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Testimony of the Division of Licensing and Certification  
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

Neither for nor against LD 1769, *An Act to Ensure Data Reporting for Temporary Nurse Agencies*

Sponsor: Senator Baldacci  
Hearing Date: May 2, 2025

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, my name is Bill Montejo, and I serve as the Director of the Division of Licensing and Certification (DLC) in the Maine Department of Health and Human Services. I am here today to testify neither for nor against LD 1769, *An Act to Ensure Data Reporting for Temporary Nurse Agencies*.

This bill requires the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters summarizing the annual reports submitted by temporary nurse agencies.

The Division of Licensing brought to the Legislature's attention that the language in 22 MRS §2131 did not require an annual report, which is something the previous Legislature expressed interest in. The Division was previously prepared and is willing to provide this report annually.

Additionally, the Division is pleased to offer a few amendments for the Committee's consideration in order to strengthen the oversight of Temporary Nurse Agencies in Maine should the bill pass. First, we would ask the Committee to consider expanding the statutory definition of a Temporary Nurse Agency to explicitly include all relevant business models that are subject to registration. The Division has concerns about entities that consider themselves a staffing marketplace, and not a temporary nursing agency. These entities suggest they are only a conduit and not an employer – however, this creates a barrier to the required background check process. We can provide more context if needed. Second, we suggest clarifying that verification of Certified Nursing Assistants (CNA) eligibility through Maine Background Check Center is required even when the agency is indirectly involved in employment arrangements. Third, that penalties collected, not registrations fees, which go to the General Fund, be directed into a dedicated account to fund Temporary Nurse Agency oversight as we are seeing a greater use of the attorney general's office.

I want to reiterate that the Division is prepared and is willing to provide this report annually as the language currently states.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.