Nurse Staffing Law Fact Sheet

The nurse staffing law is intended to ensure that patients receive "safe patient care" defined as "...nursing care that is provided appropriately, in a timely manner, and meets the patient's health care needs." (333-510-0002 (9).

A hospital-wide nurse staffing committee must (333-510-0045 (1) (a-c); 2(a-c)
- Be comprised solely of equal numbers of hospital nurse managers and direct care registered nurses as its exclusive membership for decision-making
- Include at least one direct care RN from each hospital specialty to be (who is) selected by the direct care RNs.
- Must document how input of each member in decision-making is assured

The written staffing plan must be (333-510-0045(a-f)
- Based on an accurate description of individual and aggregate patient needs and requirements for nursing care;
- Based on specialized qualifications and competencies of the nursing staff;
- Ensure skill mix and competency meet the nursing care needs of the patient;
- Consistent with national recognized evidence-based standards and guidelines established by nursing specialty organizations;
- Recognize differences in patient acuteness.
- Include a formal process for evaluating/initiating limitations on admissions or diversion of patients when, in the judgment of the direct care registered nurse, there is an inability to meet patient care needs or a risk of harm to existing and new patients.
- Establish the minimum numbers of nursing staff personnel including licensed practice nurses and CNA's required on specific shifts (no less than one RN and one other nursing care staff on duty on a unit when a patient is present).

Hospital may request a variance from written staffing plan, but variances must be reviewed by the Hospital-wide Nurse Staffing Committee (333-510-0045(17).

Hospital must evaluate and monitor the staffing plan for effectiveness and revise the plan as necessary to improve patient care. (333-510-0045(6)

Must maintain and post a list of on-call nursing staff or staffing agencies that may be called to provide qualified replacement or additional staff . . . list must be available to the individual responsible for obtaining replacement staff. (333-510-0035(11, a-(B)

- Beyond an agreed-upon shift;
- More than 8 hours in any hospital defined work week;

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- More than 12 consecutive hours in a 24 hour time period. Exception: hospital may require an additional (1) hour of work beyond the end of the current shift if
  - A staff vacancy become known at the end of a shift;
  - There is a risk of harm to an assigned patient if the RN, LPN or CAN leaves the assignment or transfers care to another.

Hospital must have a system to document mandatory overtime . . . that is clearly written, provided to new staff and posted in a conspicuous place. (333-510-0045(12)

Time spent attending hospital-mandated meetings and hospital-mandated education and/or training must be included as hours worked . . . (333-510-0045(13) (a)

Situations in which these rules are listed . . . (333-510-0045(14) (b)

- Sudden unforeseen adverse weather conditions, or
- An infectious disease epidemic of staff, or
- Any unforeseen event preventing replacement staff from approaching or entering the premises, or
- If hospital has made reasonable efforts to contact all on-call nursing staff and agencies . . . and is unable to obtain replacement staff in a timely manner.

Two conditions in which Oregon Health Division will evaluate nurse staffing in an acute care facility: regular, yearly audits (7%-5 facilities); and complaints related to nurse staffing. (333-510-0045(16)

Hospital must post notice summarizing these provisions in a conspicuous place on the premises. (333-510-0045(6)

Hospital may not retaliate against nursing staff because the nursing staff have disclosed or intends to disclose a violation of law or rule or a violation of professional standards of practice to an accreditation organization or public body which the nursing staff reasonably believes poses a risk to the health, safety or welfare of the public. Nurse must give written notice to a manager of violation; provide manager with reasonable opportunity to correct. (ORS 441.174, 441.176, 441.178, 441.182).