

**HOUSE . . . . . No. 1174**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Gerard J. Cassidy***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure temporary nursing service agency quality and accountability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>1/19/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>3/1/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/1/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/1/2023</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>3/1/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/1/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>3/1/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/3/2023</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>3/6/2023</i>

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By Representative Cassidy of Brockton, a petition (accompanied by bill, House, No. 1174) of Gerard J. Cassidy and others for legislation to ensure temporary nursing service agency quality and accountability. Health Care Financing.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act to ensure temporary nursing service agency quality and accountability.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 13D of Chapter 118E, as appearing in the Massachusetts General  
2 Laws 2020 Edition, is hereby amended by striking paragraph 7 and replacing it with the  
3 following new paragraph

4           In establishing rates for nursing pools under section 72Y of chapter 111, the executive  
5 office shall establish annually the limit for the rate for service provided by nursing pools to  
6 licensed facilities. The executive office shall establish industry-wide class rates for such services  
7 and shall establish separate class rates for services provided to nursing facilities and hospitals.

8           The executive office shall establish separate rates for registered nurses, licensed practical nurses  
9 and certified nursing assistants. The executive office may establish rates by geographic region.

10          The rates shall include an allowance for wages, payroll taxes and fringe benefits, which shall be  
11 based upon, and shall not exceed, median wages, payroll taxes and fringe benefits paid to  
12 permanent medical personnel of the same type at health care facilities in the same geographic

13 region. The rates shall also include an allowance for reasonable administrative expenses and a  
14 reasonable profit factor, as determined by the executive office. The executive office may exempt  
15 from the rates certain categories, as defined by the executive office, of fixed-term employees that  
16 work exclusively at a particular health care facility for a period of at least 90 days and for whose  
17 services there is a contract between a facility and a nursing pool registered with the department  
18 of public health. The executive office shall establish procedures by which nursing pools shall  
19 submit cost reports, which may be subject to audit, to the executive office to establish rates. The  
20 executive office shall determine the nursing pool rate contained in this paragraph by considering  
21 wage and benefit data collected from cost reports received from nursing pools and from health  
22 care facilities and other relevant information gathered through other collection tools or  
23 reasonable methodologies. For purposes of quality, accountability and transparency, the  
24 executive office shall annually ensure that temporary nursing service agencies are (1) meeting  
25 their obligation to provide temporary personal work consistent with the requirements of the  
26 Department of Public Health regulation at 105 CMR 157.00 and (2) assigning staff in  
27 conformance with Department of Public Health regulations, including CMR 105 CMR 157.00.  
28 The executive office shall establish a Temporary Nursing Service Agency Performance Report  
29 Card and make this information publicly available on the Internet as a means to increase the  
30 reliability of evaluating a temporary nursing services agency before a medical provider contracts  
31 for its services. The Performance Report Card shall include, but not be limited to: (a) auditing  
32 whether the temporary nursing service agencies are adhering to the reporting standards of  
33 conduct for nurses set forth at 244 CMR 9.03, Standards of Conduct for Nurses, and (b)  
34 assessing performance of nursing pool personnel assigned to facilities including at a minimum:  
35 (i) review and response to facility complaints; (ii) record of staff reliability in fulfilling

36 assignments; and (iii) policies to establish on-site assessments of staff placed in facilities on each  
37 assigned shift. The annual report shall also include, at a minimum, the following information by  
38 geographic area which the health care personnel performed the work by facility type of hospital  
39 and nursing: (a) The average amount charged by nursing pools for health care personnel by  
40 license type; (b) The average amount paid by the nursing pool to health care personnel by  
41 license type; (c) The average amount of labor-related costs paid by the nursing pool by health  
42 care personnel license type, such as payroll taxes, workers' compensation insurance, professional  
43 liability coverage, credentialing, and other employee-related costs.

44 SECTION 2. Nursing pools certified under section 72Y of chapter 111 of general laws, or  
45 any of their affiliated parties, shall be prohibited from soliciting and/or hiring nursing facility  
46 employees from nursing facilities in which the temporary nurse staffing agency has an active  
47 contract for the period of the contract plus 12 months.