

Temporary Professional Staff

Review of the Agency and Agency Contract should include the following probes:

Non-competes: Has this Agency entered into any non-compete agreements with a staffing agency already under contract at your healthcare organization?

Form or Entity: A Limited Liability Company [LLC] typically assures that payments for large adverse judgments will be the responsibility of the healthcare organization and not the staffing agency.

Financial Stability of the Staffing Agency: Request copies of the staffing agency's balance sheets for the past three years. Will the company be able to meet its financial demands, especially payroll, insurance premiums, and deductibles?

Insurance Coverage:

1. What does the agency carry for insurance coverage?

- Fiduciary Liability
- Commercial and General Liability
- Directors and Officers Liability
- Automobile Coverage
- Employer Liability
- Worker's Compensation
- Umbrella Liability

- What are the primary coverage limits? Is the limit sufficient?
- What is the deductible? Is the agency able to meet the deductible if necessary?
- What is the type of coverage? Claims made or occurrence?
- If the coverage is claims made does the agency contract provide for tail coverage or for maintaining coverage in place for a minimum of four years after the agency contract is over?
- At what dollar limit does the umbrella coverage begin?
- Is there a window of self-insured risk?

2. What is provided as a certificate of insurance?

- Is an original certificate of insurance provided?
- Is the name on the insurance certificate the same as the entity on the agency contract?
- Is your healthcare organization listed as an additional insured?
- Does the insurance company [ies] know to alert your healthcare organization of a cancellation or modification of coverage?
- Is the insurance company [ies] able to provide coverage in your state?
- What is the insurance company [ies] rating?

Important items in the contract language:

1. An actual contract exists, not a rate sheet.

2. The contract is signed by an individual at the staffing agency able to enter into the agreement. An officer of the agency typically signs the contract.
3. You, the healthcare organization, have written expectations agreed to by the staffing agency.
4. There is ability for you, the healthcare organization, to amend the contract provisions.
5. Confidentiality provisions including HIPPA language are present.
6. Independent contractors will not be utilized to fulfill the contract, only employees of the staffing agency.
7. Mutual Hold Harmless/Indemnification Provisions are present.
8. Quarterly staffing agency balance sheets are available.
9. Appropriate insurance provisions exist including your healthcare organization listed as an additional insured, receipt of notice of cancellation or modification of insurance policy [ies] and your ability to approve the insurance company and coverage limits.
10. Staff qualifications, expectations and release provisions are specified.
11. The staffing agency agrees to cooperate with the investigation of any incidents involving the agency employee.
12. The staffing agency agrees to a risk management review of their agency's policies, procedures and practices.
13. The staffing agency agrees to remove an unacceptable agency employee and replace with an acceptable qualified agency employee.

Review of the temporary professional staff member's qualifications should include the following items and probes:

1. Written authorization to review agency staff member's personnel file is provided.
2. Review of the records available from the agency.
3. Review of the personnel record of the agency staff member.
4. Review of the states where the individual has worked.
5. Review of the criminal background checks performed, are they appropriate for the position to be filled?
6. Results of any drug screens.
7. Number of years of work experience.
8. Written manager evaluations.
9. License verification, to include an investigation of any restrictions or additional licensing conditions.
10. Health history/immunizations.
11. Review the content of the agency's training and education programs. A copy of a checklist is not sufficient.

Example: Hazard Communications Program
Competency Based Skills Tests

Orientation and supervision of temporary professional staff is the responsibility of the healthcare organization and should include the following processes:

1. Supervision: A written supervision plan should be provided to the temporary staff member. Temporary staff members should be evaluated after their initial shift. Areas of performance that need improvement should be addressed immediately and should be documented. The

original contract with the staffing agency may require an amendment or cancellation should temporary staff performance issues arise.

2. Orientation: A general orientation to the facility and a specific orientation to the department and position should be provided and documented.
3. Assignment: Assignments should be for a specific department and position, avoid switching departments.
4. Work-related Injury: A process to follow for the temporary staff member to follow if they become injured while at work.
5. Patient Event Report: The facility should have a process in place to manage patient care variances/incidents that involve the temporary staff member. A written report of a patient care variance/incident involving a temporary staff member should be made promptly to the staffing agency. The report should involve an identifier, date and time the incident occurred, a brief description of the incident and the name of the agency staff member [s] involved. A patient name should never be used as the identifier. An acknowledgement of receipt of the report should be requested by the facility. A copy of the facility's confidential variance/incident report should never be sent to the staffing agency.
6. Professional Mandatory Reporting: The facility should have a process in place to manage any mandatory reporting requirements to state licensure boards. Once the agency staff member has been reported to a licensure board by the facility, the facility should allow the agency to handle further issues with the licensure board and the temporary staff member.
7. A final documented Performance Appraisal which accurately documents the performance of the temporary professional staff member.
8. A documented Exit Interview with the temporary professional staff member to exchange information and verify that they are not aware of any state or federal regulations violations, patient safety issues, corporate compliance issues including HIPAA violations or unreported patient care incidents.

DISCLAIMER: This form is offered as reference information only and is not intended to establish practice standards or serve as legal advice. MMIC recommends you obtain a legal opinion from a qualified attorney for any specific application to your practice.

Medical Mutual Insurance Company of Maine