Oregon’s New Hospital Nurse Staffing Law

Senate Bill 469
History

2001: State Legislature passes Oregon’s first nurse staffing law with support from ONA

2005: State Legislature and ONA significantly update the law

2012: ONA’s House of Delegates calls for a review of the staffing law

2014: ONA’s House of Delegates votes to approve an Action Report as a guide for staffing changes and makes improving the staffing law a top priority
2015

10 Years Since the Staffing Law Was Updated

In the last decade, we’ve seen:

• Increased research on the dangers of inadequate staffing

• Increased financial pressures on hospitals that negatively affect nurses and patients

• Increased reports of inadequate staffing by Oregon nurses
2014 Staffing Action Report

ONA will pursue legislation based on the following core principles:

- Strengthen staffing committees and empower committees’ direct-care nurses
- Improve working conditions around mandatory overtime, and meal and rest breaks
- Give the state new tools to actively enforce the law
- Increase transparency at the hospital and state level
- Create an advisory board to increase state accountability and identify staffing trends and problems
Importance of Nurse Advocacy

We could not pass staffing legislation without your help!

• Hospital nurses filed more than 3,000 SRDF forms to report inadequate and insufficient staffing from 2012 to 2015

• House of Delegates gave ONA clear directions to improve hospital nurse staffing through the Action Report

• Nearly 200 nurses and nursing students campaigned for staffing improvements during ONA’s Nurse Lobby Day

• Nurses across the state traveled to Salem to testify in favor of staffing improvements (Senate Bill 469)

• Nurses sent nearly 300 emails to legislators on the issue of staffing
Our Achievements

Because of your support we were able to pass a staffing improvement law in 2015 (Senate Bill 469).

• Senate Bill 469 made the most important updates to Oregon’s nurse staffing law in a decade
• The bill passed despite legislative challenges
• Nurses’ support allowed us to work with hospitals to improve the law while sticking to the core principles outlined in our Action Report
Highlights of the New Law: Staffing Committees

- Staffing committees’ decisions are final and must be implemented by their hospitals.
- Staffing committees will be made up of fifty percent direct-care staff and fifty percent nurse managers.
- A non-RN staff member whose services are covered by the staffing plan, will join the staffing committee as part of the direct-care staffs’ fifty percent membership.
- Direct care nurses and the non-RN staff member will be selected by their bargaining unit, if they are represented by a union.
- New staffing committees must be formed by January 1, 2016.
Highlights of the New Law: Staffing Committees

• A direct-care nurse and a nurse manager will serve as co-chairs of the committee

• The staffing committee must meet quarterly or at the call of either co-chair

• A quorum is required to meet and to make decisions. If unequal numbers are present from either direct care staff or managers, each side will have an equal number of votes
Highlights of the New Law: Staffing Plans

• Requires admissions, discharges, transfers, rest and meal breaks, and additional non-direct care tasks to factor into plan
  • These tasks shall not result in staffing other than what is outlined in plan
• Staffing will be determined based on a 24 hour census
• Prohibits the sole use of external benchmarking measures to determine staffing levels
• New staffing plans must be implemented by January 1, 2017
Highlights of the New Law: Mandatory Overtime Rules

- Hospitals may not require a nurse to work beyond the agreed-upon and prearranged shift, regardless of the length of shift
- Hospitals must provide a 10 hour rest period after a nurse works 12 hours in a 24 hour period
- Staffing committees shall review unusual patterns of overtime if they occur
- The new law does not affect voluntary overtime
- New overtime provisions take effect immediately
Highlights of the New Law: New Mediation Process

If the staffing committee cannot agree on a staffing plan:

- Either co-chair may call for a 30 day pre-impasse period
- After 30 days, the Oregon Health Authority (OHA) leads a 90 day mandatory mediation process for the committee
- Staffing plans made during mediation must meet the same standards as non-mediation staffing plans
- If there is no agreement after 90 days of mediation, OHA may fine the hospital
- New impasse rules must be implemented by January 1, 2016
Highlights of the New Law: Enforcement

• Requires state to audit each hospital at least once every three years

• **Requires state to initiate on-site investigations within 60 days of receiving a complaint**

• Requires state to re-survey facilities with approved plans of correction within 60 days of plan implementation to ensure compliance

• New enforcement provisions take effect immediately
Highlights of the New Law: Transparency and Accountability

- Hospital must post information on the staffing law and how to report a violation in each unit
  - New transparency requirements must be implemented by January 1, 2016
- Audit results will be shared with the hospital and the staffing committee co-chairs
- Investigation and audit reports, violations and plans of corrections will be posted online
- New accountability provisions take effect immediately
Highlights of the New Law: Oversight

Creates an official statewide staffing advisory board, which will:

• Identify staffing trends and problems
• Make staffing recommendations to OHA
• Report annually to the legislature and may make recommendations for future legislation
Review
2014 Staffing Action Report

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- Increase transparency at the hospital and state level
- Create an advisory board to increase state accountability and identify staffing trends and problems
2015 Legislation (SB 469)

ONA was able to pass legislation based on the following core principles:

☑ Strengthen staffing committees and empower committees’ direct-care nurses

☑ Improve working conditions around mandatory overtime, and meal and rest breaks

☑ Give the state new tools to actively enforce the law

☑ Increase transparency at the hospital and state level

☑ Create an advisory board to increase state accountability and identify staffing trends and problems
SB 469 Implementation Deadlines

- Enforcement provisions take effect IMMEDIATELY
- New accountability provisions take effect IMMEDIATELY
- New overtime provisions take effect IMMEDIATELY
- New staffing committees must be formed by January 1, 2016
- New impasse rules must be implemented by January 1, 2016
- New staffing plans must be implemented by January 1, 2017
Questions? Suggestions?
Want to Learn More About Staffing?

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Thank you for your support!