



Facilities Planning and Safety 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@state.or.us

Civil Monetary Penalties Committee Meeting Agenda

Date: November 1st, 2021

Time: 1:30 PM – 3:30 PM

To receive meeting login information, register for the meeting here:

<https://www.zoomgov.com/meeting/register/vJltdeysqT8oHn7q8v-RWclYN3qDPHk-jGM>

Time	Agenda Item	Materials Provided	Presenter
1:30 PM – 1:35 PM	Item 1 – Review the meeting agenda and summary from October 1st meeting	<ul style="list-style-type: none">• November 1st meeting agenda• October 1st meeting summary	Kimberly Voelker
1:35 PM – 2:05 PM	Item 2 – Review financial and workload impacts of nurse staffing regulatory activities <ul style="list-style-type: none">• Triennial surveys, complaint investigations, and revisit surveys• CMPs	<ul style="list-style-type: none">• Survey process map• CMP process map	Anna Davis
2:05 PM – 3:25 PM	Item 3 – Prioritize nurse staffing regulatory activities	<ul style="list-style-type: none">• Regulatory activities slide	Kimberly Voelker & Anna Davis

3:25 PM – 3:30 PM	Item 4 – Summarize action items, next steps		Kimberly Voelker
3:30 PM	Meeting adjourned		

Upcoming Meetings

- *NSAB Civil Monetary Penalties Committee – November 19, 2021:
10:00 AM – 12:00 PM*
- *NSAB Quarterly Meeting – January 26th, 2022: 1:00 PM – 5:00 PM*

Everyone has a right to know about and use Oregon Health Authority (OHA) programs and services. OHA provides free help. Some examples of the free help OHA can provide are:

- Sign language and spoken language interpreters
- Written materials in other languages
- Braille
- Large print
- Audio and other formats

If you need help or have questions, please contact Kimberly Voelker at 971-803-0914, 711 TTY or kimberly.n.voelker@state.or.us at least 48 hours before the meeting.

Survey & 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@state.or.us

Oregon NSAB Civil Monetary Penalties Committee
October 1st, 2021
 1:30 PM – 3:30 PM

Meeting Summary

Members present	Jenni Word, RN; Barbara Merrifield, MSN, RN; MSN; Kelsey Betts, RN; Uzo Izunagbara, RN
Members absent	Debbie Robinson, RN; Rob Campbell, CP, ADN, RN
PHD staff present	Dana Selover, MD, MPH; Anna Davis, JD; Kimberly Voelker, MPH; Belle Shepherd

Guests present	Ruth Miles (Salem Health); Nancy Mitchell (Santiam Hospital); Danielle Meyer (OAHHS)
----------------	--

Agenda Item 1	<i>Review the meeting agenda and summary from September 10th meeting</i>
<p>The meeting was conducted as an online Zoom meeting with computer or phone audio options. The meeting was called to order and members confirmed their presence on the meeting via roll call. All other individuals present identified themselves via Zoom registration. K. Voelker reviewed the agenda with the committee members and summary from the previous meeting.</p>	

Agenda Item 2	<i>Discuss Table 1 – Civil Penalty Assessments and advise on objective measurements for Table elements</i>
<p>A. Davis provided guidance on what was meant by “reasonable belief” in statute and stated that in terms of the nurse staffing statute, it means that a reasonable person would believe that safe patient care has been or may be negatively impacted. She emphasized that OHA would need evidence to support the reasonable belief.</p> <p>K. Voelker presented the Table 1 – Civil Penalty Assessments found in rule language. Committee members stated that their belief that mandatory overtime would negatively impact safe patient care, but drew a distinction between a single nursing staff member experiencing</p>	

mandatory overtime versus multiple nursing staff members. Committee members agreed that failing to post the complaint notice was not related to safe patient care. The committee also discussed violations related to the nurse staffing committee. K. Voelker and A. Davis explained that OHA would have difficulty measuring whether the committee had as its primary consideration the provision of safe patient care as that requires an understanding of the committee's mental status, and committee members agreed that it would be challenging to assess for the purposes of civil monetary penalties.

Agenda Item 3

Advise on factors that may impact size of CMP imposed

K. Voelker shared the old CMP matrix and presented the CMP factors handout. Committee members discussed the factors that may impact the size of CMP imposed, including survey type, repeated noncompliance, priority tags identified by the NSAB Process Improvement Committee, and number of licensed hospital beds. Committee members stated that deficiencies cited during a triennial survey and complaint investigation should have the same weight, whereas deficiencies cited during a revisit survey should be more heavily weighted because hospitals would have had an opportunity to address the underlying problem. Similarly, committee members believed repeated noncompliance was more significant than a first finding of noncompliance. Committee members did not think priority tags identified by the PIC should be given additional weight beyond what was already identified by the NSAB CMP Committee. Committee members also believed that hospital size should play a role in the size of CMP imposed and proposed a system where the number of findings was compared to the number of units surveyed.

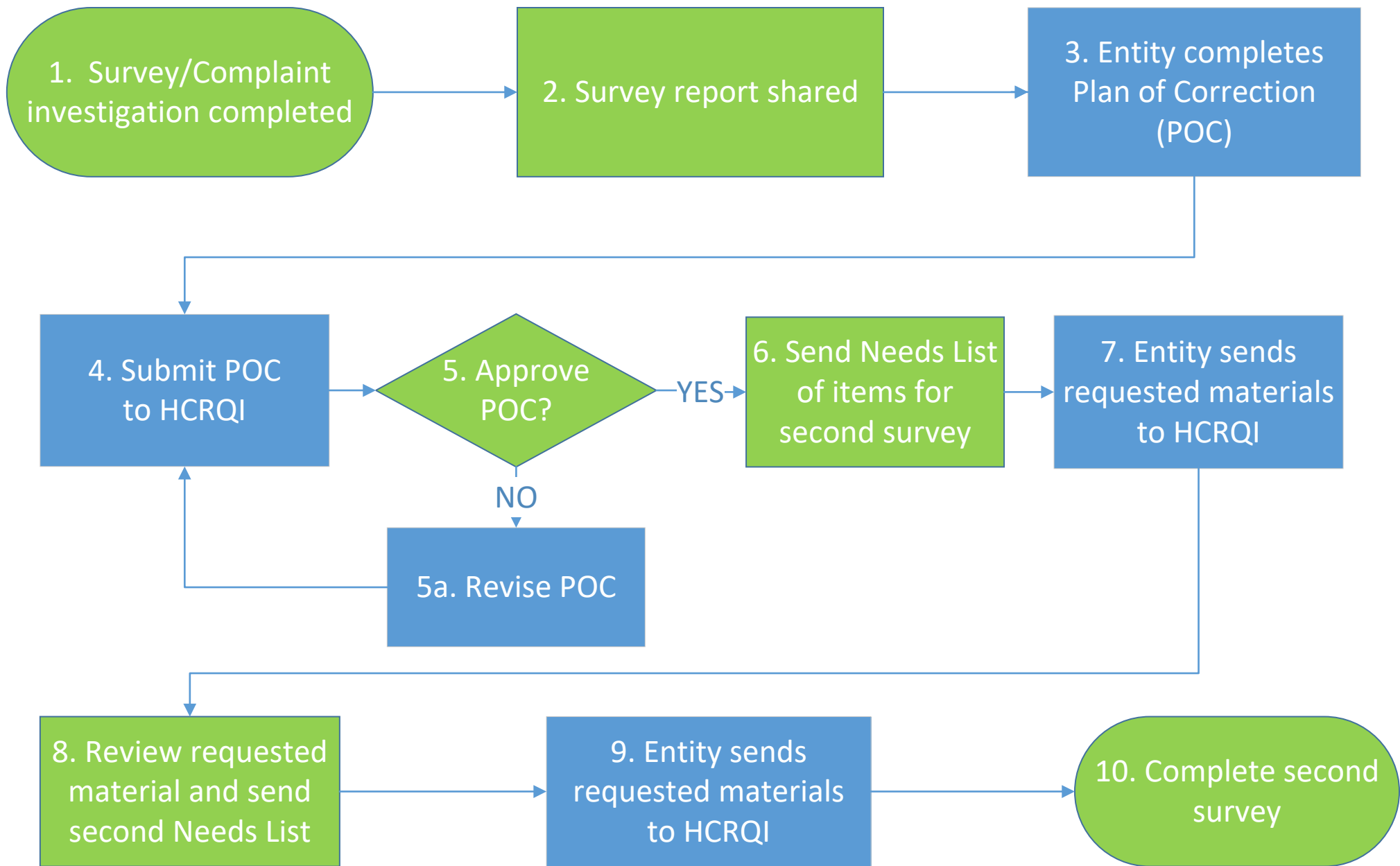
Agenda Item 4

Summarize action items, next steps

K. Voelker summarized the agenda items reviewed during the meeting and noted that there were no action items. She reminded the committee that the next meeting was November 1, 2021.

Agenda Item 5

Meeting Adjourned



HCRQI Process Step

Hospital Process Step

Process Timeline:
Step 5 to 10 = 60 business days

Civil Monetary Penalty Process

Survey/Complaint Investigation

Contested Case



Contested Case



For each civil monetary penalty case, our fiscal analyst estimates a cost of \$20,000 per hearing (for DOJ services) and \$20,000 per hearing for the Office of Administrative Hearings. This does not include costs for staff time or any appellate costs.