

## RÉSUMÉ DIGEST

ACT 577 (HB 958)

2022 Regular Session

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

New law authorizes LDH 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.

New law identifies a "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. New law provides that, for the purposes of new law, the following entities shall not be identified as a "nurse staffing agency":

- (1) An agency that solely provides services in La. under a contract or other agreement with the state of La. 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.

New law defines "certified nurse aide", "department", "healthcare facility", "licensee", "nurse", and "secretary".

New law provides requirements for licensure and applicability provisions for prospective nurse staffing agencies.

New law establishes regulations, processes, and grounds for issuance, renewal, and denial of a nurse staffing agency license.

New law requires LDH to establish minimum standards for the operation of nurse staffing agencies.

New law provides that LDH 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 nurse staffing agency license.

New law gives LDH authority to investigate any entity, person, or persons who operate or advertise a nurse staffing agency without being licensed in accordance with new law.

New law authorizes LDH to examine certain premises when the investigation or survey of a nurse staffing agency is required by new law.

New law requires LDH to adopt all rules and regulations in accordance with existing law (Administrative Procedure Act) as necessary for the implementation of new law and includes additional provisions for the implementation of new law.

New 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.

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

New 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.

New 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.

New 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 30 days immediately preceding the agency's initial assignment of the employee or contracted staff to the facility.

Effective August 1, 2022.

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