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Date: (Filing No. S-)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 205, L.D. 451, “An Act to Ensure Transparent and Accountable Temporary Nurse Agencies”

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 22 MRSA §2131, sub-§1, as amended by PL 2009, c. 621, §2, is further amended to read:

1. Registration; renewal. A temporary nurse agency shall register with the department and renew the registration as required by rule thereafter annually. In the event of a change of ownership, operation or location of the temporary nurse agency, the temporary nurse agency shall update the registration in accordance with rules adopted by the department. For purposes of this chapter, unless the context otherwise indicates, "temporary nurse agency" means a business entity or subdivision thereof of a business entity that primarily provides nurses, certified nursing assistants and other qualified staff to another organization on a temporary basis within this State. A temporary nurse agency does not include an agency licensed in this State as a home health care services provider.'

Amend the bill by inserting after section 4 the following:

'Sec. 5. 22 MRSA §2131, sub-§2, as enacted by PL 1989, c. 579, §4, is repealed.'

Amend the bill by inserting after section 5 the following:

'Sec. 6. 22 MRSA §2131, sub-§4, ¶C is enacted to read:

C. The department may impose a fine of not less than \$500 and not more than \$10,000 for each violation of this chapter on a person or business entity who operates a temporary nurse agency and who fails to:

(1) Meet the documentation requirements or make available to the department a record described in section 1-B; or

(2) Provide an annual report that includes the documentation required by section 1-D.

Sec. 7. 22 MRSA §2131, sub-§4-A is enacted to read:

COMMITTEE AMENDMENT

1 **4-A. Unfair trade practice.** A person or business entity that operates a temporary
 2 nurse agency and fails to meet the requirements of this section violates the Maine Unfair
 3 Trade Practices Act.'

4 Amend the bill in section 6 in the first line (page 2, line 16 in L.D.) by striking out the
 5 following: **”; legislation”**

6 Amend the bill by inserting after section 6 the following:

7 **'Sec. 7. Appropriations and allocations.** The following appropriations and
 8 allocations are made.

9 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

10 **Division of Licensing and Certification Z036**

11 Initiative: Provides funding for one Comprehensive Health Planner II position to assist with
 12 the tracking of temporary nurse agency registrations for administrative changes, complaint
 13 investigations, audits related to the new requirements and drafting the required annual
 14 report.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$39,228	\$41,393
All Other	\$2,549	\$2,549
GENERAL FUND TOTAL	\$41,777	\$43,942

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$61,356	\$64,743
All Other	\$5,565	\$5,646
OTHER SPECIAL REVENUE FUNDS TOTAL	\$66,921	\$70,389

27 '
 28 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 29 number to read consecutively.

30 **SUMMARY**

31 This amendment does the following:

- 32 1. It makes changes to the definition of "temporary nurse agency," including that home
 33 health care services providers are not included in the definition;
- 34 2. It repeals the exception to the registration requirement for home health care services
 35 providers and temporary nurses not affiliated with an agency;
- 36 3. It allows the Department of Health and Human Services to impose a fine for failure
 37 of a temporary nurse agency to provide required documentation or to submit annual reports;
 38 and

1 4. It makes violation of the requirements relating to temporary nurse agencies a
2 violation of the Maine Unfair Trade Practices Act.

3

FISCAL NOTE REQUIRED

4

(See attached)