
OHA Hospital Staffing Complaint Webinar August 9, 2024

Public Health Division

Anna Davis, JD

Kimberly Voelker, MPH

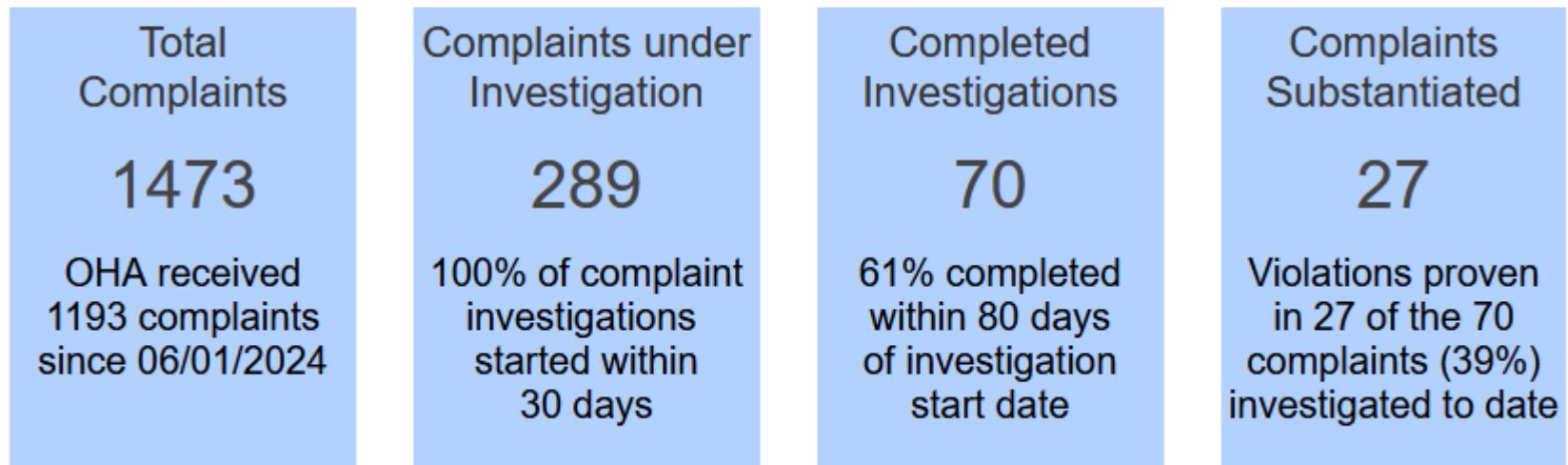
The logo for the Oregon Health Authority. It features the word "Oregon" in a smaller, orange, sans-serif font above the word "Health" in a large, blue, serif font. Below "Health" is the word "Authority" in a smaller, orange, sans-serif font. The entire logo is set against a light blue, curved background.

Oregon
Health
Authority

OHA Hospital Staffing Complaint Dashboard

Dashboard of Hospital Staffing Complaints Received Since Sep 1, 2023

Updated July 29, 2024



OHA Hospital Staffing Complaint Webinar

Agenda

- What is a valid complaint?
- How does the Complaint Process work?
- How to submit Meal & Break Complaints
- Tips for Success when submitting Hospital Staffing Complaints
- Question & Answer

What are Valid Complaints?

- Under hospital staffing law, OHA can only investigate **valid** complaints. A complaint is valid if it is:
 - Submitted within 60 days of the alleged violation; and
 - Contains allegations, that if assumed to be true, would constitute a violation of a provision listed in ORS 441.792

What are a Valid Complaints now?

OHA is currently investigating complaints related to:

- Failure to adopt a Nurse Staffing Plan
- Failure to comply with the staffing levels in Nurse Staffing Plan
- Failure to release a nurse staffing committee member to attend a Nurse Staffing Committee meeting
- Requiring a nursing staff member to work mandatory overtime (exceptions apply)

What are Valid Complaints later?

OHA can investigate the following complaints starting December 31, 2024:

- Failure to establish a hospital Professional/Technical Staffing Committee (PTSC) or Service Staffing Committee (SSC)
- Failure to create a Professional/Technical Staffing Plan (PTSP) or Service Staffing Plan (SSP)
- Failure to comply with the staffing level in the PTSP or the SSP (including CNAs)
- Failure to release a PTSC member or SSC member to attend a PTSC or SSC meeting, respectively

Complaint Process

- Complaints are submitted through the [Hospital Staffing Online Complaint Form](#) which is linked on both
 - www.Healthoregon.org/nursestaffing; and
 - www.healthoregon.org/facilitycomplaints

Hospital staff members and Exclusive Representatives can submit a complaint about an alleged violation of the hospital staffing law through OHA's online [Hospital Staffing Complaint Intake Form](#)

NOTE: The Oregon Bureau of Labor & Industries (BOLI) enforces the laws related to meal and rest break complaints. Before June 1, 2025, meal and rest break complaints are subject to the limitations in [ORS 653.261](#) and [OAR 839-020-0050](#). You may file a complaint about missed meal and rest breaks directly with BOLI through the [BOLI Complaint Resolution Center](#)

OHA Hospital Staffing Complaint Form

Oregon Hospital Staffing Complaint - Version 2.0

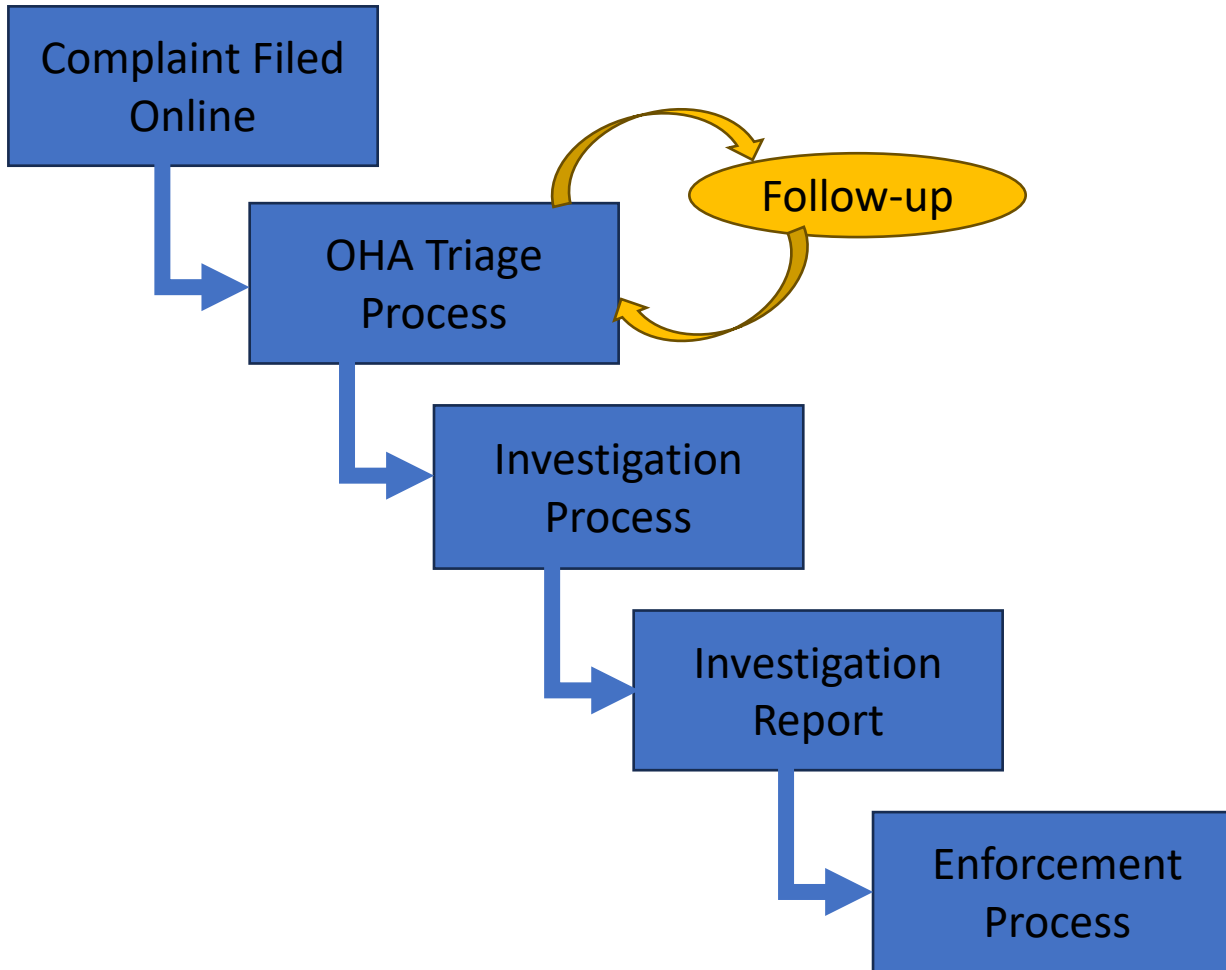
Complaint Process Information

This form does not allow respondents to save their responses. Please be prepared to address all questions and submit in one session.

Thank you for sharing your concerns with the Oregon Health Authority (OHA) Health Care Regulation and Quality Improvement (HCRQI) program. This form is intended for individuals looking to submit a complaint about hospital staffing. Complaints about patient care, including complaints about how long wait times harmed a specific patient, are filed using the Complaint Intake Form available at www.healthoregon.org/facilitycomplaints.

The information provided below will be reviewed to determine if there are potential violations of hospital staffing requirements over which OHA has jurisdiction.

How does the Complaint Process Work?



Complaint Intake and Triage

- Complainant (a nursing staff member or Exclusive Representative) completes the complaint form and sees the following confirmation in the online complaint system that the complaint has been submitted:

This is confirmation that your hospital staffing complaint has been submitted to OHA. If you have questions about your complaint, you may follow up with OHA at mailbox.nursestaffing@odhsoha.oregon.gov or (971) 673-0540.

- OHA enters the complaint into its database and reviews for validity
- OHA sends any follow-up questions necessary to determine validity
- Within 14 days OHA sends a copy of the complaint to the union

Complaint Investigation Process

- Within 30 days of determining that the complaint is valid OHA starts investigation beginning with
 - Notice of Investigation; and
 - Needs List
 - Entrance Conference with OHA and hospital (optional)
- Within 20 days of starting hospital provides requested records
- OHA investigation includes:
 - Reviewing records,
 - Requesting additional information, as needed;
 - Conducting interviews, as needed; and
 - Consulting with OHA's legal counsel, as needed

Complaint Investigation Process continued

- Exit Conference with OHA and hospital (optional)
- OHA completes investigation and
 - Sends report via email
 - Posts report on www.healthoregon.org/nursestaffing
- For investigations that meet statutory criteria
 - OHA issues Notice of Warning with hearing rights
 - OHA issues Default Final Order if no hearing is requested on Notice of Warning

OHA Hospital Staffing Complaint Report

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

Tina Kotek, Governor



Survey and 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/nursestaffing>
mailbox.nursestaffing@odhsoha.oregon.gov

Nurse Staffing Report

Facility Name: [REDACTED]

Report Publication Date: [REDACTED]

DISCLAIMER: This report was provided to the hospital administrator, chief nursing officer, and both co-chairs of the nurse staffing committee prior to publication. It has also been provided to the union(s) representing the complainant(s), if applicable.

For each violation cited in the report, OHA shall:

- Issue a warning for the first violation in a four-year period
- Impose a civil penalty of \$1,750 for the second violation of the same provision in a four-year period
- Impose a civil penalty of \$2,500 for the third violation of the same provision in a four-year period
- Impose of a civil penalty of \$5,000 for the fourth and subsequent violations of the same provision in a four-year period

The enforcement notice issued to the hospital is included at the end of this report.



Meal and Rest Break Complaints

- Oregon Bureau of Labor & Industries (BOLI) is responsible for enforcing laws related to meal and rest breaks
- Before June 1, 2025, meal and rest break complaints are subject to current limitations in ORS 653.261 and OAR 839-020-0050.
- Meal and rest breaks can be filed directly with BOLI or indirectly through OHA.
 - If a meal and rest break complaint is filed with OHA, OHA forwards that complaint to BOLI
 - BOLI may still require the complainant to file a BOLI complaint form

Tips for Success when submitting Hospital Staffing Complaints

Tips for Success – Submitting Complaints

- Avoid abbreviations - write out the full name of the unit/service area that is the subject of the complaint
 - Specify which unit of that type – *For example: Medical/Surgical 3*
 - “All” or “Most of the Units” is not specific
- Be specific when describing what is required and what went wrong.
 - *For example, if you are asked what the staffing plan requires, write “1 RN is required for every 5 patients on the unit” or “An RN cannot be assigned more than 5 patients at a time” – don’t write “5”*

Tips for Success – Submitting Complaints

- We can only investigate the specific complaints listed in the statute (as described in slides 5 and 6). The law includes a lot of requirements for Staffing Committee operations and Staffing Plans that are not subject to the complaint process.
- OHA reviews whether the unit is staffed as described in the NSP
 - Compliance with the following can only be measured when they are adopted into the NSP:
 - Contract Terms
 - Statutory RN:patient ratios
 - The following can only be found noncompliant if the NSP has specific language prohibiting this:
 - RNs doing Total Care
 - Patients not being assigned a CNA

Tips for Success

Avoiding Confusion During Complaint Triage

- A complaint that has conflicting allegations
For example: A complaint that says:
 - *The hospital didn't follow the unit's NSP; and*
 - *The unit does not have an approved NSP*
- Duplicate complaints about the same day, unit, and shift
- Complaints filed about shifts that have not yet occurred
- Failure to respond to an email requesting additional information

Q & A

Enter your questions into the chat for OHA to answer!

Hospital Staffing Resources:

Website: www.healthoregon.org/nursestaffing

Email: mailbox.nursestaffing@odhsoha.Oregon.gov

Complaint form:

<https://www.surveymonkey.com/r/OregonHospitalStaffingComplaint>

Meal and Rest Break Resources:

Bureau of Oregon Labor & Industries (BOLI)

Website: www.Oregon.gov/BOLI

Email: BOLI_Help@boli.Oregon.gov

File a meal/rest break complaint:

<https://complaints.boli.oregon.gov/home/landing>