



Minnesota Hospital Association

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August 15, 2014

Via Email: ed.ehlinger@state.mn.us

Edward Ehlinger, M.D., MSPH
Commissioner
Minnesota Department of Health
625 N. Robert St.
P.O. Box 64975
St. Paul MN 55164-0975

Dear Commissioner Ehlinger:

The Minnesota Department of Health (MDH) often faces high-profile and contentious issues. Unfortunately, I must bring another potentially high-profile issue to your attention, involving patient safety, the role of the Office of Health Facilities Complaints (OHFC), the Nurse Practice Act and union politics.

The Minnesota Nurses Association (MNA) has disseminated a form that it created called the "Concern for Safe Staffing Form," which can be found at <http://cfss.mnnurses.org/>. The union is urging its members to complete as many of these forms as possible so they can be used as a political prop in the union's attempt to convince legislators that our hospitals are unsafe. The language in the form and the union's communications to its members may create the misleading impression that sending this form to the union satisfies nurses' reporting obligations under state law. An example of the union's communications can be found at <http://mnablog.com/2014/08/08/standing-up-for-safe-patient-care-just-got-easier/>. The MNA's electronic form is accompanied by an automated process that generates a pre-written form letter for the nurse to send to state legislators.

The Minnesota Hospital Association (MHA) has emphasized to the MNA that its form and communications may induce nurses to violate their statutorily mandated reporting obligations. State law requires nurses to report instances in which "the delegation of a nursing function . . . could reasonably be expected to result in unsafe or ineffective patient care" to OHFC. Minn. Stat. sec. 148.261, subd. 1(8). Failure to fulfill these reporting obligations constitutes grounds for disciplinary action by the Minnesota Board of Nursing, as well as civil penalties. See Minn. Stat. sec. 148.261, subd. 1; sec. 148.263, subd. 7.

Legislators might send copies of these computer-generated form letters to MDH. If so, or if MDH has other evidence that nurses are not fulfilling their statutory reporting obligations, MHA expects that you will take appropriate steps to allow hospitals to work with OHFC to investigate the alleged concerns, and to submit any relevant information to the Board of Nursing so it can meet its obligations to enforce the legal requirements for nurse licensure.

Edward Ehlinger, M.D., MSPH

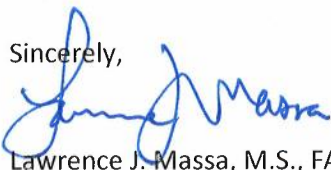
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MHA appreciates the important role OFHC plays in protecting patients and ensuring that nurses communicate patient safety concerns to their supervisors and state regulators through appropriate processes. Health care providers and our patients depend upon nurses to bring legitimate patient safety concerns to light so that any issues can be addressed as quickly as possible.

If you have questions or would like to discuss these issues further, please feel free to contact me anytime.

Sincerely,



Lawrence J. Massa, M.S., FACHE
President and CEO

c: James Koppel, Deputy Commissioner, Minnesota Department of Health (jim.koppel@state.mn.us)
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