

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.

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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:

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, 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 that provides nurses to another organization on a temporary basis within this State.

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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 agency shall make available a record described in this subsection to the department. On 19 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.

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

<u>1-C. Predatory recruitment prohibited.</u> A temporary nurse agency may not require,
 as a condition of employment, assignment or referral, that an employee of the temporary
 nurse agency or staff contracted to the temporary nurse agency recruit new employees for
 the temporary nurse agency from among the permanent employees of the health care
 facility to which the temporary nurse agency employees or contracted staff have been
 assigned or referred.

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

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

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

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

- 39C. The total and average amounts of wages paid during each quarter of the reporting40period 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;

| 1 2 3 4 5 | E. Documentation showing that the temporary nurse agency has documentation that each employee contracted to a health care facility during the reporting period had a current, unrestricted license or certification in good standing and met the training and continuing education standards required by state and federal law for the position with the health care facility throughout the entirety of the reporting period; and |
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| 6 7 8 9 | F. Documentation showing that the temporary nurse agency has documentation that each employee contracted to a health care facility had successfully completed all background checks required by federal and state law relating to the health care position and health care facility in which the employee was placed during the reporting period. |
| 10 11 | Sec. 5. 22 MRSA §2131, sub-§3, as amended by PL 2009, c. 590, §3, is further amended to read: |
| 12 | 3. Fee. The initial and annual fee for registration is \$25 \$1,000. |
| 13 14 15 | The department may adopt rules necessary to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. |
| 16 17 18 19 | Sec. 6. Report; legislation. No later than December 6, 2023, the Department of Health and Human Services shall provide to the Joint Standing Committee on Health and Human Services a summary report of the temporary nurse agency annual reports required by the Maine Revised Statutes, Title 22, section 2131, subsection 1-D. |
| 20 | SUMMARY |
| 21 22 23 24 25 26 27 28 29 | This bill requires temporary nurse agencies to renew registration annually and to update the registration if a temporary nurse agency changes ownership, operation or location. The bill increases the cost of registration for a temporary nurse agency from \$25 to \$1,000. The bill requires that temporary nurse agencies ensure that each employee it refers to a provider for a position meets the state and federal qualification requirements for that position, and maintains records to that effect. This bill prohibits agencies from requiring employees to recruit other employees. The bill requires temporary nurse agencies to submit an annual report to the Department of Health and Human Services, which is then required to submit a summary |
| 30 | report to the Joint Standing Committee on Health and Human Services. |