



Hospital Staffing

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FACT SHEET

House Bill 2697 (2023), Administrative Rules for Oregon's new Hospital Staffing Law

Hospital Staffing Administrative Rules

Under HB 2697 OHA is required to issue rules that describe the procedure for receiving and processing hospital staffing complaints. OHA adopted permanent rules effective May 15, 2024 including rules about:

- Definitions, Filing Hospital Staffing Complaints, Processing Complaints, Hospital Staffing Enforcement, Hospital Staffing Plan Waiver and Nurse Staff Member Overtime.

Submitting hospital staffing complaints under HB 2697

- HB 2697 is specific to issues of hospital staffing and therefore complaints may only be submitted by hospital staff members or, if a staff member is represented by a union, a complaint may be submitted by the union that represents that employee (known as an "Exclusive Representative"). Complaints are submitted through OHA's [Health Care Regulation & Quality Improvement complaint page](#), which is also linked on the [Hospital Staffing website](#) using a form provided by OHA. (OAR 333-503-0010)

Hospital staffing complaints made before June 1, 2025

- In order for OHA to investigate a complaint, it must be a "valid complaint," meaning that it has been submitted within 60 days of the alleged violation and is about a violation listed in ORS 441.792(2) and (3). Those statutory violations are the only types of Hospital Staffing non-compliance that OHA can investigate (OAR 333-503-0005(6)). If a complaint is valid, OHA will investigate the complaint in accordance with ORS 441.171 and the administrative rules.

Allowed deviations from a staffing plan

- It is important for OHA to receive information about allowed deviations from a staffing plan occur during the course of an investigation. To ensure that OHA can receive that information, hospitals must document those deviations as described in the statutes. Allowed deviations from a staffing plan are those permitted under ORS 441.765(6), 441.775(12), or 441.776(12). Under the rules, hospitals must provide written notice to the relevant staffing committee when allowed deviations

occur. (OAR 333-503-0005). If deviations are not documented as required by the law, OHA will not consider them to be allowed deviations.

Documentation of actions taken related to staffing plan deviations, HB 2697, Section 19

- OHA may not impose penalties on hospitals for violations of staffing plans if they take all actions described in ORS 441.793(4). Under the administrative rules, to establish that the hospital is not subject to a civil penalty because it took the actions described in ORS 441.793(4), a hospital is required to provide documentation to OHA demonstrating those actions. (OAR 333-503-0020(4)).

Enforcement

- Under HB 2697, OHA is not authorized to issue civil penalties until June 1, 2025. OHA will issue a complaint investigation report and as applicable, warning letters to hospitals for substantiated violations that occur prior to June 1, 2025.

Other rule information

- Rules related to nurse staffing member overtime and nurse staffing waivers were moved from Chapter 510 to the newly created Chapter 503 with minor language updates.
- In addition to adopting several rules to carry out HB 2697, OHA also amended rules still needed for hospital licensing regulations not related to Hospital Staffing (Chapter 510), which include Definitions and Posting Requirements. As a result of HB 2697, OHA repealed Hospital Staffing rules for issues about which the agency no longer has statutory rulemaking authority. These rules are: Audit Procedures, Civil Penalties for Nurse Staffing Violations (Chapter 501) and Nurse Staffing Committee, Nurse Staffing Plan and Plan Review, Nurse Staffing Plan Mediation, Replacement staff, Nurse Staffing Member Overtime, and Nurse Staffing Plan During Emergency (Chapter 510).

These rules were developed in collaboration with organizational and community partners.

Background

About House Bill 2697

- HB 2697 was passed by the Oregon Legislature in June 2023 and significantly changes Oregon's Hospital Staffing laws. The law went into effect on September 1, 2023, however certain sections of the law are not effective until later dates.
 - Upcoming effective dates:
 - **June 1, 2024:** Hospitals must adopt and comply with Nurse Staffing Plans that meet all applicable requirements in HB 2697 including RN-to-patient ratios ([Sections 6, 7, 8, 9, 13, 14](#)) (ORS 441.762, 441.763, 441.765, 441.766, 441.767, and 441.768),
 - **December 31, 2024:** Hospital Professional and Technical and Service Staffing Committees must be established and OHA may enforce Sections 3 and 4 of HB 2697, which establish these new

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committees and require these new plans ([Sections 3-4, 8, 29](#)) (ORS 441.768, 441.775, 441.776, and Note [following ORS 441.763](#))

- **June 1, 2025:** OHA can begin imposing civil penalties for violations in Section 20 that occur on or after June 1, 2025. ([Section 29](#)) ([Note following ORS 441.763](#))

More information

- [Health Care Regulation and Quality Improvement Rulemaking](#)
- [OHA Hospital Staffing](#)
- [Oregon Secretary of State, Public Health Division administrative rules](#)
- [Hospital Staffing Frequently Asked Questions](#)
- [Oregon Bureau of Labor and Industries \(BOLI\)](#)

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