CNA workforce statewide,

- The Oregon State Board of Nursing (OSBN) is working to increase training program enrollment,
- The Oregon Health Care Association (OHCA) is developing a new online CNA training,
- The state is looking at ways to improve CNA job retention, and
- The state will conduct a statewide survey to assess CNA job satisfaction and the impact of increased staffing standards.

**Q. What will the new staffing levels cost?**

A. The 2007 Joint Ways and Means Committee approved \$3 million for Phases 1 and 2 of this increase. A small amount has gone to fund two staff positions at DHS, an auditor and a program coordinator for implementation, monitoring and enforcement. The majority will be disbursed to providers in the form of a Medicaid add-on payment of \$2.86 per bed per Medicaid patient per day to help defray the costs.

**Q. What can people do to help?**

A. Residents, family members and advocates can increase their awareness by routinely reviewing the daily staffing ratios that are posted in nursing facilities.

**Q. Where will the daily staffing ratios be posted?**

A. The daily staffing ratios should be posted in a common area as one enters the facility. They should be easily visible and in public view. The public should not require assistance from staff to locate the information.

**Q. Will information about the staffing ratios be posted on the Web?**

- A. The staffing ratio requirements can be found in the FAQs, which currently are posted on the DHS homepage.
- Q. How does someone report that staffing ratios are low?**
- A. The facility is required to post a placard, or poster, that explains the process for filing complaints, along with the phone number to call at DHS.
- Q. What happens after someone files a report?**
- A. When a complaint is filed, the person will be contacted by the agency to confirm the report and to let the person provide additional information. Staffing complaints will be reviewed, and the most serious will be investigated first.
- Q. Are there any sanctions for a nursing facility breaking the rules?**
- A. Sanctions apply to violations of these rules, just as they do to violations of any other rules. Violations will be evaluated and sanctions may result depending on the scope and severity of the violation. These could be a civil penalty or other action as applicable. (See OAR 411-089-0200 for a discussion of sanctions.)
- Q. What if a facility is reporting legal staffing ratios, but staff or residents know staffing is actually lower?**
- A. These incidents need to be reported, as well. Additional information would be gathered from the person making the call.
- Q. When will the first quarterly report be posted and where can people find it?**
- A. Because the rules went into effect March 1, the first quarterly report will be due April 30 and will not contain a full quarter's report. The first full report will be filed at the end of the second quarter. The agency is considering various ways of making information available.
- Q. Do the new rules affect only nursing assistants? What about RNs?**
- A. The new rules apply only to nursing assistants; they do not apply to registered nurses. In fact, the rules specifically exclude RNs from the count of nursing assistants required to meet the daily staffing ratios. (Rules concerning RNs can be found at OAR 411-086-0100.)
- Q. How will you know if the new staffing levels are improving quality of care and safety?**
- A. The state will conduct a study to determine to what degree the new staffing levels are contributing to an increase in safety and quality of care.
- Q. In what areas do you expect to see improvements?**
- A. We expect to see a positive impact from additional staffing in the areas of fewer falls, better pain management, fewer pressure ulcers, greater mobility, less weight loss and fewer problems with incontinence.