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REPORT TO THE LEGISLATURE

TO: Joint Standing Committee on Health and Human Services
FROM: Division of Licensing and Certification, Maine DHHS
DATE: January 9, 2024
RE: Initial report pursuant to 22 MRSA §2131 (PL 2023, Ch. 434)

Introduction

The Department of Health and Human Services (DHHS), through the Division of Licensing and Certification (DLC), regulates Temporary Nurse Agencies (Agencies or TNAs) in the State of Maine. Public Law 2023, Chapter 434, *An Act to Ensure Transparent and Accountable Temporary Nurse Agencies*, enacted 22 MRSA §2131 which enhanced DLC's oversight of TNAs. This includes ensuring employee quality assurance, prohibiting predatory recruitment practices by TNAs, and a requirement on agencies to submit an annual report to Department of Health and Human Services.

Prior to the revisions to 22 MRSA §2131, DLC's interaction with TNAs consisted of answering questions in relation to registrations, reviewing applications, and issuing registration letters and maintaining files for each registered TNA.

The changes in law, which became effective on October 25, 2023, provide more oversight of TNAs by DLC, outlines TNAs responsibilities, and provides a new definition of a TNA as "...a business entity or subdivision 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."

Due to the timing of the general effective date for the First Special Session of the 131st Legislature, the authority and staff person granted by this section and legislation were not effective soon enough to complete a full report of the required information by the deadline in December 2023. As such, this report aims to provide baseline information about the TNAs operating in Maine ahead of a complete report next year.

In order to provide the Legislature and stakeholders with a baseline set of data on TNAs, DLC conducted a voluntary survey of TNAs in November 2023. The survey was sent to all registered TNAs on November 7, 2023. The deadline for submitting responses was November 19, 2023, and the deadline was extended to November 26, 2023, as the response rate was lower than desired upon the first deadline. Of the 287 registered TNAs in Maine, all were solicited and 66 participated, reflecting a 23 percent response rate.

The survey addressed critical areas such as types of employees placed in healthcare settings,

employees placed by licensure/certification category, and average duration of employee placements. It also shed light on financial aspects such as rates TNAs charged facilities per employee category, wages paid to employees per category, and stipends paid to employees per category. Furthermore, it assessed licensing status, training/education compliance, and background checks of placed employees, all crucial for maintaining quality and compliance in healthcare staffing in Maine.

Overall, the survey findings provide insights into the operation of TNAs in Maine. This report serves as a foundational document for DLC to meet its legislative reporting requirements and offers a snapshot of the temporary healthcare employment landscape in Maine.

Data Available Before the Survey

Prior to conducting the November 2023 survey, below and adjacent is the existing information available to DLC given the prior authorities and responsibilities.

Headquarter Locations

As of November 6, 2023, 287 TNAs were registered to operate in Maine. These agencies were headquartered in 39 states across the country (see Table 1 right).

Length of Operation in Maine

According to internal data on TNAs, of 287 registered TNAs, 150 or 52 percent of agencies began operation in Maine within the last year, with 201 or 70 percent of the agencies beginning operation in Maine within the last two years (see Figure 1 below).

Figure 1. TNA Years of Operation in Maine

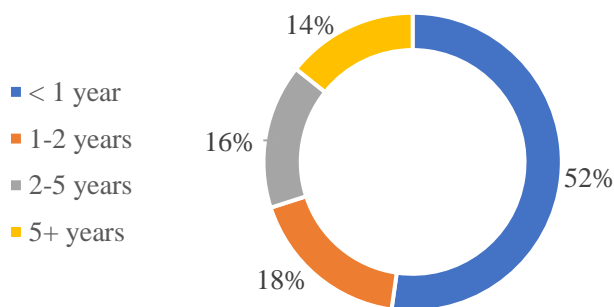


Table 1. Number of Agencies Headquartered in Each State

State	Agencies
Maine	19
Alabama	1
Arizona	6
Arkansas	2
California	19
Colorado	5
Connecticut	2
Delaware	2
Florida	41
Georgia	6
Illinois	5
Indiana	5
Iowa	2
Kansas	3
Maryland	3
Massachusetts	7
Michigan	3
Minnesota	2
Missouri	1
Nebraska	27
Nevada	1
New Hampshire	3
New Jersey	19
New York	22
North Carolina	4
North Dakota	1
Ohio	9
Oklahoma	2
Oregon	1
Pennsylvania	6
Tennessee	5
Texas	40
Utah	1
Vermont	3
Virginia	6
Washington	1
West Virginia	2
Wisconsin	3
Wyoming	1

Survey Results

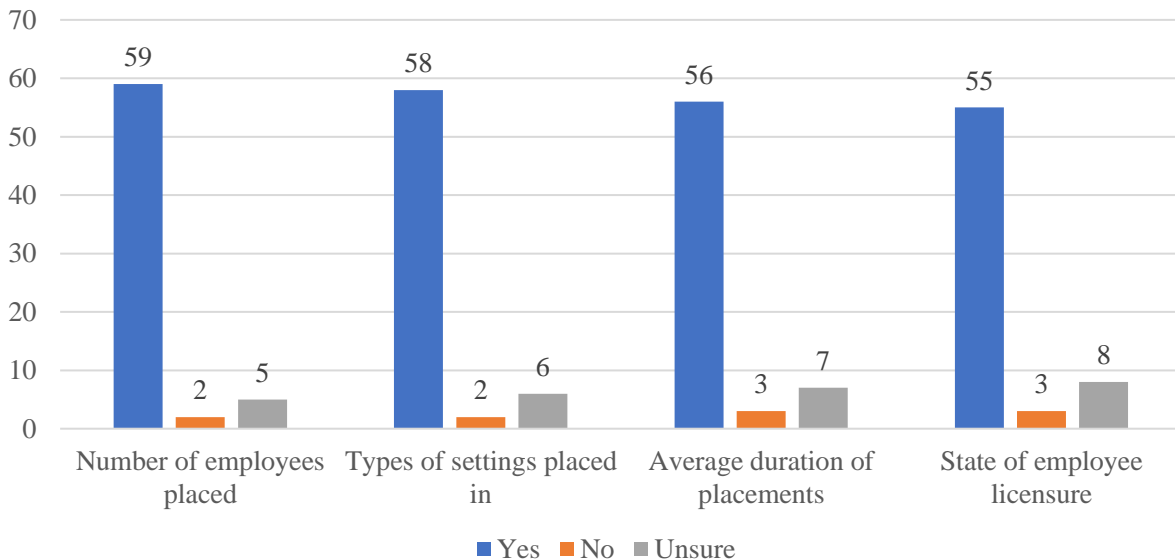
The following data reflect answers from the 66 participating Temporary Nurse Agencies. As a note, the responses were not independently verified by DLC and are not necessarily reflective of the full universe of TNAs operating in Maine. Additionally, responses to individual questions were voluntary, and some TNAs responded to some but not all questions.

Ability to Comply with Data Required for Annual Reporting for Maine

The revision of 22 MRSA §2131 Temporary Nurse Agencies required TNAs to report several pieces of data to the Department. In the November survey, DLC requested information about Agencies' ability to report that data. Results from the 66 respondents are below.

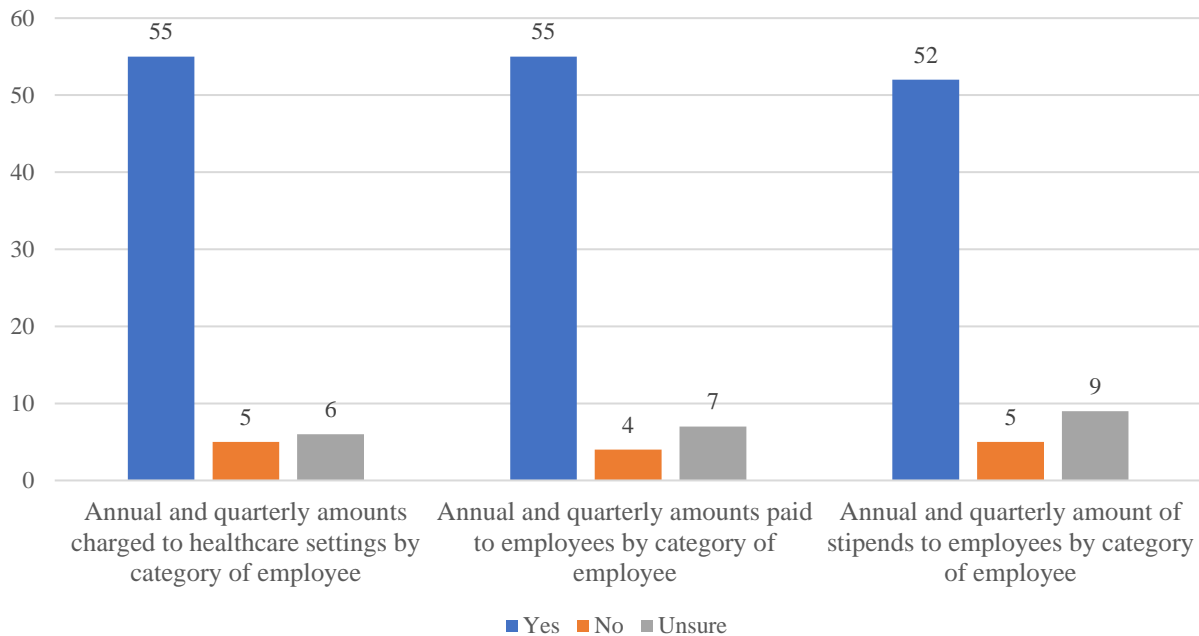
Requirement: *The number of total employees placed, the healthcare settings and facilities into which they were placed, the average duration of the placements, and the state of licensure for those employees*

Figure 2. *TNA Self-Reported Ability to Provide Placement and Employee Data*



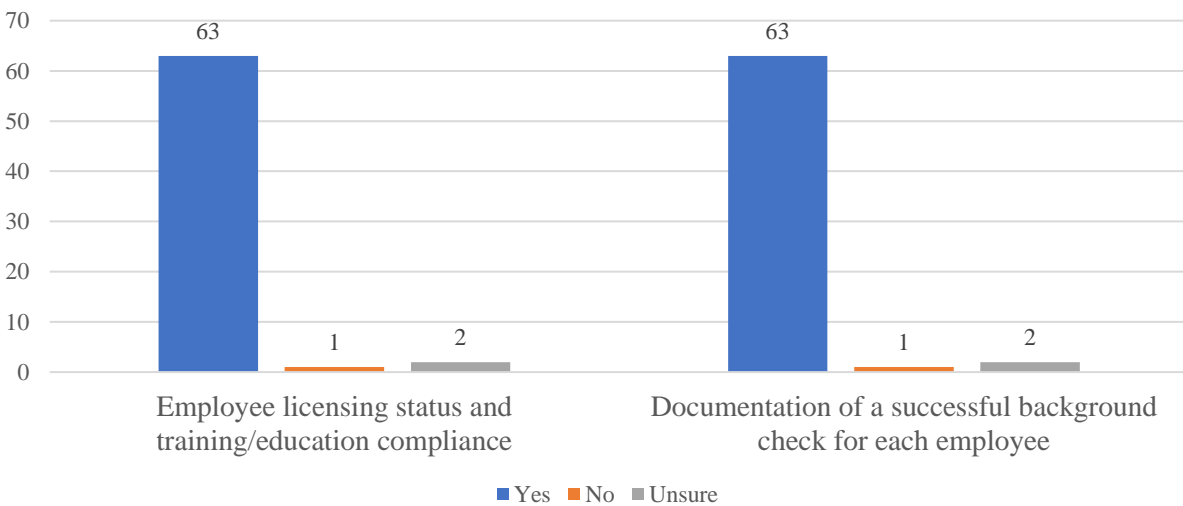
Several required metrics relate to charges to health care settings and payments to employees. These requirements include: *The total and average amounts charged during each quarter of the reporting period to a healthcare facility or setting for each category of healthcare employee providing services to the healthcare facility or setting, the total and average amounts of wages paid during each quarter of the reporting period to healthcare employees for each category of healthcare employee, and the total and average amounts of stipends paid during each quarter of the reporting period to healthcare employees for each category of healthcare employee.*

Figure 3. TNA Self-Reported Ability to Provide Charges and Compensation Data



Two final requirements relate to licensure standing of employees and background check information: *documentation that each employee contracted to a healthcare facility or setting during the reporting period had a current, unrestricted license or certification in good standing and met the training and continuing education standards required by state and federal law for the position with the healthcare facility or setting throughout the entirety of the reporting period, and documentation that the TNA had successfully completed all background checks required by federal and state law relating to the healthcare position and healthcare facility or setting in which the employee was placed during the reporting period, for each employee contracted to a healthcare facility or setting.*

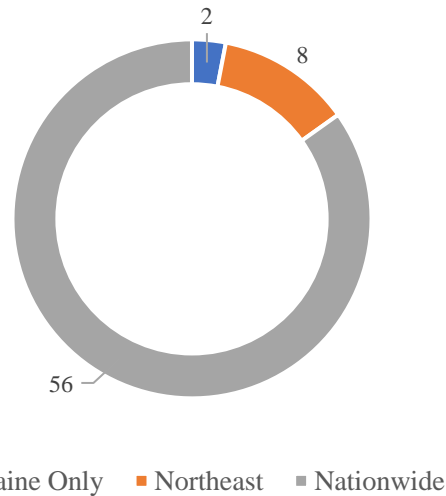
Figure 4. TNA Self-Reported Ability to Provide Employee Qualification Data



Continuation of Operations in Maine

Pursuant to Public Law 2023, Chapter 434, *An Act to Ensure Transparent and Accountable Temporary Nurse Agencies*, the cost of registration for TNAs operating in the State of Maine increased from \$25.00 to \$1,000.00 effective October 25, 2023. To assess whether the increased cost may impact the operation of current TNAs in Maine, the survey inquired if the TNA respondents planned to continue to operate in Maine. Of the 66 respondents, 63 reported an intention to remain operating in Maine and two reported being undecided. Only one indicated an intention to cease operating in Maine.

Figure 5. Service Area of Responding Agencies



Geographical Areas TNAs Serve

Of 66 respondents, 56 (85 percent) agencies reported placing employees nationwide with only 2 (3 percent) of agencies reporting placing employees only in Maine (see Figure 5).

Employee Placement by Setting

Of the 66 respondents, 44 agencies reported sending staff to healthcare settings in Maine since January 1, 2023. Agencies reported placing staff in various settings, with some agencies placing staff in more than one type of setting. Hospitals, nursing homes, and assisted living facilities were the top three settings for agency staff to be placed. Other settings where staff were placed include the following: Three Behavioral Health Facilities, two Home Health Agencies, two Rural Health Clinics, one Portable X-Ray Supplier, one Federally Qualified Health Center, and one Private Outpatient Lab (see Figures 6 and 7 below).

Figure 6. Most Frequent Placement Settings Reported by TNAs

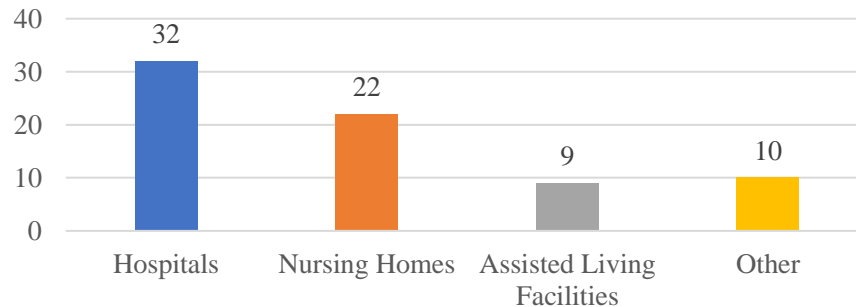
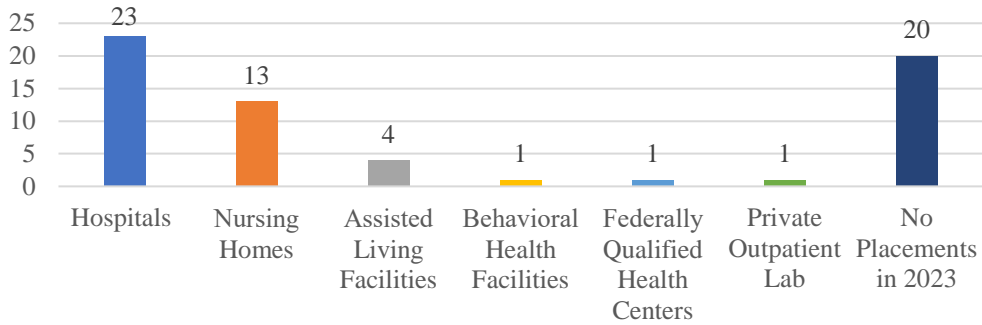


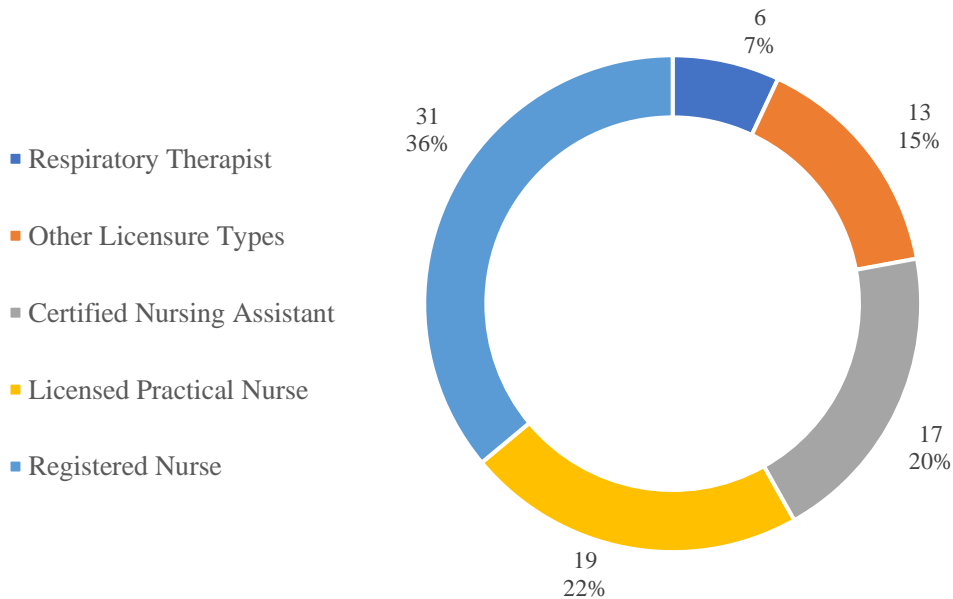
Figure 7. Number of TNAs Reporting Placements in Specific Settings in Maine in 2023



Licensed or Certified Employees Placed

Of the 66 respondents, 43 agencies reported having licensed or certified employees placed, and 20 agencies reported not having placements in 2023 in the State of Maine. Three respondents did not answer this question. The most frequent type of licensed or certified employee placed was registered nurses (RNs), licensed practical nurses (LPNs), certified nursing assistants (CNAs), and respiratory therapists (RTs) (see Figure 8a). Other qualified temporary healthcare employees include the following: one physical therapist (PT), one certified respiratory therapist (CRT), one certified residential medication aide (CRMA), one occupational therapist (OT), one computed tomography technician (CT Tech), one gastroenterology technician (GI Tech), one medical laboratory technician (MLT), one radiologic technologist (Radiographer), one sterile processing technician (SPT), one magnetic resonance imaging technologist (MRI), and one medical laboratory assistant (MLA).

Figure 8. Most Frequently Placed Licensure Type by Responding TNAs



Registered Nurse (RN) Placements

Of the 66 respondents, 31 agencies reported they placed RNs in Maine since January 1, 2023. All agencies who placed RNs in Maine were asked about the average hourly wage they paid their RNs, the average amount of stipends paid to RNs, and the average hourly rate they charged healthcare settings for RNs since January 1, 2023. Twenty-five agencies responded regarding the average hourly wage they paid their RNs and the average hourly rate they charged for their RNs. Fifteen agencies responded regarding stipends they paid to their RNs.

The lowest reported average hourly wage paid was \$26.38 and the highest reported average was \$100.00 with the average of averages equaling \$49.99 per hour. The reported average of stipends paid to RNs ranged from \$1,007.00 to \$47,257.00 with the average of averages equaling \$6,767.44. The exact average hourly wage paid by each state and the average stipends paid by each state is represented in Figures 9 and 10 below.

The lowest average hourly rate charged to healthcare settings was \$26.38 and the highest average was \$130.00 with the average of all averages equaling \$94.30 per hour. The averages of average hourly rate charged by each state is represented in Figure 11 below. Further down are side-by-side comparisons of the hourly rate charged to healthcare settings and the wages paid to RNs, along with the difference between those two numbers. This illustrates the overhead and administrative charges, as well as potential profit, for Agencies.

Figure 9. *Reported Average of Averages for Paid Hourly Wage for Registered Nurses Placed in Maine by TNA Headquarter State*

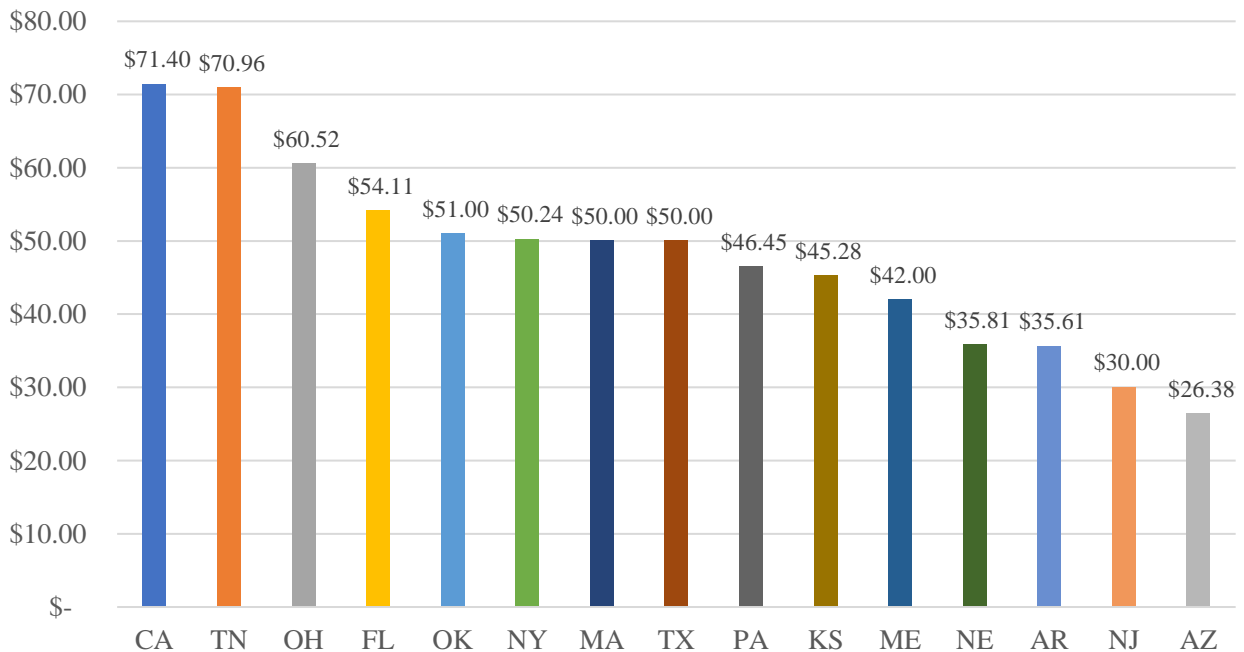


Figure 10. *Reported Average of Averages for Stipends Paid to Registered Nurses Placed in Maine by TNA Headquarter State*

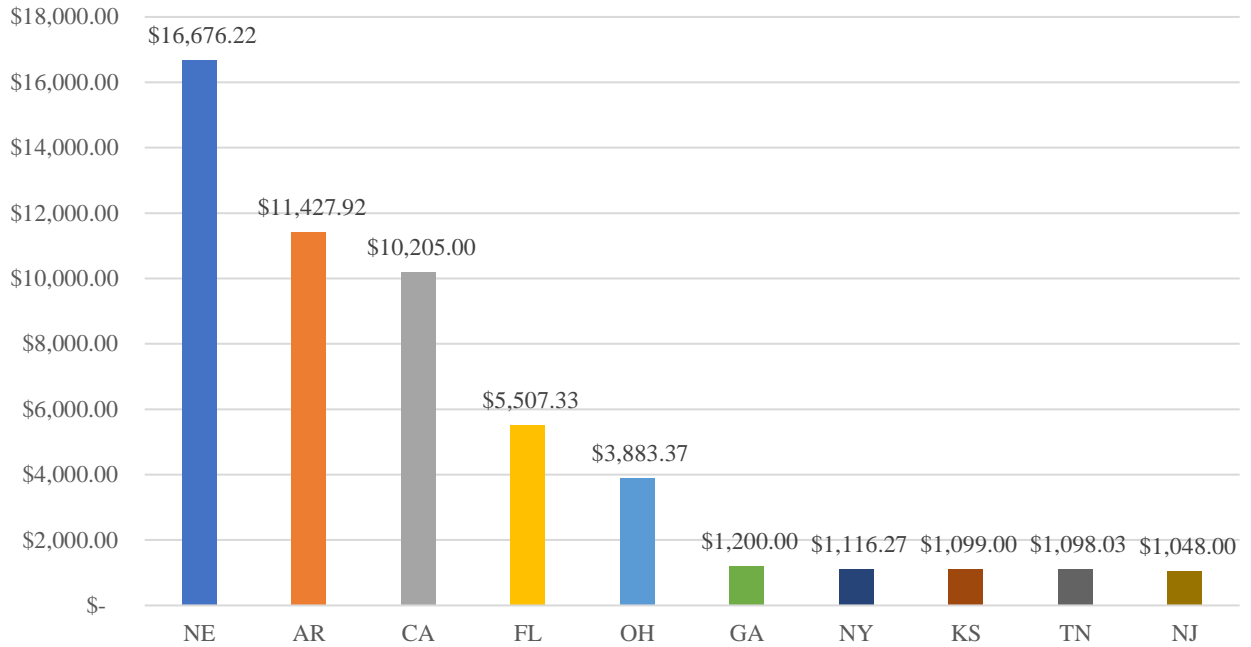


Figure 11. *Reported Average of Averages of Hourly Rate Charged to Healthcare Settings for Registered Nurses in Maine by TNA Headquarter State*

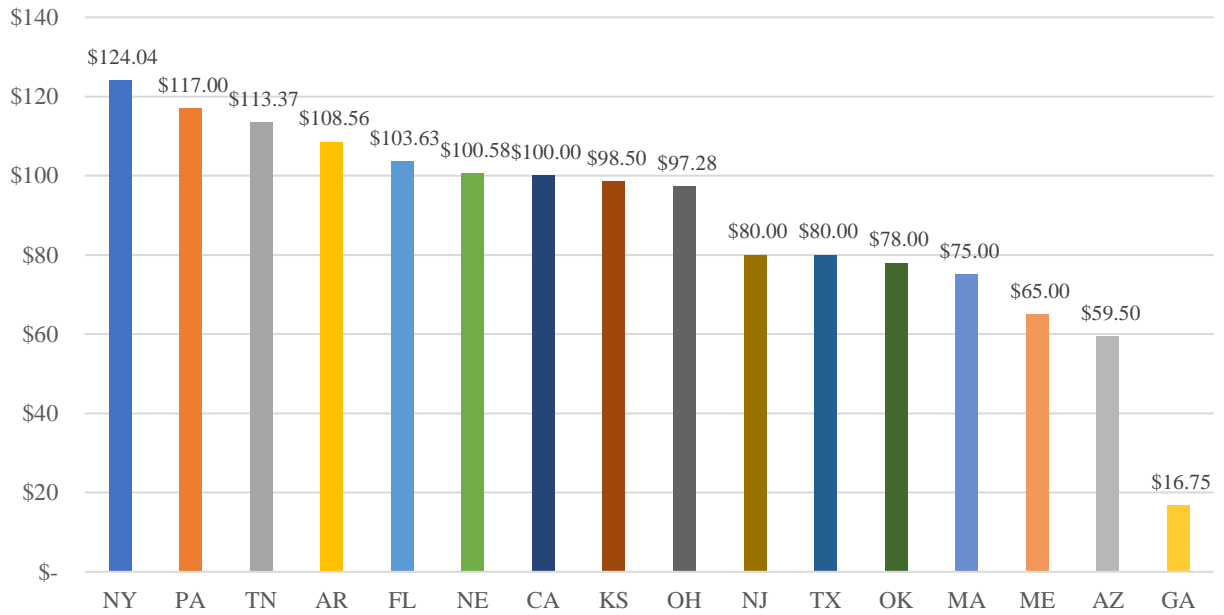


Figure 12a. Reported Difference Between Wages Charged to Placements and Paid to Registered Nurses by TNA Headquarter State

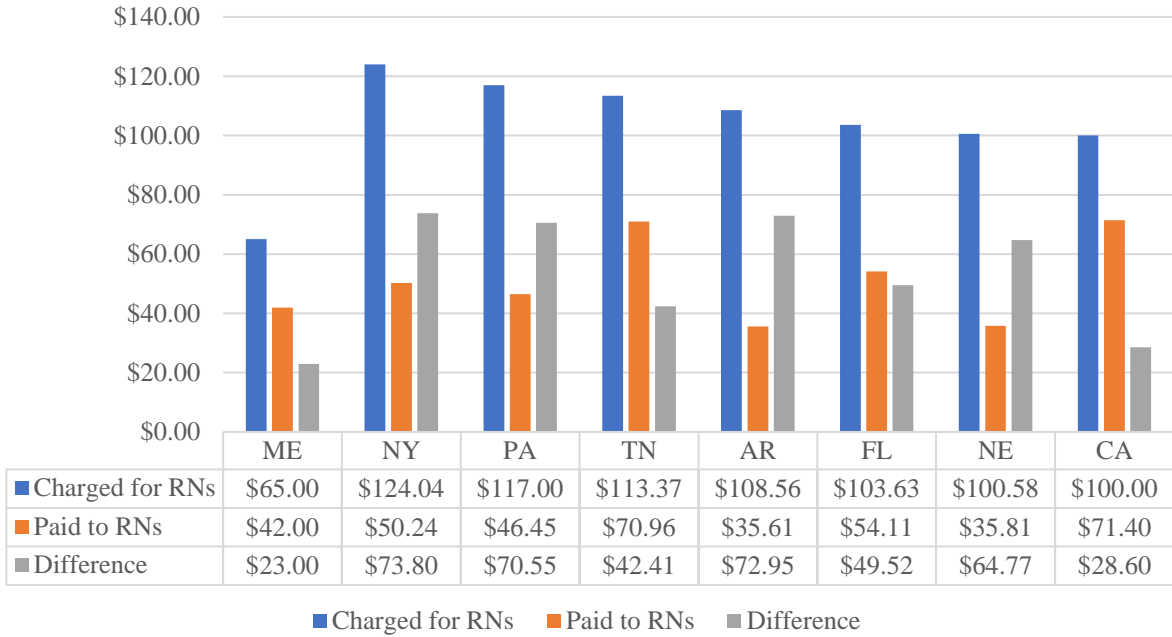
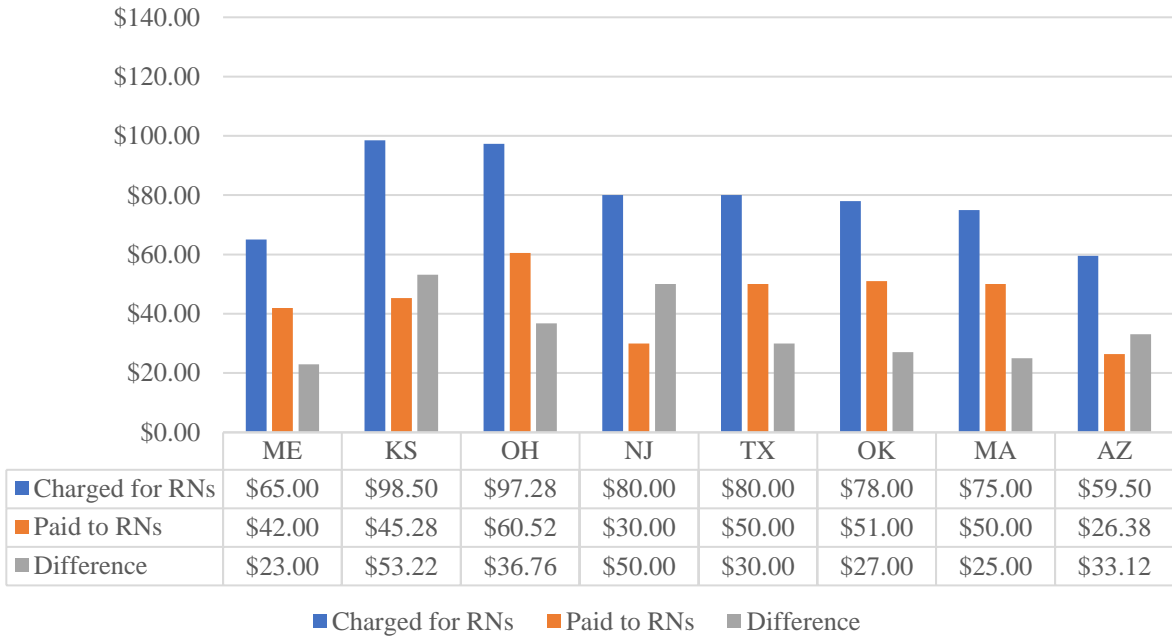


Figure 12b. Continued Reported Difference Between Wages Charged to Placements and Paid to Registered Nurses by TNA Headquarter State



Licensed Practical Nurse (LPN) Placements

Of the 66 respondents, 19 agencies reported they placed LPNs in Maine since January 1, 2023. All agencies who placed LPNs in Maine were asked about the average hourly wage they paid their LPNs, the average amount of stipends paid to LPNs, and the average hourly rate they

charged healthcare settings for LPNs since January 1, 2023. Fourteen agencies responded regarding the average hourly wage paid, eight agencies responded regarding stipends paid, and 13 agencies regarding the average hourly rate they charged healthcare settings.

The lowest reported average hourly wage paid was \$15.00 and the highest reported average was \$60.00, with the average of averages being \$32.43 per hour. The reported average amount of stipends paid to LPNs ranged from \$35.86 to \$1,268.00 with the average of averages being \$941.03. The exact average hourly wage paid by each state and the average stipends paid by each state is represented in Figures 13 and 14 below.

The lowest average hourly rate charged to healthcare settings was \$78.00 and the highest average was \$90.00, with the average of average being \$58.63 per hour. The exact average hourly rate charged by each state is represented in Figure 15 below.

Figure 13. *Reported Average of Averages for Paid Hourly Wage for Licensed Practical Nurses Placed in Maine by TNA Headquarter State*

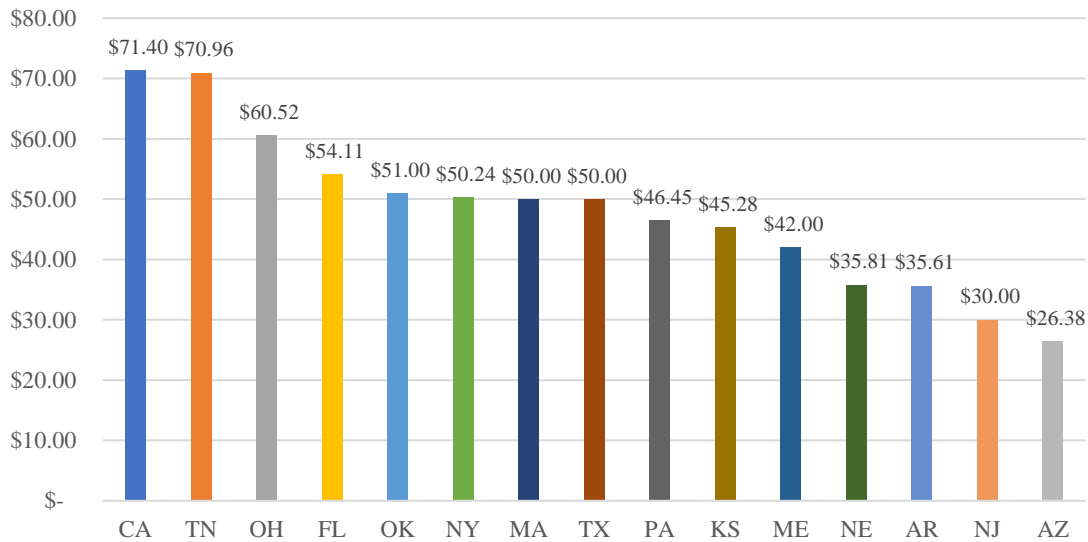


Figure 14. *Reported Average of Averages for Stipends Paid to Licensed Practical Nurses Placed in Maine by TNA Headquarter State*

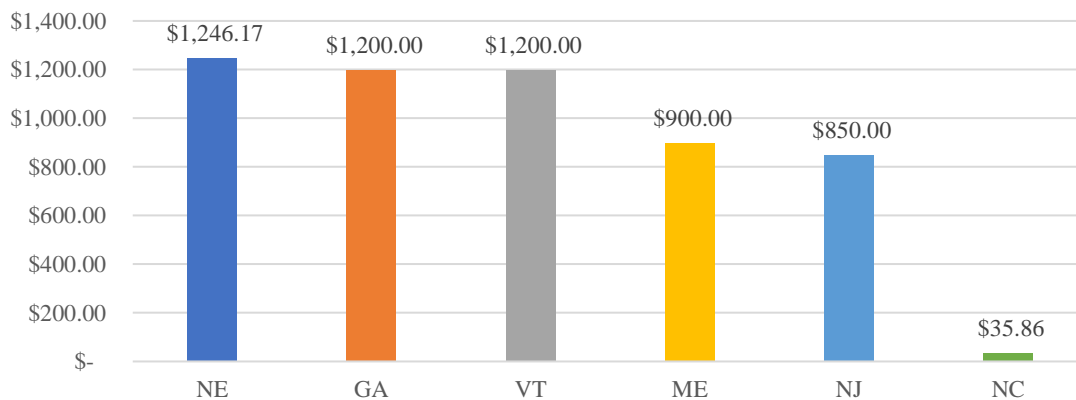


Figure 15. *Reported Average of Averages of Hourly Rate Charged to Healthcare Settings for Licensed Practical Nurses in Maine by TNA Headquarter State*

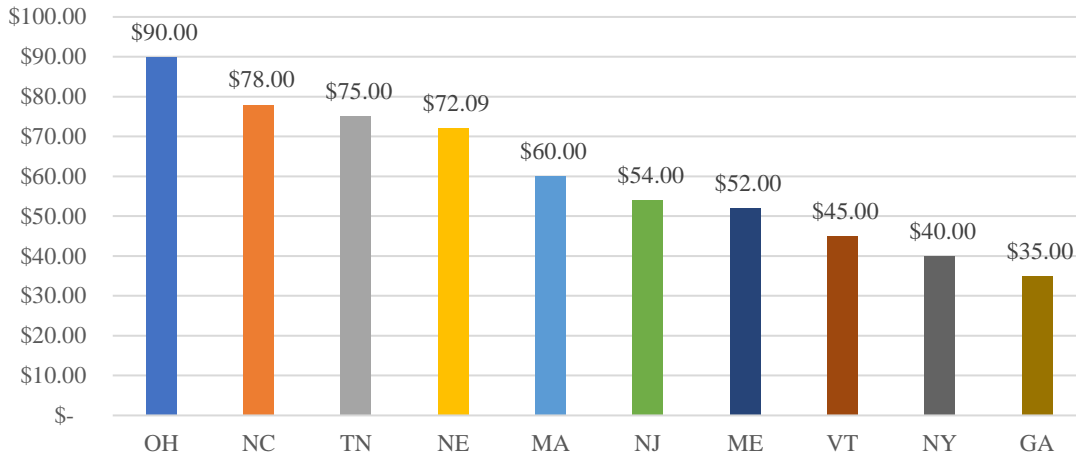
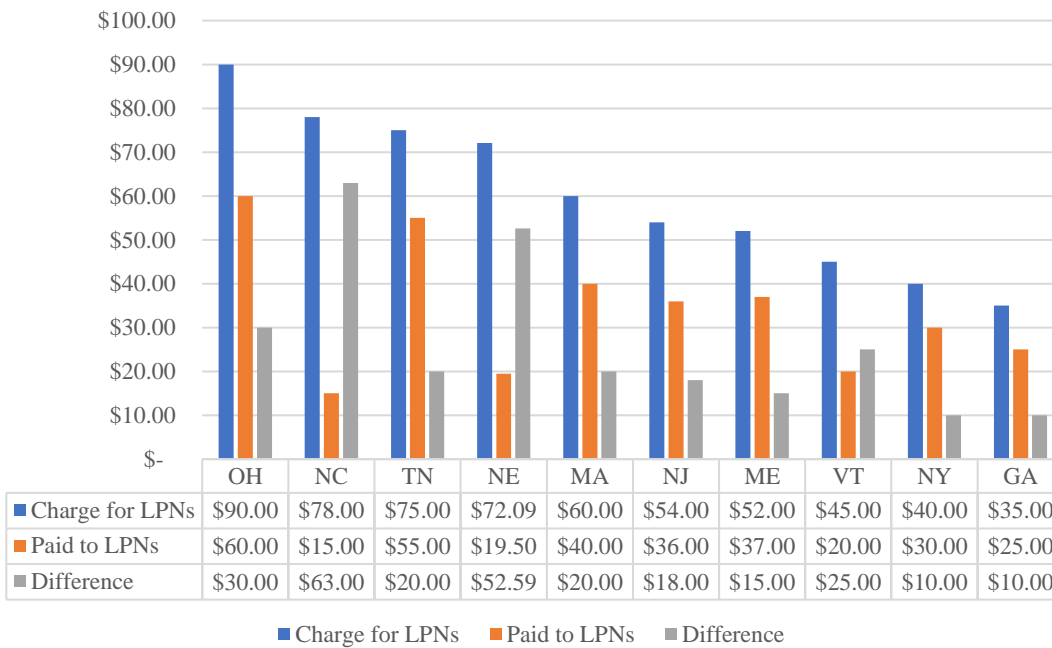


Figure 16. *Reported Difference Between Wages Charged to Placements and Paid to Licensed Practical Nurses by TNA Headquarter State*



Certified Nursing Assistant (CNA) Placements

Of 66 respondents, 17 agencies reported they placed CNAs in Maine since January 1, 2023. All agencies who placed CNAs in Maine were asked about the average hourly wage they paid their CNAs, the average amount of stipends paid to CNAs, and the average hourly rate they charged healthcare settings for CNAs since January 1, 2023. Fifteen agencies responded regarding the average hourly wage they paid CNAs and hourly rate they charged healthcare settings for CNAs. Eight agencies responded regarding stipends paid to CNAs.

The lowest reported average hourly wage paid was \$13.80 and the highest reported average was \$30.00, with the average of averages being \$23.42 per hour. The reported average amount of stipends paid to CNAs ranged from \$184.00 to \$9,425 with the average of average being \$1,821.88. The exact average hourly wage paid by each state and the average stipends paid by each state is represented in Figures 17 and 18 below.

The lowest average hourly rate charged to healthcare settings was \$33.50 and the highest average was \$66.63, with the average of average being \$46.26 per hour. The exact average hourly rate charged by each state is represented in Figure 19 below.

Figure 17. *Reported Average of Averages for Paid Hourly Wage for Certified Nursing Assistants Placed in Maine by TNA Headquarter State*

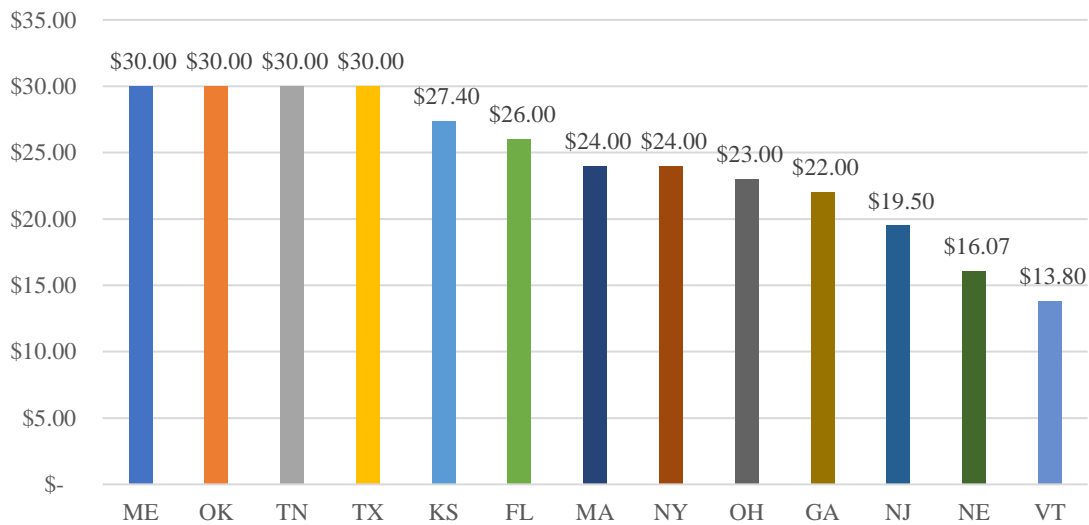


Figure 18. *Reported Average of Averages for Stipends Paid to Certified Nursing Assistants Placed in Maine by TNA Headquarter State*

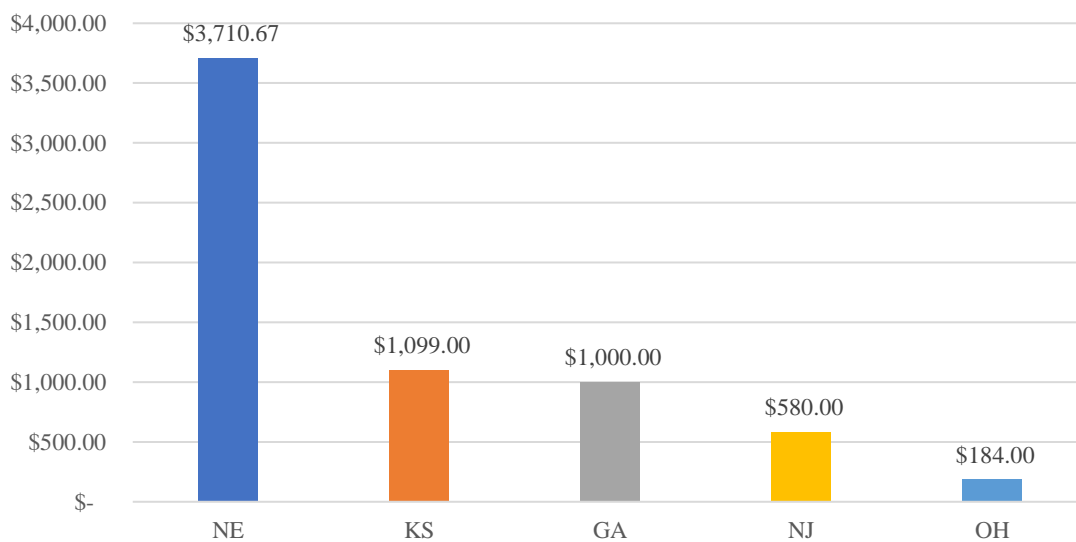


Figure 19. *Reported Average of Averages of Hourly Rate Charged to Healthcare Settings for Certified Nursing Assistants in Maine by TNA Headquarter State*

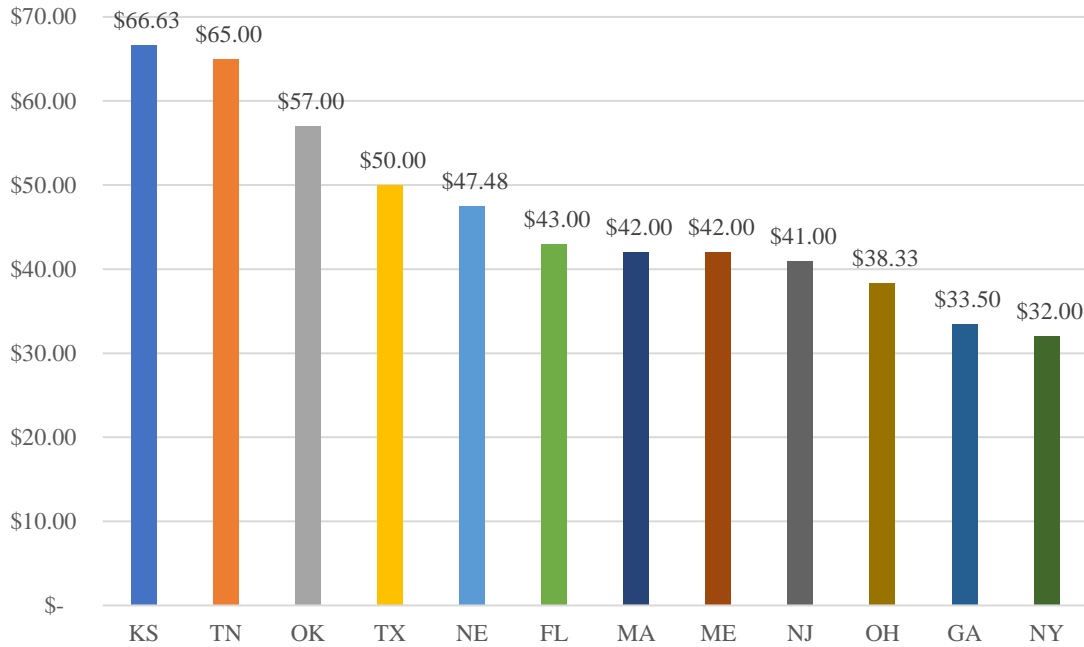
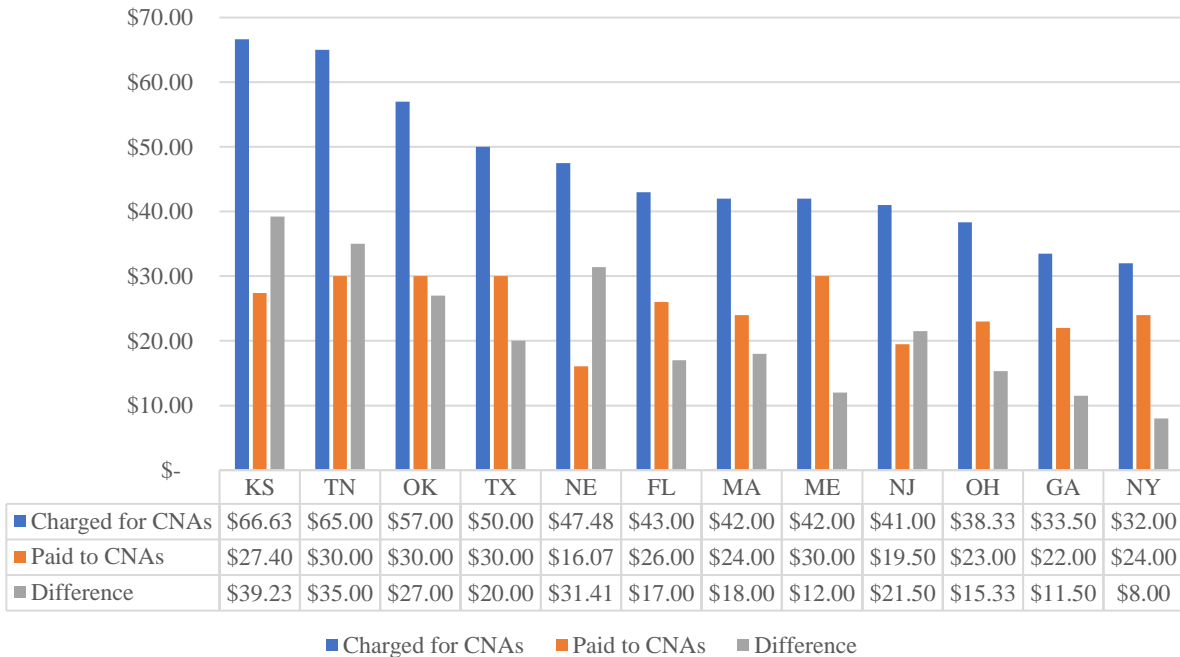


Figure 20. *Reported Difference Between Wages Charged to Placements and Paid to Certified Nursing Assistants by TNA Headquarter State*



Physical Therapist (PT) Placements

Of the 66 respondents, one agency reported they placed PTs in Maine since January 1, 2023. The agency was asked about the average hourly wage they paid their PTs, the average amount of

stipends they paid their PTs, and the average hourly rate they charged healthcare settings for their PTs since January 1, 2023. As mentioned above, responses were received from one agency for all three questions asked. The agency, located in Nebraska, reported that the average hourly wage paid to PTs was \$37.00, the average amount of stipends paid to PTs was \$1,729.00, and the average hourly rate charged to healthcare settings for PTs was \$120.00.

Speech Language Pathologist (SLP) Placements

Of the 66 respondents, one agency reported they placed SLPs in Maine since January 1, 2023. The agency was asked about the average hourly wage they paid their SLPs, the average amount of stipends they paid their SLPs, and the average hourly rate they charged healthcare settings for their SLPs since January 1, 2023. As mentioned above, responses were received from one agency for all three questions asked. The agency, located in Oklahoma, reported that the average hourly wage paid to SLPs was \$113.00 and the average hourly rate charged to healthcare settings for SLPs was \$164.00. They did not report paying stipends to SLPs.

Respiratory Therapist (RT) Placement

Of the sixty-six (66) respondents, 6 agencies reported they placed RTs in Maine since January 1, 2023. All agencies who placed RTs in Maine were asked about the average hourly wage they paid RTs, the average amount of stipends they paid RTs, and the average hourly rate they charged healthcare settings for RTs since January 1, 2023. Five agencies responded regarding the average hourly wage paid and the average hourly rate they charged healthcare settings. Two agencies responded regarding stipends paid.

The lowest reported average hourly wage paid was \$33.78 and the highest reported average was \$51.00, with the average of averages being \$40.02 per hour. The reported average amount of stipends paid to RTs ranged from \$1,070.00 to \$12,503.87 with the average of averages being \$6,786.94. The exact average hourly wage paid by each state and the average stipends paid by each state is represented in Figures 21 and 22 below.

The lowest reported average hourly rate charged to healthcare settings was \$78.50 and the highest reported average was \$106.44, with the average of averages being \$93.60 per hour. The exact average hourly wage charged by each state is represented in Figure 23 below.

Figure 21. *Reported Average of Averages for Paid Hourly Wage for Respiratory Therapists Placed in Maine by TNA Headquarter State*

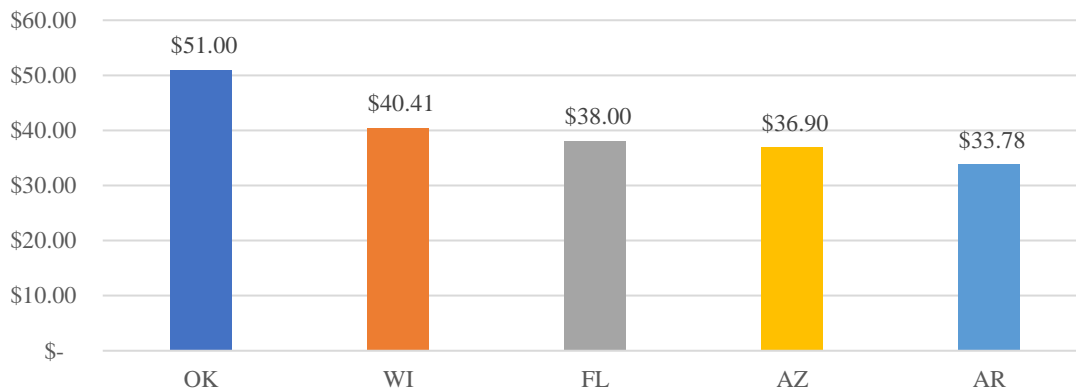


Figure 22. *Reported Average of Averages for Stipends Paid to Respiratory Therapists Placed in Maine by TNA Headquarter State*

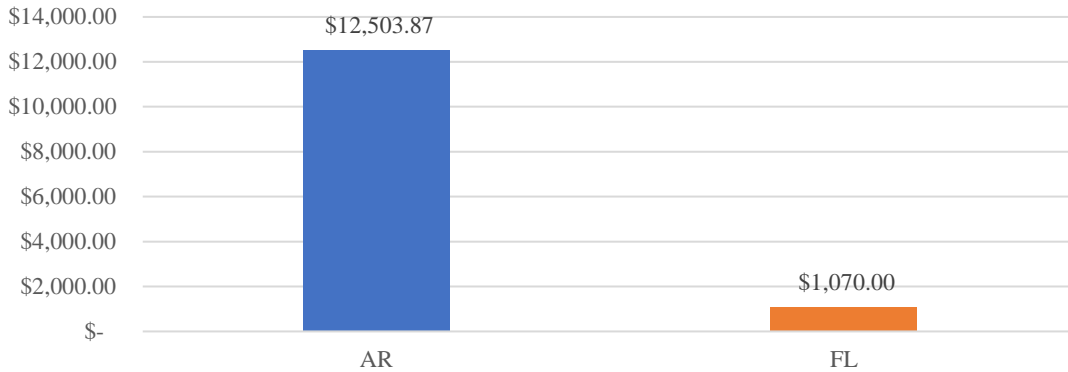


Figure 23. *Reported Average of Averages of Hourly Rate Charged to Healthcare Settings for Respiratory Therapists in Maine by TNA Headquarter State*

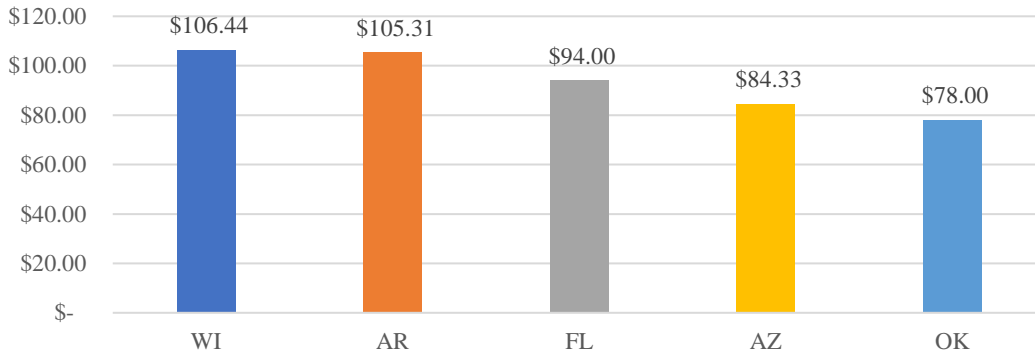
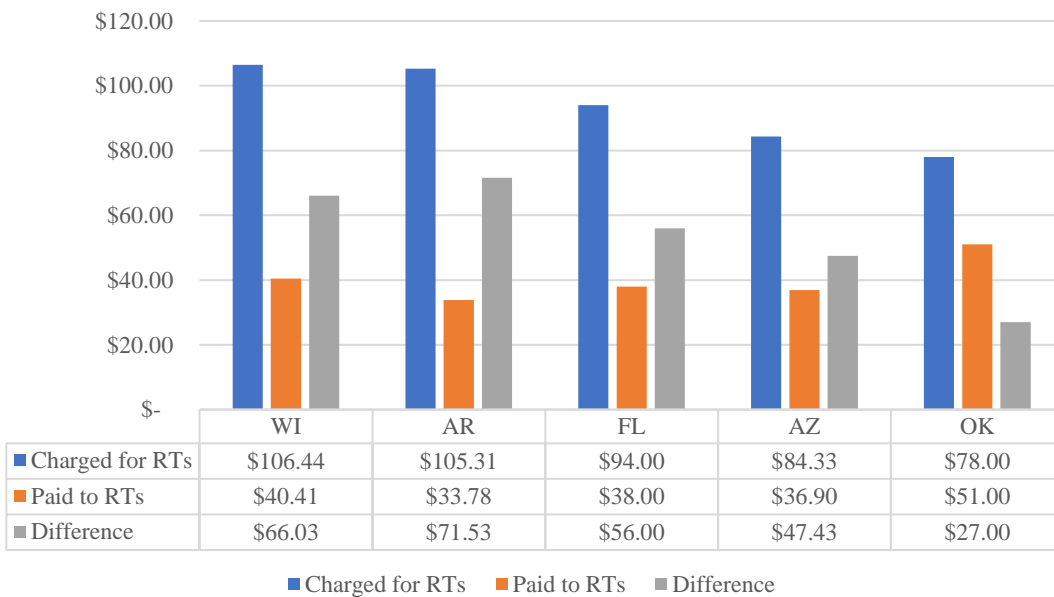


Figure 24. *Reported Difference Between Wages Charged to Placements and Paid to Respiratory Therapists by TNA Headquarter State*



Conclusion

While future reports will look different than this first iteration, this provides a baseline of reported information to improve the Department's, the Legislature's, and stakeholders' understanding of the current role of temporary nurse agencies in Maine. We appreciate the willingness of TNAs who responded to provide the information that they have and look forward to improving this reporting in the future.