
HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 958 by Representative Dustin Miller

1 AMENDMENT NO. 1

2 On page 1, line 3, change "2120.22" to "2120.24"

3 AMENDMENT NO. 2

4 On page 1, line 11, after "requirements;" and before "and" insert "to provide for fees;"

5 AMENDMENT NO. 3

6 On page 1, line 14, change "2120.22" to "2120.24"

7 AMENDMENT NO. 48 On page 2, at the end of line 3, delete "and"9 AMENDMENT NO. 510 On page 2, at the beginning of line 4, delete "registration" and after "agencies" delete the
11 remainder of the line and insert a period " ."12 AMENDMENT NO. 6

13 On page 2, delete lines 5 and 6 in their entirety

14 AMENDMENT NO. 7

15 On page 2, between lines 9 and 10, insert the following:

16 "(1) "Certified nurse aide" means an individual who has completed a Nurse
17 Aide Training and Competency Evaluation Program approved by the state as
18 meeting the requirements of 42 CFR 483.151 and 483.154 or has been determined
19 competent as provided in 42 CFR 483.150(a) and (b) and is listed as certified and in
20 good standing on the state's Certified Nurse Aide Registry."21 AMENDMENT NO. 822 On page 2, line 10, change "(1)" to "(2)"23 AMENDMENT NO. 924 On page 2, line 13, change "(2)" to "(3)"25 AMENDMENT NO. 1026 On page 2, line 16, change "(3)" to "(4)"27 AMENDMENT NO. 1128 On page 2, line 18, change "(4)" to "(5)"

1 AMENDMENT NO. 12

2 On page 2, line 20, change "(5)" to "(6)"

3 AMENDMENT NO. 13

4 On page 2, line 23, change "(6)" to "(7)"

5 AMENDMENT NO. 14

6 On page 2, line 27, after "Part" and before the period "." delete "for the protection of the
7 health, welfare, and safety of patients and residents"

8 AMENDMENT NO. 15

9 On page 2, line 28, after "person" and before "may" insert a comma "," and "partnership,
10 corporation, unincorporated association, or other legal entity"

11 AMENDMENT NO. 16

12 On page 2, line 29, after "person" and before "is" insert a comma "," and "partnership,
13 corporation, unincorporated association, or other legal entity"

14 AMENDMENT NO. 17

15 On page 3, at the end of line 1, after "licensure" insert a semicolon ";" and "fees"

16 AMENDMENT NO. 18

17 On page 3, at the beginning of line 2, insert "A."

18 AMENDMENT NO. 19

19 On page 3, at the beginning of line 6, insert "B."

20 AMENDMENT NO. 20

21 On page 3, line 18, after "compensation" and before the period "." insert "with a minimum
22 coverage in the amount of one million dollars"

23 AMENDMENT NO. 21

24 On page 3, at the end of line 19, after "insurance" and before the period "." insert "in an
25 amount sufficient to provide coverage in accordance with the total amount recoverable for
26 all malpractice claims as indicated in R.S. 40:1231.2"

27 AMENDMENT NO. 22

28 On page 3, between lines 22 and 23, insert the following:

29 "C. Any person, partnership, corporation, unincorporated association, or
30 other legal entity, currently operating or planning to operate a nurse staffing agency
31 shall be assessed a nonrefundable fee of six hundred dollars, payable to the
32 department, at the time an initial licensing application is made to the department and
33 shall be assessed a nonrefundable fee of three hundred dollars once per year
34 thereafter for renewal of the license. Any person, partnership, corporation,
35 unincorporated association, or other legal entity shall be assessed a delinquent fee
36 of one hundred dollars for failure to timely renew its license; the delinquent fee shall
37 be assessed and shall become due and payable to the department at 12:01 a.m. on the

1 first day following the expiration date of the license. These licensing fees are for
2 the initial application and renewal of a license only and are in addition to any other
3 fees that may be assessed according to the laws, rules, regulations, and standards that
4 are applicable to a nurse staffing agency."

5 AMENDMENT NO. 23

6 On page 3, line 28, change "one" to "two"

7 AMENDMENT NO. 24

8 On page 4, line 5, change "ninety" to "thirty"

9 AMENDMENT NO. 25

10 On page 4, at the end of line 7, change "one-year" to "two-year"

11 AMENDMENT NO. 26

12 On page 4, at the end of line 11, delete "or" and delete line 12 in its entirety and insert in lieu
13 thereof "as well as any licensing regulations promulgated by the department."

14 AMENDMENT NO. 27

15 On page 5, line 7, after "employee" and before the period "." insert "or contracted staff"

16 AMENDMENT NO. 28

17 On page 5, between lines 7 and 8, insert the following:

- 18 "(3) Licensure application and renewal application procedures and
- 19 requirements.
- 20 (4) Survey and complaint investigations.
- 21 (5) Denial, revocation, suspension and nonrenewal of licenses, and appeals.
- 22 (6) Such other standards or regulations that will ensure proper care and
- 23 treatment of patients, clients, and persons receiving services."

24 AMENDMENT NO. 29

25 On page 6, line 12, after "time" and before the comma "," delete "and shall"

26 AMENDMENT NO. 30

27 On page 6, line 13, after "interested person" delete the remainder of the line and delete lines
28 14 through 29 in their entirety and insert in lieu thereof the following:

- 29 "regarding allegations that a nurse staffing agency is operating without a
- 30 valid license issued by the department, investigate any entity, person, or persons.
- 31 B. The department may examine the premises of any nurse staffing agency
- 32 and may examine and inspect books, payrolls, records, papers, documents, and other
- 33 evidence in any survey or investigation. The nurse staffing agency shall cooperate
- 34 in any survey or investigation conducted by the department. Failure to cooperate or
- 35 produce any documentation for inspection or survey may result in action up to and
- 36 including license revocation.
- 37 C. The department shall assess a nurse staffing agency a survey or
- 38 investigation fee not to exceed one thousand dollars for any complaint survey or
- 39 investigation conducted by the department at which deficiencies are substantiated.
- 40 This survey or inspection fee shall be imposed by the department only after the nurse
- 41 staffing agency has completed the administrative process which has upheld the

1 deficiencies or the time for filing any administrative appeal has expired. The survey
2 or investigation fee shall not exceed the cost of performing the survey. This fee shall
3 be in addition to any other sanctions."

4 AMENDMENT NO. 31

5 On page 7, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

6 "§2120.22. Operation without a license; penalty
7 A. A nurse staffing agency shall not operate without a license issued by the
8 department. Any such agency or provider operating without a license shall be guilty
9 of a misdemeanor and upon conviction shall be fined no less than two hundred fifty
10 dollars nor more than one thousand dollars. Each day of violation shall constitute
11 a separate offense. It shall be the responsibility of the department to inform the
12 appropriate district attorney of the alleged violation to ensure enforcement.
13 B. If a nurse staffing agency is operating without a license issued by the
14 department, the department may have the authority to issue an immediate cease and
15 desist order to that agency. Any such agency receiving a cease and desist order from
16 the department shall immediately cease operations until such time as that agency is
17 issued a license by the department.
18 C. The department shall seek an injunction in the Nineteenth Judicial District
19 Court against any agency that receives a cease and desist order from the department
20 in accordance with Subsection B of this Section and that does not cease operations
21 immediately. Any such agency against which an injunction is granted shall be liable
22 to the department for attorney fees, costs, and damages."

23 AMENDMENT NO. 32

24 On page 7, between lines 2 and 3, insert the following:

25 "§2120.23. Implementation
26 A. No nurse staffing agency shall be required to obtain a license in
27 accordance with this Part until the initial rules, regulations, and licensing standards
28 are promulgated by the department in accordance with the Administrative Procedure
29 Act.
30 B. Each agency that meets the definition of nurse staffing agency as defined
31 in this Part shall submit an initial licensing application and fee to the department
32 within ninety days of the promulgation of the initial rules, regulations, and licensing
33 standards. If the agency is not licensed within one hundred eighty days after
34 submission of its initial licensing application and fee, the agency shall cease
35 operations until such time as it is licensed as a nurse staffing agency by the
36 department."

37 AMENDMENT NO. 33

38 On page 7, at the beginning of line 3, change "§2120.22" to "§2120.24"