

Testimony on HB 1476
Senate Human Services Committee
March 13, 2023

Good morning, Chairman Lee and members of the Senate Human Services. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. We represent 192 assisted living, basic care, and skilled nursing facilities in North Dakota. I am here to testify in support of HB 1476. We appreciate the efforts of Representatives Mitskog and Kreidt to shed light on the issue of contract nursing. The House amended the bill and turned it into a study and we are supportive of a study.

I will share some information on contract nursing in North Dakota and also what is occurring in other states surrounding the issue of contract nursing.

We turn to contract nursing when we don't have staff to care for residents. How can we care for residents if we don't have sufficient staff and we've already exceeded our 2021 usage of contract staff? Over 50% of nursing facilities stopped admissions last year because they didn't have sufficient staff. Nursing facilities lost 15.3% of their staff during the pandemic and this exodus has not yet stopped. (Appendix B)

I have a few handouts. The first one is a history on our dollars spent on contract nursing and the number of nursing facilities using contract nursing. The second handout is the skilled nursing facility jobs report. The third handout is the RN average/hourly wage/salary for all 50 states and the travel nurses' pay in each state as reported by Vivian Health, a

national healthcare hiring marketplace. I've highlighted North Dakota in both handouts and show the findings below:

North Dakota RN Average Wages

Hourly \$34.23

Annual Wage: \$71,200

North Dakota RN Travel Wages*

Average Weekly Pay in Dec 2022 \$3,338

Average Weekly Pay in Jan 2023 \$3,227

*Converting the Jan 2023 weekly wage to an hourly wage is \$80.67 per hour.

Besides the higher travel wage per hour, they also receive lodging/travel/meals stipends.

I've also attached the maximum hourly allowed charges Minnesota sets for travel nurses for January 1, 2023 through December 31, 2023.

Minnesota is one of the few states that has set a maximum charge for travel staffing working nursing facilities.

The final handout is a summary and link of proposed legislation in other states, newly enacted laws and regulations and existing laws and regulations related to contact nursing in other states.

This concludes my testimony and I would be happy to answer any questions.

**Shelly Peterson, President
North Dakota Long Term Care Association
1900 North 11th Street
Bismarck, ND 58501
(701) 222-0660**

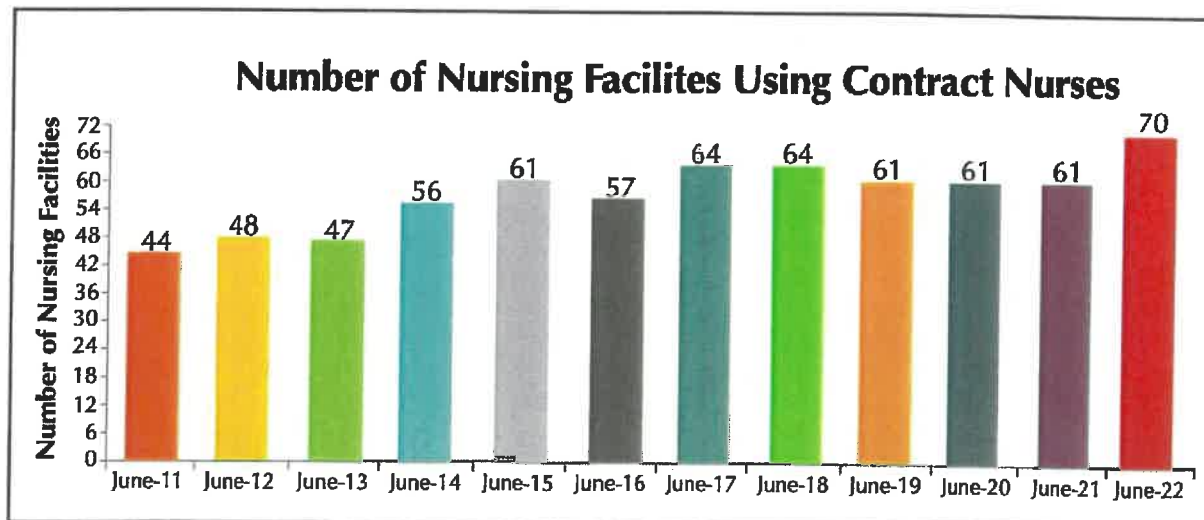
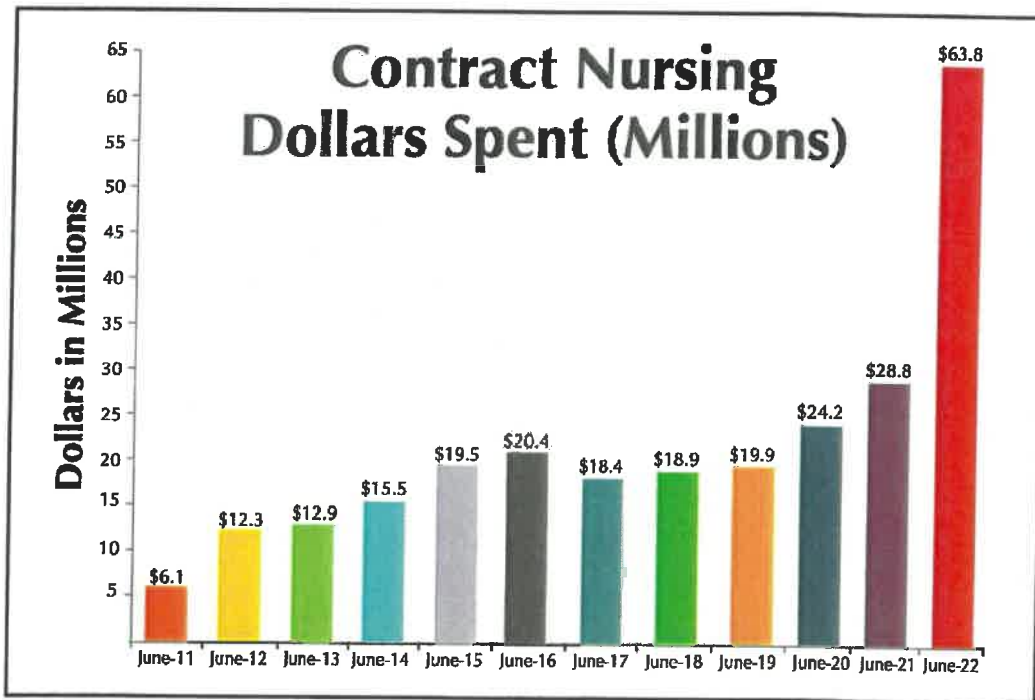


2011-2022

Nursing Facilities

Contract Nursing In Nursing Facilities

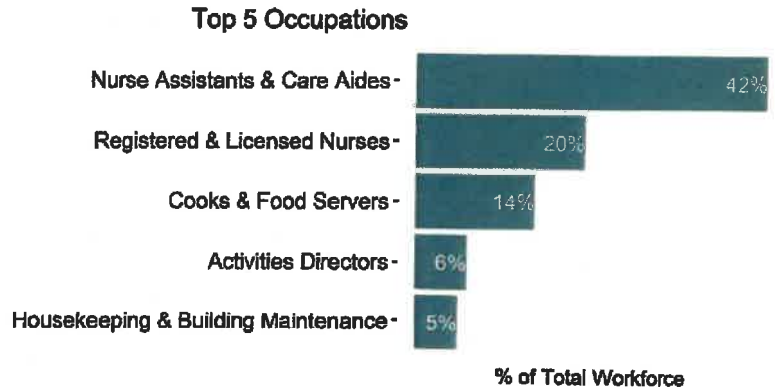
When facilities face staffing shortages, one option is to use contract staff to provide daily resident care. In the past year, contract nursing costs has more than doubled from the previous 12 months.





Skilled Nursing Workforce

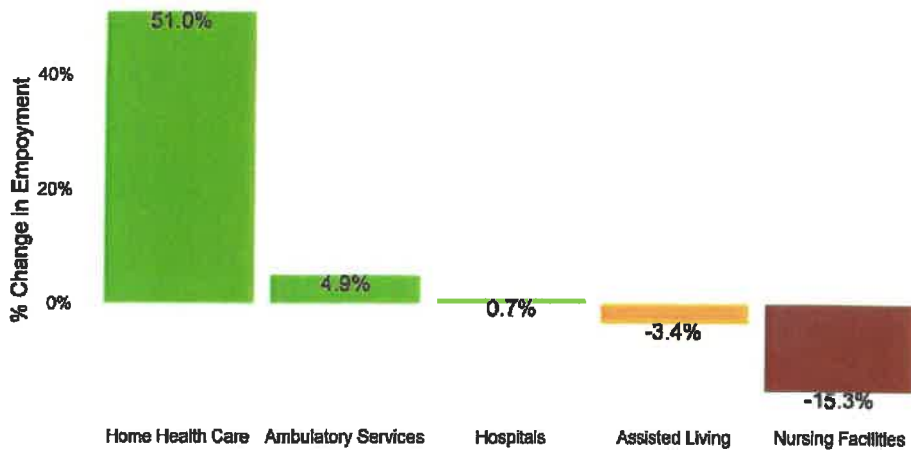
7,205 Employees



Impact of COVID

While some health care industries have reached or surpassed pre-pandemic staffing levels, long term care facilities are still experiencing substantial job losses alongside rising wage costs and increasing agency staff use.

Percent Change in Employment by Health Care Sector
Feb 2020 - Jun 2022



10.4%
Increase in Average Weekly
Wage: Mar'20 - Jun'22

2.1x
Increase in Agency Nurse Staff
Hours: Q4'19 - Q2'22

Sources: Bureau of Labor Statistics, Quarterly Census of Employment and Wages (Jun 2022) and Occupational Employment and Wage Statistics (May 2021) for NAICS Industries 623 and 6231. CMS Payroll Based Journal (2019-2022)

RN average hourly wage, salary for all 50 states

Registered nurses in the U.S. make an average of \$82,750 annually and have a mean hourly wage of \$39.78, though these figures vary greatly by state.

Below are the average mean hourly wages and salaries for nurses in all 50 states, based on May 2021 BLS [data](#), the most recent data available, and listed in alphabetical order.

Median annual household income is based on data from the U.S. Census Bureau 2021 American Community Survey, [compiled and reported](#) by Kaiser Family Foundation.

Alabama

Hourly: \$29.77

Annual wage: \$61,920

Median annual household income: \$53,913

Alaska

Hourly: \$46.74

Annual wage: \$97,230

Median annual household income: \$77,845

Arizona

Hourly: \$39.23

Annual wage: \$81,600

Median annual household income: \$69,056

Arkansas

Hourly: \$31.64

Annual wage: \$65,810

Median annual household income: \$52,528

California

Hourly: \$59.62

Annual wage: \$124,000

Median annual household income: \$84,907

Colorado

Hourly: \$38.78

Annual wage: \$80,670

Median annual household income: \$82,254

Connecticut

Hourly: \$42.56

Annual wage: \$88,530

Median annual household income: \$83,771

Delaware

Hourly: \$37.39

Annual wage: \$77,760

Median annual household income: \$71,091

Florida

Hourly: \$34.62

Annual wage: \$72,000

Median annual household income: \$63,062

Georgia

Hourly: \$36.24

Annual wage: \$75,380

Median annual household income: \$66,559

Hawaii

Hourly: \$51.22

Annual wage: \$106,530

Median annual household income: \$84,857

Idaho

Hourly: \$35.41

Annual wage: \$73,640

Median annual household income: \$66,474

Illinois

Hourly: \$37.63

Annual wage: \$78,260

Median annual household income: \$72,205

Indiana

Hourly: \$33.12

Annual wage: \$68,890

Median annual household income: \$62,743

Iowa

Hourly: \$31.25

Annual wage: \$64,990

Median annual household income: \$65,600

Kansas

Hourly: \$32

Annual wage: \$66,560

Median annual household income: \$64,124

Kentucky

Hourly: \$32

Annual wage: \$66,560

Median annual household income: \$55,573

Louisiana

Hourly: \$33.84

Annual wage: \$70,380

Median annual household income: \$52,087

Maine

Hourly: \$35.40

Annual wage: \$73,630

Median annual household income: \$64,767

Maryland

Hourly: \$39.74

Annual wage: \$82,660

Median annual household income: \$90,203

Massachusetts

Hourly: \$46.46

Annual wage: \$96,630

Median annual household income: \$89,645

Michigan

Hourly: \$36.51

Annual wage: \$75,930

Median annual household income: \$63,498

Minnesota

Hourly: \$40.40

Annual wage: \$84,030

Median annual household income: \$7,720

Mississippi

Hourly: \$30.35

Annual wage: \$63,130

Median annual household income: \$48,716

Missouri

Hourly: \$32.59

Annual wage: \$67,790

Median annual household income: \$61,847

Montana

Hourly: \$35.39

Annual wage: \$73,610

Median annual household income: \$63,249

Nebraska

Hourly: \$33.58

Annual wage: \$69,850

Median annual household income: \$66,817

Nevada

Hourly: \$42.69

Annual wage: \$88,800

Median annual household income: \$66,274

New Hampshire

Hourly: \$37.63

Annual wage: \$78,270

Median annual household income: \$88,465

New Jersey

Hourly: \$43.12

Annual wage: \$89,690

Median annual household income: \$89,296

New Mexico

Hourly: \$37.31

Annual wage: \$77,590

Median annual household income: \$53,992

New York

Hourly: \$44.86

Annual wage: \$93,320

Median annual household income: \$74,314

North Carolina

Hourly: \$34.23

Annual wage: \$71,200

Median annual household income: \$61,972

North Dakota

Hourly: \$34.23

Annual wage: \$71,200

Median annual household income: \$66,519

Ohio

Hourly: \$34.44

Annual wage: \$71,640

Median annual household income: \$62,262

Oklahoma

Hourly: \$32.78

Annual wage: \$68,180

Median annual household income: \$55,826

Oregon

Hourly: \$47.42

Annual wage: \$98,630

Median annual household income: \$71,562

Pennsylvania

Hourly: \$36.54

Annual wage: \$76,000

Median annual household income: \$68,957

Rhode Island

Hourly: \$40.99

Annual wage: \$85,270

Median annual household income: \$74,008

South Carolina

Hourly: \$ 33.45

Annual wage: \$69,580

Median annual household income: \$59,318

South Dakota

Hourly: \$29.11

Annual wage: \$60,540

Median annual household income: \$66,143

Tennessee

Hourly: \$32.06

Annual wage: \$66,680

Median annual household income: \$59,695

Texas

Hourly: \$38.04

Annual wage: \$79,120

Median annual household income: \$66,963

Utah

Hourly: \$34.99

Annual wage: \$72,790

Median annual household income: \$79,449

Vermont

Hourly: \$36.13

Annual wage: \$75,160

Median annual household income: \$72,431

Virginia

Hourly: \$36.87

Annual wage: \$76,680

Median annual household income: \$80,963

Washington

Hourly: \$45.84

Annual wage: \$95,350

Median annual household income: \$84,247

West Virginia

Hourly: \$32.52

Annual wage: \$67,640

Median annual household income: \$51,248

Wisconsin

Hourly: \$36.95

Annual wage: \$76,850

Median annual household income: \$67,125

Wyoming

Hourly: \$35.16

Annual wage: \$73,130

Median annual household income: \$65,204

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<https://www.beckershospitalreview.com/compensation-issues/rn-average-hourly-wage-salary-for-all-50-states.html>

Travel nurses' pay in each state: A month-over-month comparison

Average weekly travel nurse pay in January in the U.S. varied across states compared to the month prior, according to a report shared with *Becker's* from Vivian Health, a national healthcare hiring marketplace.

As of Feb. 1, there were 571,044 active RN travel jobs on the Vivian Health platform nationwide in the last seven days.

Here is a state-by-state breakdown of average weekly travel nurse pay (January compared to December), per the Vivian report:

Alabama

December: \$2,595

January: \$2,529

Alaska

December: \$3,401

January: \$3,276

Arizona

December: \$3,140

January: \$3,029

Arkansas

December: \$2,929

January: \$2,921

California

December: \$4,013

January: \$3,859

Colorado

December: \$2,953

January: \$2,925

Connecticut

December: \$3,366

January: \$3,367

Delaware

December: \$3,019

January: \$3,233

Florida

December: \$2,486

January: \$2,429

Georgia

December: \$2,732

January: \$2,640

Hawaii

December: \$3,037

January: \$2,848

Idaho

December: \$2,951

January: \$2,824

Illinois

December: \$3,201

January: \$3,147

Indiana

December: \$3,105

January: \$2,987

Iowa

December: \$3,269

January: \$2,982

Kansas

December: \$2,714

January: \$2,679

Kentucky

December: \$2,950

January: \$2,807

Louisiana

December: \$2,660

January: \$2,536

Maine

December: \$3,350

January: \$3,296

Maryland

December: \$3,301

January: \$3,086

Massachusetts

December: \$3,522

January: \$3,467

Michigan

December: \$3,000

January: \$2,794

Minnesota

December: \$3,530

January: \$3,378

Mississippi

December: \$2,515

January: \$2,604

Missouri

December: \$3,075

January: \$2,879

Montana

December: \$2,700

January: \$2,689

Nebraska

December: \$3,224

January: \$3,087

Nevada

December: \$3,229

January: \$3,117

New Hampshire

December: \$3,243

January: \$3,285

New Jersey

December: \$3,646

January: \$3,496

New Mexico

December: \$3,109

January: \$2,915

New York

December: \$3,523

January: \$3,459

North Carolina

December: \$2,872

January: \$2,695

North Dakota

December: \$3,338

January: \$3,227

Ohio

December: \$3,057

January: \$3,047

Oklahoma

December: \$2,645

January: \$2,530

Oregon

December: \$3,504

January: \$3,400

Pennsylvania

December: \$3,359

January: \$3,281

Rhode Island

December: \$3,273

January: \$3,115

South Carolina

December: \$2,860

January: \$2,798

South Dakota

December: \$3,354

January: \$3,104

Tennessee

December: \$2,588

January: \$2,550

Texas

December: \$2,608

January: \$2,567

Utah

December: \$2,802

January: \$2,856

Vermont

December: \$3,223

January: \$3,116

Virginia

December: \$3,081

January: \$2,994

Washington

December: \$3,490

January: \$3,362

District of Columbia

December: \$3,568

January: \$3,600

West Virginia

December: \$3,109

January: \$2,947

Wisconsin

December: \$3,172

January: \$3,097

Wyoming

December: \$3,176

January: \$3,197

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SNSA Maximum Charges For Nursing Facilities Effective January 1, 2023

Published January 2023

**Statewide Maximum Allowed Hourly Charges
Effective January 1, 2023 - December 31, 2023**

RN	\$67.02
LPN	\$54.87
CNA	\$37.43
TMA	\$39.86

**Statewide Maximum Allowed Holiday Hourly Charges
Effective January 1, 2023 - December 31, 2023**

RN	\$115.28
LPN	\$96.57
CNA	\$65.12
TMA	\$72.14

**Statewide Maximum Allowed Hourly Charges
Effective January 1, 2022 - December 31, 2022**

RN	\$62.36
LPN	\$50.75
CNA	\$34.10
TMA	\$36.57

**Statewide Maximum Allowed Holiday Hourly Charges
Effective January 1, 2022 - December 31, 2022**

RN	\$107.25
LPN	\$89.31
CNA	\$59.33
TMA	\$66.20

PROPOSED STATE LEGISLATION:

Kansas

House Bill 2524: Requiring the secretary for aging and disability services to regulate supplemental nursing services agencies in the state of Kansas.

- Bill Page: http://www.kslegislature.org/li/b2021_22/measures/hb2524/
- Bill Text: http://www.kslegislature.org/li/b2021_22/measures/documents/hb2524_00_0000.pdf

Kentucky

House Bill 282: Create new sections of KRS Chapter 216 to define and establish registration of health care services agencies.

- Bill Page: <https://apps.legislature.ky.gov/record/22rs/hb282.html>
- Bill Text: https://apps.legislature.ky.gov/recorddocuments/bill/22RS/hb282/orig_bill.pdf

Ohio

- Draft Bill Text: https://www.ahcancal.org/Workspaces/ashcae/Documents/134_2083-2.pdf

Oregon

- Senate Bill 1549: <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/SB1549/Enrolled>
- Bill Summary: <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureAnalysisDocument/64137>

Wisconsin

- Draft Bill Text: <https://www.ahcancal.org/Workspaces/ashcae/Documents/WI%20draft.pdf>

Summary of Staffing Agency Statutes, Regulations, and Legislation

NEWLY ENACTED LAWS AND REGULATIONS

Colorado

- Governor Polis has signed Senate Bill 22-210: <https://leg.colorado.gov/bills/sb22-210>

Connecticut

Bill passed and signed into law:

- <https://www.cga.ct.gov/2022/ACT/PA/PDF/2022PA-00057-R00HB-05313-PA.PDF>

Illinois

Passed HB4666 and it has been signed into law. Final bill did not include caps rather removed conversion/placement fees, brought transparency to contracts with state and healthcare providers, guaranteed 100% of reported wages were given to the employee, removed the ability for non-compete clauses between agencies and nurses, updated liability requirements, included an attestation detailing number of contracted shifts vs. missed shifts, established a system to report complaints against an agency, prohibited recruiting potential employees on the premises of a health care facility, and created a page on the Department of Labor's website that providers can look at to see the average wage agencies are charging for Licensed Nurses and CNAs based on county.

- Bill Number [HB4666](#) and now [PA 102-0946](#)

Iowa

Bill passed and signed into law.

- House File 2521: <https://www.legis.iowa.gov/legislation/BillBook?ba=HF2521&ga=89>

Summary of Staffing Agency Statutes, Regulations, and Legislation

Louisiana

Bill passed and signed into law.

- <https://legis.la.gov/legis/ViewDocument.aspx?d=1289785>

Missouri

- Missouri Governor signed staffing agency legislation that can be found on pages 65 to 72 here: <https://www.senate.mo.gov/22info/pdf-bill/tat/SB710.pdf>, and will go into effect in August of 2022.

Pennsylvania

[HB 2293](#) was signed by Governor on 11/13/2022

- The new law requires registration of and establishes operating requirements for health care staffing agencies.

Tennessee

Tennessee passed SB2463/HB2347, which was enacted into law as [Public Chapter 1118](#). The legislation does not regulate staffing agencies, but directs the Tennessee Comptroller of the Treasury, in conjunction with our Medicaid agency and Health Department to produce a study examining the use of temporary staffing agencies in long-term care facilities. It requires that the study examine the effects that costs of temporary staffing have upon the Medicaid program and upon assisted-care living facilities, and practices that may improve the quality of long-term care for residents while reducing costs to the Medicaid program.

- Public Chapter 1118: <https://publications.tnsosfiles.com/acts/acts112/pub/pc1118.pdf>

EXISTING LAWS AND REGULATIONS:

Massachusetts

[General Laws: Part I – Title XVI-Chapter 111 - Section 72Y: Nursing pool registrations](#)

[General Laws: Part I – Title XVII-Chapter 118E - Section 13D: Duties of ratemaking authority; criteria for establishing rates](#)

Regulations: 105 CMR: DEPARTMENT OF PUBLIC HEALTH

[105 CMR 157.000: The Registration and Operation of Temporary Nursing Service Agencies](#)

Minnesota

SUPPLEMENTAL NURSING SERVICES AGENCY

[144A.70](#) Registration of Supplemental Nursing Services Agencies.

[144A.71](#) Supplemental Nursing Services Agency Registration.

[144A.72](#) Registration Requirements; Penalties.

[144A.73](#) Complaint System.

[144A.74](#) Maximum Charges.

Supplemental Nursing Services Agency Registration Page:
<https://www.health.state.mn.us/facilities/regulation/snsa/index.html>