

# The HEART Beat

The newsletter of HEART — Health Care Employees Acting at Resurrection Together/AFSCME Council 31

## *Opening the Doors for America's Workers: Justice at Resurrection*



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# Obama Boosts RHC Workers' Organizing Drive

Excitement generated by the appearance of a leading candidate for President of the United States flashed the bright lights of media attention onto the campaign of Resurrection Health Care employees to form a union with AFSCME. U.S. Sen. Barack Obama appeared at a rally of nearly 2,000 Resurrection employees, union members and supporters on March 3.

"Keep marching for justice," Obama told the Resurrection workers.

"Where there is injustice anywhere, it suppresses justice everywhere."

Also speaking at the rally were Resurrection employees, Father Michael Knotek and Father Larry

Dowling, Illinois Senator Dick Durbin, Rep. Jan Schakowsky, AFL-CIO President John Sweeney and AFSCME International President Gerald McEntee.

"Opening the Doors for America's Workers," was the theme of the rally, which also promoted passage of the Employee Free Choice Act (EFCA), federal legislation that would make it easier for workers to form unions and increase penalties on employers who violate workers' rights.

"I find hope in the union," said Westlake's Shirley Brown. "Before I got involved in the organizing campaign, I was willing to accept whatever was going on. When bad

things happened, I assumed there was nothing we could do about it."

Added Kelly Beringer, a registered nurse at West Suburban, "I remember what is at stake- my patient's right to receive safe quality care and my right as a nurse and a patient advocate to provide it. I have a vision of what our hospital will be when we have a union. I imagine being able to have a say in nurse staffing. I imagine an open and fair decision-making process that all nurses can participate in, where our input and ideas are welcomed as experts."

And Bernice Grau, a laundry worker at Resurrection Medical Center, explained how having a union would give her respect on the job: "In



the laundries, we're easily forgotten. We work behind the scenes. But I'm here today representing all of the health care workers who quietly do their jobs behind the scenes. We won't be ignored any longer!"

Sweeney promised unrelenting support from the nation's largest labor federation. "We will win this fight," he said. "The entire American labor movement is standing with you."

Father Michael Knotek, Pastor, St. John de La Salle, closed the rally by reminding participants of RHC's Catholic roots. "The time has come to reclaim Resurrection Health Care workers' God-given right to good jobs in safe working conditions for decent pay and fair benefits!" ■



## STAFFING NEWS

# Resurrection Nurses Spur Action for Staffing Ratios

**N**urses vowed to expand public education efforts on the need for safe nurse staffing legislation when the bill's opponents once again refused to negotiate seriously. On May 16th, Resurrection nurses met with representatives from the Illinois Hospital Association (IHA) and the Illinois Nurses Association (INA) to discuss the nurse-to-patient ratio legislation in a session organized by the sponsor of the legislation, Senator Iris Martinez (D- Chicago).

In March, the campaign for safe staffing in Illinois hospitals took a big step forward when state lawmakers voted to pass the nurse staffing legislation out of committees in the Senate and House. The legislation would establish minimum standards to assure sufficient nurse staffing on the frontlines of Illinois hospitals.

SB 936 passed out of the Senate Human Services Committee by an overwhelming majority in the wake of compelling testimony from St. Mary of Nazareth RN Diana Connal. The House Health Care Access and Availability had previously voted to send out a companion bill (HB 392). Because of the intense opposition from the IHA, the legislative committees directed all concerned parties to meet and attempt to negotiate a compromise before the legislation moves forward.



Lawmakers were moved by nurses who participated in the Safe Nurse Staffing Lobby Day on March 13, when dozens of Resurrection RNs joined nurses from around Illinois to lobby for the legislation. In conjunction with the Lobby Day, AFSCME released the results of a statewide poll of Illinois nurses (see sidebar on next page).

The Illinois Hospital Association, which includes Resurrection Health Care, has vehemently opposed the safe nurse staffing legislation arguing that nurses currently have a voice in staffing and that staffing levels are just fine in Illinois hospitals. Since last year, the IHA has organized aggressively throughout the state to mobilize hospital management to oppose the bill. In a recent twist, the Illinois Nurses Association joined the IHA in opposing the nurse-to-patient ratios bill, and is pushing legislation

that does little beyond what is currently required in the Hospital Licensing Act (see story on page 5).

Resurrection nurses' public education effort will be launched this summer with a series of meetings around the state. They also plan to build a nurse-to-nurse network to mobilize nurses for future lobbying efforts.

By standing up on behalf of patients and the nursing profession, RN's from across Illinois have sent a clear message to the legislature and hospital administrators. To make sure that quality nursing care becomes the standard throughout the state, the hospital industry and lawmakers need to hear directly from nurses about why change is needed. To get involved in the campaign for safe staffing, visit [www.reformresurrection.org](http://www.reformresurrection.org) or call (773) 792-2430. ■

## Poll Shows Overwhelming Support for Staffing Ratios

By overwhelming margins, Illinois nurses believe that short staffing is the biggest patient care problem in hospitals and that ratios would be an effective measure to improve patient care, according to a new poll of registered nurses in Illinois. A total of 807 randomly selected registered nurses throughout Illinois were surveyed and the margin of error for the results is 3.5%.

### According to Illinois nurses

**77%** said inadequate staffing is the biggest nursing care problem in hospitals. Of the four other answers offered, not a single response received more than 6%.

**82%** said a bill to set minimum nurse staffing ratios would improve patient care. Only 8% said it would worsen patient care.

**99%** of nurses said that increasing the number of nurses caring for patients was important to improving patient care.

**63%** of nurses working in hospitals say that their hospitals are either routinely or sometimes understaffed.

To see the full summary of the poll, go to <http://www.reformresurrection.org/support/staffing.html> or call (773) 792-2430.

## INA, Hospital Assn. Team Up

### Proposed Bill Would Not Compel Hospitals to Improve Staffing

Recently, the Illinois Hospital Association and the Illinois Nurses Association developed legislation regarding nurse staffing plans. While both organizations say that the intention of the bill was to address nurse staffing, the result is a bill (Senate Bill 867) that does nothing to improve nurse staffing and the quality of patient care in Illinois hospitals.

“We believe that ratios are the only way to cement real improvements across the state,” says nurse Tina DeVito of West Suburban Hospital. “SB 867 may make it appear that nurse staffing issues are being addressed but it does little or nothing to solve the actual problem. The bill suggests that hospitals consider acuity when setting staffing, but that’s how it is done now and it simply does not work.”

In fact, most of the bill’s provisions duplicate requirements already in the Hospital Licensing Act administrative rules dating back to 1980 and the Hospital Report Card Act. Clearly, these rules have not prevented the staffing crisis in hospitals across the state.

The chart shows how the three most significant components of SB 867 are largely duplications of existing laws and regulations.

INA/IHA-Supported Bill	Current laws and regulations
Requires hospitals to develop a written staffing plans and review them semi-annually.	Since 1980, Hospital Licensing Act rules have required hospitals to have written staffing plans.
Requires hospitals to identify an acuity model.	The Hospital Report Card Act requires hospitals to provide information about the methods used to determine and adjust staffing levels—the acuity system.
Requires hospitals to have a nursing care committee (at least half the committee members must be direct care nurses) but still leaves staffing decisions completely to the discretion of hospital management.	Hospital Licensing Act rules, adopted in 1980, requires hospitals to include nurses in planning, decision making, and formulation of policies that affect nursing and patient care, and consider their recommendations.

*The three most significant components of SB 867 are largely duplications of existing laws and regulations.*

# St. Mary of Nazareth Hospital Fined for Mishandling Chemical Spill

## Fourth OSHA Citation in One Year for Resurrection Health Care

**F**or the fourth time in the past year, a Resurrection Health Care hospital has been cited for violations and fined by the federal Occupational Safety and Health Administration (OSHA). The new citations, issued on March 23, stem from an October incident at St. Mary of Nazareth Hospital in which formulin, a chemical that contains formaldehyde, was spilled.

OSHA determined that St. Mary's "did not ensure that appropriate procedures were adopted to minimize injury and loss of life and implemented in the event of an emergency." As a result of the findings, the hospital was cited for six serious violations and was fined \$13,000.

OSHA fined St. Mary of Nazareth for failure to contain the spill, decontaminate the work area, and dispose of the waste. The hospital was also cited for failure to provide acceptable emergency wash facilities within the immediate work area of employees at risk for chemical exposure.

The health and safety violations at St. Mary of Nazareth Hospital are just the latest in a recurring pattern at Resurrection Health Care facilities. St. Francis Hospital, St. Elizabeth Hospital, Westlake Hospital, and the chain's flagship Resurrection Medical Center have all been cited and fined by OSHA since 2003.

In findings issued earlier this year, St. Francis Hospital received six serious citations and was fined \$25,000 for its inadequate emergency response plan and failure to notify workers of potential health hazards after a mercury spill incident. In May 2006, St. Francis received eight serious citations and nearly \$10,000 in fines for failing to properly train laundry employees who were exposed to infectious materials and hazardous chemicals. ■



### Pandemic Influenza Preparedness and Response Guidance for Healthcare Workers and Healthcare Employers



## OSHA Releases New Guidelines for Flu Pandemic

**T**he United States Occupational Safety and Health Administration (OSHA) has released new safety and health guidelines to assist health care workers for a possible flu pandemic. The new guidelines, titled "Pandemic Influenza Preparedness and Response Guidance for Healthcare Workers and Healthcare Employers," include

technical information on infection control and industrial hygiene practices, as well as workplace preparations and planning issues.

"During an influenza pandemic, the healthcare community will be on the frontline," said Assistant Secretary of Labor for OSHA Edwin G. Foulke Jr. "This new guidance provides

information and tools to help protect healthcare workers."

To view the new guidance, visit [http://www.osha.gov/Publications/OSHA\\_pandemic\\_health.pdf](http://www.osha.gov/Publications/OSHA_pandemic_health.pdf). ■

## MAGNET UPDATE

# Push for Magnet Status Continues Throughout Resurrection System

The push for Magnet status at Resurrection hospitals continues. At Saint Francis, the American Nurses Credentialing Committee (ANCC) has completed a site visit, and the hospital and nurses are waiting to see if they have been awarded Magnet status. The next step is for the ANCC on-site appraisers to report then vote on the “presence of the forces of Magnetism” in the hospital.

The Saint Francis Magnet experience has shed light on the Magnet process for nurses on the HEART organizing committee. Whether Saint Francis receives Magnet status or not, the Magnet process there has raised questions about whether Resurrection administrators see Magnet as a tool to achieve true nursing excellence or just another marketing campaign.

### When Public Documents Aren’t Public

Officially, staff nurses and the public are able to view the application materials and comment to the ANCC. However at Saint Francis the materials added up to thousands of pages in six different binders. Incredibly, Saint Francis management provided only one copy of these documents and refused to allow any interested party to copy them!

“During the Magnet process, Saint Francis management showed that they’re not interested in a process that includes everyone. They showed that they’re not interested in an open and honest discussion of nursing in the hospital. I’m afraid this is just one more attempt to gloss over the problems,” said nurse Monique Lewis, RN, Saint Francis Hospital.

### Magnet Around RHC

At other hospitals, the campaign to win Magnet is under way. Resurrection Medical Center has completed its application materials and is awaiting word from the ANCC whether their application has been accepted. Saints Mary and Elizabeth Medical Center and Westlake have both begun very public kickoffs of their campaigns to win Magnet. They’ve included banners, Catholic Masses, contests, T-shirts, and songs.

“My co-workers and I hope that Resurrection sees the Magnet process as a real opportunity to address our staffing problems and a lack of a voice for nurses,” said nurse Kendra Reilly of Saint Mary and Elizabeth Medical Center. “Banners and slogans are fine as long as they’re not used as a substitute for a real consideration of the issues.” ■

*The table below provides a few examples from the Saint Francis magnet application that they might have hoped would avoid public scrutiny.*

Saint Francis’ Magnet Application	Reality
Angelique Richard, Vice President of Patient Care services, “participates and is involved in several key initiatives which impact the nursing community, such as the Illinois Organization of Nurse Leaders partnering with the Illinois Hospital Association (IHA) on the pending legislation on mandatory nurse-to-patient ratios.”	In opposition to the interests of staff nurses, the IHA has strongly opposed legislation currently in the state legislature that would mandate minimum nurse-to-patient ratios.
“An outstanding example of the commitment to the health and safety that exists at all levels of staff is evidenced in an event that occurred earlier in the year when Saint Francis Hospital experienced a mercury spill.”	The U.S. Occupational Safety and Health Administration (OSHA) saw Saint Francis’ response to the mercury spill quite differently. Shortly after Saint Francis submitted their application, OSHA issued a \$25,000 fine for the hospital’s response to the mercury spill. OSHA found several violations, including the failure to provide emergency response training to employees and contaminating employees clothing, shoes and personal items with mercury.

# Progress in the Fight Against Hospital's Discrimination

National labor and civil rights leader William (Bill) Lucy joined Resurrection Health Care employees, members of the Coalition of Black Trade Unionists, and community allies at a May 23rd rally to demand that West Suburban Medical Center halt discrimination against minority employees. After the rally, Lucy and representatives of the participating community organizations marched to the hospital to deliver a letter to West Suburban CEO Jay Kreuzer, while other participants lined Austin Boulevard in front of the hospital with signs reading "Justice at RHC."

For over three years, African American and Latino employees of the Environmental Services Department (EVS) at West Suburban Hospital have faced discrimination in pay, work assignments, vacation time and work rules from the department's manager. Several were also subjected to racially



*Members of the Oak Park-Austin Health Alliance pack an April 18 meeting of the Oak Park Community Relations Commission.*

disparaging remarks.

EVS workers began fighting back against the discrimination six months ago, after attempts to internally resolve complaints about the supervisor's discriminatory practices failed. Their first step was to file complaints with the state, but they recognized that the process could be slow. Working with the Oak Park/Austin Health Alliance (OPAHA), housekeepers launched a campaign that reached out to community residents, patients, religious leaders and elected officials through a

successful petition campaign, several public meetings and a rally of over 100 employees and residents on Martin Luther King, Jr. Day.

In a follow up action, more than forty EVS employees and OPAHA members packed a meeting of the Oak Park Community Relations Commission. At the Commission's request, EVS workers had filed discrimination complaints and the Commission had decided to hold a hearing. But the Commission chair announced that the Oak Park Village lawyer had raised questions about the extent of the Commission's power to address the issue of discrimination at West Sub, setting off a long debate. The message from the workers and their community allies was clear: the Commission could and should act to help resolve the situation. The Commission vowed to explore all options for actions and report back at the next meeting. But at the May meeting, Commission



*Continued on next page*

# HEARD AROUND OUR HOSPITALS

## Bond Analysts: Working With Employees Could Improve RHC's Finances

Resurrection could improve its fiscal performance if the hospital chain resolved its conflict with employees, according to one of the nation's top bond rating services. On April 19, Moody's Investors Service lowered Resurrection's bond ratings on \$707.6 million of debt and reaffirmed its negative outlook for the company.

Henry Bayer, Executive Director of AFSCME Council 31, urged the company to make peace with its employees in light of the urgent need to improve its financial condition. "Resurrection management cannot expect to improve its performance unless it treats its employees fairly and allows them to have a voice on the job," Bayer said. "You cannot run a successful business, never mind a hospital, if you refuse to heed workers' legitimate aspirations."

Moody's retained its ratings outlook for RHC as negative and indicated that improved operating performance would be demonstrated by, among other changes, a resolution of the labor dispute.

"The employees at these hospitals very much want Resurrection to be successful," Bayer continued, "but the company can't succeed without the input of its employees. Resurrection's employees need to have their voices heard and their services valued if management is to fulfill its mission."

## Sick? New Book Details Resurrection's Retreat from its Mission

A new book spotlights Resurrection Health Care as a prime example of how historically charitable hospital systems have shifted their priorities away from mission toward a corporate model of business operations. The book, titled *Sick: the Untold Story of America's Health Care Crisis—and the People Who Pay the Price* by Jonathan Cohn, traces Resurrection's development from its origins as a health care ministry to poor Chicago immigrants, to its current status as a billion dollar chain. The author details how the system's rapid growth has brought with it enormous executive compensation packages, a focus on cosmetic renovations, a dramatic reduction in charity care and aggressive collections tactics against

the uninsured. As an illustration of how far Resurrection has strayed from its roots the book highlights the story of a former Catholic nun living in poverty who struggled to receive charity care from Resurrection, then was taken to court by the hospital chain to collect a medical debt.

## Westlake Employees Show Solidarity with Shirley Brown

A strong showing of support took place on May 16th at Westlake Hospital for Shirley Brown, a housekeeper who was diagnosed with stomach cancer and was told by management that they would post her job while she was receiving chemotherapy and radiation treatments. Shirley is now working part time with a weakened immune system. Over 100 employees, along with residents and doctors, wore buttons with Shirley's picture on them.

"The incredible amount of support that I received tells me that it's the employees, not the administration, who truly believe in the Catholic mission that Resurrection brags about," said Shirley Brown. ■

### Continued from previous page

members continued to debate and several community residents expressed frustration.

A week later, more than 50 OPAHA

members made the long trip to West Suburban Hospital CEO Jay Kreuzer's home in Frankfort. The group presented him with copies of the petitions, signed by more than 1000 members of the community, which OPAHA tried to deliver to him on

Martin Luther King Jr. Day.

OPAHA plans to hold meetings with elected officials to ensure continued improvements in the hospital's treatment of minority employees. ■

## QUALITY REPORT

# New Report, Regulators Find Continued Quality Problems at Resurrection

## Corporate Priorities Result in Not Enough Resources at the Bedside

In the face of growing concerns from Resurrection employees about a lack of resources at the bedside, a new report and findings by regulators point to continued quality problems at Resurrection hospitals.

Responding to concerns from employees who experience corporate priorities that diminish their ability to provide the best care possible, HEART/AFSCME issued the report, titled “The Record on Resurrection Health Care Hospital Quality 2007.” It provides information regarding Resurrection Health Care’s record based on data developed by health care purchasers, independent oversight groups and governmental agencies.

“The data corroborates the concerns that direct care employees have about the lack of managerial commitment to fostering the highest possible level of care for patients,” said Henry Bayer, Executive Director of AFSCME Council 31.

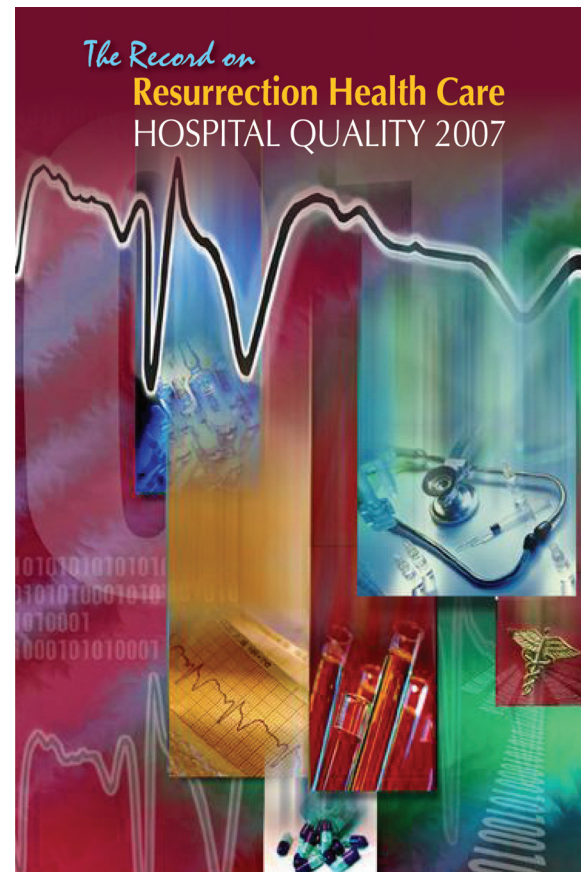
Findings from the report include the following:

- Even as total revenues at Resurrection Health Care increased 146% from 2000 to 2005,

spending on patient care salaries declined 35% and spending on patient care supplies declined by 45% as a percent of revenues during the same time period.

- Over the past three years public health authorities have cited 395 deficiencies at Resurrection hospitals. During the same period seven of the system’s nine hospitals were placed on monitoring by the state for deficiencies so serious they violated the conditions of participation for the Medicare program\*.
- Among the ten hospitals with the highest price markup in Illinois three were Resurrection owned.

\*After the report was published, the federal Centers for Medicare and Medicaid Services (CMS) notified Westlake hospital that it has been placed on monitoring by the state for violations of the conditions of participation in the Medicare



program. As a result, the number of Resurrection hospitals on state monitoring over the past three years increased to eight out of nine, and the total number of deficiencies increased to more than 400 during the same period.

The full report is available at [www.reformresurrection.org](http://www.reformresurrection.org). This Report is by Healthcare Employees Acting at Resurrection Together. ■

## HealthGrades Awards “Ethically Compromised”

**T**hroughout the Resurrection system management has been announcing that many of the hospitals are receiving high ratings in a number of different areas from an evaluating agency called HealthGrades. For example, HealthGrades has given St. Joseph Specialty Excellence awards for Cardiac Care, Stroke Care, Pulmonary Care, and Gastrointestinal Care as well as top five star ratings for a number of different procedures within these areas. In addition, the agency has awarded St. Joseph the Distinguished Hospital award for Clinical Excellence for the last two years in a row.

This sounds very impressive. But in 2006, the same year that Healthgrades granted these awards to St. Joseph, the hospital was on state monitoring for being out of compliance with the conditions of participation in the Medicare programs. And at Resurrection Medical Center, the hospital won the HealthGrades awards while being on state monitoring.

**How could a hospital win Healthgrades awards while it was on state monitoring for quality deficiencies?**

An article in the *Spokane Review*, a Spokane Washington newspaper, from April 9, 2006 reveals that HealthGrades is a profit making company which derives its income from selling the right to publicize its awards to the hospitals it evaluates. While the amount of these fees is not disclosed, industry sources state that these typically are in excess of \$45,000 per award.

Griffen Trotter, a professor at the St. Louis University Center for Health Care Ethics, is quoted in the article as calling financial transactions between a hospital and the people evaluating them “patently ridiculous” and not revealing the financial relationship “ethically compromised”. He states that for him such for profit ratings are of no value. A 2002 study published in the *Journal of the American Medical Society* states that HealthGrades evaluations “poorly discriminate” between any two individual hospitals and are therefore of little value to the consumer.

HealthGrades also evaluates individual doctors, and it appears that these evaluations are even more compromised. HealthGrades is a Colorado based company and a study published in the *Rocky Mountain*

*News* on October 16, 2004, found that they get it right only forty two percent of the time. The worst example was the case of a pediatrician whom they accused of being a pedophile who had a history of felony, sexual battery and assault. It turned out that they had confused the doctor with someone of the same name in an adjoining state. The pediatrician sued and HealthGrades settled with her.

**Why does Resurrection management find it necessary to pat itself on the back by paying large sums of money for awards of such dubious validity?**

Nurses in medical surgical units at Resurrection Hospitals report often taking care of seven to nine patients each. Aides report taking care of ten to thirteen patients. Quality care becomes very difficult under these circumstances. Resurrection management could address these problems directly by improving staffing and listening to the concerns of bedside employees. The first step toward real quality improvement would be to engage in a dialogue with HEART/AFSCME so that patient care employees have a real voice in the standards of the hospitals. ■

### ABOUT *The HEART Beat*

The HEART Beat newsletter is published by HEART/AFSCME Council 31. HEART stands for Health Care Employees Acting at Resurrection Together. Our offices are at 5509 N Cumberland Ave. Ste. 505, Chicago, IL 60656. You can reach us at 773-792-2430.

# Resurrection Home Health Services:

## Department of Labor Orders Resurrection to Pay Back Wages

**A**fter four years of stalling tactics by Resurrection and their high-priced lawyers, the Illinois Department of Labor has conducted investigations for a group of Resurrection Home Health Services employees who were not being paid overtime. Resurrection owes these seven employees more than \$59,000 in total back wages.

The Department is now in the process of auditing the records for other employees who filled out complaint forms after the Department ruled in favor of the home health clinicians.

**Any Resurrection Home Health employee who is paid by the fee-for-visit system is eligible for back pay if they have ever worked more than forty hours in a week.** This includes all field staff, plus any employee who originally worked for West Suburban Home Health Services prior to the acquisition by Resurrection.

“This step forward is a long time coming. I’m proud of what we’ve been able to achieve, especially because of Resurrection’s fierce opposition,” said Harald Anonsen, a RHHS physical therapist. “And everyone should know that this only happened because we’re organizing with AFSCME Council 31.”

Working with AFSCME lawyers, employees filed the original complaints in 2003 after regularly working more than forty hours per week but receiving no overtime pay. After several hearings, an Administrative Law Judge with the Illinois Department of Labor (IDOL) ruled in January 2006 that Resurrection was in violation of the wage and hour law. The Judge ordered Resurrection to pay back wages for overtime hours worked.

Since that decision, Resurrection unsuccessfully appealed to the Director of the Department of Labor. They then unsuccessfully sought a court injunction to block the IDOL from auditing the records of other employees to determine how much Resurrection owed in back wages. Since the most recent order, Resurrection has filed a request for review with a hearing scheduled for mid June.

“Until now, Resurrection has chosen to pay an expensive law firm to fight our claim. Now they’ve been ordered to pay. It’s time that they put hard working nurses, social workers and therapists before the lawyers,” said Vicki Affinito, a RHHS registered nurse.

If you work for Resurrection Home Health Services and have not yet filed a complaint with the Department of Labor, call the HEART/AFSCME office at (773) 792-2430, ext. 5762.

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