

This protocol describes the complaint response process used by the Department of Health (department) to assess and investigate allegations of violations of nurse staffing law (Chapter 70.41 RCW).

General Guidance:

Specific allegations of non-compliance pursuant to nurse staffing committee requirements in law (RCW 70.41.420) against any licensed hospital will be assessed and, if authorized, investigated as required by RCW 70.41.425.

Allegations involving threats to patient well-being, in general, will be investigated using existing complaint investigative processes.

Complaint Assessment:

In order for the department to establish consistency and fairness when assessing allegations of non-compliance with the law, the department applies and follows these precepts:

- (1) No disciplinary decisions are made by a single staff person.
- (2) A core group of staff, known as the Case Management Team, is used to ensure a group-based assessment and decision-making in all matters that may lead to investigation, or ultimately to adjudicative action.

Criteria for Authorizing Investigation:

Pursuant to nurse staffing committee law (RCW 70.41.425), the department will authorize an investigation if the alleged violation includes any of the following:

- (1) The facility did not form or establish a staffing committee
- (2) The facility did not conduct a semiannual review of a nurse staffing plan
- (3) The facility did not submit a nurse staffing plan on an annual basis and any updates
- (4) The facility did not follow the nursing personnel assignments in a patient care unit or shift-to-shift adjustments in staffing levels, as long as

the department determines that the evidence submitted shows a continuing pattern of unresolved violations. These alleged violations must have been submitted to the hospital's nurse staffing committee and exclude those complaints the committee resolved or dismissed. The submitted evidence must include the aggregate data contained in the complaints submitted to the hospital's nurse staffing committee that indicate a continuing pattern of unresolved violations for a minimum 60 day continuous period leading up to receipt of the complaint by the department.

The department may not authorize an investigation if:

- (1) An event of unforeseeable emergency circumstance exists such as: (a) any unforeseen national, state, or municipal emergency; (b) when a hospital disaster plan is activated; (c) any unforeseen disaster or other catastrophic event that substantially affects or increases the need for health care services; (d) when a hospital is diverting patients to another hospital or hospitals for treatment or the hospital is receiving patients who are from another hospital or hospitals.
- (2) The hospital, after consultation with the nurse staffing committee, documents it has made reasonable efforts to obtain staffing to meet required assignments but has been unable to do so.

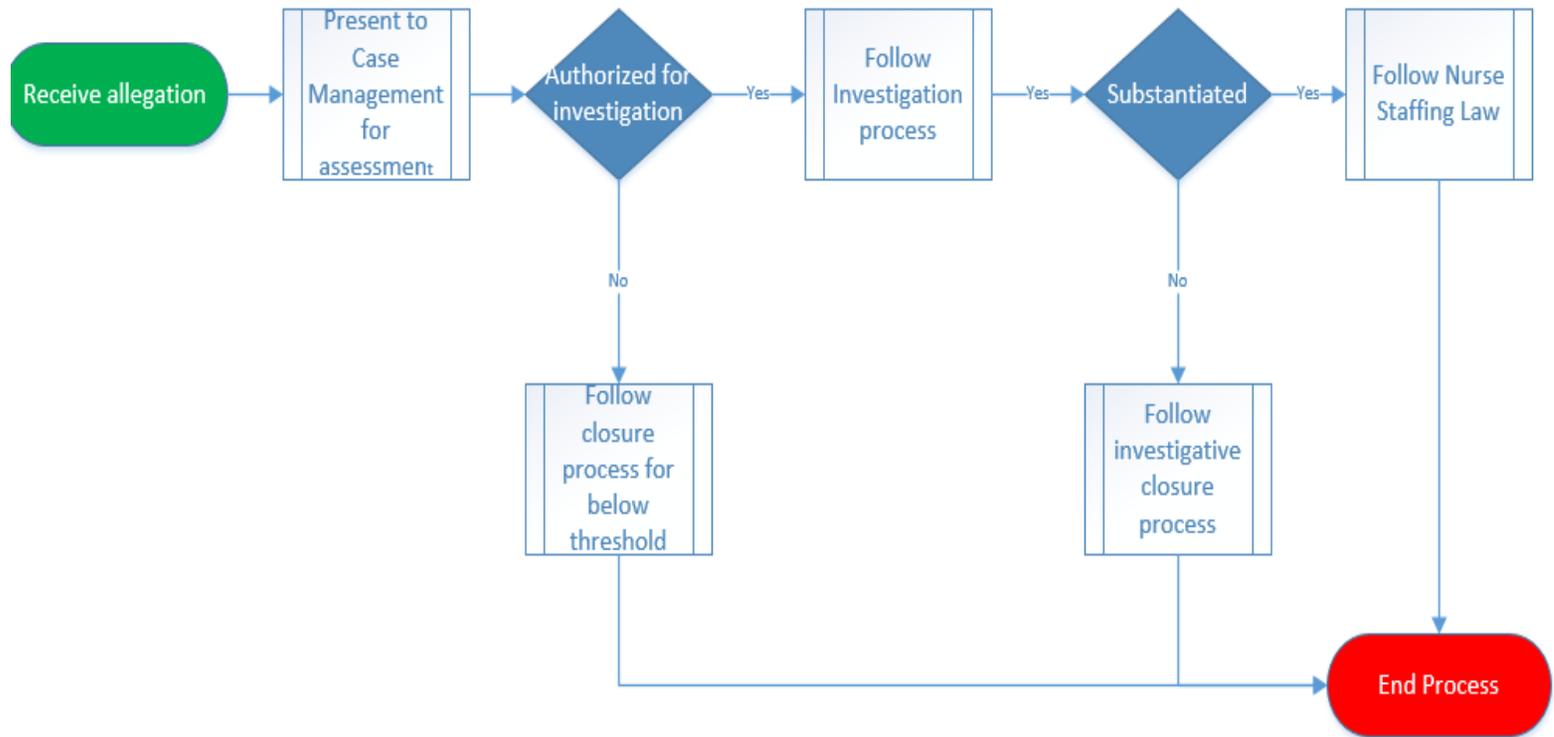
Investigation and Enforcement:

Once the investigation is authorized and conducted, if the department determines that there has been a violation of the nurse staffing law, we will require the hospital to submit a corrective plan of action within 45 days of the presentation of findings to the hospital.

If a hospital fails to submit (or submits but fails to follow) a corrective plan of action in response to a violation, the department is authorized to impose a civil penalty.

Assessment
and
Investigation
Process:
Nurse
Staffing
Law

Assessment and Investigation Process: Nurse Staffing Law



**RCW 70.41.425 (1)(b), (2)

b) After an investigation conducted under (a) of this subsection, if the department determines that there has been a violation, the department shall require the hospital to submit a corrective plan of action within forty-five days of the presentation of findings from the department to the hospital.

(2) In the event that a hospital fails to submit or submits but fails to follow such a corrective plan of action in response to a violation or violations found by the department based on a complaint filed pursuant to subsection (1) of this section, the department may impose, for all violations asserted against a hospital at any time, a civil penalty of one hundred dollars per day until the hospital submits or begins to follow a corrective plan of action or takes other action agreed to by the department.