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## HEALTH AND HUMAN SERVICES

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### STATE OF MAINE

### SENATE

### 132ND LEGISLATURE

### FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 687, L.D. 1769, “An Act to Ensure Data Reporting for Temporary Nurse Agencies”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'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

1 educational program required by law. On request, a temporary nurse agency shall make  
2 available a record described in this subsection to the department. On request by a health  
3 care facility and with justification according to rules adopted by the department, a  
4 temporary nurse agency shall provide a record described in this subsection for an employee  
5 of that health care facility to that health care facility.

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

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

15 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
16 number to read consecutively.

### 17 SUMMARY

18 This amendment replaces the bill and adds language to the definition of "temporary  
19 nurse agency" to include online platforms or marketplaces that advertise for and assist or  
20 facilitate placement of temporary nurses, certified nursing assistants or other qualified  
21 staffing in an organization within the State. It requires temporary nurse agencies to use the  
22 Department of Health and Human Services, Background Check Center for direct access  
23 workers. It provides that the department may enter into a consent agreement with an  
24 applicant or registrant to resolve any matter arising under the Maine Revised Statutes, Title  
25 22, chapter 417, chapter 417-A or chapter 1691 or a rule adopted by the department without  
26 further proceedings.

### 27 FISCAL NOTE REQUIRED

28 (See attached)