

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 2521	House Committee:	PASSED HR 2/9/22 (19-0)
Committee:	Human Resources		PASSED Ways 2/22/22 (25-0)
Floor Manager:	Rep. Rob Bacon	House Floor:	PASSED 3/2/22 (99-0)
Date:	May 17, 2022	Senate Floor:	PASSED 3/22/22 (49-0)
Staff:	Natalie Ginty (5-2063)	Governor:	SIGNED 5/17/22

Health Care Employment Agencies

- This bill requires health care employment agencies to register with DIA, to ensure their agency workers are qualified and meet health regulation requirements for the health care setting they are working in, maintain liability coverage, and to report costs charged to health care settings and average amount paid to agency workers. This bill also prohibits non-competes for health care employment agency workers, and requires DIA to investigate complaints against health care employment agencies.

Section by Section Analysis

Section 1 – New Section – Definitions

Defines “department”, “direct services”, “health care employment agency”, “health care employment agency worker”, “health care entity”, “managing entity”, and “nursing services”.

“Health care employment agency” is defined as “an agency that contracts with a health care entity in this state to provide agency workers for temporary, temporary-to-hire, direct hire, or other contract or employee placements.” The bill makes clear that physicians and ARNPs that enter into temporary contracts are not covered by this bill.

Section 2 – New Section – Health care employment agency requirements – registration – liability – penalties

Requires the annual registration of health care employment agencies with DIA with an annual registration fee of \$500.

The health care employment agency must do all of the following:

- Ensure agency workers comply with all health requirements and qualifications of personnel in health care settings
- Document that the agency employees meet the minimum licensing, certification, training, and health requirements and continuing education standards for the health care setting
- Maintain records of each agency worker
- Maintain professional and general liability insurance coverage with minimum coverage of \$1 million per occurrence and \$3 million for aggregate for malpractice

Prohibits health care employment agencies from:

- Restricting employment opportunities of agency workers, including non-competes
- Requiring liquidated damages, employment fees or other compensation if the agency worker is hired by a health care entity

Requires quarterly reports to DIA for each health care entity participating in Medicare or Medicaid that a health care employment agency contracts with. These reports must include a detailed list of the average amount charged to the health care entity for each agency worker category, and average amount paid by the agency to the agency workers for each worker category.

Violations include denial or revocation of registration and \$500 penalty for first offense and \$5000 penalty for subsequent offenses. Managing entities of an agency that has been denied or revoked registration cannot be granted registration for another agency within 2-years.

Requires DIA to establish a system for members of the public to report complaints against an agency or agency worker, and DIA must investigate any complaint received and report findings to the complainant and agency.