

LD 451, An Act to Ensure Transparent and Accountable Temporary Nurse Agencies

Public Hearing Submission

March 16, 2023 at 2pm

TO: Health and Human Services Committee

SUBMITTED BY

Ledgewood Manor Inc, 200 Tandberg Trail, Windham, ME 04062, 207-892-2261

- Babbie McCarrison, Nurse Scheduler/HR
- Nathaniel Bennett, MLA # 2658 (Multi-Level Long Term Care Administrator)

We support LD 451 as an initial step toward regulating this part of the healthcare industry. We'd like to share some of our experience as a nursing facility with you to give you an idea of the challenges we face so that you might use this information as you shape the legislation.

I want to start by thanking you for the opportunity to be heard. As healthcare professionals, we do not always feel like we're heard. My name is Babbie McCarrison, and I have been in the nursing field for almost 30 years as a CNA/M (CNA Med Tech). I've been a Nurse Scheduler for the last 20+ years, and I've been employed for the last 11 years at Ledgewood Manor, a lovely, small, family run nursing home in Windham.

I currently work with about NINE nursing agencies to help with our staffing needs. Ledgewood, like so many other facilities, are in desperate need of CNAs (and nurses) to meet our required State staffing ratios on each shift (1:5, 1:10, 1:15). These wonderful heroes are the front line for the care of our Residents. They know everything about the residents and their needs.

Ledgewood's main goal is to maintain a feeling of being at home. Our philosophy is Resident Driven Care. However, this is very difficult to achieve when you have agency staff that is not loyal or vested in our building.

Nursing homes use nurse agencies out of necessity, yet the need and the cost of them were exacerbated through the pandemic. We as an industry lost so many CNAs and nurses due to the immunization requirements, burnout, and so on. The remainder of us were put into crisis mode for staffing. We struggled to compete with nurse agencies and staff rates. You would expect that agencies would care enough to acknowledge that we're not an assembly line. We care for human beings that have been productive members of our communities and deserve to live the best life, no matter what their diagnosis or needs are. You would think.

Below is a list some of the issues that I have to deal with on a daily or weekly basis working with nursing agencies:

- **Low inhouse staff esteem:** Agency staffing comes in "bragging" about how much they make.
- **Call outs:** 98% of the time agencies DO NOT cover their own staff call outs, and these can happen hours or even minutes before a shift starts.
- **Knowledge:** Before COVID, most agencies required at least 1 year of experience. Since COVID, we're getting brand new staff that needs to be trained, creating a problem with house staff that expects agency staff to be able to hit the ground running and do the job.
- **Time:** I spend more time working on agency issues than I spend on my own staff – roughly 20 hours a week dealing with their issues, emails, covering shifts, and so on.
- **Schedules:** None of the agencies I use currently require their staff to work any weekend or major holiday shifts. This is extremely hard to compete with as house staff are generally required to work every other weekend and holidays.
- **Cost:** Attached you will see what we spent in 2022 on nursing agency. You can view the average rates of pay for our own staff versus the nine agencies we use. We spent roughly 28% of our total nursing budget on agency nurses. Ultimately, the difference is money we could have spent on our residents, for house staff, improvements to our building, etc. Agencies can afford to pay their staff higher because they charge our buildings 2-3 times more than we can afford to pay our own staff, and these companies are able to make a substantial profit margin. There are no caps for what agencies can charge.
- **Reimbursement:** Agency staff does not always chart as they're required or incorrectly charts which has a negative impact on our MDS reimbursement rates for an entire quarter. That is potentially a significant hit on any building.
- **Poor treatment:** Many resident concerns are due to agency CNAs. This makes disciplining behavior and poor quality of care extremely difficult to manage. We alert agency to our concerns but there are never any updates given.

Thank you for your time and consideration. We appreciate that you're initiating legislation that, we hope, will lead to better outcomes for our nursing facilities in Maine.

Note: Written primarily by Babbie McCorrison, whose efforts in scheduling our CNAs, LPNs and RNs for so many years and willingness to step onto the floor and work during tough conditions is a blessing, among others, to the Residents we care for and Ledgewood's continued success.

Ledgewood / 2022 Cost and Rates of Pay / Ledgewood vs. Nursing Agencies

	CNAs			LPNs			RNs			Total Cost	Total Hours
	Cost	Hours	Pay Rate	Cost	Hours	Pay Rate	Cost	Hours	Pay Rate		
Agency 1	\$ 52,267	1,271	\$ 41.12				\$ 7,496	112	\$ 66.75	\$ 59,763	1,383
Agency 2	\$ 21,054	479	\$ 43.93							\$ 21,054	479
Agency 3	\$ 5,540	77	\$ 72.42	\$ 1,968	36	\$ 55.03	\$ 76,593	957	\$ 80.01	\$ 84,101	1,070
Agency 4	\$ 45,069	1,108	\$ 40.67				\$ 36,149	600	\$ 60.28	\$ 81,217	1,708
Agency 5	\$ 7,645	177	\$ 43.19							\$ 7,645	177
Agency 6	\$ 13,675	260	\$ 52.55	\$ 7,853	125	\$ 62.95	\$ 31,052	304	\$102.31	\$ 52,580	689
Agency 7	\$ 6,309	171	\$ 36.86							\$ 6,309	171
Agency 8	\$ 110,858	1,890	\$ 58.66	\$ 20,073	277	\$ 72.53				\$ 130,931	2,167
Agency 9	\$ 36,138	895	\$ 40.38	\$ 2,254	47	\$ 48.25				\$ 38,392	942
Total	\$ 298,554	6,328		\$ 32,147	484		\$ 151,290	1,973		\$ 481,991	8,785
% of Total	27%	17%		15%	8%		40%	25%		28%	17%

	MIN	MAX	AVG	MIN	MAX	AVG	MIN	MAX	AVG
	\$ 37	\$ 72	\$ 47	\$ 48	\$ 73	\$ 66	\$ 60	\$ 102	\$ 77

Ledgewood	\$ 817,213	30,271	\$ 27	\$ 182,447	5,528	\$ 33	\$ 224,241	5,877	\$ 38	\$ 1,223,901	41,676
% of Total	73%	83%		85%	92%		60%	75%		72%	83%
Difference	\$ (20)			\$ (33)			\$ (39)				

This last comparison is the difference (on average) between what we were able to pay our staff and what we paid to nursing agencies.

Nathaniel Bennett
Windham
LD 451

The cost of Agency Nursing has become so exorbitant that reigning this in for the benefit of our Residents is so important!
Please, see our attached file.