



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 451

S.P. 205

In Senate, February 6, 2023

**An Act to Ensure Transparent and Accountable Temporary Nurse
Agencies**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

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

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

4 **1. Registration; renewal.** A temporary nurse agency shall register with the
5 department and renew the registration ~~as required by rule thereafter~~ annually. In the event
6 of a change of ownership, operation or location, the temporary nurse agency shall update
7 the registration in accordance with rules adopted by the department. For purposes of this
8 chapter, unless the context otherwise indicates, "temporary nurse agency" means a business
9 entity or subdivision thereof that provides nurses to another organization on a temporary
10 basis within this State.

11 **Sec. 2. 22 MRSA §2131, sub-§1-B** is enacted to read:

12 **1-B. Employee quality assurance.** A temporary nurse agency shall ensure that each
13 employee the agency assigns or refers to a health care facility for a position meets the state
14 and federal qualification requirements for that position and has the appropriate work
15 experience for that position. A temporary nurse agency shall maintain a record for each
16 employee that must include documented evidence of credentials and required
17 immunizations and documentation of any orientation, in-service education and completion
18 of training or an educational program required by law. On request, a temporary nurse
19 agency shall make available a record described in this subsection to the department. On
20 request by a health care facility and with justification according to rules adopted by the
21 department, a temporary nurse agency shall provide a record described in this subsection
22 for an employee of that health care facility to that health care facility.

23 **Sec. 3. 22 MRSA §2131, sub-§1-C** is enacted to read:

24 **1-C. Predatory recruitment prohibited.** A temporary nurse agency ~~may not require,~~
25 as a condition of employment, assignment or referral, that an employee of the temporary
26 nurse agency or staff contracted to the temporary nurse agency recruit new employees for
27 the temporary nurse agency from among the permanent employees of the health care
28 facility to which the temporary nurse agency employees or contracted staff have been
29 assigned or referred.

30 **Sec. 4. 22 MRSA §2131, sub-§1-D** is enacted to read:

31 **1-D. Annual reporting.** A temporary nurse agency shall provide an annual report to
32 the department that includes:

33 A. The number of total employees placed, the health care settings into which they were
34 placed, the average duration of the placements and the state of licensure for those
35 employees;

36 B. The total and average amounts charged during each quarter of the reporting period
37 to a health care facility for each category of health care employee providing services
38 to the health care facility;

39 C. The total and average amounts of wages paid during each quarter of the reporting
40 period to health care employees for each category of health care employee;

41 D. The total and average amounts of stipends paid during each quarter of the reporting
42 period to health care employees for each category of health care employee;

