

April 22, 2019

Staffing Concerns

The “alternative staffing model” proposed by SJMC is unacceptable.

Alternative staffing is unacceptable for safe patient care, it is unacceptable under WSNA’s recent staffing law, and it is potentially unacceptable under the rules and regulations concerning the practice of nursing in the state. We will fight this staffing model at every turn. And, as you have seen, when we fight, we win.

We need your help in showing management the pervasiveness of unsafe staffing, missed rest breaks and improper nursing practice at the management level. The method of documentation is the WSNA online Staffing Complaint/Assignment Despite Objection (ADO) form. We will be using these forms to fight unsafe (e.g. “alternative”) staffing against the employer and at the Department of Health while exploring additional options to address this unsafe practice with the Nursing Commission and the Joint Commission.

What protections are there for nurses who file a Staffing Complaint/ADO form?

- Both state law and our contract prohibit the hospital from retaliating against or engaging in any form of intimidation against an employee, patient, or other individual who notifies the nurse staffing committee or the hospital administration of his or her concerns on nurse staffing.
- The law also states that the hospital may not retaliate against or engage in any form of intimidation of any employee for performing any duties or responsibilities in connection with the nurse staffing committee.
- If you feel intimidated or retaliated against by a manager for filing a staffing complaint/ADO form, please let your local unit officers or WSNA Nurse Representative know right away.

Who can make a complaint to the NSC?

- Any employee can make a complaint to the NSC. The law specifically states that nurses “may report to the staffing committee any variations where the nurse personnel assignment in a patient care unit is not in accordance with the adopted staffing plan and may make a complaint to the committee based on the variations.” The law goes on to state that a nurse may “submit a complaint to the staffing committee” if the nurse “on a patient care unit objects to a shift-to-shift adjustment” made by management. Nurses concerned about SJMC’s Alternative Staffing should file a Staffing Complaint/ADO form.

Can SJMC specify which complaint form they will accept?

- No. The law doesn't specify any specific form of complaint that must be used. WSNA's online Staffing Complaint/ADO is what we recommend that nurses use to fill out a staffing complaint to the NSC.

What are the core responsibilities of the NSC?

There are multiple issues that the Nurse Staffing Committee should be considering and to which they should be responding. According to RCW 70.41.420 staffing committees must develop a staffing plan, review the plan semiannually and review, assess and respond to staffing variations or concerns brought to the committee.

The staffing law itself is very clear that one of the primary responsibilities of the nurse staffing committee shall include "review, assessment and response to staffing variations or concerns presented to the committee."

What is the process for NSCs to evaluate complaints?

The law requires NSCs to develop a process to examine and respond to complaints made by nurses about variations or concerns about unit-based staffing plans and/or objections to shift-to-shift adjustments. This process must include the ability to determine if a complaint is resolved or dismissed.

Complaints must be considered in a timely manner by the staffing committee if:

- The hospital does NOT follow the nursing personnel assignments in a patient care unit according to the staffing plan; or
- A nurse disagrees with shift-to-shift adjustments made by management.

Complaints may be dismissed if:

- The hospital follows the nursing personnel assignments in a patient care unit as called for in the nurse staffing plan;
- Evidence does not support the staffing complaint;
- Hospital documents it has made reasonable efforts to obtain staffing but has been unable to; or
- Incident causing the complaint occurred during an unforeseeable emergency defined in RCW 70.41.425 Sec 4:
 - any unforeseen national, state or municipal emergency;
 - when a hospital disaster plan is activated;
 - any unforeseen natural disaster or catastrophic event that substantially affects or increases the need for health care services; or
 - when a hospital is diverting patients to another hospital or hospitals for treatment or the hospital is receiving patients from another hospital or hospitals.

Resolved vs. Unresolved Complaints

Resolved complaints

- Nurse staffing committee agrees that the complaint has been resolved.

Unresolved complaints

- Nurse staffing committee agrees that the complaint was not resolved; or
- Nurse staffing committee is unable to agree if the complaint has been resolved.

What oversight is there from the Washington State Department of Health (DOH)?

Complaint may be filed on any violation of the staffing law. The following issues will trigger an investigation upon receipt of a complaint with documented evidence. Such investigations could lead to financial sanctions for:

- No staffing committee;
- No semi-annual review of a staffing plan;
- Staffing plans are not submitted annually to DOH;
- Updates to the staffing plan are not submitted to DOH as they occur; or
- A pattern of unresolved complaints over a minimum 60-day continuous period leading up to receipt of complaint by the department.

What staffing plan must be submitted to DOH?

- Hospital has to accept the NSC's staffing plan or to prepare an alternative annual staffing plan that will be adopted by the hospital.
- Hospital must submit the adopted staffing plan and subsequent changes to the staffing plan to the Washington State Department of Health beginning January 1, 2019.
- Hospitals are then required to implement the staffing plan and assign nursing personnel to each patient care unit in accordance with the plan beginning January 1, 2019.

Nurse Staffing Committee (NSC) Complaint Process Decision Tree

