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

IN SUPPORT

March 16, 2023

Good afternoon, Senator Baldacci, Representative Meyer and members of the Joint Standing Committee on Health and Human Services, my name is Laura Harper, and I am a Senior Associate at Moose Ridge Associates. I am here today to present testimony in support of this legislation on behalf of the Maine Long-Term Care Ombudsman Program.

This bill requires temporary nurse agencies to renew registration annually and to update the registration if there is a change in ownership, operation, or location. It increases the cost for registration from \$25.00 to \$1,000.00. Additionally, it requires that temporary nurse agencies ensure that each employee it provides for a position meets the state and federal requirements for the position. It prohibits agencies from requiring employees to recruit other employees. It requires temporary agencies to submit an annual report to the Department of Health and Human Services that must also be provided to the Joint Standing Committee on Health and Human Services.

Both long-term care facilities and hospitals have been hard hit by the pandemic. The direct care workforce shortage has reached crisis levels impacting access to care across the continuum of long-term services and supports. Providers are struggling to recruit and retain nurses, CNAs, and other personnel. A Maine Health Care Association survey of its members in December 2022 indicated that 24% of respondents had 20 or more staff openings. Staffing challenges for long-term care facilities continue to limit access to admission. The Ombudsman Program has received an increasing number of referrals for assistance from older and disabled adults seeking help with admission to both nursing homes and assisted housing. In fact, in both these settings in FY 22, this was the second most frequent complaint received by the program.

There are few things more important to older and disabled residents in long-term care facilities than the staff who provide their care. Consistent staffing is a best practice because it allows staff to know well the residents they are providing care for. Staff who are familiar with residents are

more likely to pick up on subtle changes in their condition requiring attention that might otherwise be missed. It is reassuring to residents when they know the staff providing their care. Additionally, it fosters communication about resident centered care planning and team building among staff who have the opportunity to work together consistently. Unfortunately, the staffing shortage has made this goal difficult or impossible to attain. In order to meet the needs of residents, providers have increasingly had to find staffing through temporary nurse agencies. Nursing home regulations require these facilities meet minimum staffing ratios in order to provide sufficient staffing with the appropriate competencies to assure resident safety and attain or maintain the highest practicable level of mental and psychosocial well-being of each resident. These standards of care apply to all long-term services and supports settings.

In order to protect and promote the quality of care provided by temporary nursing and other direct care staff, it is critical that temporary nurse agencies meet the standards required by this legislation for screening regarding credentials, work experience, training and background checks for staff that long-term care facilities and hospitals must also meet. These requirements are critical in order to promote the quality of care that residents have the right to receive. Any long-term care facility or hospital should have the reassurance that the temporary staff they are provided with are well qualified to meet quality standards.

Transparency regarding temporary agencies can be achieved through annual reporting submitted to the Department of Health and Human Services and to the Joint Standing Committee on Health and Human Services. This will provide information that will allow data collection regarding the settings and frequency of the use of agency staff, the costs for staffing, the wages paid to temporary staff, and documentation of background checks. It will also allow a review of the impact of the use of agency staff on quality of care.

We urge your support for this important legislation. Thank you for your consideration.