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**Hospital:** Providence Health & Services Oregon **DBA Providence Seaside Hospital**

**Complaint #s:** OR51311, OR51312, and OR51314

## 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 alleged in complaint number OR51311, OR51312, and OR51314.

### I. Summary of Complaints

On June 3, 2024, OHA received three complaints which alleged that Providence Health & Services Oregon DBA Providence Seaside Hospital ("Providence Seaside") failed to adopt by agreement or after binding arbitration a Nurse Staffing Plan (NSP) for the units Medical-Surgical (Med-Surg), Intensive Care Unit (ICU), and Emergency Department (ED).

### **A. Complaint #OR51311**

On June 3, 2024, OHA received complaint #OR51311 which alleged that Providence Seaside failed to adopt by agreement or after binding arbitration a NSP on June 3, 2024 for the units identified as Medical-Surgical, ICU, and ED, a violation of ORS 441.792(2)(c). OHA determined the complaint was valid for investigation on September 4, 2024 and opened its investigation on October 1, 2024.

### **B. Complaint #OR51312**

On June 3, 2024, OHA received complaint #OR51312 which alleged that Providence Seaside failed to adopt by agreement or after binding arbitration a NSP on June 3, 2024 for the units identified as Medical-Surgical, ICU, and ED, a violation of ORS 441.792(2)(c). OHA determined the complaint was valid for investigation on September 4, 2024 and opened its investigation on October 1, 2024.

### **C. Complaint #OR51314**

On June 3, 2024, OHA received complaint #OR51314 which alleged that Providence Seaside failed to adopt by agreement or after binding arbitration a NSP on June 3, 2024 for the units identified as Medical-Surgical, ICU, and ED, a violation of ORS 441.792(2)(c). OHA determined the complaint was valid for investigation on September 4, 2024 and opened its investigation on October 1, 2024.

## **II. Findings and Facts**

### **A. Med-Surg and ICU NSP**

On October 21, 2024, Providence Seaside provided documentation to OHA in response to the investigation notice, which included a 39-page document titled, "Hospital Staffing Investigation for Providence Seaside Hospital Complaint #s OR51311, OR 51312 and OR 51314". This document attested, on page 6, that the "Hospital's NSC was not able to reach agreement before June 1, 2024 on the nurse staffing plans for its Med-Surg and ICU units". Therefore, the Med-Surg and the ICU units did not have NSPs approved by the NSC at the time of the complaint allegation when the allegations for complaint numbers OR51311, OR51312, and OR51314 were made.

### **B. ED NSP**

Documentation provided by the hospital to OHA, applicable to complaint numbers OR51311, OR51312, and OR51314, included a seven-page document titled "Nurse Staffing Plan Template" and is referred to as the ED NSP in this report.

NSC meeting minutes provided by the hospital dated May 16, 2024, reflected that the NSC had a quorum with 13 of 13 NSC members present, and that a motion was made to vote on the ED NSP. Documentation from the NSC meeting minutes reflect that equal numbers

of nurse managers and direct care staff members voted and that the ED NSP was “carried unanimously”.

Based on documentation from the hospital’s NSC meeting minutes, the NSC adopted the ED NSP by agreement on May 16, 2024.

### **III. Analysis of Alleged Violations**

#### **A. Complaint #OR51311**

##### Med-Surg NSP

This complaint alleged that Providence Seaside failed to adopt by agreement or after binding arbitration a NSP on June 3, 2024 for the unit Med-Surg. Med-Surg is a hospital unit which requires a NSP adopted after September 1, 2023, and no later than June 1, 2024, applicable to shifts on or after June 1, 2024. On May 16, 2024, the Providence Seaside NSC failed to adopt the Med-Surg NSP by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR51311.

##### ICU NSP

This complaint alleged that Providence Seaside failed to adopt by agreement or after binding arbitration a NSP on June 3, 2024 for the unit ICU. ICU is a hospital unit which requires a NSP adopted after September 1, 2023, and no later than June 1, 2024, applicable to shifts on or after June 1, 2024. On May 16, 2024, the Providence Seaside NSC failed to adopt the ICU NSP by agreement or after binding arbitration.

There is one violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR51311.

##### ED NSP

This complaint alleged that Providence Seaside failed to adopt by agreement or after binding arbitration a NSP on June 3, 2024 for the ED unit. The ED is a hospital unit which requires a NSP adopted after September 1, 2023, and no later than June 1, 2024, applicable to shifts on or after June 1, 2024. Providence Seaside adopted the ED NSP on May 16, 2024 and therefore complies with the requirement that the NSC adopt a NSP for the ED by agreement or after binding arbitration.

There is no violation of ORS 441.792(2)(c) under the facts presented by Complaint #OR51311.

Summary of all violations for Complaint #OR51311

There are two substantiated violations of ORS 441.792(2)(c) under the facts presented by Complaint #OR51311.

**B. Complaint #OR51312**

The facts related to failure to adopt a staffing plan for the Med-Surg, ICU, ED units on June 3, 2024 were identical to the facts addressed by Complaint #OR51311 in Part III. A above. Because Part III. A above recognizes no violation ORS 441.792(2)(c) for failure to adopt a NSP in the ED on the same date and two violations of ORS 441.792(2)(c) for failure to adopt a NSP in Med-Surg and ICU on the same date, OHA does not find additional violations for June 3, 2024 of Complaint #OR51312.

**C. Complaint #OR51314**

The facts related to failure to adopt a staffing plan for the Med-Surg, ICU, ED units on June 3, 2024 were identical to the facts addressed by Complaint #OR51311 in Part III. A above. Because Part III. A above recognizes no violation ORS 441.792(2)(c) for failure to adopt a NSP in the ED and two violations of ORS 441.792(2)(c) for failure to adopt a NSP in Med-Surg and ICU on the same date, OHA does not find additional violations for June 3, 2024 of Complaint #OR51314.

**IV. Conclusion**

Based on its investigation, OHA concludes:

- A. There was no violation of ORS 441.792(2)(c) as alleged in the complaint numbers OR51312 and OR51314. OHA will not take any enforcement action based on the complaints listed above; and
- B. There were two violations of ORS 441.792(2)(c) as alleged in complaint number OR51311.

A warning was previously issued to Providence Seaside Hospital for a violation of ORS 441.792(2)(c) relating to complaint #OR51121. OHA will not take any other action regarding the violations of ORS 441.792(2)(c) found in complaint #OR51311. ORS 441.792(1).

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 15, 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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