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

Complaint #(s): OR50943¹, OR51104, OR51114, OR51119 and OR52214

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.

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

- Two violations of ORS 441.792(2)(c) as identified in complaint numbers OR51114, and OR52214.
- No violations of ORS 441.792(2)(d), as alleged in complaint numbers OR51104, OR51114, OR51119, and OR52214.

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: OR51129 et al.

I. Summary of Complaints

In June 2024, OHA received four complaints which alleged Providence Portland failed to comply with RN staffing:

- For 7N Medical Oncology, two complaints alleged that RN staffing levels failed to comply with the NSP on two shifts.
- For 7S Surgical Oncology, one complaint alleged that RN staffing levels failed to comply with the NSP on one shift.
- For Emergency Department Triage (ED Triage), one complaint alleged that RN staffing levels failed to comply with the NSP on one shift.

B. Complaint #OR51104

On June 3, 2024, OHA received complaint #OR51104 which alleged that Providence Portland failed to comply with the RN staffing levels in the 7N Medical Oncology NSP during the June 2, 2024 night shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 10, 2024, and opened its investigation on August 16, 2024.

C. Complaint #OR51114

On June 4, 2024, OHA received complaint #OR51114 which alleged that Providence Portland failed to comply with the RN staffing levels in the 7S Surgical Oncology NSP during the June 2, 2024 night shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on June 10, 2024, and opened its investigation on August 16, 2024.

D. Complaint #OR51119

On June 4, 2024, OHA received complaint #OR51119 which alleged that Providence Portland failed to comply with the RN staffing levels in the 7N Medical Oncology NSP during the June 3, 2024 night shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on July 23, 2024, and opened its investigation on August 16, 2024.

E. Complaint #OR52214

On June 11, 2024, OHA received complaint #OR52214 which alleged that Providence Portland failed to comply with the RN staffing levels in the ED Triage NSP during the June 8, 2024 night shift, a violation of ORS 441.792(2)(d). OHA determined the complaint was valid for investigation on July 24, 2024, and opened its investigation on August 16, 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 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. 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 “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, 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 that 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.

C. 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 that 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.

D. Emergency Department Triage NSP

During the investigation, the hospital provided OHA the NSP titled “Nurse Staffing Plan Template – Portland Providence Medical Center ... Unit name: Emergency.” The Emergency Department 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 Emergency Department staffing plan was part of “Ratio based no charge RN unit staffing plans. Plans have gone thru their UBC and been signed.”

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 that 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 NICU NSP by agreement or after binding arbitration.

F. Staffing during the shift

1. Complaint #s OR51104 and OR51119

These complaints alleged that the hospital failed to comply with the RN 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.

2. Complaint #OR51114

This complaint alleged that the hospital failed to comply with the RN 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.

3. Complaint #OR52214

This complaint alleged that the hospital failed to comply with the RN staffing levels in the ED Triage NSP. Because ED Triage 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 #OR51104

This complaint alleged a violation of the RN staffing levels on 7N Medical Oncology during the 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 7N Medical Oncology 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 #OR51104.

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.

OHA recognized a violation of ORS 441.792(2)(c) for the 7N Medical Oncology unit on June 2, 2024 for the investigation starting on July 3, 2024 from Complaint #OR51248. Because Complaint #OR51248 recognized a violation of ORS 441.792(2)(c) for the same conduct in this complaint, OHA does not find an additional violation for June 2, 2024 from Complaint #OR51104.

B. Complaint #OR51114

This complaint alleged a violation of the RN staffing levels on the 7S Surgical Oncology unit during the June 2, 2024 night 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 staffing cannot be found noncompliant for this shift.

There is no violation of ORS 441.792(2)(d) under the facts presented by Complaint #OR51114.

The 7S Surgical 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 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 #OR51114.

C. Complaint #OR51119

This complaint alleged a violation of the RN staffing levels on 7N Medical Oncology during the 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 7N Medical Oncology 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 #OR51119.

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.

OHA recognized a violation of ORS 441.792(2)(c) for the 7N Medical Oncology unit on June 3, 2024 for the investigation starting on July 3, 2024 from Complaint #OR51139. Because Complaint #OR51139 recognized a violation of ORS 441.792(2)(c) for the same conduct in this complaint, OHA does not find an additional violation for June 3, 2024 of Complaint #OR51119.

D. Complaint #OR52214

This complaint alleged a violation of the RN staffing levels on the ED Triage unit during the June 8, 2024 night shift. The ED Triage unit is an inpatient direct care unit. The hospital did not have a NSP approved by the NSC for the ED Triage 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 #OR52214.

The ED Triage unit is a hospital unit which requires a NSP. On June 8, 2024, Providence Portland failed to comply with the requirement that the NSC adopt a NSP for the ED Triage unit by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR52214.

IV. Conclusion

Based on its investigation, OHA concludes there were no violations of ORS 441.792(2)(d) as alleged in complaint numbers OR50943, OR51104, OR51114, OR51119, and OR52214. OHA will not take any enforcement action based on the complaints listed above.

Based on its investigation, OHA concludes there were two violations of ORS 441.792(2)(c) as identified in complaint numbers OR51114 and OR52214. A warning was previously issued to Providence Portland for a violation of ORS 441.792(2)(c) relating to complaint #OR50943. OHA will not take any other action regarding the violation of ORS 441.792(2)(c)] found in complaint numbers OR51114 and OR52214. 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
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