

GREEN SHEET REDIGEST

HB 958

2022 Regular Session

Dustin Miller

HEALTH CARE/PROVIDERS: Provides for licensure and regulation of nurse staffing agencies by the Louisiana Department of Health

DIGEST

Proposed law authorizes the La. Dept. of Health to promulgate and publish rules and regulations to provide for the licensure and registration of nurse staffing agencies.

Proposed law defines "certified nurse aide", "department", "healthcare facility", "licensee", "nurse", "nurse staffing agency", and "secretary".

Proposed law provides that "nurse staffing agency" does not include a nurse staffing agency that solely provides services in Louisiana under a contract or other agreement with the state, or any executive branch department or agency thereof, as a result of a declared disaster, emergency, or public health emergency. Also provides that "nurse staffing agency" does not include a nurse staffing agency the federal or state government, department, or agency that provides nursing staff or certified nurse aides to any health care provider setting, evacuation site, or shelter location as a result of a declared disaster, emergency, or public health emergency.

Proposed law provides requirements for licensure and applicability provisions for prospective agencies.

Proposed law establishes regulations, processes, and grounds for issuance, renewal, and denial of a license.

Proposed law requires the department to establish minimum standards for the operation of nurse staffing agencies.

Proposed law authorizes the department to investigate, upon receipt of a complaint, any entity, person, or persons licensed or applying for a license and to investigate any entity, person, or persons who operate or advertise a nurse staffing agency without being licensed in accordance with proposed law.

Proposed law authorizes the department to examine certain premises when the investigation or survey of a nurse staffing agency is required by proposed law.

Proposed law establishes fee provisions for any person, partnership, corporation, unincorporated association, or legal entity operating or planning to operate a nurse staffing agency, specifically regarding licensure and renewal.

Proposed law prohibits a contract between a nurse staffing agency and an agency employee or contracted staff or a facility to which the employee or staff is assigned, from requiring a fee payment if the employee or contracted staff is hired as a permanent employee of the facility, unless the fee is paid by the facility and the amount will be reduced prorata based on the length of time the nurse staffing agency employee or contracted staff performs services for the facility while in the employment of the nurse staffing agency.

Proposed law adds penalty provisions for the unlicensed operation of a nurse staffing agency.

(Adds R.S. 40:2120.11-2120.24)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Define "certified nurse aide".
2. Establish fee provisions for any person, partnership, corporation, unincorporated association, or legal entity operating or planning to operate a nurse staffing agency, specifically regarding licensure and renewal.
3. Change the duration of effectiveness for licensure from one year to two years.
4. Provide additional information regarding the department's authority and abilities when conducting a survey or investigation regarding allegations made against a nurse staffing agency.
5. Expand minimum standards for the operation of a nurse staffing agency.
6. Add penalty provisions for the unlicensed operation of a nurse staffing agency.
7. Add provisions for the implementation of the proposed law.
8. Change application for renewal requirements from ninety days to thirty days.
9. Delete the provision relating to the secretary's authority to examine certain premises when an investigation or survey is required by the proposed law and give such authority to the department.
10. Make technical corrections.

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Remove provisions making the nurse staffing agency liable for penalties for operation without a license and instead make the person, partnership, corporation, or entity operating the nurse staffing agency without a license liable for penalties.
2. Remove provisions requiring the nurse staffing agency to submit an initial licensing application pursuant to proposed law and instead require the person, partnership, corporation, or entity operating the nurse staffing agency to submit the application.
3. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the re-reengrossed bill

1. Increases the licensure fee from \$600 to \$1200.
2. Prohibits a nurse staffing agency from requiring a fee payment when a nurse is hired as a permanent employee of a facility unless certain conditions are met.

Committee Amendments Proposed by Senate Committee on Finance to the re-reengrossed bill

1. Provides that "nurse staffing agency" does not include a nurse staffing agency that solely provides services in Louisiana under a contract or other agreement

with the state, or any executive branch department or agency thereof, as a result of a declared disaster, emergency, or public health emergency.

2. Provides that "nurse staffing agency" does not include a nurse staffing agency the federal or state government, department, or agency that provides nursing staff or certified nurse aides to any health care provider setting, evacuation site, or shelter location as a result of a declared disaster, emergency, or public health emergency.