

ANALYSIS

Item 70: Board of Nursing Investigation and Administrative Support

Analyst: MaryMichelle Sosne

Request: Increase Other Funds expenditure limitation by \$540,079 and authorize the establishment of three permanent full-time positions (1.88 FTE) for the Board of Nursing to reopen the agency's contact center, address a backlog in case investigations, and provide administrative support.

Analysis: During the COVID-19 pandemic, the Oregon State Board of Nursing (OSBN) closed its contact (or call) center functions as a means of dedicating more staff time to address a significant increase in professional licensure and endorsement application requests. Given the sustained level of applications, the agency's 2023-25 legislatively adopted budget included additional Other Funds expenditure limitation to support the establishment of two permanent full-time positions to reopen the contact center while existing staff continue focusing on processing application requests. OSBN is requesting an additional Other Funds increase of \$110,320 to establish a permanent Contact Center Supervisor 2 position (0.50 FTE) to manage the oversee contact center staff on an on-going basis, which will enable the agency to continue having a dedicated focus on processing applications.

To further address the application backlog, the agency is requesting an increase of \$111,439 Other Funds to establish an Investigator 3 position (0.50 FTE). Currently, OSBN has a backlog of 200 cases with approximately 700 cases open. OSBN has 12 existing investigators, each with an approximate caseload between 50-100; however, the ideal caseload range for investigators is closer to 40. The new position will help OSBN reduce the application backlog and ratio of cases per investigator.

OSBN is also requesting an increase of \$318,320 Other Funds to establish one permanent full-time Business Operations Administrator 1 position (0.88 FTE). The agency currently has 58 budgeted positions (57.90 FTE) and is comprised of the following six organizational units: Administration, Nurse Policy, Fiscal Services, Licensing, and Investigations. The agency's executive director supervises each unit without the assistance of a business manager or other position analogous to a deputy leadership role. Establishing this position would provide greater administrative oversight and assistance for frontline managers in accomplishing agency goals with respect to a growing workload. The sustained increase in license applications, reopening of the contact center, addressing legislative requests and nurse policy proposals, and working to fulfill executive branch goals for diversity, equity, and inclusion are key issues that contribute to the need for this position.

OSBN can fund the requested positions within its existing level of Other Funds revenue. The agency currently has a cash balance of \$12.9 million, or 14 months of operating funds. The Legislative Fiscal Office recommendation to increase Other Funds \$512,160 as opposed to the requested \$540,079 accounts for a revision to the estimated position costs after the agency submitted its request letter.

Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means recommend including an increase of \$512,160 in the Other Funds expenditure limitation and authorize the establishment of three positions (1.88 FTE) in a budget reconciliation bill during the 2024

legislative session for the Oregon State Board of Nursing to reopen the agency's contact center, address a backlog in case investigations, and provide administrative support.

Request: Increase Other Funds expenditure limitation by \$540,079 to establish three permanent full-time positions (1.88 FTE) to provide administrative support, work to reopen the agency's call center, and lower caseloads for investigators.

Recommendation: Approve the request during the 2024 Legislative Session with the following modification: Increase Other Funds expenditure limitation by \$512,160 to establish three permanent, full-time positions (1.88 FTE) to provide administrative support, work to reopen the agency's call center, and lower caseloads for investigators.

Discussion: The Oregon State Board of Nursing (OSBN), responsible for protecting the public through the regulation of nursing education, licensure, and practice, is requesting additional Other Funds expenditure limitation to establish three positions: a Business Operations Administrator, a Contact Center Supervisor, and an Investigator. The new Executive Director, hired in 2023, has reviewed the agency's administrative structure, considered lingering changes from the COVID 19 pandemic, and conducted a gap analysis to determine these positions are needed for the agency to provide its best service to the public.

The original request was modified in the recommendation to represent a change in a position's classification and another position's representation. OSBN submitted a position description for a Contact Center Supervisor 2 to the Department of Administrative Services Chief Human Resources Office (CHRO), but the position responsibilities were deemed to better fit a Contact Center Supervisor 1. The Investigator 3 position was originally expected to have a have the representation code "AAON C5233 AP", but the correct code was "OAS C5233 AP". In the original request, these changes were not accounted for, so the limitation requested is \$27,919 higher than needed. The modified expenditure limitation in the recommendation represents the cost of each position in its correct classification with the right representation: Business Operations Administrator 1 (\$318,320), Contact Center Supervisor 1 (\$94,539) and Investigator 3 (\$99,301).

The Business Operations Administrator 1 will work with agency managers to accomplish the agency mission, meet agency standards, and serve as the deputy in the absence of the Executive Director. The Contact Center Supervisor 2 will work to reopen the agency call center, which was closed in 2019 at the start of the pandemic. The Investigator 3 will help bring average investigative caseloads from 80-100 cases down to 40-50 cases. OSBN has strong revenue and a healthy cash balance to support the Other Funds expenditure limitation increase in the request. The agency has a projected ending cash balance of approximately \$10.5 million for the 2023-25 biennium and potentially higher with actual revenues currently outpacing estimated revenues.

Legal Reference: Increase Other Funds expenditure limitation established by chapter 474, section 1, Oregon Laws 2023, for the Oregon State Board of Nursing by \$524,298 for the 2023-25 biennium.



Oregon

Tina Kotek, Governor

Board of Nursing

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December 8th, 2023
Senator Elizabeth Steiner, Co-Chair
Representative Tawna Sanchez, Co-Chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs Senator Steiner and Representative Sanchez,

Nature of the Request: Increase in Expense Limitation for additional Positions.

The Oregon State Board of Nursing (OSBN) is requesting approval to increase Other Funds expenditure limitation by \$540,079 to establish three permanent, full-time positions (1.875 FTE) to provide administrative support, work to reopen the agency's call center, and lower caseloads for investigators.

Agency Action:

This request includes establishment of one additional Business Operations Administrator 1 position for the Administrative Department. Upon my arrival as the new executive director on July 20th, 2023, just four months ago, I immediately determined that the agency needed the proper administrative structure to accomplish state and agency goals. The Business Operations Administrator must work with agency managers and the administration to accomplish agency goals. This position will be dedicated to helping the agency achieve the agency's mission and standards.

The second position is a Contact Center Supervisor 2 position for the Administrative Department. OSBN previously decided to close the contact center at the pandemic's start to focus on the application workload. The pandemic is over, and OSBN needs to reopen the contact center immediately. However, OSBN still has high rates of received applications that current technicians must work on. This position will be dedicated to administration to help the agency revitalize and administer the agency contact center.

The final position is an Investigator 3 position for the Investigations Department. When I arrived, I found a backlog of 200 cases. OSBN has approximately 700 cases open. As the regulatory board with the most licenses, we are expected to have the most cases. OSBN currently has 12 investigators with caseloads of 50-100. It is considered for that for investigators to conduct responsible investigations, they should have a caseload of around 40. There are additional challenges in the department as we currently have 2 Investigators working on part-time schedules due to FMLA accommodations. This position will be dedicated to the Investigative department to help reduce agency workload and backlog.



The Oregon State Board of Nursing protects the public by regulating nursing education, licensure, and practice.



The agency has realized savings in smaller budget categories, such as office expenses and professional services. The agency utilizes cost savings in vacant positions when available. There needs to be more than these savings to offset the expenditure limitation associated with this request. The current Cash Balance is \$12,900,000, reflecting 14 months of expenses.

Action Requested:

OSBN requests an increase of \$540,079 in Other Funds limitation and three positions (1.875 FTE).

- 0.875 FTEs for the Admin Department. Business Operations Administrator 1, MESN 7082 AP- SR 38x-Step 5: Based on current salaries for 21 months in the Biennium 2023-2025, an additional \$318,320 of Other Funds limitation is needed. This position was created as an unbudgeted limited duration position and was filled in October 2023 at a step 5.
- 0.5 FTEs for the Admin Department. Contact Center Supervisor 2, MESN 7166 AP – SR 28X-Step 3: Based on current salaries for the 12 months remaining in the Biennium 2023-2025, an additional \$110,320 of Other Funds limitation is needed. This position was created as an unbudgeted limited duration position and has not been filled.
- 0.5 FTEs for the Investigations Department. Investigator 3, OAS C5233 AP – SR 26-Step 3: Based on current salaries for the 12 months remaining in the Biennium 2023-2025, an additional \$111,439 of Other Funds Limitation is needed. This is a new position.

Legislation Affected

Oregon Laws 2023, Chapter 474, Section 1

I appreciate your consideration and am available to take any questions.

Rachel Prusak, MSN, APRN, FNP-C

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Executive Director OSBN



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