




Roy Cooper, Governor

Todd Ishee, Secretary

Memorandum

TO: Joint Legislative Oversight Committee on Justice and Public Safety
FROM: Todd Ishee, Secretary 
RE: FY 2022 - 2023 Nurse Staffing at State Prisons Report
DATE: February 15th, 2024

S.L. 2023-134, Section 19B.2.(a) The Department of Adult Correction shall report the following information to the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2024, and by February 1, 2025:

- (1) The total number of permanent nursing positions allocated to the Department, the number of filled positions, the number of positions that have been vacant for more than six months, and information regarding the location of both filled and vacant positions.
- (2) The extent to which temporary contract services are being used to staff vacant nursing positions, the method for funding the contract services, and any cost differences between the use of permanent employees versus contract employees.
- (3) A progress report on the implementation of its plan to (i) reduce the use of contract services to provide nursing in State prisons and (ii) attract and retain qualified nurses for employment in permanent positions in State prisons.

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Currently, the North Carolina Department of Adult Correction faces a nursing vacancy rate of greater than 40%. The challenge of recruiting and retaining nursing staff in a correctional environment has been exacerbated by high vacancy rates, mandatory overtime, staff burn out, and staff choosing to leave the profession. Additionally, the agency continues to have difficulty with maintaining the pace of increasing market salaries for nursing staff making it impossible to compete with more lucrative nursing opportunities offered by community partners.

Over the past year, with increased agency nurse pay rates, the Department has been able to mitigate the nursing shortage. Although this approach is costly, it is essential to maintain safe care of our offender population.

Although this report focuses on staffing, technology and automation strategies are also being applied to meet patient care needs.

Nursing Staffing at State Prisons

- (1) The total number of permanent nursing positions allocated to the Department, the number of filled positions, the number of positions that have been vacant for more than six months, and information regarding the location of both filled and vacant positions.**

For purposes of this report, data includes both the Registered Nurse (RN) and Licensed Practical Nurse (LPN) job classifications as of 12/31/23. As *Table 1* indicates, there were a total of 460 permanent nursing positions in these classifications allocated to the Department with 210 positions (46%) vacant more than six months. This demonstrates a 35% increase of vacant positions greater than 6 months over the past 2 years. Nursing services staffing standard requires 604 RNs and LPNs to fulfill the patient care mission.

Importantly, efforts to reduce the use of contract services to provide nursing services continue to be counteracted by abolishment of State nursing positions. Recently, in fact, in December 2023, twenty-three (23) State nurse positions which had been vacant for extended periods of time were abolished. This included seven (7) RNs, six (6) charge nurses, five (5) LPNs, four (4) Health Care Technicians, and one (1) Nurse Supervisor I. The prolonged vacancy rates that resulted in these losses are purely a function of non-competitive salaries. Additionally, it is noted that S.L. 2017-57 required the reduction of 196 nursing FTEs, and continued elimination of unfilled positions by the agency. In the past two (2) years nursing services has realized a 24% decrease in the permanent full-time workforce positions.

Abolishment of positions does not negate the requirement for these positions to be filled in order to provide care for offenders, and the gap fill have to continue to be filled by agency (contract) nurses for NCDAC to meet its Constitutional mandate.

Table 1

Facility	Licensed Practical Nurse			Registered Nurse		
	Total Permanent Positions	Total Filled Positions	Total Vacant > 6 Months	Total Permanent Positions	Total Filled Positions	Total Vacant > 6 Months
AC Administration				1	1	
Albemarle Correctional Institution	3	2	1	4	2	2
Alcohol and Chemical Dependency						
Alexander Correctional Institution	10	2	6	10	5	5
Anson Correctional Institution	7	5	1	6	4	2
Avery-Mitchell Correctional Institution	5	3	2	5	2	2
Bertie Correctional Institution						
Caldwell Correctional Center	1	1		1	1	
Carteret Correctional Center	1	1				
Caswell Correctional Center	2		2	4	3	
Catawba Correctional Center				1	1	
Central Prison	61	29	29	43	12	28
Columbus Correctional Center	1	1		2	2	
Community Management Office						
Craggy Correctional Center	1	1		4	2	2
Craven Correctional Institution	5	1	4	5	2	2
Davidson Correctional Center						
Eastern Correctional Institution	1			3	1	2
Foothills Correctional Center	6	3	3	5	2	2
Forsyth Correctional Center	1	1				
Franklin Correctional Center	1		1	2	2	

Table 1 continued

Gaston Correctional Center				1	1	
Granville Correctional Institution	2	1		4	2	2
Greene Correctional Institution	4	3	1	3		3
Harnett Correctional Institution	4	2	2	3	1	2
Hyde Correctional Institution				2	2	
Johnston Correctional Institution	3	1	1	3		3
Lincoln Correctional Center				1	1	
Lumberton Correctional Center	3	2		3		3
Marion Correctional Institution	8	4	3	7	6	1
Maury Correctional Institution	7	4	3	9	1	8
Mountain View Correctional Institution	2	1	1	5	3	2
Nash Correctional Institution	4	4		6	2	3
NC Corr Inst. For Women	23	11	12	20	9	10
Neuse Correctional Institution	5	1	3	1		1
New Hanover CC	3	2	1	3	2	
North Piedmont CRV				1		1
Orange Correctional Center	1		1	2		2
Pamlico Correctional Institution	2	2		1		
Pasquotank Correctional Institution	5	5		1		1
Pender Correctional Institution	6	3	2	5		5
Piedmont Correctional Institution	8	3	4	8	4	4
Prisons Administration	4	3		6	4	1
Randolph Correctional Center	1		1	1		1
Richmond Correctional Institution	2		1	1	1	
Roanoke River Correctional Institution	1		1			
Roberson CRV				1	1	
Rutherford Correctional Center				1	1	
Sampson Correctional Center	2		2	2	2	
Sanford Correctional Center	1		1			
Scotland Correctional Institution	13	7	5	6	4	2
Southern Correctional Institution	5	4	1	6	2	4
Tabor Correctional Institution	6	5	1	7	6	1
Tyrrell Prison Work Farm	1		1	1		1
Wake Correctional Center	1		1	1		1
Warren Correctional Center	3	1	2	3	3	
Western Correctional Center for Women	1		1	1		
Wilkes Correctional Center				1	1	
Grand Total 2023	237	119	101	223	101	109
Grand Total 2022	246	122	83	263	152	79
Grand Total 2021	241	161	35	259	173	58

(2) The extent to which temporary contract services are being used to staff vacant nursing positions, the method for funding the contract services, and any cost differences between the use of permanent employees versus contract employees.

Temporary contract nursing services are sourced through two methods. Temporary staff are sourced from the state's contracted temporary employment agency, Temporary Solutions, who may be employed for eleven (11) consecutive months before they are required to take a 30-day break, and through competitively bid vendors that

provide nursing staff on a short-term, 13-week, contract basis. The Department also utilizes twenty-one (21) competitively bid vendors. These contract and temporary positions are paid at hourly rates and are funded by department lapsed salaries.

It should be noted, because contract and temporary nurses may only work on a short-term basis, it inhibits the ability for these employees to assume all responsibilities of a full-time employee. The 30-day break temporary staff are required to take annually, creates a staffing burden for the Department. As a result, the duties assigned to contract and temporary staff employees are less involved and very limited to performing the most basic needs necessary for patient care.

Table 2 below shows the distribution of temporary contract services being used to staff vacant nursing positions. This number increased by 46% due to increase rates in March 2023 to match NC DHHS, demonstrating that with competitive rates the department can recruit nursing staff.

Table 2

December	Total 2021	Total 2022	Total 2023
Contracted Nurses/Temporary Solution Nurses	214	131	242
Total	214	131	242

Table 3 and Table 4 below show the cost differences between the use of permanent employees versus contract employees (table includes 30% overhead for agency contracts) for both registered nurses and licensed practical nurses, respectively. For permanent nurses, estimates include the current benefit value of 30.54% for Social Security and Retirement Contributions. There is a notable gap between the salaries for both registered and licensed practical contracted nursing staff and permanent, full-time nursing staff. This disparity, while necessary to compete in the contractual nursing market, continues to impact the ability to retain, recruit and hire permanent nursing staff.

Table 3

Registered Nurse Average Pay	Average Hourly Rate 2022	Annualized Rate 2022	Average Hourly Rate 2023	Annualized Rate 2023
Contracted Nurses	\$57.39	\$119,371	\$87.00	\$180,960
Permanent Nurses	\$33.15	\$68,949	\$37.10	\$74,262
Cost Difference	\$24.24	\$50,422	\$49.90	\$106,968

Table 4

Licensed Practical Nurse Average Pay	Average Hourly Rate 2022	Annualized Rate 2022	Average Hourly Rate 2023	Annualized Rate 2023
Contracted Nurses	\$42.66	\$88,732	\$64.00	\$133,120
Permanent Nurses	\$24.83	\$51,656	\$25.40	\$52,823
Cost Difference	\$17.83	\$37,076	\$38.60	\$80,297

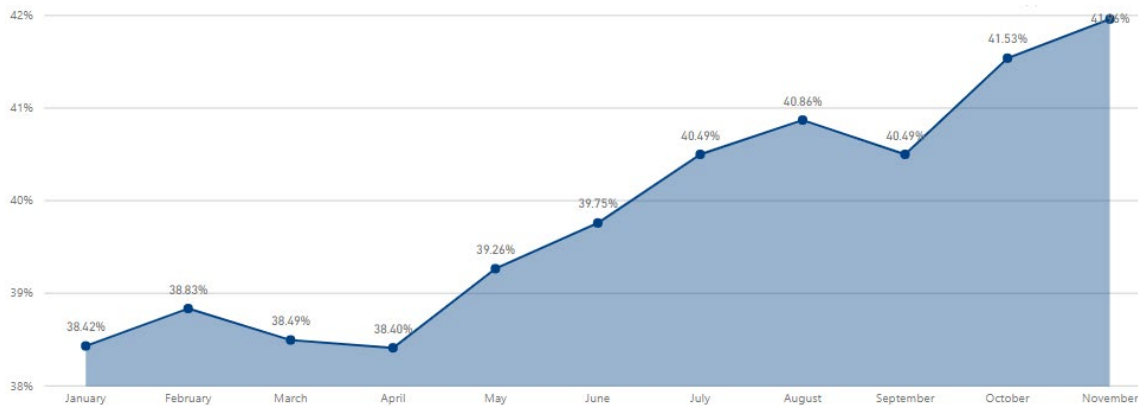
(3) A progress report on the implementation of its plan to (i) reduce the use of contract services to provide nursing in State prisons and (ii) attract and retain qualified nurses for employment in permanent positions in State prisons.

Nursing approves the use of contract services at facilities based on current vacancies. The vacancy rate and subsequently travel nurse approvals are adjusted to meet patient care needs. Other strategies such as float pool nurses and reduction in hours of services at facilities were utilized in the past. Due to the increasing vacancy rate system wide, there has been a continued increase in the utilization of travel nurse approvals to maintain health care services at our facilities across the state.

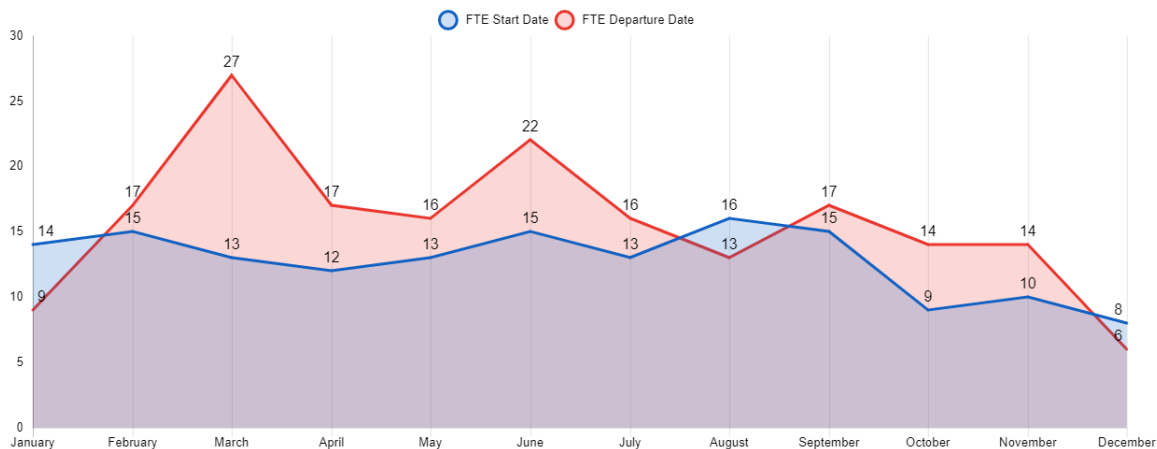
Graph 1 demonstrates an upward trending vacancy rate for RN and LPN job classes, resulting in a 9.19% vacancy increase between January 2023 and November 2023.

Graph 1

Nursing Vacancy Rates 2023



Graph 2 demonstrates the rate at which the Department fills and separates nursing and health care support staff.



Current Efforts to Reduce Nurse Vacancies

Below is a summary of efforts currently underway to help reduce nursing vacancies. Some of these initiatives will require additional funding and therefore further fiscal analysis, to expand or continue.

RN New Graduate

This program began in September 2017 and continues presently. The Department has been successful with attracting nurse graduates to work in correctional nursing. The program focuses on recruitment of senior nursing students or recent nursing student graduates who will be licensed as a Registered Nurse in North Carolina or eligible to practice in North Carolina under a compact/multi-state license within 6 months of their State online employment application. Those eligible can apply, interview, and have a contingent offer of employment issued with a starting salary of \$55,000, provided the applicant successfully graduates and becomes licensed. If for any reason eligible applicants do not graduate or do not become licensed within 6 months of the date of their application, the initial contingent offer is rescinded, and they will be required to re-apply once they are licensed. There have been very few new graduates hired in 2023 as the current average new graduate salary in NC is 15% - 20% above that of DAC depending on geographical area.

Increasing the new graduate starting salary to meet current NC new graduate pay rates could potentially increase the success of this program.

Senior RN Student Clinical Rotations

Staff continues to work with local community colleges and universities to get senior nursing students approved and cleared to perform their 160 required clinical rotations at Central Prison. This allows the Department to introduce them to correctional nursing and promote employment opportunities after graduation /licensure. These nurses, in turn, would be eligible to apply through the RN Statewide-Continuous posting prior to graduation. Most facilities are unable to provide a sufficient time and resources for mentorship activities. Student clinical assignments are considered on a case-by-case basis.

With high vacancy rates, facilities lack sufficient staffing to support training of nursing students. To support a successful student nurse program, nursing services began recruitment in January 2024 of regional nurse preceptors to facilitate orientation and training of new graduates and students.

Regional Recruiters for Healthcare Professional Positions

The Healthcare Regional Recruiter position became vacant in August of 2023. The position was submitted for reclassification in September Of 2023 to better align with the talent acquisition team. While awaiting reclassification, line staff in conjunction with the adult corrections talent acquisition teams are covering major hiring events.

The Department continues to collaborate to find unique and inventive options for recruiting and retaining staff.

Nurse Floating/Rotating Staff Pool

The Department has increased the use of floating/rotating registered nurse pools in all regions of the state to assist with and provide relief with the day-to-day vacancies at prison facilities. Float nurses are trained in nursing operations at all acuity and custody levels to allow for the provision of nursing assistance where most critical at prisons within their geographic area. This retention program is intended to minimize or mitigate job burnout and offer the float nurse a variety of assignments in different specialty areas.

Use of Unlicensed Assistive Personnel

Although licensed nurses are essential to many aspects of establishing and implementing the health care plan, Unlicensed Personnel can provide much support to the nursing team. DAC is broadening the use of unlicensed personnel (UAP); specifically, by recruiting Certified Nursing Assistant IIs and Medical Assistants. With supervision, these health care personnel can perform tasks such as medication administration, lab collection, blood glucose monitoring, vital signs, assist physicians, participate in emergency care and support the telehealth program. Use of UAP is a cost-effective way to procure patient care staff to meet the healthcare needs of the offender population. DAC has begun hiring Certified Medical Assistants through both Temporary Solutions and the agency’ contracted nursing services vendors to incorporating these staff into our health care delivery plan. In 2022 Nursing Services adjusted the requirements for our full-time Unlicensed Assistive Personnel candidates to include Emergency Medical Technicians and Medical Assistants, however the agency has not been successful in recruiting these personnel. The Health Assistant II positions were recently approved for continuous posting to support recruitment efforts which has assisted with easing the recruitment and hiring process. Over the last several months, the agency has made a push to transition agency unlicensed assistive personnel to full time positions to reduce agency expenditures.

	2021	2022	2023
UAP – Travel Agency	0	68	22
UAP – Temp Solutions	22	16	11
UAP - FTE	191	156	178
Total	213	240	211

Sign-on and Retention Bonus Program

An expansion of the sign-on bonus program was approved by OSHR and implemented in April of 2022. This expansion included all prison facilities and offered higher bonus amounts to remain competitive and attract additional candidates. Since its inception in 2021, DAC has since expanded sign on bonus to all DAC facilities. Other state and local health care providers have increased their sign on bonus to remain competitive. If funding can be identified, increasing sign-on bonuses should be considered.

The Department funds this program using lapsed salaries as follows:

Classification	Job Code	Bonus Amount
Charge Nurse	32000607	\$10,000
Health Care Technician I	32000600	\$1,500
Health Care Technician II	32000601	\$2,000
Licensed Practical Nurse	32000608	\$4,000
Registered Nurse	32000653	\$10,000

Paid sign on bonus:

Licensed Practical Nurse		
Year	Count of Employees Paid	Total amount paid
2023	10	\$20,000
2022	16	\$32,000
2021	2	\$3,000
Total	28	\$82,000
Registered Nurse		
Year	Count of Employees Paid	Total amount paid
2023	27	\$135,000.00
2022	22	\$107,500
2021	3	\$6,500
Total	52	\$249,000

Flexible Shift Scheduling

During 2022, many facilities converted their nursing shifts to 12 hours to meet employee job satisfaction goals. To further meet employee job satisfaction goals, nursing services will move forward with offering employee self-scheduling in 2023. Nursing services offers staff a variety of shift options where feasible including 8-hour, 10-hour, 12-hour and weekend options.

Expedited Salary Approval for Registered Nurses and Licensed Practical Nurses

During 2021, salary delegation for Registered Nurse and Licensed Practical Nurse position salaries was approved by DPS Human Resources to be managed at the Division of Prisons level. This delegation eliminated steps in the hiring process reducing the time between the nurse’s interview and the Conditional Offer of Employment. Additionally, during hiring events at multiple sites across the state, a same day or up to 72-hour salary approval approach was utilized. Offering a salary with this short turnaround time assisted in securing candidates and start dates quickly. As the Department of Adult Correction reshapes its Human Resource Division, salary delegation, some over budget and equity approvals should be considered at Division of Health Services levels to expedite salary offers and shrink the number of days from interview to offer. The agency has conducted studies of the hiring process and is applying guidance to improve outcomes.

Student Loan Forgiveness/Grants

As a potentially significant recruitment and retention tool, DAC is committed to pursuing all opportunities available to participate in student loan forgiveness/grants programs, including those available through the US Health Services and Resources Administration (HRSA) and others, for new graduate nurses who work in approved facilities in rural or hard to recruit for geographic areas. In 2023, HRSA approved additional sites for loan reimbursement. The agency has promoted the program on advertisements and other communications. The DAC Healthcare Recruiter will work to get other qualifying locations approved continue to seek approval for additional sites once on boarded.

Bonus Budget Initiatives

In June of 2023, DAC approved bonuses for certain nursing classifications. Employees who met established criteria were granted a bonus of between \$1,500 and \$5000 depending on job classification.

Extended Duty

During the pandemic, DPS received approval for a group of nursing staff who are exempt from the hours of work and overtime provisions of FLSA to be approved for Extended Duty for a temporary period. This group of nurses assisted our facility nursing staff across the state in administering vaccines to the offender population. These staff worked extra shifts above their normal work schedules not to exceed 20 hours per week and received additional pay on a straight-time basis. During this project it was realized the Department has an internal pool of trained nurses that could be utilized to fill gaps with unfulfilled care roles within our organization. With current nursing shortages across North Carolina, nursing staff often take the opportunity to provide services for other health care providers to supplement their income through secondary employment. Expanding this program on a permanent basis would allow DPS to utilize this nursing resources internally and could result in a float pool of up to 50 fully trained DPS nurses that would provide needed relief to our registered and licensed practical nurses. Due to lack of approval for extended duty in 2021 and 2022, no additional requests were made in 2023.

Proposed Efforts to Reduce Nurse Vacancies

The COVID-19 Pandemic has limited the ability to move forward as planned with many of initiatives. Below is a summary of proposed initiatives to reduce nursing vacancies. Some of these proposals will require additional research and fiscal analysis if considered for implementation.

Shift Differential Pay

Flexible and untraditional scheduling has created grey area as it relates to shift differential pay. Shift premium rules are no longer defined in policy. To clarify premium pay rules and utilize this incentive pay as a recruitment tool, DAC proposes utilization of shift differential pay, as follows:

- 2nd shift additional pay - 15% (where the majority of working hours fall after 4 pm)
- 3rd shift additional pay - 20% (where the majority of the working hours fall after 6 pm)
- 1st shift Weekend shift additional pay - 10% (where the majority of working hours fall before 6 pm)
- 2nd shift weekend additional pay - 25% (where the majority of working hours fall after 4 pm)
- 3rd shift weekend additional pay - 30% Where the majority of working hours fall after 6 pm)

In range Adjustment for all nursing classes

To remain competitive with community health care providers, correct internal equity issues and address compression through labor market salary increases. A higher base pay for current staff will have an impact on retention of experienced staff and assist with stabilizing the workforce.

Retention Bonus Program

Private sector health care providers have complimented their sign on bonus programs with a retention bonus program. OSHR has a provision to provide a retention bonus as a method of retaining a group of employees when the agency is offering a sign-on bonus as a recruitment incentive to attract qualified candidates in critical positions that have labor market shortages. It is recommended that the retention bonus (Table 6) be offered to all full-time nursing staff in return for an eighteen (18) month commitment which should stabilize the workforce. The retention bonus offering promotes longevity among existing employees who are trained and experienced. Health care entities such as UNC and ECU hospital systems already offer this incentive program offering double and triple the rates below.

Table 6 *not all filled positions would qualify based on OSHR guidelines.

Classification	Number of Filled Positions	Bonus Amount	Cost
Health Care Technician I	34	\$1,500	51,000
Health Care Technician II	142	\$2,000	284,000
Licensed Practical Nurse	124	\$4,000	496,000
Registered Nurse	345	\$10,000	3,450,000
Retention Bonus Costs			4,281,000
Ineligible new hire RN	(51)		(\$250,000)
Ineligible new hire LPN	(28)		(\$72,000)
Ineligible new hire HCTII	(27)		(\$54,000)
Ineligible new hire HCTI	(11)		(16,500)
Net Cost			3,888,500

Internal Staffing Response Team

A current industry trend is to develop an internal temporary staffing workforce. These are unbenefited contractual positions that pay at a higher rate by DAC, but not by a third-party vendor (travel agency). DAC would realize a significant cost savings by cutting the overhead paid to the third-party vendor and a higher rate of pay could be offered to the temporary staff.

Temporary Solutions rates are not competitive enough to recruit nurses in today’s market. This is evidenced by Temporary Solutions employing only 2% of RNs and 0% of LPNs within the agency. Travel agency rates are more lucrative; however, this plan could allow us to compete with those rates, realizing a cost savings and reduce rapid turnover of agency staff who typically work a 13-week contract.

Table 7 demonstrates costs paid to travel agencies, temporary solutions, and travel nurses. A cost savings is calculated based on industry standard of 70% nursing / 30% vendor fees. Departmental savings are demonstrated when unbenefited temporary staff are hired directly by DAC at a higher rate rather than utilizing a third-party vendor.

Table 7

	RN Pay Rates	LPN Pay Rates
DAC rate paid to travel agency	\$87.00	\$64.00
Travel agency rate paid to nurse	\$60.90	\$44.80
DAC Internal Staffing Response Team Rate	\$67.00	\$50.00
Temporary Solutions Rate	\$36 - \$38	\$29-\$31
Potential Savings per hour	\$20.00	\$14.00
Potential Annualized savings per staff	\$41,600	\$29,120
Potential Savings based on # current contractual staff	140 x \$41,600 = 5,824,000	102 x \$29,120 = 2,970,240
Total Savings	\$8,794,240	

Career Progression

In 2024, nursing services will submit a proposal for career progression and seek support and approval for reclassifications to support career progression. This will include RNs, LPNs, Health Care Technicians and Medical

Records Staff. The Career Progression Program tracks are self-paced structured training programs that will enhance clinical skills, leadership skills and prepare employees for career advancement.

With restructuring unlicensed personnel within the classification system, increasing certifications of unlicensed staff and reclassifying positions, nursing has the potential to internally grow 100 health care technician positions at little cost to the agency while expanding capabilities of current staff within our facilities.