

Anti-Retaliation Notice in relation to Nurse Staffing law

Summarized from ORS 441.181

The hospital may not take retaliatory action against a nursing staff because the nursing staff:

- Discloses or intends to disclose to a manager, a private accreditation organization or a public body an activity, policy or practice of the hospital or of a hospital that the nursing staff reasonably believes is in violation of law or a rule or is a violation of professional standards of practice that the nursing staff reasonably believes poses a risk to the health, safety or welfare of a patient or the public;
- Provides information to or testifies before a private accreditation organization or a public body conducting an investigation, hearing or inquiry into an alleged violation of law or rule or into an activity, policy or practice that may be in violation of professional standards of practice by a hospital that the nursing staff reasonably believes poses a risk to the health, safety or welfare of a patient or the public;
- Objects to or refuses to participate in any activity, policy or practice of a hospital that the nursing staff reasonably believes is in violation of law or rule or is a violation of professional standards of practice that the nursing staff reasonably believes poses a risk to the health, safety or welfare of a patient or the public; or
- Participates in a committee or peer review process or files a report or a complaint that discusses allegations of unsafe, dangerous or potentially dangerous care.

The protection against retaliatory action does not apply to a nursing staff, unless the nursing staff, before making a disclosure to a private accreditation organization or a public body:

- Gives written notice to a manager of the hospital of the activity, policy, practice or violation of professional standards of practice that the nursing staff reasonably believes poses a risk to public health; and
- Provides the manager a reasonable opportunity to correct the activity, policy, practice or violation.

A nursing staff is not required to comply with the provisions above if the nursing staff:

- Is reasonably certain that the activity, policy, practice or violation is known to one or more managers of the hospital or an affiliated hospital and an emergency situation exists;
- Reasonably fears physical harm as a result of the disclosure; or
- Makes the disclosure to a private accreditation organization or a public body for the purpose of providing evidence of an activity, policy, practice or violation of a hospital or an affiliated hospital that the nursing staff reasonably believes is a crime.

A hospital that takes any retaliatory action against nursing staff commits an unlawful employment practice

- A nursing staff claiming to be aggrieved by an alleged violation may file a complaint with the Commissioner of the Bureau of Labor and Industries. ORS 441.184

Remedies for retaliation

- A nursing staff may bring an action in the circuit court of the county in which the hospital is located. ORS 441.183

Filing a Nurse Staffing Complaint

Nurse staffing complaint forms may be found at: <http://www.healthoregon.org/hcrqi>
or contact:

Health Facility Licensing and Certification Program

800 NE Oregon Street, Suite 465

Portland, OR 97232

Email: mailbox.nursestaffing@odhsoha.oregon.gov

Phone: 971-673-0540

Fax: 971-673-0556