

# MAINE STATE LEGISLATURE

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Date 6/9/23

(Filing No S-247)

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**HEALTH AND HUMAN SERVICES**

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Reproduced and distributed under the direction of the Secretary of the Senate

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**STATE OF MAINE**

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**SENATE**

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**131ST LEGISLATURE**

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**FIRST SPECIAL SESSION**

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COMMITTEE AMENDMENT "A" to SP 205, L D 451, "An Act to Ensure  
Transparent and Accountable Temporary Nurse Agencies"

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Amend the bill by striking out all of section 1 and inserting the following

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'Sec. 1. 22 MRSA §2131, sub-§1, as amended by PL 2009, c 621, §2, is further  
amended to read

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**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 of the temporary nurse agency, 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 of a business  
entity that primarily provides nurses, certified nursing assistants and other qualified staff  
to another organization on a temporary basis within this State. A temporary nurse agency  
does not include an agency licensed in this State as a home health care services provider.'

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Amend the bill by inserting after section 4 the following

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'Sec. 5. 22 MRSA §2131, sub-§2, as enacted by PL 1989, c 579, §4, is repealed.'

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Amend the bill by inserting after section 5 the following

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'Sec. 6 22 MRSA §2131, sub-§4, ¶C is enacted to read

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C The department may impose a fine of not less than \$500 and not more than \$10,000  
for each violation of this chapter on a person or business entity who operates a  
temporary nurse agency and who fails to

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(1) Meet the documentation requirements or make available to the department a  
record described in section 1-B, or

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(2) Provide an annual report that includes the documentation required by section  
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Sec. 7. 22 MRSA §2131, sub-§4-A is enacted to read

**COMMITTEE AMENDMENT**

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**4-A. Unfair trade practice.** A person or business entity that operates a temporary nurse agency and fails to meet the requirements of this section violates the Maine Unfair Trade Practices Act'

Amend the bill in section 6 in the first line (page 2, line 16 in L D ) by striking out the following "; legislation"

Amend the bill by inserting after section 6 the following

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF  
Division of Licensing and Certification Z036**

Initiative Provides funding for one Comprehensive Health Planner II position to assist with the tracking of temporary nurse agency registrations for administrative changes, complaint investigations, audits related to the new requirements and drafting the required annual report

<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
POSITIONS - LEGISLATIVE COUNT	1 000	1 000
Personal Services	\$39,228	\$41,393
All Other	\$2,549	\$2,549
<b>GENERAL FUND TOTAL</b>	<b>\$41,777</b>	<b>\$43,942</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
Personal Services	\$61,356	\$64,743
All Other	\$5,565	\$5,646
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$66,921</b>	<b>\$70,389</b>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

**SUMMARY**

This amendment does the following

- 1 It makes changes to the definition of "temporary nurse agency," including that home health care services providers are not included in the definition,
- 2 It repeals the exception to the registration requirement for home health care services providers and temporary nurses not affiliated with an agency,
- 3 It allows the Department of Health and Human Services to impose a fine for failure of a temporary nurse agency to provide required documentation or to submit annual reports, and

COMMITTEE AMENDMENT "A" to S P 205, L D 451 (S-247)

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4 It makes violation of the requirements relating to temporary nurse agencies a violation of the Maine Unfair Trade Practices Act

**FISCAL NOTE REQUIRED**

**(See attached)**

**COMMITTEE AMENDMENT**



# 131st MAINE LEGISLATURE

LD 451

LR 877(02)

## An Act to Ensure Transparent and Accountable Temporary Nurse Agencies

Fiscal Note for Bill as Amended by Committee Amendment "A" (S 247)  
Committee: Health and Human Services  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Net Cost (Savings)</b>				
General Fund	(\$172,723)	(\$170,558)	(\$169,143)	(\$167,878)
<b>Appropriations/Allocations</b>				
General Fund	\$41,777	\$43,942	\$45,357	\$46,622
Other Special Revenue Funds	\$66,921	\$70,389	\$72,656	\$74,683
<b>Revenue</b>				
General Fund	\$214,500	\$214,500	\$214,500	\$214,500

#### Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$41,777 in fiscal year 2023-24 and \$43,942 in fiscal year 2024-25 for one Comprehensive Health Planner II position to assist with the tracking of temporary nurse staffing agency registrations for administrative changes, complaint investigations, audits related to new requirements and drafting a required annual report

The annual registration fee for a temporary nurse agency is increased from \$25 to \$1,000, which is expected to increase General Fund revenue by \$214,500 annually. Since revenue is greater than the appropriations required for the new position, this bill is a net savings to the General Fund.