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Hospital: Providence Health & Services – Oregon **DBA Providence Portland Medical Center**

Complaint #s: OR50943¹, OR51129, OR51139, OR51218, OR51223, OR51242, OR51248, OR51250, OR51251, OR51336, OR51340, and OR51447

HOSPITAL STAFFING COMPLAINT INVESTIGATION REPORT

The Oregon Health Authority, Health Care Regulation and Quality Improvement Program (OHA) is responsible for processing complaints concerning compliance with certain hospital staffing laws. ORS 441.791. OHA can only investigate valid complaints filed within 60 days from the date of the violation alleged in the complaint. ORS 441.791(1), (6). A valid complaint means a complaint containing an allegation that if assumed to be true is a violation listed in ORS 441.792.

¹ Complaint #OR50943 was announced in the investigation notice provided to Providence Portland Medical Center on July 3, 2024. OHA also erroneously included this complaint in the investigation started on August 16, 2024. The hospital provided the documents in response to the document request for the investigation started on August 16, 2024.

The results of the investigation for Complaint #OR50943 are included in the original investigation for which it was announced, Providence Portland Medical Center: OR51129 et al.

Summary of Report Findings: Based on its investigation and the findings of fact set out below, OHA finds:

- Eight violations of ORS 441.792(2)(c) as identified in complaint numbers OR50943, OR51129, OR51139, OR51218, OR51223, OR51242, OR51248, OR51250, OR51251, OR51336, OR51340 and OR51447.
- No violations of ORS 441.792(2)(d), as alleged in complaint numbers OR50943, OR51129, OR51139, OR51218, OR51223, OR51242, OR51248, OR51250, OR51251, OR51336, and OR51447.

I. Summary of Complaints

In June 2024, OHA received 12 complaints. One complaint alleged that Providence Health & Services Oregon DBA Providence Portland Medical Center (Providence Portland) failed to adopt by agreement or after binding arbitration a Nurse Staffing Plan (NSP) for the units identified as 7N Medical Oncology and 7S Surgical Oncology.

Eight complaints alleged that Providence Portland failed to comply with RN staffing.

- For Neonatal Intensive Care Unit (NICU), one complaint alleged that RN and Charge RN staffing levels failed to comply with the NSP on one shift in June 2024.
- For 2G Cardiology, two complaints alleged that RN staffing levels failed to comply with the NSP on two shifts in June 2024.
- For 7N Medical Oncology, four complaints alleged that RN staffing levels failed to comply with the NSP on three shifts in June 2024.
- For 7S Surgical Oncology, one complaint alleged that RN staffing levels failed to comply with the NSP on one shift in June 2024.
- For Critical Care, two complaints alleged that RN staffing levels failed to comply with the NSP on two shifts in June 2024.
- For Labor and Delivery, one complaint alleged that RN staffing levels failed to comply with the NSP on one shift in June 2024.

Four complaints alleged that Providence Portland failed to comply with CNA staffing.

- For 7N Medical Oncology, three complaints alleged that CNA staffing levels failed to comply with the NSP on three shifts in June 2024.
- For 7S Surgical Oncology, one complaint alleged that CNA staffing levels failed to comply with the NSP on one shift in June 2024.

A. Complaint #OR50943

On June 2, 2024, OHA received complaint #OR50943 which alleged that Providence Portland failed to comply with the RN and Charge RN staffing levels in the NICU NSP during the June 1, 2024 night shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 6, 2024, and opened its investigation on July 3, 2024.

B. Complaint #OR51129

On June 1, 2024, OHA received complaint #OR51129 which alleged that Providence Portland failed to comply with the RN staffing levels in the Labor and Delivery NSP on June 1, 2024 day shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 11, 2024 and opened its investigation on July 3, 2024.

C. Complaint #OR51139

On June 4, 2024, OHA received complaint #OR51139 which alleged that Providence Portland failed to comply with the RN and CNA staffing levels in the 7N Medical Oncology NSP on June 3, 2024 night shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 11, 2024 and opened its investigation on July 3, 2024.

D. Complaint #OR51218

On June 2, 2024, OHA received complaint #OR51218 which alleged that Providence Portland failed to comply with the RN staffing levels in the 2G Cardiology NSP on June 2, 2024 day shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 18, 2024 and opened its investigation on July 3, 2024.

E. Complaint #OR51223

On June 4, 2024, OHA received complaint #OR51223 which alleged that Providence Portland failed to comply with the RN staffing levels in the 7N Medical Oncology NSP on June 3, 2024 night shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 18, 2024 and opened its investigation on July 3, 2024.

F. Complaint #OR51242

On June 2, 2024, OHA received complaint #OR51242 which alleged that Providence Portland failed to comply with the RN staffing levels in the 2G Cardiology NSP on June 2, 2024 night shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 20, 2024 and opened its investigation on July 3, 2024.

G. Complaint #OR51248

On June 3, 2024, OHA received complaint #OR51248 which alleged that Providence Portland failed to comply with the RN and CNA staffing levels in the 7N Medical Oncology NSP on June 2, 2024 night shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 20, 2024 and opened its investigation on July 3, 2024.

H. Complaint #OR51250

On June 3, 2024, OHA received complaint #OR51250 which alleged that Providence Portland failed to comply with the RN staffing levels in the Critical Care NSP on June 2, 2024 day shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 20, 2024 and opened its investigation on July 3, 2024.

I. Complaint #OR51251

On June 3, 2024, OHA received complaint #OR51251 which alleged that Providence Portland failed to comply with the RN staffing levels in the Critical Care NSP on June 2, 2024 night shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 20, 2024 and opened its investigation on July 3, 2024.

J. Complaint #OR51336

On June 3, 2024, OHA received complaint #OR51336 which alleged that Providence Portland failed to comply with the RN and CNA staffing levels in the 7S Surgical Oncology NSP on June 3, 2024 day shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 24, 2024 and opened its investigation on July 3, 2024.

K. Complaint #OR51340

On June 3, 2024, OHA received complaint #OR51340 which alleged that Providence Portland failed to adopt by agreement or after binding arbitration a NSP on June 3, 2024 for the units identified as 7N Medical Oncology and 7S Surgical Oncology, a violation of ORS 441.792(2)(c). OHA determined the complaint was valid for investigation on June 21, 2024 and opened its investigation on July 3, 2024.

L. Complaint #OR51447

On June 5, 2024, OHA received complaint #OR51447 which alleged that Providence Portland failed to comply with the CNA staffing levels in the 7N Medical Oncology NSP on June 5, 2024 day shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 21, 2024 and opened its investigation on July 3, 2024.

II. Findings and Facts

A. Nurse Staffing Committee (NSC) May 30, 2024

Documentation provided by the hospital included "Hospital Nursing Staffing Planning Committee Meeting Minutes" and a "Meeting Sign-In Roster," both dated May 30, 2024. Review and comparison of both documents reflected the NSC was comprised of nine primary nurse manager members and ten primary direct care RN/CNA members.

Meeting minutes reflected that a "Quorum Vote Declaration" was "established with 10/10 votes." A quorum is defined as a majority of the members of a hospital nurse staffing committee. Meeting attendance of 50% of members plus one constitutes a quorum. Because there are 19 members on the Providence Portland NSC, there must be at least 10 members present to establish a quorum.

The NSC minutes did not clearly reflect who was present and voted at the meeting. In one section of the minutes, it reflected that the nurse manager members present and able to vote were:

- “[Oncology Nurse Manager],
- [RN Admin] (on behalf of [5K/IVT Nurse Manager],
- [NICU Nurse Manager]
- [5R Nurse Manager] (on behalf of [IP Rehab Nurse Manager],
- [Critical Care Services Nurse Manager],
- [Float Pool Nurse Manager],
- [Surgical Nurse Manager],
- [BH Nurse Manager],
- [Surgical Services Nurse Manager], and
- [Emergency Services Nurse Manager].”

RN Admin and 5R Nurse Manager were not listed as primary members or alternate members, and were therefore ineligible to count towards quorum or vote in the meeting.

Additionally, a separate section of the NSC meeting minutes reflected that [IP Rehab Nurse Manager] was present at the meeting via Microsoft Teams, even though they did not vote and were reflected as absent in a separate section.

Similarly, there was one direct care RN ([Maternity Direct Care RN]) who voted but was not listed as a primary or alternate member of the NSC and could not count toward establishing quorum and could not vote on motions.

The NSC meeting minutes reflected that there were eight nurse manager members present and nine direct care members present. The NSC therefore established a quorum with 17 of 19 members in attendance.

B. NICU NSP

During the investigation, the hospital provided OHA the NSP titled “Nurse Staffing Plan Template – Portland Providence Medical Center ... Unit name: Neonatal Intensive Care Unit.” The NICU NSP reflected “Date submitted to Nurse Staffing Committee: [blank]; Date reviewed by Nurse Staffing Committee: [blank]; Date approved by Nurse Staffing Committee: [blank]” and “Effective date of Nurse Staffing Plan: [blank].”

Providence Portland NSC meeting minutes, dated May 30, 2024, indicated that the NICU staffing plan was part of “Ratio based no charge RN unit staffing plans. Plans have gone thru [sic] their UBC and been signed.” Meeting minutes reflected that a vote on these plans by eight nurse manager members and nine direct care RN/CNA resulted in “Did not pass due to tie vote.”

C. Labor and Delivery NSP

During the investigation, the hospital provided OHA the NSP titled “Nurse Staffing Plan Template – Portland Providence Medical Center ... Unit name: 3K Labor and Delivery.” The Labor and Delivery NSP reflected that it was submitted to the NSC on April 22, 2024 and was reviewed by the NSC on May 30, 2024. The NSP stated “Date approved by Nurse Staffing Committee: [blank]” and “Effective date of Nurse Staffing Plan: 5/31/24.”

Providence Portland NSC meeting minutes, dated May 30, 2024, reflected “Reviewed the following ratio-based staffing plans regarding Charge RN taking assignment: LD [Labor and Delivery]” Following the discussion a motion was made, and seconded, “to approve unit staffing plans that have asked to utilize charge rn [sic].”

Vote documentation reflected nine direct care members and eight nurse manager members, a total of 17, participated in the vote. To vote and approve a NSP equal numbers of direct care members and nurse manager members must participate in the vote. A majority of the members voted against approval, however, the vote was not held with equal numbers.

Based on the documentation from Providence Portland NSC meeting minutes, the NSC failed to adopt the 3K Labor and Delivery NSP by agreement or after binding arbitration.

D. 7N Medical Oncology NSP

During the investigation, the hospital provided OHA the NSP titled “Nurse Staffing Plan Template – Portland Providence Medical Center ... Unit name: Medical Oncology (7 North).” The 7N Medical Oncology NSP reflected that it was submitted to and reviewed by the NSC on May 30, 2024. The NSP stated “Date approved by Nurse Staffing Committee: [blank]” and “Effective date of Nurse Staffing Plan: 5/31/24.”

Providence Portland NSC meeting minutes, dated May 30, 2024, reflected “[Name] reviewed unit staffing plans that are not approved by UBC [Unit Based Committee] for ratio based units. Will default to no charge RN and submit to OHA: 7N....” Following discussion, one NSC member stated “We need to vote on these plans. If not approved, these plans will default.” Two NSC members moved to vote, and a motion was made for the plans, including 7N, to be voted on.

Vote documentation reflected nine direct care members and eight nurse manager members participated in the vote. Vote outcome reflected “Unit staffing plans are not approved based on tie-vote”; however, the vote was taken was not valid because an unequal number of direct care and nurse manager members cast votes.

Based on the documentation from Providence Portland NSC meeting minutes, the NSC failed to adopt the 7N Medical Oncology NSP by agreement or after binding arbitration.

E. 2G Cardiology NSP

During the investigation, the hospital provided OHA the NSP titled “Nurse Staffing Plan Template – Portland Providence Medical Center ... Unit name: 2G.” The 2G NSP reflected that it was submitted to the NSC on May 2, 2024 and was reviewed by the NSC on May 30, 2024. The NSP stated “Date approved by Nurse Staffing Committee: [blank]” and “Effective date of Nurse Staffing Plan: 5/31/24.”

Providence Portland NSC meeting minutes, dated May 30, 2024, reflected “[Name] reviewed unit staffing plans that are not approved by UBC [Unit Based Committee] for ratio based units. Will default to no charge RN and submit to OHA: 2G ...” Following discussion, one NSC member stated “We need to vote on these plans. If not approved, these plans will default.” Two NSC members moved to vote, and a motion was made for the plans, including 2G, to be voted on.

Vote documentation reflected nine direct care members and eight nurse manager members participated in the vote. Vote outcome reflected “Unit staffing plans are not approved based on tie-vote”; however, the vote was taken was not valid because an unequal number of direct care and nurse manager members cast votes. Based on the documentation from Providence Portland NSC meeting minutes, the NSC failed to adopt the 2G Cardiology NSP by agreement or after binding arbitration.

F. Critical Care Services NSP

During the investigation, the hospital provided OHA the NSP titled “Nurse Staffing Plan Template – Portland Providence Medical Center ... Unit name: Critical Care Services.” The Critical Care Services NSP reflected that it was submitted to and reviewed by the NSC on May 30, 2024. The NSP stated “Date approved by Nurse Staffing Committee: [blank]” and “Effective date of Nurse Staffing Plan: 5/31/24.”

Providence Portland NSC meeting minutes, dated May 30, 2024, reflected “Reviewed the following ratio-based staffing plans regarding Charge RN taking assignment: CCS [Critical Care Services] ...” Following the discussion a motion was made, and seconded, “to approve unit staffing plans that have asked to utilize charge rn [sic].”

Vote documentation reflected nine direct care members and eight nurse manager members, a total of 17, participated in the vote. To vote and approve a NSP equal numbers of direct care members and nurse manager members must participate in the vote. A majority of members voted against approval, however, the vote was not held with equal numbers.

Based on the documentation from Providence Portland NSC meeting minutes, the NSC failed to adopt the 3K Labor and Delivery NSP by agreement or after binding arbitration.

G. 7S Surgical Oncology NSP

During the investigation, the hospital provided OHA the NSP titled “Nurse Staffing Plan Template – Portland Providence Medical Center ... Unit name: 7S Surgical Oncology.” The 7S Surgical Oncology NSP reflected that it was submitted to and reviewed by the NSC on May 30, 2024. The NSP stated “Date approved by Nurse Staffing Committee: [blank]” and “Effective date of Nurse Staffing Plan: 5/31/24.”

Providence Portland NSC meeting minutes, dated May 30, 2024, reflected “[Name] reviewed unit staffing plans that are not approved by UBC [Unit Based Committee] for ratio based units. Will default to no charge RN and submit to OHA: 7S” Following discussion, one NSC member stated “We need to vote on these plans. If not approved, these plans will default.” Two NSC members moved to vote, and a motion was made for the plans, including 7S, to be voted on.

Vote documentation reflected nine direct care members and eight nurse manager members participated in the vote. Vote outcome reflected “Unit staffing plans are not approved based on tie-vote”; however, the vote was taken was not valid because an unequal number of direct care and nurse manager members cast votes.

Based on the documentation from Providence Portland NSC meeting minutes, the NSC failed to adopt the 7S Surgical Oncology NSP by agreement or after binding arbitration.

G. Staffing during the shift

1. Complaint #OR50943

This complaint alleged that the hospital failed to comply with the RN and Charge RN staffing levels in the NICU NSP. Because the NICU did not have an approved NSP, staffing levels during the shift identified in this complaint are immaterial and not included in this report.

2. Complaint #OR51129

This complaint alleged that the hospital failed to comply with the RN staffing levels in the Labor and Delivery NSP. Because Labor and Delivery did not have an approved NSP, staffing levels during the shift identified in this complaint are immaterial and not included in this report.

3. Complaint #s OR51139, OR51223, OR51248 and OR51447

These complaints alleged that the hospital failed to comply with the nursing staff member staffing levels in the 7N Medical Oncology NSP. Because 7N Medical Oncology did not have an approved NSP, staffing levels during the shifts identified in these complaints are immaterial and not included in this report.

4. Complaint #s OR51218 and OR51242

These complaints alleged that the hospital failed to comply with the RN staffing levels in the 2G Cardiology NSP. Because 2G Cardiology did not have an approved NSP, staffing levels during the shifts identified in these complaints are immaterial and not included in this report.

5. Complaint #s OR51250 and OR51251

These complaints alleged that the hospital failed to comply with the RN staffing levels in the Critical Care Unit NSP. Because the Critical Care Unit did not have an approved NSP, staffing levels during the shifts identified in these complaints are immaterial and not included in this report.

6. Complaint #OR51336

This complaint alleged that the hospital failed to comply with the RN and CNA staffing levels in the 7S Surgical Oncology NSP. Because 7S Surgical Oncology did not have an approved NSP, staffing levels during the shift identified in this complaint are immaterial and not included in this report.

III. Analysis of Alleged Violations

A. Complaint #OR50943

This complaint alleged a violation of the RN and Charge RN staffing levels on the NICU during the June 1, 2024 night shift. The NICU is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the NICU at the time of the complaint allegation. Because there are no adopted staffing levels to violate, RN and Charge RN staffing cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR50943.

The NICU is a hospital unit which requires a NSP. On June 1, 2024, Providence Portland failed to comply with the requirement that the NSC adopt a NSP for the NICU by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR50943.

B. Complaint #OR51129

This complaint alleged a violation of the RN staffing levels on the Labor and Delivery unit on June 1, 2024 day shift. The Labor and Delivery unit is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the Labor and Delivery unit at the time of the complaint allegation. Because there are no adopted staffing levels to violate, RN staffing cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR51129.

The Labor and Deliver unit is a hospital unit which requires a NSP. On June 1, 2024 Providence Portland failed to comply with the requirement that the NSC adopt a NSP for the Labor and Delivery unit by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR51129.

C. Complaint #OR51139

This complaint alleged a violation of the RN and CNA staffing levels on the 7N Medical Oncology unit on June 3, 2024 night shift. The 7N Medical Oncology unit is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the 7N Medical Oncology unit at the time of the complaint allegation. Because there are no adopted staffing levels to violate, RN and CNA staffing cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR51139.

The 7N Medical Oncology unit is a hospital unit which requires a NSP. On June 3, 2024 Providence Portland failed to comply with the requirement that the NSC adopt a NSP for the 7N Medical Oncology unit by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR51139.

D. Complaint #OR51218

This complaint alleged a violation of the RN staffing levels on the 2G Cardiology unit on June 2, 2024 day shift. The 2G Cardiology unit is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the 2G Cardiology unit at the time of the complaint allegation. Because there are no adopted staffing levels to violate, RN staffing cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR51218.

The 2G Cardiology unit is a hospital unit which requires a NSP. On June 2, 2024 Providence Portland failed to comply with the requirement that the NSC adopt a NSP for the 2G Cardiology unit by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR51218.

E. Complaint #OR51223

The allegations and facts for 7N Medical Oncology June 3, 2024 night shift of this complaint were identical to the RN allegations and facts for the 7N Medical Oncology June 3, 2024 night shift addressed by Complaint #OR51139 in Part III.B above. OHA incorporates the same findings from Part III.B above regarding the June 3, 2024 night shift. Because Part III.B above recognizes a violation of ORS 441.792(2)(c) for the same conduct in this complaint shift, OHA does not find an additional violation for June 3, 2024 night shift of Complaint #OR51223.

F. Complaint #OR51242

This complaint alleged a violation of the RN staffing levels on the 2G Cardiology unit on June 2, 2024 night shift. The 2G Cardiology unit is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the 2G Cardiology unit at the time of the complaint allegation. Because there are no adopted staffing levels to violate, RN staffing cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR51242.

The 2G Cardiology unit is a hospital unit which requires a NSP. On June 2, 2024 Portland Providence failed to comply with the requirement that the NSC adopt a NSP for the 2G Cardiology unit by agreement or after binding arbitration.

Because Part III.C above recognizes a violation of ORS 441.792(2)(c) for 2G Cardiology on June 2, 2024 for the same conduct in this complaint, OHA does not find an additional violation for June 2, 2024 of Complaint #OR51242.

G. Complaint #OR51248

This complaint alleged a violation of the RN and CNA staffing levels on the 7N Medical Oncology unit on June 2, 2024 night shift. The 7N Medical Oncology unit is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the 7N Medical Oncology unit at the time of the complaint allegation. Because there are no adopted staffing levels to violate, RN and CNA staffing cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR51248.

The 7N Medical Oncology unit is a hospital unit which requires a NSP. On June 2, 2024 Providence Portland failed to comply with the requirement that the NSC adopt a NSP for the 7N Medical Oncology unit by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR51248.

H. Complaint #OR51250

This complaint alleged a violation of the RN staffing levels on the Critical Care unit on June 2, 2024 day shift. The Critical Care unit is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the Critical Care unit at the time of the complaint allegation. Because there are no adopted staffing levels to violate, RN staffing cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR51250.

The Critical Care unit is a hospital unit which requires a NSP. On June 2, 2024 Providence Portland failed to comply with the requirement that the NSC adopt a NSP for the Critical Care unit by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR51250.

I. Complaint #OR51251

This complaint alleged a violation of the RN staffing levels on the Critical Care unit on June 2, 2024 night shift. The Critical Care unit is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the Critical Care unit at the time of the complaint allegation. Because there are no adopted staffing levels to violate, RN staffing cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR51251.

The Critical Care unit is a hospital unit which requires a NSP. On June 2, 2024 Providence Portland failed to comply with the requirement that the NSC adopt a NSP for the Critical Care unit by agreement or after binding arbitration.

Because Part III.G above recognizes a violation of ORS 441.792(2)(c) for the Critical Care unit on June 2, 2024 for the same conduct in this complaint, OHA does not find an additional violation for June 2, 2024 of Complaint #OR51251.

J. Complaint #OR51336

This complaint alleged a violation of the RN and CNA staffing levels on the 7S Surgical Oncology unit on June 3, 2024 day shift. The 7S Surgical Oncology unit is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the 7S Surgical Oncology unit at the time of the complaint allegation. Because there are no adopted staffing levels to violate, RN and CNA staffing levels cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR51336.

The 7S Surgical Oncology unit is a hospital unit which requires a NSP. On June 3, 2024 Providence Portland failed to comply with the requirement that the NSC adopt a NSP for the 7S Surgical Oncology unit by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR51336.

K. Complaint #OR51340

This complaint alleged that Providence Portland failed to adopt by agreement or after binding arbitration a NSP on June 3, 2024 for the units identified as 7N Medical Oncology and 7S Surgical Oncology.

It is a violation for a hospital to fail to adopt a NSP by agreement or after binding arbitration. ORS 441.792(2)(c). To “adopt” a NSP, the hospital NSC must vote and approve the NSP in accordance with the requirements of ORS 441.762. OAR 333-503-005(2)(a)(A)(i).

To vote and approve a NSP in accordance with ORS 441.762, a majority of the members of the NSC must be present (a quorum) and vote to approve the NSP. ORS 441.762(4), (5). If a quorum of members is comprised of an unequal number of hospital managers and direct care staff, only an equal number of managers and direct care staff may vote. ORS 441.762(5).

7N Medical Oncology

On June 3, 2024, the Providence Portland NSC failed to adopt the 7N Medical Oncology NSP by agreement or after binding arbitration.

Because Part III.B above recognizes a violation of ORS 441.792(2)(c) for the 7N Medical Oncology unit on June 3, 2024 for the same conduct in this complaint, OHA does not find an additional violation for June 3, 2024 of Complaint #OR51340.

7S Surgical Oncology

On June 3, 2024, the Providence Portland NSC failed to adopt the 7S Surgical Oncology NSP by agreement or after binding arbitration.

Because Part III.I above recognizes a violation of ORS 441.792(2)(c) for the 7S Surgical Oncology unit on June 3, 2024 for the same conduct in this complaint, OHA does not find an additional violation for June 3, 2024 of Complaint #OR51340.

L. Complaint #OR51447

This complaint alleged a violation of the CNA staffing levels on the 7N Medical Oncology unit on June 5, 2024 day shift. The 7N Medical Oncology unit is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the 7N Medical Oncology unit at the time of the complaint allegation. Because there are no adopted staffing levels to violate, CNA staffing cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR51447.

The 7N Medical Oncology unit is a hospital unit which requires a NSP. On June 5, 2024 Providence Portland failed to comply with the requirement that the NSC adopt a NSP for the 7N Medical Oncology unit by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR51447.

IV. Conclusion

Based on its investigation, OHA concludes there were no violations of ORS 441.792(2)(d) as alleged in complaint numbers OR50943, OR51129, OR51139, OR51218, OR51223, OR51242, OR51248, OR51250, OR51251, OR51336, and OR51447. OHA will not take any enforcement action based on the complaints listed above.

Based on its investigation, OHA concludes there were eight violations of ORS 441.792(2)(c) as identified in complaint numbers OR50943, OR51129, OR51139, OR51218, OR51223, OR51242, OR51248, OR51250, OR51251, OR51336, OR51340 and OR51447. The violation occurring on June 1, 2024 is Providence Portland's first violation of ORS 441.792(2)(c), and a warning will be issued to Providence Portland as indicated by ORS 441.792(1)(a). OHA will not take any other action regarding the six additional violations of ORS 441.792(2)(c) found in complaint numbers OR51129, OR51139, OR51218, OR51248, OR51250, OR51336, and OR51447. ORS 441.792(1).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 24, 2025, I directed to be served the **HOSPITAL STAFFING COMPLAINT INVESTIGATION REPORT** upon the individuals or entities and by the method indicated below:

- by US First Class and US Certified Mail
- by Hand-Delivery
- Via Fax
- Via E-mail

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