

February 4, 2025

Senator Donna Bailey, Chair
Representative Kristi Mathieson, Chair
Joint Standing Committee on Health Coverage, Insurance and Financial Services

RE: Letter in Opposition to LD #238 An Act to Protect Emergency Medical Services Persons' Right to Work in Multiple Health Care Settings

Dear Chair Bailey, Chair Mathieson, and distinguished members of the Committee on Health Coverage, Insurance and Financial Services,

On behalf of more than 4,000 registered nurses and health care professionals providing patient care in our state, the **Maine State Nurses Association/National Nurses Organizing Committee/ National Nurses United (MSNA) urges the Committee to reject LD # 238, An Act to Protect Emergency Medical Services Persons' Right to Work in Multiple Health Care Settings.**

Current law,¹ the Maine Emergency Medical Services Act, provides wide latitude for emergency medical services persons to provide hospital care. It allows a licensed emergency medical services person to render medical services in a hospital setting if those services are rendered in the person's capacity as an employee of the hospital, authorized by the hospital, and delegated in accordance with specified laws. LD 238 would dangerously expand that law by allowing volunteers or contracted agents to render services in a hospital.

LD 238 would put patients and workers at risk by encouraging volunteers and contractors to perform work that should be done by employees of the hospitals. Hospital employees know the facility, their coworkers, and their patients. They know how to provide hospital care safely and efficiently. Temporary workers often do not have the same unit-specific competence. For example, studies have shown high levels of temporary nurses in hospitals are associated with more care left undone and more safety issues for nurses and patients.² Legislators must not allow hospitals to replace qualified employees with volunteers or contractors who do not have the familiarity with the facility necessary to provide safe patient care.

Employee status is also necessary to the labor and employment rights that maintain decent working conditions. Staffing hospitals with volunteers and contractors who do not receive the same benefits or protections as employees risks undercutting wages and undermining the stability of Maine's health care workforce.

¹ 32 MRSA §85, sub-§7

² Senek M. et al. The association between care left undone and temporary Nursing staff ratios in acute settings: a cross-sectional survey of registered nurses. BMC Health Serv Res. 2020 Jul 10;20(1):637. doi: 10.1186/s12913-020-05493-y. PMID: 32650763; PMCID: PMC7350628. Bae, S. et al. Bruce. Use of temporary nurses and nurse and patient safety outcomes in acute care hospital units. Health Care Management Review 35(4):p 333-344, October 2010. | DOI: 10.1097/HMR.0b013e3181dac01c.

The permission for “contracted agents” to provide services opens the door to “Uber for health care” gig-work companies. Gig work is an exploitative employment model where workers self-schedule their shifts through an app or platform that has the potential to use algorithms to pit workers against each other in a race to the bottom on wages.

Tech industry health care investors, and health care employers looking to cut costs, want to apply this exploitative gig-work employment model to misclassify health care workers as independent contractors and deprive them of the rights and benefits granted to regular employees.³ Independent contractors are not entitled to minimum wage, overtime, or paid sick leave. They do not receive employee benefits like health insurance, sick leave, or a retirement plan. Nor do they have robust rights or remedies against discrimination or sexual harassment in the workplace.

We strongly urge you to reject LD 238.

Sincerely,

A handwritten signature in cursive script that reads "Coralie Giles RN".

Coralie (Cokie) Giles, RN
President, Maine State Nurses Association
Vice-President, National Nurses United

³ National Nurses United, Nursing is not a side job. Protect patients. Reject “gig” nursing.
<https://www.nationalnursesunited.org/gig-nursing>.