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**Oregon Nurse Staffing Advisory Board (NSAB)**

Wednesday, January 31, 2024

1:00 PM – 5:00 PM

Meeting Minutes

Cochair	Lace Velk, RN (presiding)
Members present	Chandra Ferrell, CNA; Jenni Word, RN; Kitty Rogers, DNP, RN, NEA-BC, CEN, CPEN, TCRN, CPHQ; Kelsey Betts, RN; Joel Hernandez, RN; Todd Luther, RN, CEN; Shannon Edgar, RN, MBA; Mariah Hayes, MN, RN, NE-BC; Uzo Izunagbara, DNP, MSN, MHA, RN
OHA staff present	Dana Selover, MD, MPH; Anna Davis, JD; Kimberly Voelker, MPH; Austin Schmidt, RN; Ilana Kurtzig; Tip McIntosh; Emily Droge
Oregon Department of Justice staff present	Erin Williams, Shannon O’Fallon
Oregon Bureau of Labor & Industries Staff present	Theofanis Skourtis, Laura van Enckevort
Oregon Legislative Staff present	Zeke Adler (Rep. Nelson’s Office)

Guests present	Pete Morgan (Adventist Health), Diana Erdmann (Visiting Angels In Home Care); Erica Swartz, (OHSU); Jana Bitton (Oregon Center for Nursing); Justin Floyd (Sacred Heart Riverbend), Nancy Deyhle (Sacred Heart Riverbend); Tia Rodriguez (Salem Health); Stacy Looney (Samaritan Lebanon); Heather Quatre (St. Charles Redmond); DeEdra Boone (Umpqua Homes);
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<b>Agenda Item 1</b>	<i>Call to Order</i>
The meeting was conducted as an online Zoom meeting with computer and phone audio options. Board co-chair greeted board members and initiated rollcall. Board co-chair also thanked Uzo Izunagbara for continuing to serve on the board while waiting for a new member to be appointed to his position.	

<b>Agenda Item 2</b>	<i>Minutes</i>
<p>Board co-chair asked whether there were any edits, corrections, or questions about the minutes from the October 2023 Quarterly NSAB meeting.</p> <p>Motion to approve October minutes as written: Mariah Hayes Seconded: Kelsey Betts Motion passed.</p>	

<b>Agenda Item 3</b>	<i>Membership &amp; Program Updates</i>
<p>K. Voelker announced that board applications had been submitted and the OHA would give recommendations to the Governor's Office. They expected the two direct care positions and one nurse manager position would be appointed by late February or early March.</p> <p>The board thanked U. Izunagbara's for his leadership on the board and for continuing to serve on the board while waiting for a new member to be appointed to his position.</p> <p>K. Voelker informed the board of in-person meetings taking place in April 2024 and October 2024 at Portland State Office Building (PSOB).</p> <p>K. Voelker thanked the board for completing the required annual trainings and stated that the repeated Workday reminders will begin for trainings were not due until end of 2024.</p> <p>D. Selover introduced Ilana Kurtzig, who was helping Health Care Regulation &amp; Quality Improvement (HCRQI) implement HB 2697. The board welcomed I. Kurtzig.</p>	

<b>Agenda Item 4</b>	<i>Legislative Session</i>
<p>D. Selover informed the board that OHA was tracking a proposal for the 2024 legislative session that would make changes to professional/technical staffing and service staffing at Oregon State Hospital.</p> <p>D. Selover explained OHA's role in providing technical and analytical feedback on proposed bills and noted that HCRQI had not put forward any bills for the 2024 legislative session.</p> <p>Board co-chair asked for clarification on OHA's role more in advising rather than persuading towards certain ideas.</p> <p>D. Selover answered that agencies in executive branches of government do not adopt positions on bills unless it is a bill that agency put forward.</p> <p>There were no other questions or comments about the 2024 legislative session.</p>	

<b>Agenda Item 5</b>	<i>HB 2697 Rulemaking Update</i>
<p>D. Selover noted that there were temporary rules in place and shared the HB 2697 fact sheet with the board. They reminded the board that the hospital staffing law limited OHA's rulemaking authority for hospital staffing.</p> <p>I. Kurtzig stated that they would send out a poll for RAC meeting options.</p> <p>D. Selover stated that because new hospital staffing requirements will go into effect on June 1, 2024, OHA aimed to have the rules adopted by May 15, 2024.</p> <p>Board member asked about the accessibility of complaint forms and materials, particularly for non-nursing hospital staff members. They expressed concern about language barriers accessing the complaint form and asked about whether hospitals could be required to self-report to OHA.</p> <p>D. Selover responded that OHA was aware of potential language barriers and is looking into ways OHA could ensure accessibility to the form, including translating it to non-English languages commonly used in Oregon. They also stated that they would need to refer to the statute to determine if hospitals could be required to self-report complaints.</p> <p>Board co-chair asked OHA to define what constitutes the time that a nurse staffing plan may be deviated six times within a rolling period.</p> <p>D. Selover clarified that OHA would look at the past 30 days of the alleged violation to determine allowed deviations. They also answered that hospitals would vary in how they documented deviations.</p> <p>A. Davis added that deviations could be within 12 hours so there may be multiple kinds of deviations within a 12-hour period that would be considered one deviation. If the deviation extends past the 12 hours, it would be separate deviations.</p> <p>K. Voelker added a link to the chat that leads to statute requirements related to deviations.</p> <p>There were no additional questions or comments about the HB 2697 Rulemaking Update.</p>	

<b>Agenda Item 6</b>	<i>BOLI &amp; HB 2697</i>
<p>Bureau of Labor and Industries (BOLI) staff members, Laura van Enckevort and Theo Skourtis, joined board meeting.</p> <p>Board co-chair greeted BOLI staff and thanked them for their time.</p> <p>L. van Enckevort greeted the board members and presented a PowerPoint explaining BOLI's current role in enforcing meal and rest break requirements, their expanded role starting in 2025, and what hospital staff should do before 2025 if they had complaints related to meal and rest breaks.</p>	

Board member asked how civil penalties were disbursed and whether any financial proceeds were made available to complainants.

L. van Enckevort stated that under the current law, the civil penalty goes to the Common School Fund. Therefore, the civil penalty is directed back to fund government services and it does not go to any complainant.

Board member asked whether BOLI had jurisdiction over hospitals with collective bargaining agreements (CBAs) and whether a hospital that had a CBA addressing meal and rest breaks would be out of BOLI's jurisdiction.

L. van Enckevort answered that under current law, BOLI does not have the jurisdiction to investigate the hospital if the CBA sets meal and rest break conditions. They added that under HB 2697, starting in 2025 BOLI will accept complaints from staff covered by CBAs that do not have a monetary remedy for missed breaks.

Board member asked if the PowerPoint slides would be available after the board meeting as it was a very well informed presentation.

K. Voelker confirmed that they would send the board the PowerPoint slides.

Board member asked BOLI for more information on how CBAs would affect BOLI's investigation process in 2025.

L. van Enckevort stated that BOLI was still determining investigation processes changes under HB 2697.

BOLI expressed interest in joining another board meeting once they learn more information about future processes.

Board member asked if there were any proposed discussion groups to help refine old BOLI rules that do not adequately apply to current working situations.

L. van Enckevort answered that BOLI had updated rules related to acute care facilities. They stated when BOLI has operative authority under HB 2697, there will likely be amendments to meal and rest break rules and BOLI would be open to public feedback in the rulemaking process.

T. Skourtis added that a lot of nontraditional workplaces provided insight on the recently updated rules.

Board member asked in chat if [BOLI\\_help@boli.oregon.gov](mailto:BOLI_help@boli.oregon.gov) was a working and read email.

L. van Enckevort answered yes and that it was the general help email.

There were no additional questions or comments about BOLI.

Board co-chair thanked BOLI staff again for their time.

<b>Agenda Item 7</b>	<i>Status Updates</i>
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K. Voelker presented the Hospital Staffing Complaint dashboard and explained the data reflected hospital staffing complaints submitted between September 1, 2023, and December 31, 2023. The dashboard showed the number of hospital staffing complaints submitted per month, the types of hospital staffing allegations submitted per month, the types of nurse staffing allegations received per month, and the role of the complainant.

K. Voelker also presented the OHA Hospital Staffing Complaint Snapshot, which showed the hospital staffing complaint process and the number of complaints at each stage, and a hospital staffing complaint chart, which included detailed information about hospital staffing complaints.

Board co-chair asked whether new hospital staffing investigation reports were posted on the OHA Hospital Staffing Website.

K. Voelker confirmed the new investigation reports were posted on the OHA Hospital Staffing Website and were labeled “Hospital Staffing Investigation Report – Nurse Staffing (NS)”, instead of “Nurse Staffing Report.”

A. Davis stated that the search function is the most straightforward method of finding a specific report.

Board co-chair asked for clarification on why four complaints were determined to be invalid, and asked if OHA would create a guidance or reference materials for future complainants to know why complaints were found invalid.

A. Davis explained the difference between a complaint that is received and found to be invalid, and a complaint that is received, found to be valid, and upon investigation determined to be unsubstantiated. They further stated that invalid complaints are not posted on the website, but unsubstantiated complaints have investigation reports and therefore are posted on the website.

Board co-chair reiterated the importance of documents and examples that would help nursing staff understand the complaint process.

D. Selover added that OHA is working on hiring additional staff to facilitate hospital staffing education.

Board member asked whether the primary type of allegation was failure to follow the nurse staffing plan.

K. Voelker stated that complaints with completed reports had allegations that the hospital not following staffing levels on the nurse staffing plan. They noted that of the thirteen complaints regarding this, twelve of them were unsubstantiated.

Board member asked for examples about why complaints were valid but unsubstantiated.

D. Selover explained that the reports were posted on the website and had specific information about each complaint. They stated that a lot of nurse staffing plans lack clear staffing requirements, which can make it difficult to enforce those plans. D. Selover also stated OHA was planning to hold a webinar in the spring about enforcing nurse staffing plans.

Board member supported OHA holding a webinar about hospital staffing.

Board co-chairs and additional board members expressed support for a webinar about hospital staffing.

There were no additional questions or comments about the Nurse Staffing Complaint dashboard. Board co-chair thanked OHA for the presentation.

<b>Agenda Item 8</b>	<i>Break</i>
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Board co-chair called for a ten-minute break.

<b>Agenda Item 9</b>	<i>HB 2697 Implementation Updates</i>
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A. Davis provided updates on HB 2697 bill implementation, including HCRQI's coordination with OHA leadership, DOJ, bill advocates, and BOLI. They explained that OHA would keep the NSAB and public informed as they learned more about the bill and encouraged members of the public to sign up for OHA's listserv. They also provided examples of changes in investigating nurse staffing complaints under the previous law compared to investigating hospital staffing complaints under HB 2697.

Board member asked about remote investigation practices.

A. Davis stated that current investigation activities were primarily remote, but surveyors could go onsite if necessary.

K. Voelker stated that OHA would be launching a Type A and Type B Hospital Variance notification process on their website so hospitals could completed the required notification OHA when they select to use the variance option under the hospital staffing law. K. Voelker also stated that the Nurse Staffing Plan Submission form would be available on the OHA Hospital Staffing website and they provided instructions on how to use the form.

Board co-chair asked how often staffing plans needed to be submitted to OHA.

K. Voelker stated that HB 2697 required hospitals to submit plans within 30 days of approval and explained that if one unit's staffing plan changed, the hospital would still need to submit all the unchanged staffing plans along with the updated staffing plan in a single PDF. They explained that some hospitals may submit the plans multiple times a year if the Nurse Staffing Committee reviewed plans throughout the year. .

Board co-chair advised that larger hospitals prefer to stagger how they review intentionally so that their committee does not meet for longer hours than necessary.

K. Voelker introduced the "BOLI Complaint Button" on the OHA website, which links to BOLI's complaint page.

Board co-chair suggested adding a note that clarifies the various ways people can submit a complaint about missed meal and rest breaks.

K. Voelker presented the HB 2697 Hospital Staffing Law Frequently Asked Questions (FAQ) to the board and shared new questions that had arisen since the previous board meeting. They turned the meeting over to the board for any questions to add questions to the FAQ..

Board member suggested adding a question about the frequency of hospital staffing committee meetings, as it was previously done quarterly.

A. Davis added that the staffing committee meeting requirement meeting changed from quarterly to every four months, with the possibility of more frequent meetings if needed.

Board member suggested adding a question about how Type A and Type B hospital variances can apply to specific units or hospital-wide.

Board co-chair suggested adding a question about what OHA can and cannot enforce in a nurse staffing plan.

Board member in chat suggested adding a question about how BOLI approaches complaints for staff covered under a CBA.

Board member stressed that the question related to what is a valid complaint be kept..

Board co-chair suggested adding a question about what it means for a unit to be operating under a hospital license.

D. Selover stated that hospitals determine which units operate under the hospital license..

Board member wondered whether the staffing committee could request a list of units operating under the hospital license.

Board co-chair asked if that information would come from hospital administration.

Board member responded that the hospital nurse staffing committee could be provided that list upon request.

Board co-chair expressed concerns about barriers for hospital staff members to submit complaints and suggested OHA adding a question to the FAQ to express what the agency was doing to ensure equitable access to the complaint process.

Board member agreed and expressed that all staff members deserve a voice and requested that OHA help ensure inclusivity.

Board co-chair asked how to keep equity and inclusion front of mind for hospital staffing.

Board member asked OHA whether information about ensuring equity and inclusion could go in the FAQ.

K. Voelker answered that OHA had already started looking into opportunities to ensure access by working with external groups, such as unions for different types of hospital staff, and materials being translated into common non-English languages.

Board member stated that accessibility options should be added to the FAQ.

There were no additional questions or comments about the HB 2697 Implementation Updates.

**Agenda Item 10**    *Hospital Staffing Surveyor Discusses Survey Activities*

A. Davis introduced hospital surveyor, Austin Schmidt, and explained that A. Schmidt would record the board's questions and come prepared to address them at the next meeting.

Board co-chair asked who surveyors would speak to at the hospital when they received a complaint and asked for more information about the investigation process.

Board member asked if A. Schmidt's title would be changed to "investigator" because they were now conducting investigations instead of surveys.

Board co-chaired asked whether a title was easy to change.

K. Voelker stated that the OHA agenda item could be updated to "Hospital Staffing Investigations", but A. Schmid's title was still hospital staffing surveyor.

D. Selover r explained how "surveyor" is the overarching title that the OHA uses.

A. Schmidt thanked the hospitals that had already been investigated for their patience while OHA was learning this new process.

There were no additional questions or comments for the Hospital Staffing Surveyor.



<b>Agenda Item 11</b>	<i>Emerging Issues in Nurse Staffing</i>
<p>Board co-chair initiated a round robin with K. Voelker facilitating and asked the board about their hospitals' transition to the new hospital staffing law, particularly as it related to strengths and challenges.</p> <p>Board member stated that because the law was new, they did not have any information to add.</p> <p>Board member stated that their hospital was doing well and that they implemented a sign-up for breaks where they have a relief nurse and a relief CNA.</p> <p>Board member stated that they anticipated that they would continue struggling to get members to attend nurse staffing committee meetings.</p> <p>Board member stated that some units were using CNAs with no assignments as "helping hands", and that CNAs who worked as "helping hands" were not considered to have a ratio.</p> <p>Board member stated that the biggest issue at their hospital was breaks, which were now being scheduled with a break nurse.</p> <p>Board member stated that they were considering what hospitals were doing to prepare for the implementation of the new law and stated that their hospital was working on implementing break nurses. They affirmed their hospital's commitment to patient safety.</p> <p>Board member expressed concern about the uncertainty associated with implementing changes to the law.</p> <p>Board member stated that their hospital was working on Type B variance requests and looking at what they needed to submit. They noted they were staffing similarly to how they staffed before the new law.</p> <p>Board co-chair stated their hospital was working hard to ensure staff received meal and rest breaks and getting their staffing committees to draft new plans. They shared concerns about the uncertainty of implementing a new law.</p> <p>Board member asked fellow board member why their nurse staffing committee was struggling to meet.</p> <p>Board member stated that some staff were unwilling to attend committee meetings when they were not scheduled to work and did not want to attend meetings when they were scheduled.</p> <p>Board member suggested holding virtual meetings.</p> <p>Board member noted that they had tried that and it had not worked.</p>	

Board co-chair asked if board member's nurses knew that release times were available.

Board member stated that that information had been shared with the committee and that committee members knew that time spent on meetings was paid.

Board co-chair suggested conducting a committee meeting when all nurses are working.

Board member noted that they tried that but still ran into scheduling difficulties.

There were no additional questions or comments related to emerging issues in nurse staffing.

<b>Agenda Item 12</b>	<i>Public Comment</i>
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K. Voelker reminded the board and the public that each commenter had two minutes to make a comment to the board.

S. Looney (Samaritan Lebanon) commented that they, along with many other hospitals, were anxiously awaiting guidance about nurse staffing plan requirements under the new hospital staffing law. They noted that their nurse staffing committee was going to review plans in March and they expressed concern with having enough information to understand the new law's requirements. They noted that they look forward to the webinar.

No other members of the public offered public comment.

Board co-chair thanked the board and adjourned the NSAB meeting.

<b>Agenda Item 13</b>	<i>Meeting Adjourned</i>
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**Approved by NSAB on April 24, 2024**

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