

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules
accompanies this form

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ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Health Authority, Public Health Division
Agency and Division

333
Administrative Rules Chapter Number

Nursing Staff Member Overtime

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Temporarily amending OAR 333-510-0130 pertaining to nursing staff member overtime.

Statutory Authority:

ORS 413.042, 441.166, 441.168

Other Authority:

Statutes Implemented:

ORS 441.155, 441.165, 441.166

Need for the Temporary Rule(s):

The Oregon Health Authority, Public Health Division (Division) recently adopted administrative rules pertaining to hospital nurse staffing overtime. During Rule Advisory Committee meetings, the intent and the application of the statutory language was discussed. The Division also received significant public comment on this language. The statutory authority to create alternate language was limited. Upon further review, the Department of Justice has determined that the final language created an unintended gap and that this intent might be misunderstood by hospitals. These temporary rules address this gap and provide further clarification on intent and application of the 10-hour break rule.

Documents Relied Upon, and where they are available:

ORS chapter 441: https://www.oregonlegislature.gov/bills_laws/ors/ors441.html

Justification of Temporary Rule(s):

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, hospitals and registered nurses, licensed practical nurses, and certified nurse assistants that are routinely assigned to patient care units and are replaced for scheduled or unscheduled absences. These rules need to be adopted promptly so that hospitals will be able to comply with the statutory requirements and hospital nurse staffing committees will implement compliant nurse staffing plans by the statutory deadline of January 1, 2017.

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