**TO:**  Washington State Department of Health

**FROM:**  [UNION NAME]

**DATE:**  [FILL IN]

**RE:**  [NAME OF FACILITY]

**COMPLAINT PURSUANT TO RCW 70.41.420 (ESHB 1714) NURSE STAFFING**

This complaint is pursuant to RCW 70.41.420 as set forth in ESHB 1714 (2017) pertaining to Nurse Staffing Committees. We request that the Washington State Department of Health open an investigation into [NAME OF FACILITY] due to violation of the following provisions of the Nurse Staffing law:

[CHECK ALL THAT APPLY]

Failure to form or establish a staffing committee

Failure to conduct a semiannual review of a nurse staffing plan

Failure to submit a nurse staffing plan on an annual basis and any updates

Failure to follow the nursing personnel assignments in a patient care unit in violation of RCW 70.41.420 or shift-to-shift adjustments in staffing levels in violation of RCW 70.41.420

Retaliation

**FAILURE TO FORM OR ESTABLISH A STAFFING COMMITTEE [DELETE SECTION IF NOT RELEVANT TO COMPLAINT]**

*[BULLETS BELOW REFERENCE COMPONENTS OF THE LAW – USE TO GUIDE COMPLAINT FORMAT AND ENSURE ALL NEEDED DATA IS INCLUDED]*

* Does hospital have a Nurse Staffing Committee that is 50% RNs providing direct patient care and 50% members determined by hospital administration?
* Is the selection of the RNs providing direct patient care according to the collective bargaining agreement (e.g., are the RNs on the Nurse Staffing Committee selected by the union)?
* Is participation in the Nurse Staffing Committee on scheduled work time and compensated at the appropriate rate of pay?

**FAILURE TO CONDUCT A SEMI-ANNUAL REVIEW OF A NURSE STAFFING PLAN** **[DELETE SECTION IF NOT RELEVANT TO COMPLAINT]**

*[BULLETS BELOW REFERENCE COMPONENTS OF THE LAW – USE TO GUIDE COMPLAINT FORMAT AND ENSURE ALL NEEDED DATA IS INCLUDED]*

* Did the Nurse Staffing Committee complete and submit to DOH a semi-annual review of the staffing plan against patient need and known evidence-based staffing information, including the nursing sensitive quality indicators collected by the hospital?
* Review, assessment, and response to staffing variations or concerns presented to the committee?

**FAILURE TO SUBMIT A NURSE STAFFING PLAN ON AN ANNUAL BASIS AND ANY UPDATES[DELETE SECTION IF NOT RELEVANT TO COMPLAINT]**

*[BULLETS BELOW REFERENCE COMPONENTS OF THE LAW – USE TO GUIDE COMPLAINT FORMAT AND ENSURE ALL NEEDED DATA IS INCLUDED]*

* Did the hospital submit a nurse staffing plan to DOH?
* Did that plan included:
  + Census, including total numbers of patients on the unit on each shift and activity such as patient discharges, admissions, and transfers?
  + Level of intensity of all patients and nature of the care to be delivered on each shift?
  + Skill mix?
  + Level of experience and specialty certification or training of nursing personnel providing care?
  + The need for specialized or intensive equipment?
  + The architecture and geography of the patient care unit, including but not limited to placement of patient rooms, treatment areas, nursing stations, medication preparation areas, and equipment?
  + Staffing guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations?
  + Availability of other personnel supporting nursing services on the unit?
  + Strategies to enable RNs to take meal and rest breaks as required by law or the terms of an applicable collective bargaining agreement?
  + Review, assessment, and response to staffing variations or concerns presented to the committee?

**FAILURE TO FOLLOW THE NURSING PERSONNEL ASSIGNMENTS IN A PATIENT CARE UNIT OR SHIFT-TO-SHIFT ADJUSTMENTS IN STAFFING LEVELS IN VIOLATION OF RCW 70.41.420 [DELETE SECTION IF NOT RELEVANT TO COMPLAINT]**

*[BULLETS BELOW REFERENCE COMPONENTS OF THE LAW – USE TO GUIDE COMPLAINT FORMAT AND ENSURE ALL NEEDED DATA IS INCLUDED]*

* An RN 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.
* Shift-to-shift adjustments in staffing levels required by the plan may be made by the appropriate hospital personnel overseeing patient care operations. If an RN on a patient care unit objects to a shift-to-shift adjustment, the registered nurse may submit the complaint to the staffing committee.
* Staffing committees shall develop a process to examine and respond to complaints and determine if a specific complaint is resolved or dismissed based on unsubstantiated data.
* If the committee has failed to develop a process, or management unilaterally enforces a process that suppresses complaints, or management unilaterally determines complaints to be resolved include those details in addition to the underlying staffing level complaints.

**RETALIATION [DELETE SECTION IF NOT RELEVANT TO COMPLAINT]**

*[BULLETS BELOW REFERENCE COMPONENTS OF THE LAW – USE TO GUIDE COMPLAINT FORMAT AND ENSURE ALL NEEDED DATA IS INCLUDED]*

* A hospital may not retaliate against or engage in any form of intimidation of:
  + An employee for performing any duties or responsibilities in connection with the nurse staffing committee; or,
  + An employee, patient, or other individual who notifies the nurse staffing committee or the hospital administration of his or her concerns on nurse staffing.

Based on the information included in this complaint, we expect DOH to open an investigation on this matter. We expect to hear from you regarding the date your investigation is opened and follow up on any resolution.

*Submit completed form to* [*hsqacomplaintintake@doh.wa.gov*](mailto:hsqacomplaintintake@doh.wa.gov)*.*