

HOUSE SUMMARY OF SENATE AMENDMENTS

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

Synopsis of Senate Amendments

1. Universally defines "nurse staffing agency" as any person, partnership, corporation, unincorporated association, or other legal entity that employs, assigns, or refers nurses or certified nurse aides to render healthcare services in a healthcare facility for a fee.
2. Specifies which agencies and departments are not included in the definition of "nurse staffing agency".
3. Increases the cost of the application for licensure from \$600 to \$1200.
4. Establishes provisions for instances in which a nurse staffing agency may or may not require payment from or charge fees to employees and contracted staff.

Digest of Bill as Finally Passed by Senate

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 authorizes the La. Dept. of Health to protect the public's right to high quality health care by assuring that nurse staffing agencies employ, assign, and refer licensed and certified personnel to healthcare facilities.

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

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 provides that the department may at any time and shall, upon receiving a complaint from any interested person, investigate any entity, person, or persons licensed or applying for a license.

Proposed law gives the department authority 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 requires the department to adopt all rules and regulations in accordance with the present law (Administrative Procedure Act) as necessary for the implementation of

proposed law and includes additional provisions for the implementation of 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 adds penalty provisions for the unlicensed operation of a nurse staffing agency.

Proposed law provides that the following entities are not included as "nurse staffing agencies":

- (1) An agency that solely provides services in Louisiana under a contract or other agreement with the state of Louisiana, or any executive branch department or agency thereof, as a result of a declared disaster, emergency, or public health emergency.
- (2) 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 that a nurse staffing agency shall not require the payment of a fee if the employee or contracted staff is hired as a permanent employee of the facility.

Proposed law states that a nurse staffing agency may require the payment of a fee if the fee is payable solely by the facility and the contract with the facility specifies that the amount will be reduced pro-rata 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 does not allow a nurse staffing agency to charge a fee if a nurse staffing agency employee or contracted staff was employed by a facility as a permanent employee less than thirty days immediately preceding the agency's initial assignment of the employee or contracted staff to the facility.

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