

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 687 - L.D. 1769

An Act to Ensure Data Reporting for Temporary Nurse Agencies

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2131, sub-§1, as amended by PL 2023, c. 434, §1, is further amended to read:

1. Registration; renewal. A temporary nurse agency shall register with the department and renew the registration 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 of a business entity that primarily provides or procures nurses, certified nursing assistants and other qualified staff to another organization on a temporary basis within this State. "Temporary nurse agency" includes an online platform or marketplace that advertises for and assists or facilitates placement of temporary nurses, certified nursing assistants or other qualified staffing in an organization within the State. ~~A temporary~~ "Temporary nurse agency" does not include an agency licensed in this State as a home health care services provider.

Sec. 2. 22 MRSA §2131, sub-§1-B, as enacted by PL 2023, c. 434, §2, is amended to read:

1-B. Employee quality assurance. A temporary nurse agency shall ensure that each employee the agency assigns or refers to a health care facility for a position meets the state and federal qualification requirements for that position and has the appropriate work experience for that position. A temporary nurse agency shall use the Background Check Center, established in section 9052, for direct access workers, as defined in section 9053, subsection 14. A temporary nurse agency shall maintain a record for each employee that must include documented evidence of credentials and required immunizations and documentation of any orientation, in-service education and completion of training or an educational program required by law. On request, a temporary nurse agency shall make available a record described in this subsection to the department. On request by a health care facility and with justification according to rules adopted by the department, a

temporary nurse agency shall provide a record described in this subsection for an employee of that health care facility to that health care facility.

Sec. 3. 22 MRSA §2131, sub-§4, ¶D is enacted to read:

D. The department may enter into a consent agreement with an applicant or registrant to resolve any matter arising under this chapter, chapter 417-A, chapter 1691 or a rule adopted by the department without further proceedings. A consent agreement may be entered into pursuant to this paragraph only with the consent of the applicant or registrant, the department and the Office of the Attorney General. Any remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the courts of this State, may be achieved by a consent agreement entered into pursuant to this paragraph.