



# State Health Care Staffing Laws Guide

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# Colorado

## Supplemental Health-care Staffing Agencies Law

The Colorado Supplemental Health-care Staffing Agencies Law ("Law") was enacted in 2022 and amended in 2023.

### Potential Application to Locum Tenens Agencies

The Law generally would apply to locum tenens agencies that *employ* health-care workers (broadly defined) for temporary placement in a health-care facility. The Law does not appear to apply to agencies with only independent contractor relationships, *provided that* the workers are properly classified as independent contractors.<sup>1</sup>

Supplemental Health-care Staffing Agency	"Supplemental health-care staffing agency" or "staffing agency" means an individual or type of organization, including any partnership, limited liability partnership, limited liability company, limited liability limited partnership, association, trust, joint stock company, insurance company, or corporation, whether domestic or foreign, engaged in the business of providing health-care workers who are employees of the staffing agency, and, for a fee, assigning them to temporary placements in health-care facilities.
Exclusions	The term does not include: (1) an individual acting as an independent contractor who is only engaged in providing the individual's services on a temporary basis to health-care facilities; (2) a health-care worker platform.
<b>Other Key Definitions</b>	
Department	"Department" means the Colorado Department of Labor and Employment.
Health-care Facility	"Health-care facility" means a facility licensed by the department of public health and environment pursuant to section 25-1.5-103(1)(a) [listing a broad range of types of facilities including hospitals, psychiatric hospitals, community clinics, convalescent centers, nursing care facilities, hospice care, assisted living residences, and ambulatory surgical centers].
Health-care Worker	"Health-care worker" means a person employed by a supplemental health-care staffing agency for temporary placement in a health-care facility.
Health-care Worker Platform	"Health-care worker platform" means any person, firm, corporation, partnership, or association that maintains a system or technology that provides a media or internet platform for a health-care worker to be listed and identified as available for hire by health-care facilities seeking health-care workers. Under a platform, the health-care facility sets the hourly rates and other terms of hire and the health-care worker, as an independent contractor and not as an employee or agent of the entity that maintains the platform, decides whether to agree to the hourly rates and other terms of hire.

<sup>1</sup> Whether a worker is properly classified as an independent contractor or an employee is outside the scope of this Guide and should be evaluated in consultation with a Colorado employment lawyer.

Resources	
Statutes	<a href="#">Colo. Rev. Stat. § 8-4-125</a>
Regulations	None at this time.
Regulator Contact	Colorado Department of Labor Division of Labor Standards and Statistics 633 17th Street Denver, CO 8202-2107 Phone: (303) 318-8441 Email: <a href="mailto:cdle_health_staffing@state.co.us">cdle_health_staffing@state.co.us</a>
Regulator Website	<a href="https://cdle.colorado.gov/healthstaffing">https://cdle.colorado.gov/healthstaffing</a>
Reporting Portal	<a href="https://socgov11-comm.force.com/LSCS/s/">https://socgov11-comm.force.com/LSCS/s/</a>
Guidance re Reporting	<a href="#">Interpretive Notice &amp; Formal Opinion (“INFO”) #21: Reporting Required by Supplemental Health-Care Staffing Agencies</a>
Application for Certification as Employee Leading Company	<a href="https://cdle.colorado.gov/sites/cdle/files/UITL-39_EmployeeLeasingCompanyAnnualReportAndCertification_0.pdf">https://cdle.colorado.gov/sites/cdle/files/UITL-39_EmployeeLeasingCompanyAnnualReportAndCertification_0.pdf</a> Certification is only required if the supplemental health-care staffing agency meets the definition of an “employee leasing company” as defined in Colorado Revised Statutes § 8-70-114; not required if the agency meets the definition of “temporary help contracting firm” as defined in Colorado Revised Statutes § 8-7-105.5.
Effective Dates and Deadlines	
Law	Originally effective on August 10, 2022; 2023 amendments effective on May 1, 2023.
Reporting Deadlines	April 30: Report covering the period from October 1 of the previous year through March 31 of the current year. October 31: Report covering the period from April 1 through September 30 of the current year.
Registration or Licensure Requirements	
Requirement	None at this time (unless the agency is an “employee leasing company” as defined in Colorado Revised Statutes § 8-70-114.
Reporting Obligations	
Reporting Frequency	Twice a year.
Report Content	Please see the Guidance re Reporting link in the Resources section above for the required contents.
Credentialing	
License Verification	Verify current, unrestricted license or certification in good standing for entire reporting period.

Continuing Education Verification	Verify worker meets the training and continuing education standards for the position with the health-care facility for entire reporting period.
Background Checks	Complete all background checks required by federal and state law, rule, and regulation relating to the health-care position and health-care facility in which the health-care worker was placed during the reporting period.
<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	Not addressed in this law (but we understand they may be disfavored or not allowed under other Colorado laws).
Nonsolicitation	Not addressed in this law.
Conversion Fees	Any contract provision requiring the payment of liquidated damages, employment fees, or other compensation if a nursing professional (LPN, LVN, CNA, RN) is hired as a permanent employee of the health-care facility is prohibited in contracts with health-care facilities and health-care workers, <u>except</u> that such a fee may be charged if the nursing professional is hired by the facility within the first 30 calendar days after first being assigned to the facility.
<b>Other Requirements</b>	
Insurance	Agency must maintain professional liability insurance throughout the entirety of the reporting period for each health-care worker contracted to a health-care facility during the reporting period.
Bond	Not addressed in this law.
Recordkeeping	Agency must maintain and retain data for the required twice annual reporting.
<b>Enforcement</b>	
Civil	Any person who violates this section commits a civil infraction and may be subject to fines determined by the Department.
Private Right of Action	If a supplemental health-care staffing agency collects or attempts to collect liquidated damages, employment fees, or other compensation from a health-care worker or health-care facility in violation of the law, the health-care worker or the health-care facility may bring a lawsuit for a civil penalty not to exceed \$5,000 and for injunctive relief. The prevailing party in such a suit is entitled to reasonable attorney's fees.

# Connecticut

## Act Concerning Temporary Nursing Services Agencies

The Connecticut Act Concerning Temporary Nursing Services Agencies ("Act") was enacted in 2022.

### Potential Application to Locum Tenens Agencies

The Act would apply to locum tenens agencies that are engaged for hire in the business of providing temporary nursing services to a health care facility, including the provision of advanced practice registered nurses.

Temporary Nursing Services Agency	"Temporary nursing services agency" means any person, firm, corporation, limited liability company, partnership or association that is engaged for hire in the business of providing temporary nursing services to a health care facility.
Exclusions	The term does not include an individual who offers only his or her own temporary nursing services.

### Other Key Definitions

Health Care Facility	"Health care facility" means a hospital, nursing home facility or residential care home as those terms are defined in <a href="#">Connecticut General Statutes § 19a-490</a> .
Nursing Personnel	"Nursing personnel" means an advanced practice registered nurse, a licensed practical nurse or a registered nurse licensed or issued a temporary permit to practice pursuant to Connecticut General Statutes Chapter 378, or a nurse's aide registered pursuant to Connecticut General Statutes Chapter 378a.
Temporary Nursing Services	"Temporary nursing services" means services provided to a health care facility on a per diem or other temporary basis.

### Resources

Statutes	<a href="#">Conn. Gen. Stat. §§ 19a-118 through 19a-118b</a>
Regulations	None at this time.
Regulator Contact	Connecticut Department of Public Health 410 Capitol Ave. Hartford CT 06134 Phone: (860) 509-7400 Email: <a href="mailto:oplc.dph@ct.gov">oplc.dph@ct.gov</a>
Regulator Website	<a href="https://portal.ct.gov/DPH/Facility-Licensing--Investigations/Facility-Licensing--Investigations-Section-FLIS/Temporary-Nursing-Services-Agency">https://portal.ct.gov/DPH/Facility-Licensing--Investigations/Facility-Licensing--Investigations-Section-FLIS/Temporary-Nursing-Services-Agency</a>
Registration Portal	<a href="https://www.elicense.ct.gov/">https://www.elicense.ct.gov/</a>
Reporting Form	No forms or templates posted, but it appears reporting may be done at part of the re-registration process.

Effective Dates and Deadlines	
Act	Effective July 1, 2022.
Registration Deadline	January 1, 2023 Renew by July 1, 2023 and annually by July 1 thereafter.
Reporting Deadline	July 1 each year.
Registration or Licensure Requirements	
Requirement	Registration with Department of Public Health.
Fee	<ul style="list-style-type: none"> <li>• Initial Registration: \$500</li> <li>• Renewal: \$750</li> </ul>
Term	1 year
Reporting Obligations	
Reporting Frequency	Annually
Report Content	<p>Shall include at least the following:</p> <ol style="list-style-type: none"> <li>(1) Itemized revenues and costs for each such agency;</li> <li>(2) Average number of nursing personnel employed by such agency;</li> <li>(3) Average fees charged by such agency by type of nursing personnel and type of health care facility;</li> <li>(4) States of the permanent residences of nursing personnel supplied by the agency to health care facilities in the state, aggregated by type of nursing personnel.</li> </ol>
Credentialing	
Requirement	Confirm that "assigned nursing personnel have appropriate credentials."
Contractual Prohibitions or Requirements	
Facility Contracts	<ol style="list-style-type: none"> <li>(1) Written agreement required with each health care facility to which the agency assigns nursing personnel.</li> <li>(2) Agreements entered, amended or renewed on and after July 1, 2022, must contain an assurance that assigned nursing personnel have appropriate credentials.</li> <li>(3) Agency and facility must have agreements "on file" no later than 14 days from the date of assignment of nursing personnel by the agency to the facility (we interpret this to mean executed contracts must be in place and stored in the parties' respective recordkeeping systems).</li> </ol>
Noncompete Clauses	Not addressed in this law.
Nonsolicitation	Not addressed in this law.
Conversion Fees	Not addressed in this law.

Other Requirements	
Insurance	Not addressed in this law.
Bond	Not addressed in this law.
Recordkeeping	Each agency shall make available records, books, reports and other data relating to its operation at the request of the Commissioner of Public Health, or the Commissioner's designee.
Enforcement	
Civil	<p>Any temporary nursing services agency that violates any provision of the Act act may be assessed a civil penalty by the court not to exceed \$300 for each offense. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day of continuance thereof shall be deemed to be a separate and distinct offense.</p> <p>The Commissioner of Public Health may request the Attorney General to bring a civil action in the superior court for the judicial district of Hartford for injunctive relief to restrain any further violation of the Act. The Superior Court may grant such relief upon notice and hearing.</p>
Private Right of Action	Any person aggrieved by any action of a temporary nursing services agency may petition the superior court for the judicial district in which the agency's temporary nursing services were rendered for relief, including temporary and permanent injunctions, or may bring a civil action for damages.



# District of Columbia

## Nurse Staffing Agency Act

The District of Columbia Nurse Staffing Agency Act ("Act") was enacted in 2003.

### Potential Application to Locum Tenens Agencies

It is unclear whether locum tenens agencies that place advanced practice nurses, such as nurse practitioners and certified registered nurse anesthetists, would be subject to the Act. Placements of registered nurses are subject to the Act, and there is no express inclusion or exclusion of advanced practice nurses.

Nurse Staffing Agency	"Nurse staffing agency" means any person, firm, corporation, partnership, or other business entity engaged in the business of providing nursing personnel, to a health care facility or agency for the purpose of rendering temporary nursing personnel within the District of Columbia.
Exclusions	<p>The term does not include:</p> <ol style="list-style-type: none"> <li>(1) A nurse staffing program operated by a health care facility solely for the purpose of procuring or furnishing temporary or permanent nursing personnel for employment at that health care facility;</li> <li>(2) An entity operating solely as a home care agency, as defined by <a href="#">D.C. Code § 44-501(a)(7)</a>;</li> <li>(3) Any nursing personnel providing their own services to a health care facility or agency without the direct or indirect assistance of a nurse staffing agency.</li> </ol>

### Other Key Definitions

Board	"Board" means the District of Columbia Board of Nursing.
Department	"Department" means the District of Columbia Department of Health.
Health Care Facility or Health Care Agency	"Health care facility" or "health care agency" means any entity providing health care services that is defined or designated as a "facility" or "agency" pursuant to D.C. Code <a href="#">§ 44-501(c)</a> . The term "health care facility" or "health care agency" includes hospitals, nursing homes, hospices, community residence facilities, maternity centers, ambulatory surgical facilities, renal dialysis facilities, and home care agencies.
Nursing Personnel	"Nursing personnel" means any individual who is licensed by the District of Columbia Board of Nursing as a Licensed Practical Nurse or as a Registered Nurse, or any individual who is certified as a Certified Nurse Aide.
Responsible Party	"Responsible party" means the employee or other affiliate of a nurse staffing agency who directs the nurse staffing agency's day-to-day nurse staffing operation.

### Resources

Statutes	<a href="#">D.C. Code §§ 44-1051.01 through 44-1051.18</a>
Regulations	<a href="#">D.C. Mun. Regs. tit. 22-B, § 4900, et. seq. (Nurse Staffing Agencies)</a>

Regulator Contact	D.C. Department of Health 899 North Capitol Street, NE Washington, D.C. 20002 Phone: (877) 672-2174 Fax: (202) 727-8471 Email: <a href="mailto:doh@dc.gov">doh@dc.gov</a>
Regulator Website	<a href="https://dchealth.dc.gov/service/nurse-staffing-agencies-licensing">https://dchealth.dc.gov/service/nurse-staffing-agencies-licensing</a>
Registration Portal	<a href="https://dohenterprise.my.site.com/facilities/s/login/?ec=302&amp;startURL=%2Ffacilities%2Fs%2F">https://dohenterprise.my.site.com/facilities/s/login/?ec=302&amp;startURL=%2Ffacilities%2Fs%2F</a>
<b>Effective Dates and Deadlines</b>	
Act	Originally effective on March 10, 2004; most recent amendment effective March 16, 2021.
Licensure	Submit license renewal application at least 90 days before license expires each year.
<b>Registration or Licensure Requirements</b>	
Requirement	A nurse staffing agency shall be licensed by the Department of Health before providing any nursing personnel to a health care facility within the District of Columbia.
Fee	Initial License Fee: \$1,000 Renewal Fee: \$500
Term	1 year
<b>Reporting Obligations</b>	
Disciplinary Reporting	If a nurse staffing agency knows of an action taken by, or of a condition affecting the fitness to practice of, a Licensed Practical Nurse or a Registered Nurse provided by that agency that might be grounds for enforcement or disciplinary action under <a href="#">Chapter 12 of Title 3</a> , the agency shall report the action or condition to the Board, with the exception that an agency is not required under this section to make a report that would be in violation of any federal or District of Columbia law concerning the confidentiality of alcohol and drug abuse treatment records.
<b>Credentialing</b>	
Verification of Credentials	Before initially providing any nursing personnel to a health care facility or agency for the purpose of rendering temporary nursing personnel within the District of Columbia, a nurse staffing agency shall: (1) If the nursing personnel is a Licensed Practical Nurse or a Registered Nurse, obtain verification from the Board of Nursing that the nursing personnel is currently licensed; (2) If the nursing personnel is a Certified Nurse Aide, obtain verification from the Department that the nursing personnel is currently certified and is not listed on the Nurse Aide Abuse Registry; and (3) Compare the information obtained pursuant to paragraphs (1) or (2) of this subsection with a government-issued photographic identification document

	<p>furnished by the nursing personnel, and ascertain that the information refers to that nursing personnel.</p> <p>On or before the date on which nursing personnel provided by a nurse staffing agency must obtain renewal of his or her license or certification to remain licensed or certified, the nurse staffing agency shall verify that the nursing personnel provided has obtained such renewal by obtaining verification of that fact from the Board of Nursing for a Licensed Practical Nurse and Registered Nurse, and from the Department for a Certified Nurse Aide.</p>
<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation	Not addressed in this law.
Conversion Fees	Not addressed in this law.
<b>Other Requirements</b>	
Insurance	Not addressed in this law.
Bond	Not addressed in this law.
Operational Procedures	A nurse staffing agency shall develop, document, and implement procedures for various items set forth in <a href="#">D.C. Code § 44-1051.15</a> .
Recordkeeping	A nurse staffing agency shall create and retain written documentation of the verification processes required by the Act.
<b>Enforcement</b>	
Civil	<p>The Department may deny, suspend, revoke, or refuse to renew a license for violation of any provision of the Act or the regulations promulgated pursuant to the Act. Alternatively, the Department may issue a provisional license or a restricted license to a nurse agency.</p> <p>Civil fines, penalties, and related costs may be imposed against a nurse staffing agency for the violation of any provision of this chapter, of any regulation promulgated pursuant to this chapter, or of any other applicable District of Columbia or federal law. Procedures for adjudication and enforcement, and applicable fines, penalties, and costs, shall be those established by or pursuant to <a href="#">Chapter 18 of Title 2</a>.</p>

# Florida

Note that Florida has two health care staffing laws, so there are two charts in this Florida section.

## Health Care Services Pools Law

Florida enacted a law regulating health care services pools in 1989; it has been amended a number of times since then, including most recently in 2023.

### Potential Application to Locum Tenens Agencies

It appears (although it is not clear this was the intent) that a locum tenens agency that places physicians, physician assistants, physical therapists, psychologists, advanced practice registered nurses, etc. would be subject to the health care services pool law. On its face, the law broadly applies to any person, firm, corporation, partnership, or association engaged for hire in the business of providing temporary employment in health care facilities, residential facilities, and agencies for licensed, certified, or trained health care personnel, with limited exceptions.

Health Care Services Pool	“Health care services pool” means any person, firm, corporation, partnership, or association engaged for hire in the business of providing temporary employment in health care facilities, residential facilities, and agencies for licensed, certified, or trained health care personnel including, without limitation, nursing assistants, nurses’ aides, and orderlies.
Exclusions	The term does not include: (1) Nursing registries (see <a href="#">Fla. Stat. § 400.462(25)</a> ); (2) A facility licensed under Florida Statutes chapter 400 (nursing homes and related health care facilities) or chapter 429 (assisted care communities); (3) A health care services pool established within a health care facility to provide services only within the confines of such facility (4) Any individual contractor directly providing temporary services to a health care facility without use or benefit of a contracting agent.

### Other Key Definitions

Health Care Personnel	Not defined in the law or its implementing regulations.
Health Care Facility	Not defined in the law or its implementing regulations.
Temporary Employment	“Temporary employment” means employment whereby a pool hires its own employees or independent contractors and assigns them to health care facilities to support or supplement the facilities’ work force in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

### Resources

Statutes	<a href="#">Fla. Stat. § 400.980</a>
Regulations	<a href="#">Fla. Admin. Code Chapter 59A-27</a>

Regulator Contact	Florida Agency for Health Care Administration Long Term Care Services Unit 2727 Mahan Drive, MS 33 Tallahassee, FL 32308-5407 Phone: (850) 412-4303 Email: <a href="mailto:LTCstaff@ahca.myflorida.com">LTCstaff@ahca.myflorida.com</a>
Regulator Website	<a href="https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-health-facility-regulation/long-term-care-services-unit/health-care-services-pool">https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-health-facility-regulation/long-term-care-services-unit/health-care-services-pool</a>
Application Form	<a href="https://ahca.myflorida.com/content/download/22395/file/Recommended_HealthCare_ServicesPool_Application_AHCAForm3110-1010_July2018.doc">https://ahca.myflorida.com/content/download/22395/file/Recommended_HealthCare_ServicesPool_Application_AHCAForm3110-1010_July2018.doc</a> The application form includes check boxes for a range of personnel provided by the pool, including physical therapists, occupational therapists, pharmacists, and an “other” option.
Online Registration	<a href="https://ahca.myflorida.com/health-care-policy-and-oversight/online-licensure-information/online-licensing-system">https://ahca.myflorida.com/health-care-policy-and-oversight/online-licensure-information/online-licensing-system</a>
<b>Effective Dates and Deadlines</b>	
Law	Originally effective July 1, 1989; amended numerous times with various effective dates since then.
Registration	Submit application at least 60 days before expiration of current registration or change in ownership.
<b>Registration or Licensure Requirements</b>	
Requirement	All health care services pools must register with the Florida Agency for Health Care Administration before providing health care personnel as temporary employees to any health care facility.
Fee	\$616 for 2023; updated annually.
Term	2 years
<b>Reporting Obligations</b>	
Reporting	None.
<b>Credentialing</b>	
Background Screening	The agency shall require level 2 background screening for personnel as required in <a href="#">Fla. Stat. § 408.809</a> and chapter 435.
Identity Verification	Prior to the initial referral of each worker to a health care facility, the pool must confirm the identity of the worker, using the worker’s current drivers license or other photo identification and his or her professional license or certificate.
Credentialing	A health care services pool shall verify and maintain documentation that each temporary employee or independent contractor provided, assigned, or referred to a health care facility has met the licensing, certification, training, or continuing education requirements, as established by the appropriate regulatory agency, for the position in which he or she will be working.

References	Prior to the initial referral of each worker to a health care facility, each pool shall obtain at least two current professional references.
<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation	Not addressed in this law.
Conversion Fees	Not addressed in this law.
<b>Other Requirements</b>	
Insurance	Not specifically required, but see financial responsibility requirement in <a href="#">Fla. Stat. § 400.980(7)</a> .
Bond	Not addressed in this law.
Managing Employee	Each pool, at the time of initial registration and at each registration renewal, shall identify a managing employee who will be responsible for the day-to-day supervision and administration of the pool and shall designate this individual, on the biennial registration application form. Please see <a href="#">Fla. Admin. Code r. 59A-27.005</a> for details.
Operational Procedures	Too numerous to list. Please see <a href="#">Fla. Admin. Code r. 59A-27.005</a> for details.
Recordkeeping	Each pool must maintain a variety of documentation and make it available upon request to the Florida Agency for Health Care Administration. Please see <a href="#">Fla. Admin. Code r. 59A-27.006</a> for details.
Recruitment	Health care services pool cannot require employee to recruit new employees from persons employed at health care facility to which the employee is assigned. Health care facility cannot recruit new employees from the health care services pool employees assigned to it.
<b>Enforcement</b>	
Civil	The Agency for Health Care Administration may impose a fine for operating a pool without a registration, failing to screen employees and contractors, or any other violation of the law or regulations. The Agency may also revoke or suspend a pool's registration.

## Nurse Registry Law

Florida enacted a law regulating nurse registries in 1990; it has been amended a number of times since then, including most recently in 2020.

### Potential Application to Locum Tenens Agencies

The law is unlikely to apply to most locum tenens agencies because it is limited to referrals of nurses, but may apply to a locum tenens agency that refers nurses as independent contractors to provide health care related services to a person in their home or through staffing in a health care facility. There is no specific inclusion or exclusion of advanced practice registered nurses.

Nurse Registry	“Nurse registry” means any person that procures, offers, promises, or attempts to secure health-care-related contracts for registered nurses, licensed practical nurses, certified nursing assistants, home health aides, companions, or homemakers, who are compensated by fees as independent contractors, including, but not limited to, contracts for the provision of services to patients and contracts to provide private duty or staffing services to health care facilities licensed under chapter 395 [Hospital Licensing and Regulation], chapter 400 [Nursing Homes and Related Health Care Facilities], or chapter 429 [Assisted Care Communities] or other business entities.
Exclusions	No enumerated exclusions in the statute or regulations.
<b>Other Key Definitions</b>	
Caregiver	“Caregiver” means a registered nurse, licensed practical nurse, certified nursing assistant, home health aide, homemaker or companion that is referred by a nurse registry to provide services to patients.
Independent Contractor	“Independent Contractor” means a person who contracts through a referral from a nurse registry. The independent contractor maintains control over the method and means of delivering the services provided, and is responsible for the performance of such services. An independent contractor is not an employee of the nurse registry.
Licensed Practical Nurse	“Licensed Practical Nurse,” as defined in Fla. Stat. § 464.003(16), means a person who is currently licensed to practice practical nursing.
Nurse Registry Services	“Nurse registry services” means referral of independent contractors to provide health care related services to a patient or client in the person’s home or place of residence or through staffing in a health care facility by an independent contractor referred through a nurse registry. Such services shall be limited to: (a) Nursing care provided by licensed registered nurses or licensed practical nurses, or (b) Care and services provided by certified nursing assistants or home health aides, or (c) Homemaker or companion services.
Registered Nurse	“Registered Nurse,” as defined in Fla. Stat. § 464.003(22), means a person who is currently licensed to practice professional nursing.
Staffing Services	“Staffing services” means services provided to a health care facility, school, or other business entity on a temporary or school-year basis pursuant to a written contract by licensed health care personnel and by certified nursing assistants and home health

	aides who are employed by, or work under the auspices of, a licensed home health agency or who are registered with a licensed nurse registry.
<b>Resources</b>	
Statutes	<a href="#">Fla. Stat. § 400.506</a>
Regulations	<a href="#">Fla. Admin. Code Chapter 59A-18</a>
Regulator Contact	Florida Agency for Health Care Administration Bureau of Health Facility Regulation 2727 Mahan Drive, MS 32 Tallahassee, FL 32308 Phone: (850) 412-4500 Email: <a href="mailto:BHFR@ahca.myflorida.com">BHFR@ahca.myflorida.com</a>
Regulator Website	<a href="https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-health-facility-regulation/laboratory-and-in-home-services/nurse-registries">https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-health-facility-regulation/laboratory-and-in-home-services/nurse-registries</a>
Application Form	<a href="https://ahca.myflorida.com/content/download/22401/file/Recommended_NurseRegistry_Application_April2022.docx">https://ahca.myflorida.com/content/download/22401/file/Recommended_NurseRegistry_Application_April2022.docx</a>
Online Licensure	<a href="https://ahca.myflorida.com/health-care-policy-and-oversight/online-licensure-information/online-licensing-system">https://ahca.myflorida.com/health-care-policy-and-oversight/online-licensure-information/online-licensing-system</a>
<b>Effective Dates and Deadlines</b>	
Law	Originally effective July 1, 1990; amended numerous times with various effective dates since then.
Licensure	Submit application at least 60 days before expiration of current license or change in ownership.
<b>Registration or Licensure Requirements</b>	
Requirement	Obtain a license from the Florida Agency for Health Care Administration.
Fee	\$2,000 licensure fee.
Term	2 years
<b>Reporting Obligations</b>	
Disciplinary Reporting	If the nurse registry cannot confirm the licensure of any registered nurse, licensed practical nurse or certification of any certified nursing assistant, the nurse registry shall take the actions specified in <a href="#">Fla. Stat. § 400.506(19)</a> , including reporting the individual to the Florida Board of Nursing, Department of Health.
Emergency Management Plan	Each nurse registry must prepare and maintain a comprehensive emergency management plan, in accordance with the Comprehensive Emergency Management Plan for Nurse Registries, AHCA Form 3110-1017, May 2015, and electronically submit the Plan to the Department of Health. Any substantive changes to the Plan must be reported to the Department of Health.



<b>Credentialing</b>	
Application Form	Each nurse registry must require every applicant for contract to complete an application form providing the following information: (a) The name, address, date of birth, and social security number of the applicant. (b) The educational background and employment history of the applicant. (c) The number and date of the applicable license or certification. (d) When appropriate, information concerning the renewal of the applicable license, registration, or certification. (e) Proof of completion of a continuing educational course on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome with an emphasis on appropriate behavior and attitude change.
Background Screening	Each nurse registry must comply with the background screening requirements in <a href="#">Fla. Stat. § 400.512</a> (level 2 background screening) for all persons referred for contract.
Verification of Credentials	Each nurse registry shall confirm a new independent contractor's licensure or certification with the issuing board or department. Each nurse registry shall, at least annually, reconfirm the licensure or certification of all of its independent contractors who are licensed or certified
<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation	Not addressed in this law.
Conversion Fees	Not addressed in this law.
<b>Other Requirements</b>	
Insurance	Not addressed in this law.
Bond	Not addressed in this law.
Administrator	Nurse registry must have an administrator who is a licensed physician, an advanced practice registered nurse, a registered nurse, or an individual with training and experience in health service administration and at least one year of supervisory or administrative experience in the health care field. See <a href="#">Fla. Admin. Code r. 59A-18.006</a> for more information.
Operational Procedures	Too numerous to list. Please see <a href="#">Fla. Admin. Code Chapter 59A-18</a> for details.
Recordkeeping	The nurse registry must maintain on file the name and address of the patient or client to whom nurse registry personnel are referred for contract and the amount of the fee received by the nurse registry. A nurse registry must maintain the file that includes the application and other applicable documentation for 3 years after the date of the last file entry of patient-related or client-related information.

Enforcement	
Civil	<p>Any person who owns, operates, or maintains an unlicensed nurse registry and who, after receiving notification from the agency, fails to cease operation and apply for a license under this part commits a misdemeanor of the second degree. Each day of continued operation is a separate offense. Each person or entity that fails to cease operation after Agency notification may be fined \$1,000 for each day of noncompliance. The Agency may also obtain an injunction against the nurse registry.</p> <p>The Agency may deny, suspend, or revoke the license of a nurse registry and shall impose a fine of \$5,000 against a nurse registry that:</p> <ul style="list-style-type: none"> <li>(a) Provides services to residents in an assisted living facility for which the nurse registry does not receive fair market value remuneration.</li> <li>(b) Provides staffing to an assisted living facility for which the nurse registry does not receive fair market value remuneration.</li> <li>(c) Fails to provide the Agency, upon request, with copies of all contracts with assisted living facilities which were executed within the last 5 years.</li> </ul>

# Illinois

## Nurse Agency Licensing Act

The Illinois Nurse Agency Licensing Act has been in effect for decades, but was amended in 2022 and 2023.

### Potential Application to Locum Tenens Agencies

The Act would apply to locum tenens agencies that place nurses, including advanced practice registered nurses.

Nurse Agency	Any individual, firm, corporation, partnership, or other legal entity that employs, assigns, or refers nurses or certified nurse aides to a health care facility for a fee. The term includes nurse registries.
Exclusions	The term does not include: (1) Services provided by home health agencies licensed and operated under the Home Health, Home Services, and Home Nursing Agency Licensing Act; (2) A licensed or certified individual who provides his or her own services as a regular employee of a health care facility; (3) A health care facility's organizing nonsalaried employees to provide services only in that facility.
<b>Other Key Definitions</b>	
Covenant Not to Compete	"Covenant not to compete" means an agreement between a nurse agency and an employee that restricts the employee from performing: (1) Any work for another employer for a specified period of time; (2) Any work in a specified geographic area; or (3) Any work for another employer that is similar to the work the employee performs for the employer that is a party to the agreement.
Department	"Department" means the Department of Labor.
Employee	"Employee" means a nurse or a certified nurse aide. Note: As defined, this appears to include any nurse or certified nurse aide, regardless of whether they are classified as an "employee" by the agency.
Health Care Facility	"Health care facility" is defined as in Section 3 of the <a href="#">Illinois Health Facilities Planning Act</a> , which includes hospitals, ambulatory surgical centers, skilled and intermediate long-term care facilities, skilled and intermediate community care facilities, nursing homes, kidney disease treatment centers, and supportive living facilities.
Long-Term Basis	"Long-term basis" means the placement of a nurse or a certified nurse aide at a health care facility for an initial employment, assignment, or referral term of more than 24 continuous months by a nurse agency that incurs the following expenses to place the nurse or certified nurse aide at the health care facility: (i) educational material expenses, if required; (ii) expenses for credentialing, licensure, or certification; or (iii) expenses for airline travel, lodging, meals, and ground transportation provided to a nurse or certified nurse aide. "Long-term basis" does

	not include the placement of a nurse or a certified nurse aide at a health care facility for a term of an undefined duration.
Nurse	"Nurse" means a registered nurse, a licensed practical nurse, an advanced practice registered nurse, or any individual licensed under the Nurse Practice Act.
Nurse Agency	"Nurse agency" means any individual, firm, corporation, partnership, or other legal entity that employs, assigns, or refers nurses or certified nurse aides to a health care facility for a fee. The term "nurse agency" includes nurse registries.
Temporary Basis	"Temporary basis" means an initial employment, assignment, or referral term of an undefined duration or a duration of 24 continuous months or less exclusive of any extension.
<b>Resources</b>	
Statutes	<a href="#">225 Ill. Compiled Stat. §§ 510/1 through 510/15</a>
Regulations	<a href="#">68 Ill. Admin. Code Part 690</a> (not yet updated to reflect 2022 and 2023 amendments to the Act)
Regulator Contact	Illinois Department of Labor Fair Labor Standards Division 160 N. LaSalle Street, Suite 1300 Chicago, IL 60601 Phone: (312) 793-1804 Email: <a href="mailto:DOL.NurseAgency@Illinois.gov">DOL.NurseAgency@Illinois.gov</a>
Regulator Website	<a href="https://labor.illinois.gov/laws-rules/fls/nurse-agency-licensing-act.html">https://labor.illinois.gov/laws-rules/fls/nurse-agency-licensing-act.html</a>
Nurse Agency Licensing Portal	<a href="https://labor.illinois.gov/laws-rules/fls/nurse-agency-licensing-act-portal.html">https://labor.illinois.gov/laws-rules/fls/nurse-agency-licensing-act-portal.html</a>
Interim Guidance (July 2022)	<a href="https://labor.illinois.gov/content/dam/soi/en/web/idol/laws-rules/fls/nurse-agency/nurse-agency-guidance-effective-july-1-2022-final.pdf">https://labor.illinois.gov/content/dam/soi/en/web/idol/laws-rules/fls/nurse-agency/nurse-agency-guidance-effective-july-1-2022-final.pdf</a>
Interim Guidance (Sept 2022)	<a href="https://labor.illinois.gov/content/dam/soi/en/web/idol/laws-rules/fls/nurse-agency/nurse-agency-guidance-update-2-september-2022.pdf">https://labor.illinois.gov/content/dam/soi/en/web/idol/laws-rules/fls/nurse-agency/nurse-agency-guidance-update-2-september-2022.pdf</a>
Interim Guidance (Feb 2023) (regarding quarterly reporting)	<a href="https://labor.illinois.gov/content/dam/soi/en/web/idol/laws-rules/fls/nurse-agency/Quarterly%20Report%20Guidance.pdf">https://labor.illinois.gov/content/dam/soi/en/web/idol/laws-rules/fls/nurse-agency/Quarterly%20Report%20Guidance.pdf</a>
<b>Effective Dates and Deadlines</b>	
Act	Act in effect for decades. 2022 amendments effective July 1, 2022. 2023 amendments effective February 3, 2023.

Deadlines	<p>Submit invoices by 15th day of each month for the previous month. Submit contracts with facilities within 5 business days of contract effective date. Quarterly Reporting Schedule:</p> <ul style="list-style-type: none"> <li>December 15, 2023 (for period from Sept. 1, 2023 through Nov. 20, 2023)</li> <li>March 15, 2024 (for period from Dec. 1, 2023 through Feb. 29, 2024)</li> <li>June 17, 2024 (for period from Mar. 1, 2024 through May 31, 2024)</li> <li>Sept. 16, 2024 (for period from June 1, 2024 through Aug. 31, 2024)</li> <li>Dec. 16, 2024 (for period from Sept. 1, 2024 through Nov. 30, 2024)</li> <li>Mar. 17, 2025 (for period from Dec. 1, 2024 through Feb. 28, 2025)</li> </ul>
<b>Registration or Licensure Requirements</b>	
Requirement	Obtain a license from the Illinois Department of Labor.
Fee	\$250 per location
Term	1 year
Separate Locations	Separate license for each location required.
Renewal	Renewal application due 90 days before expiration of license.
<b>Reporting Obligations</b>	
Submission of Contracts	<p>Executed contracts with health care facilities must be submitted within 5 business days of their effective date (auto-renew date considered effective date). Nurse agency that works with an MSP/VMS should submit the contract involving the MSP/VMS that facilitates the referral and assignment of nurses and CNAs employed by the nurse agency to the health care facility.</p>
Submission of Invoice Information	Invoice data information must be submitted through the Nurse Agency Licensing Portal using the templates provided on the Agency Website. Due by the 15th of each month for the previous calendar month.
Quarterly Reports	Nurse agency must submit a quarterly report to the Department using the quarterly reporting template provided on the Regulator's Website. See reporting schedule above in the Effective Dates and Deadlines section.
<b>Credentialing</b>	
Employment Application – Nurse	<p>Must complete application form including the following information:</p> <ol style="list-style-type: none"> <li>(1) Name and address of the applicant;</li> <li>(2) Whether such applicant is a nurse currently licensed by the Department of Financial and Professional Regulation;</li> <li>(3) If so licensed, the number and date of such license; and</li> <li>(4) References and dates and places of previous employment.</li> </ol>

Employment Application – CNA	<p>Must complete application form including the following information:</p> <ol style="list-style-type: none"> <li>(1) Name and address of the applicant;</li> <li>(2) Whether or not nurse aide is registered as having completed a certified course as approved by the Department of Health; and</li> <li>(3) References and dates and places of previous employment.</li> </ol>
License Verification	<p>Verification of all registered nurse (RN), licensed practical nurse (LPN), and CNA licenses/certifications prior to employment or initial assignment. Reverification:</p> <ol style="list-style-type: none"> <li>(1) After July 1 (every even numbered year) for registered nurse (RN).</li> <li>(2) After April 1 (every odd numbered year) for licensed practical nurse (LPN) and CNA.</li> </ol> <p>Verification must be in writing and may be obtained from the Illinois Department of Professional Regulation (IDPR) website (<a href="https://www.idfpr.com/">https://www.idfpr.com/</a>).</p>
Reference Checks	<p>Every nurse agency shall check at least 2 recent references and the dates of employment provided by the applicant, unless the applicant has not had 2 previous employers.</p>
Disciplinary Report Review	<p>Check the monthly disciplinary report issued by and available from the Illinois Department of Professional Regulation (IDPR)</p>
Personnel Files	<p>Each, RN, LPN or CNA who is referred or assigned to a health care facility must have a personnel file, which contains the following information and each document must have been dated within the past twelve (12) months:</p> <ol style="list-style-type: none"> <li>(1) Health examination;</li> <li>(2) CPR certification;</li> <li>(3) Mantoux tuberculosis test; and</li> <li>(4) Evaluation of nurse (maintain in their personnel file for at least 2 years).</li> </ol>
<b>Contractual Prohibitions or Requirements</b>	
Facility Contracts	<p>A contract between the nurse agency and health care facility must contain the following provisions:</p> <ol style="list-style-type: none"> <li>(1) A full disclosure of charges and compensation, including a schedule of all hourly bill rates per category of employee, a full description of administrative charges, and a schedule of rates of all compensation per category of employee, including, but not limited to, hourly regular pay rate, shift differential, weekend differential, hazard pay, charge nurse add-on, overtime, holiday pay, and travel or mileage pay;</li> <li>(2) A commitment that nurses or CNAs assigned or referred to a health care facility by the nurse agency perform any and all duties called for within the full scope of practice for which the nurse or certified nurse aide is licensed or certified; and</li> <li>(3) No less than 100% of the nurse or certified nurse aide hourly rate shall be paid to the nurse or certified nurse aide employee.</li> </ol> <p>These requirements do not apply to contracts on a <u>long-term basis</u> between a nurse agency and a health care facility.</p>

Noncompete Clauses	<p>Nurse agencies are prohibited from entering into covenants not to compete with nurses and CNAs if the nurse/CNA is employed, assigned, or referred by a nurse agency to a health care facility on a temporary basis. Provisions are void if entered into on or after July 1, 2022.</p> <p>Exemption for Long-Term Basis Assignments: Beginning on the effective date of this amendatory Act of the 102nd General Assembly [February 3, 2023] and ending on December 31, 2027*, a nurse agency may enter into a covenant not to compete with a nurse or CNA if the nurse/CNA is employed, assigned, or referred by a nurse agency to a health care facility on a long-term basis.</p> <p>*If a covenant not to compete is entered into on or before December 31, 2027 and expires on or after January 1, 2028, the covenant not to compete shall remain in effect until its expiration date. To be enforceable, the term of a covenant not to compete must be concurrent with the term of the initial employment, assignment, or referral of the nurse or certified nurse aide to a health care facility.</p>
Nonsolicitation	<p>Nurse agencies are prohibited from recruiting potential employees on the premises of a health care facility or requiring, as a condition of employment, assignment, or referral, that their employees recruit new employees for the nurse agency from among the permanent employees of the health care facility to which the nurse agency employees have been employed, assigned, or referred. The health care facility to which such employees are employed, assigned, or referred is prohibited from requiring, as a condition of employment, that their employees recruit new employees from these nurse agency employees.</p>
Conversion Fees	<p>In any contract on a temporary basis with any nurse, certified nurse aide, or health care facility, a nurse agency is prohibited from requiring the payment of liquidated damages, conversion fees, employment fees, buy-out fees, placement fees, or other compensation if the nurse or certified nurse aide is hired as a permanent employee of a health care facility. A contract on a long-term basis between any nurse, certified nurse aide, or health care facility and a nurse agency may provide for the payment of actual damages, conversion fees, employment fees, buy-out fees, placement fees, or other reasonable expenses resulting from a violation of the contract that occurred during the initial employment, assignment, or referral term.</p>
<b>Other Requirements</b>	
Supervision	<p>Employ a registered nurse (RN) as Supervising Nurse and report changes of position within thirty (30) business days.</p>
Employee Status	<p>Nurses or CNAs employed, assigned or referred to a health care facility by a nurse agency shall be deemed to be employees of the agency while working for the nurse agency or nurse agency employment, assignment or referral.</p>
Insurance	<p>General and Professional Liability Insurance for Nurse Agency in the amounts of \$1,000,000 per incident and \$3,000,000 aggregate.</p> <p>Workers comp coverage for all nurses and CNAs.</p>

Bond	Not addressed in this law.
Recordkeeping	All original invoices must be maintained and, upon request from the Department, be provided by the Agency to the Department.
<b>Enforcement</b>	
Civil	<p>The Department may obtain injunctive relief against a Nurse Agency that violates the Act.</p> <p>Any licensee or applicant who violates any provision of the Act or the rules adopted under the Act shall be subject to a civil penalty of \$10,000 per occurrence payable to the Department. Civil penalties may be assessed by the Department in an administrative action and may, if necessary, be recovered in a civil action.</p> <p>Any nurse staffing agency that has been found not to have paid an employee 100% of the hourly wage rate identified in the contract between such nurse staffing agency and health care facility shall be liable to the employee for the actual amount of the underpayment, plus damages of 5% of the amount of the underpayment.</p>
Criminal	Any person who willfully violates any provision of the Act, or any rule adopted or order issued under the Act, or who obstructs the Department, its inspectors or agents, from investigating any alleged violation of the Act, commits a Class A misdemeanor. Each day a violation of the Act continues shall constitute a separate and distinct offense.



# Indiana

## Temporary Health Care Services Agency Law

The Indiana Temporary Health Care Services Agency Law ("Law") was enacted in 2023.

### Potential Application to Locum Tenens Agencies

The Law would apply to locum tenens agencies that place nurses, including advanced practice registered nurses, physician assistants, and other licensed personnel, but would not apply to an agency that only places licensed physicians.

Temporary Health Care Services Agency	"Temporary health care services agency" means a person engaged for hire in the business of providing or procuring temporary employment in health care facilities for health care personnel.
Exclusions	The term does not include an individual who only engages on the individual's own behalf to provide services on a temporary basis to health care facilities.
<b>Other Key Definitions</b>	
Division	"Division" means the Indiana Division of Consumer Protection.
Health Care Facility	<p>"Health care facility" includes the following:</p> <ol style="list-style-type: none"> <li>(1) A housing with services establishment (as defined in <a href="#">Indiana Code § 12-10-15-3</a>).</li> <li>(2) A private mental health institution licensed under <a href="#">Indiana Code § 12-25</a>.</li> <li>(3) An ambulatory outpatient surgical center licensed under <a href="#">Indiana Code § 16-21-2</a>.</li> <li>(4) A hospital licensed under <a href="#">Indiana Code § 16-21-2</a>.</li> <li>(5) A hospice program licensed under <a href="#">Indiana Code § 16-25-3</a>.</li> <li>(6) A home health agency licensed under <a href="#">Indiana Code § 16-27-1</a>.</li> <li>(7) A health facility licensed under <a href="#">Indiana Code § 16-28-2</a> [state institutions and municipal corporations] or <a href="#">Indiana Code § 16-28-3</a> [probationary license].</li> <li>(8) A child caring institution or group home licensed under <a href="#">Indiana Code § 31-27</a>.</li> </ol>
Health Care Personnel	<p>"Health care personnel" means the following:</p> <ol style="list-style-type: none"> <li>(1) A nurse aide (as defined in <a href="#">Indiana Code § 16-28-13-1</a>).</li> <li>(2) A registered nurse or licensed practical nurse licensed under <a href="#">Indiana Code § 25-23</a>.</li> <li>(3) An advanced practice registered nurse licensed under <a href="#">Indiana Code § 25-23</a>.</li> <li>(4) A qualified medication aide certified under <a href="#">Indiana Code § 16-28-1-11</a>.</li> <li>(5) A home health aide.</li> <li>(6) A physician assistant licensed under <a href="#">Indiana Code § 25-27.5</a>.</li> <li>(7) Except as provided in subsection (b), any other individual licensed or authorized by the state to provide health care or professional services to residents or patients of a health care facility.</li> </ol> <p>However, the term does not include a physician licensed under <a href="#">Indiana Code § 25-22.5</a>.</p>

Temporary Employment	"Temporary employment" means employment with an undefined duration or an expected duration of less than two years.
<b>Resources</b>	
Statutes	<a href="#">Indiana Code §§ 16-52 et seq.</a>
Regulations	None at this time.
Regulator Contact	Indiana Department of Health 2 N. Meridian St. Indianapolis, IN 46204 Phone: (317) 233-1325 Email: <a href="mailto:tempstaffing@health.in.gov">tempstaffing@health.in.gov</a>
Regulator Website	<a href="https://www.in.gov/health/cshcr/temporary-health-care-services-agency-registry/">https://www.in.gov/health/cshcr/temporary-health-care-services-agency-registry/</a>
Regulatory Guidance	<a href="https://www.in.gov/health/cshcr/files/TCHSA-Guidance.pdf">https://www.in.gov/health/cshcr/files/TCHSA-Guidance.pdf</a>
Registration Portal	<a href="https://gateway.isdh.in.gov/Gateway/SignIn.aspx">https://gateway.isdh.in.gov/Gateway/SignIn.aspx</a>
<b>Effective Dates and Deadlines</b>	
Law	July 1, 2023
Registration	The Indiana Department of Health provided a grace period until August 30, 2023 for temporary health care services agencies to register even though the law was effective as of July 1.
<b>Registration or Licensure Requirements</b>	
Requirement	Register with the Department of Health.
Fee	\$150
Term	1 year
<b>Reporting Obligations</b>	
Submission of Forms and Contracts Upon Request	Upon request by the Department, a temporary health care services agency must provide a copy of all forms and contracts related to the fees, charges, or commissions expected to be collected by the temporary health care services agency from health care personnel or a health care facility.
<b>Credentialing</b>	
Licensure	Upon request from a health care facility, must be able to demonstrate documentation that each health care personnel meets all licensing or certification requirements for the profession in which the health care personnel will be working.

Discipline	Determine if any discipline, such as revocation, suspension, probation, or a fine, has been taken against the health care personnel's license, certification, or registration, including any license, certificate, or registration that is active, inactive, retired, or expired, including in another state or jurisdiction.
Registries	Check all professional registries that the temporary health care services agency has reason to believe contain information on the health care personnel, including other states and jurisdictions.
Background Checks and Health Screening	Comply with any federal or state statute or regulation concerning the qualifications for a health care facility to engage or employ the health care personnel, including performing: (A) criminal background checks; and (B) health screening or tests required by 410 Ind. Admin. Code 16.2-3.1-14(t) and 410 Ind. Admin. Code 16.2-5-1.4(f).
<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	An agency cannot "[r]estrict in any manner the employment opportunities of health care personnel."
Nonsolicitation	An agency cannot "[r]ecruit potential health care personnel on the premises of a health care facility" or "[r]equire, as a condition of employment, that health care personnel recruit new health care personnel for the temporary health care services agency from the permanent employees of the health care facility to which the health care personnel was employed, assigned, or referred."
Conversion Fees	Not addressed in this law.
<b>Other Requirements</b>	
Insurance	Maintain insurance coverage for worker's compensation for each health care personnel provided or procured by the temporary health care services agency.
Bond	Carry a dishonesty bond of at least \$10,000 for health care personnel provided or procured by the temporary health care services agency.
Recordkeeping	Retain all records for at least five (5) years in a manner that allows the records to be immediately available to the Department for inspection.
Billing	Bill a health care facility no later than three (3) months from the date of services rendered for any services provided. However, a health care facility and a temporary health care services agency may contract for billing to occur in a time frame that is less than three (3) months.

## Enforcement

### Civil

The state department may issue an order of compliance, impose a civil penalty of up to \$5,000, or deny, revoke, or restrict a registration to a temporary health care services agency for any of the following reasons:

- (1) Failing to obtain or maintain a registration.
- (2) Violating a provision of the Law.
- (3) Failing to take immediate action to remedy a violation of the Law.
- (4) Engaging in fraud or deceit in obtaining or attempting to obtain a registration.
- (5) Lending the temporary health care service agency's registration to another person.
- (6) Enabling another person to manage or operate the temporary health care services agency that is not subject to the temporary health care service agency's registration.
- (7) Using the temporary health care service agency registration of another person or in any way knowingly aiding or abetting the improper granting of a registration.
- (8) Violating an order previously issued by the state department in a disciplinary matter.
- (9) Continuing to operate a temporary health care services agency after June 30, 2023, without complying with the Law.
- (10) Engaging in fraud or deception of those seeking employment or of a health care facility.
- (11) Billing a health care facility with fees, charges, and commissions for health care personnel in excess of the schedule of fees, charges, and commissions submitted by the temporary health care services agency to the state department.
- (12) Violating any other rules adopted by the state department under [Indiana Code § 4-22-2](#) that specify a requirement that must be met by a temporary health care services agency in order to be registered.

If the registration of a temporary health care services agency has been revoked by the state department, the person that owns or operates the temporary health care services agency may not apply for reinstatement of the registration for at least five (5) years after the date of the revocation of the registration.

# Iowa

## Health Care Employment Agency Law

The Iowa Health Care Employment Agency Law ("Law") was enacted in 2022 and amended in 2023.

### Potential Application to Locum Tenens Agencies

The Law generally would not apply to most locum tenens agencies because the Law (as amended by the 2023 legislation) is limited to workers who provide nursing services and excludes advanced practice registered nurses.

Health Care Employment Agency <sup>2</sup>	"Health care employment agency" means an agency that contracts with a health care entity in Iowa to provide agency workers for temporary or temporary-to-hire employee placements.
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Exclusions	None in the definition of "Health Care Employment Agency," but see "Nursing Services" below.
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### Other Key Definitions

Department	"Department" means the Iowa Department of Inspections and Appeals.
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Health Care Employment Agency Worker <sup>2</sup>	"Health care employment agency worker" means an individual who contracts with or is employed by a health care employment agency to provide nursing services to health care entity consumers.
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Health Care Entity	"Health care entity" means a facility, agency, or program licensed or certified by the Iowa Department of Health or by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.
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Nursing Services	"Nursing services" means those services which may be provided only by or under the supervision of a nurse. "Nursing services" includes services performed by a registered nurse, a licensed practical nurse, a certified nurse aide, a certified medication aide, a home health aide, a medication manager, or by noncertified or nonlicensed staff providing personal care as defined in Iowa Code § 231C.2. "Nursing services" does not include the practice of nursing by an advanced registered nurse practitioner or an advanced practice registered nurse licensed under chapter 152 or 152E.
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### Resources

Statutes	<a href="#">Iowa Code § 135Q</a> (not yet updated to reflect the changes made by the 2023 legislation; please see 2023 legislation link below)
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Regulations	<a href="#">Iowa Administrative Code Section 481-55</a> (not yet updated to reflect the changes made by the 2023 legislation; please see 2023 legislation link below)
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2023 Legislation	<a href="https://www.legis.iowa.gov/legislation/BillBook?ga=90&amp;ba=HF%20357">https://www.legis.iowa.gov/legislation/BillBook?ga=90&amp;ba=HF%20357</a>
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<sup>2</sup> The 2023 legislation significantly amended some of the definitions to narrow the scope of application of the Law.

Regulator Contact	Iowa Department of Inspections and Appeals Health Facilities Division Lucas State Office Building, 3rd Floor 321 East 12th St. Des Moines, Iowa 50309-0083 Fax: (515) 281-5022
Regulator Website	<a href="https://dial.iowa.gov/licenses/health/healthcare-employment-agencies">https://dial.iowa.gov/licenses/health/healthcare-employment-agencies</a> (not yet updated regarding the 2023 legislation)
Registration Portal	<a href="https://stateofiowa.seamlessdocs.com/f/DIA_Health_Care_Employment_Agency_Regis-tration">https://stateofiowa.seamlessdocs.com/f/DIA_Health_Care_Employment_Agency_Regis-tration</a>
Quarterly Report Instructions	<a href="https://dial.iowa.gov/media/7349/download?inline">https://dial.iowa.gov/media/7349/download?inline</a>
<b>Effective Dates and Deadlines</b>	
Law	July 1, 2022
Registration Deadline	January 4, 2023, but 30-day grace period was provided. New agencies must register at least 30 days prior to operation in Iowa.
Quarterly Reports	First quarter reports (Jan. 1-March 31) are due no later than April 15 Second quarter reports (April 1-June 30) are due no later than July 15. Third quarter reports (July 1-Sept. 30) are due no later than Oct. 15. Fourth quarter reports (Oct. 1-Dec. 31) are due no later than Jan. 15.
<b>Registration or Licensure Requirements</b>	
Requirement	Register with the Iowa Department of Inspections and Appeals.
Fee	\$500 for each office location
Term	1 year
<b>Reporting Obligations</b>	
Quarterly Reports	Submit a report to the Department on a quarterly basis for each health care entity participating in Medicare or Medicaid with whom the agency contracts that includes all of the following by provider type: (1) Detailed list of each health care entity participating in Medicare or Medicaid with whom the agency has contracted over the prior quarter; (2) Detailed list of the average amount charged by the health care employment agency to the health care entity participating in Medicare or Medicaid over the prior quarter, broken down by provider type (e.g., hospital, nursing facility) and each individual agency worker category (e.g., certified nurse aide, registered nurse, licensed practical nurse) within that provider type; and (3) Detailed list of the average amount paid by the health care employment agency participating in Medicare or Medicaid to agency workers over the prior quarter, broken down by provider type and each individual agency worker category.

<b>Credentialing</b>	
Licensure	Agency shall ensure an agency worker has completed all education, training, and continuing education requirements for the agency worker's occupation and is in good standing with any minimum licensing or certification standards to appropriately engage in the workers' profession.
Physical Exam	Agency shall ensure completion of the physical examination and screening and testing for tuberculosis procedures that would otherwise be the responsibility of the health care entity if the health care entity employed the agency worker directly.
Background Checks	Agency shall ensure completion of all requirements regarding criminal, dependent adult abuse, and child abuse record checks that would otherwise be the responsibility of the health care entity if the health care entity employed the agency worker directly.
<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	A health care employment agency shall not restrict in any manner the employment opportunities of an agency worker by including a non-compete clause in any contract with an agency worker or health care entity.
Nonsolicitation	Not addressed in this law.
Conversion Fees	A health care employment agency shall not, in any contract with an agency worker or health care entity, require payment of liquidated damages, employment fees, or other compensation if the agency worker is subsequently hired as a permanent employee of the health care entity.
Exception to Prohibitions	<p>The prohibitions on noncompetes, employment fees, and liquidated damages do not apply if:</p> <ol style="list-style-type: none"> <li>(1) The contract is for the purpose of placing an agency worker the health care employment agency assisted in obtaining authorization to work in the U.S.;</li> <li>(2) The contract contains an initial contract term of no less than 24 months and has a total duration, including any renewals or extensions, of no longer than 36 months; and</li> <li>(3) The contract requires the agency worker to work at a single health care entity for the duration of the contract.</li> </ol>
<b>Other Requirements</b>	
Insurance	Maintain professional and general liability insurance coverage with minimum per occurrence coverage of one million dollars and aggregate coverage of three million dollars to insure against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in the provision of services by the agency or an agency worker.
Bond	Not addressed in this law.
Recordkeeping	Maintain records for each agency worker and report, file, or otherwise provide any required documentation to external parties or regulators which would otherwise be the responsibility of the health care entity if the agency worker was employed by the health care entity.

Enforcement	
Civil	<p>A health care employment agency that violates certain provisions of the Law is subject to denial or revocation of registration for a period of 1 year and a monetary penalty of \$500 for a first offense and \$5,000 for each offense thereafter.</p> <p>A health care employment agency that violates the prohibitions on non-competes and conversion fees or that knowingly provides an agency worker who has an illegally or fraudulently obtained or issued diploma, registration, license, certification, or background check to a health care entity is subject to immediate revocation of registration. The Department shall notify the agency 30 days in advance of the date of such revocation.</p>



# Kentucky

## Health Care Services Agency Law

The Kentucky Health Care Services Agency Law ("Law") was enacted in 2022 and amended in 2023.

### Potential Application to Locum Tenens Agencies

The Law would apply to locum tenens agencies that refer any type of health care personnel to a hospital, long-term care facility, or assisted living community for an undefined or temporary duration.

Health Care Service Agency	"Health care services agency" means any person, firm, corporation, partnership, or other business entity engaged in the business of referring temporary direct care staff to render temporary direct care services to an assisted-living community, a long-term care facility, or a hospital.
Exclusions	The term does not include a health care services agency operated by an assisted-living community, long-term care facility, hospital, or any affiliates thereof, solely for the purpose of procuring, furnishing, or referring temporary direct care staff for employment at that facility or any affiliates thereof.

### Other Key Definitions

Direct Care Service	"Direct care service" means a service provided to a resident in an assisted-living community, a resident in a long-term care facility, or a patient in a hospital, by direct care staff.
Temporary Direct Care Staff	"Temporary Direct Care Staff" means an individual who contracts with or is employed by a health care services agency for an undefined duration or a duration of less than twenty-four (24) continuous months exclusive of any extension to provide direct care services to residents in assisted living communities, residents in long-term care facilities, or patients in hospitals.
Permanent Direct Care Staff	"Permanent Direct care staff" means an individual who contracts with or is employed by a health care services agency on a nontemporary basis to provide direct care services to residents in assisted-living communities, residents in long-term care facilities, or patients in hospitals.
Hospital	"Hospital" means a facility licensed pursuant to Ky. Rev. Stat. Chapter 216B as an acute-care hospital, psychiatric hospital, rehabilitation hospital, or chemical dependency treatment facility.

### Resources

Statutes	<a href="#">Ky. Rev. Stat. §§ 216.718 -216.728 and 216.785 - 216.793</a>
Regulations	<a href="#">906 Ky. Admin. Regs. 1:210</a>

Regulator Contact	Kentucky Cabinet for Health and Family Services Office of Inspector General, Division of Health Care 275 E. Main Street 5E-A Frankfort, KY 40621 Phone: (502) 564-7963
Regulator Website	<a href="https://www.chfs.ky.gov/agencies/os/oig/dhc/Pages/ltcapplications.aspx">https://www.chfs.ky.gov/agencies/os/oig/dhc/Pages/ltcapplications.aspx</a>
Application Form	<a href="https://www.chfs.ky.gov/_layouts/download.aspx?SourceUrl=https://www.chfs.ky.gov/agencies/os/oig/Documents/OIG_1210Application.docx">https://www.chfs.ky.gov/_layouts/download.aspx?SourceUrl=https://www.chfs.ky.gov/agencies/os/oig/Documents/OIG_1210Application.docx</a>
Supplemental Documentation Instructions	<a href="https://www.chfs.ky.gov/agencies/os/oig/dhc/Documents/Health%20Care%20Services%20Agency%20Supplemental%20Documentation.pdf">https://www.chfs.ky.gov/agencies/os/oig/dhc/Documents/Health%20Care%20Services%20Agency%20Supplemental%20Documentation.pdf</a>
Quarterly Report Form	<a href="https://www.chfs.ky.gov/_layouts/download.aspx?SourceUrl=https://www.chfs.ky.gov/agencies/os/oig/Documents/OIG_1210-AQuarterlyReportForm.docx">https://www.chfs.ky.gov/_layouts/download.aspx?SourceUrl=https://www.chfs.ky.gov/agencies/os/oig/Documents/OIG_1210-AQuarterlyReportForm.docx</a>
<b>Effective Dates and Deadlines</b>	
Law	Originally effective July 14, 2022; amendments effective June 29, 2023.
Registration Deadline	No deadline specified by the Cabinet, but should have been completed for an agency already operating in Kentucky. Submit renewal application at least 60 days before current registration expires.
Quarterly Reports	Per the Cabinet website: Once registered, an agency will receive a quarterly submission schedule from the Cabinet Office of Inspector General.
<b>Registration or Licensure Requirements</b>	
Requirement	Register with the Kentucky Cabinet for Health and Family Services.
Fee	\$3,000
Term	1 year
Separate Locations	Each location must separately register.
<b>Reporting Obligations</b>	
Quarterly Reports	Submit quarterly reports with the following information: (1) Employee roster with name, professional license or certification, assigned location and facility name, length of time assigned, and total hours worked; and (2) Invoices submitted to all long-term care facilities or hospitals that participate in Medicare or Medicaid, and proof of payment by the facility.
<b>Credentialing</b>	
Licensure	Confirm and retain documentation that each temporary direct care staff contracted with or employed by the agency meets the minimum licensing, certification, training, and continuing education standards for his or her position.

Contractual Prohibitions or Requirements	
Noncompete Clauses	An agency shall not restrict in any manner the employment opportunities of any temporary direct care staff that is contracted with or employed by the agency, including but not limited to contract non-compete clauses.
Nonsolicitation	Not addressed in this law, but see below under Other Requirements for statutory prohibition on solicitation by agency.
Conversion Fees	<p>An agency shall not restrict in any manner the employment opportunities of any temporary direct care staff that is contracted with or employed by the agency, including but not limited to contract buy-out provisions.</p> <p>An agency shall not require, in any contract with temporary direct care staff, an assisted living community, a long-term care facility, or a hospital, the payment of liquidated damages, employment fees, or other compensation should the employee be hired as a permanent employee of the assisted living community, long-term care facility, or hospital <u>except</u> where the damages, fees, or compensation are payable solely by the assisted living community, long-term care facility, or hospital and the contract specifies that the amount will be reduced pro-rata based on the length of time the direct care staff performs services for the assisted living community, long-term care facility, or hospital, while on the payroll of the agency.</p>
Other Requirements	
Insurance	Carry all professional and general liability insurance coverage to insure against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in the provision of direct care services by the health care services agency or any temporary direct care staff.
Bond	Carry an employee dishonesty bond in the amount of \$10,000.
Recordkeeping	Must retain all records for five (5) calendar years and have policy providing agency records will be immediately available to the Cabinet upon request.
Nonsolicitation	An agency shall not solicit or recruit the current staff of an assisted living community, long-term care facility, or hospital, or require, as a condition of employment, assignment, or referral, that their employees recruit new employees for the agency from among the current employees of the assisted living community, long-term care facility, or hospital to which the agency employees are employed, assigned, or referred.

Enforcement	
Civil	<p>Failure to comply with 906 Ky. Admin. Regs. 216.722(1) shall result in:            (a) Denial of an application for registration or registration renewal; or            (b) Revocation of registration and a monetary penalty in the amount of \$25,000.</p> <p>If the Cabinet determines that a health care services agency has knowingly provided to an assisted living community, a long-term care facility, or a hospital temporary direct care staff who have illegally or fraudulently obtained or been issued a diploma, registration, license, certification, or criminal background check, the Cabinet shall immediately notify the agency that its registration will be revoked in 15 days.</p> <p>Any contract that contains a non-compete clause, contract buy-out provision, or violates the requirements concerning liquidated damages, employment fees, or other compensation if the worker is hired as a permanent employee of the hospital, assisted living community, or long-term care facility is considered an unfair trade practice and shall be void pursuant to Ky. Rev. Stat. § 365.060.</p>

# Louisiana

## Health Care Services Agency Law

The Louisiana Nurse Staffing Agency Law ("Law") was enacted in 2022.

### Potential Application to Locum Tenens Agencies

The Law would not apply to locum tenens agencies that do not place any type of nurse in Louisiana; however, it appears the Law may apply to agencies that place advanced practice registered nurses (such as nurse practitioners and certified registered nurse anesthetists).

Nurse Staffing Agency	"Nurse staffing agency" means any person or legal entity, including a digital website/platform, that employs, assigns, or refers nurses or certified nurse aides to render healthcare services in a healthcare facility for a fee.
Exclusions	<p>The term does not include:</p> <ol style="list-style-type: none"> <li>(1) An agency that solely provides services in Louisiana under a contract with Louisiana government agency as a result of a declared disaster, emergency, or public health emergency.</li> <li>(2) 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.</li> <li>(3) An entity that solely provides administrative or consulting services.</li> </ol>
<b>Other Key Definitions</b>	
Client	"Client" means the licensed healthcare facility or agency to which the registered nurse, licensed practical nurse, or certified nursing assistant is assigned an initial employment, assignment, or referral term for an undefined term, or an initial term of less than twenty-four continuous months exclusive of any extension.
Department	"Department" means the Louisiana Department of Health.
Digital Website/Platform	"Digital Website/Platform" means an online webpage or technology platform operated by an agency that maintains data of nurses or certified nurse aides submitted to the agency online, for purposes of referring the nurse or certified nurse aide directly to a healthcare facility by the digital website/platform agency.

Healthcare Facility	<p>"Healthcare facility" means any person, partnership, corporation, unincorporated association, or other legal entity licensed pursuant to La Rev. Stat. § 40:2006(A)(2) and operating or planning to operate within Louisiana.</p> <p>Entities licensed pursuant to La. Rev. Stat. § 40:2006(A)(2) include: (a) Adult day health care facility; (b) Behavioral health services provider; (c) Ambulatory surgery center; (d) Case management provider; (e) Urine drug screening provider; (f) Home health agency; (g) Hospice; (h) Hospital; (i) Nursing home; (j) Rural health clinic; (k) Intermediate care facility for people with developmental disabilities (ICF/DD); (l) End stage renal disease facility; (m) Outpatient abortion facility; (n) Psychiatric residential treatment facility; (o) Children's respite care center; (p) repealed; (q) Pediatric day health care facility; (r) Community-based care facility; and (s) Free-standing birth center.</p>
Nurse	<p>"Nurse" means a registered nurse as defined in La. Rev. Stat. § 37:913 or a licensed practical nurse as defined in La. Rev. Stat. § 37:961.</p> <p><a href="#">Louisiana Rev. Stat. § 37:913</a> defines a registered nurse as "any individual licensed under this Part to engage in the practice of nursing as defined in Paragraph (14) of this Section." Individuals licensed under the Part include advanced practice registered nurses. See <a href="#">La. Rev. Stat. § 37:920</a>. Nurse practitioners and certified registered nurse anesthetists (CRNAs) are types of advanced practice registered nurses. See <a href="#">La. Rev. Stat. § 37:913(1)</a>.</p>
<b>Resources</b>	
Statutes	<a href="#">La. Rev. Stat. §§ 40:2120.11 through 2120.24</a>
Regulations	<p><a href="#">La. Admin. Code tit. 48, §§ 7701 - 7753<sup>3</sup></a></p> <p>Please note that the regulations contain a number of additional requirements beyond those contained in the statutes.</p>
Regulator Contact	<p>Louisiana Department of Health Health Standards Section Program Contact: Michael Mire, RN Phone: (225) 342-0255 Email: <a href="mailto:michael.mire@la.gov">michael.mire@la.gov</a> Fax: (225) 342-0157</p>
Regulator Website	<a href="https://ldh.la.gov/page/4528">https://ldh.la.gov/page/4528</a>
Application Form	<a href="https://ldh.la.gov/assets/hss/NSA/NSA_Application.docx">https://ldh.la.gov/assets/hss/NSA/NSA_Application.docx</a>
<b>Effective Dates and Deadlines</b>	
Law	August 1, 2022

<sup>3</sup> Proposed amendments to the regulations were published on November 20, 2023. See [https://ldh.la.gov/assets/medicaid/hss/docs/NSA/NSA\\_NOI\\_11.29.23.pdf](https://ldh.la.gov/assets/medicaid/hss/docs/NSA/NSA_NOI_11.29.23.pdf).

Registration Deadline	Must submit an initial licensing application and fee within 90 days after the promulgation of the regulations - by our calculation, this deadline is January 18, 2024 based on the October 20, 2023 publication date of the final regulations.
<b>Registration or Licensure Requirements</b>	
Requirement	Any person or entity that will establish, operate, maintain, or advertise as a nurse staffing agency in Louisiana must obtain a license.
Fee	\$1,200
Term	Two years
Separate Locations	Not addressed in the statutes, but see the regulations, which contain certain requirements for business locations and "branch offices and satellites." La. Admin. Code tit. 48, §§ 7739 and 7741.
<b>Reporting Obligations</b>	
Required Reporting	None that would apply to locum tenens agencies. Other types of agencies must report CNA hours to the Certified Nurse Aide Registry.
<b>Credentialing</b>	
Minimum Licensing, Training, and Orientation Standards	An agency shall not employ, assign, or refer for use in a healthcare facility in this state, a nurse or certified nurse aide unless the nurse or certified nurse aide is certified or licensed in accordance with the applicable provisions of state and federal laws or regulations.
Criminal Record Checks	Must perform criminal history checks as required by La. Rev. Stat. § 40:1203.1 et seq. [Relates to the screening of non-licensed personnel and licensed ambulance personnel. Regulations may provide additional information re: criminal history checks.]
<b>Contractual Prohibitions or Requirements</b>	
Facility Contracts	May include a fee if a worker is hired by the facility <u>if</u> the fee is payable only by the facility and is reduced pro rata based on the length of time the worker performs services for the facility and fee is reduced to zero over period of time not to exceed 18 months. No fee permitted if the worker was previously employed by the facility less than 30 days immediately preceding initial assignment with the facility.
Noncompete Clauses	Not addressed in this law.
Nonsolicitation	Not addressed in this law, but see the statutory prohibition on nurse agencies requiring employees to recruit facility employees and vice versa.
Conversion Fees	Agency shall not require, in any contract with an agency employee or contracted staff or a facility to which the employee or staff is assigned, the payment of a fee if the employee or contracted staff is hired as a permanent employee of the facility.
<b>Other Requirements</b>	
Supervision	Each agency shall have a nurse serving as a manager or supervisor of all nurses and certified nurse aides.

Governance Requirements	The agency must have “an identifiable governing body with responsibility for and authority over the policies and activities of the agency.” Specific requirements are too numerous to list. Please see La. Admin. Code tit. 48, §§ 7735 - 7739 for additional details.
Insurance	<ul style="list-style-type: none"> <li>▪ Must have evidence of professional liability insurance in an amount sufficient to provide coverage in accordance with the total amount recoverable for all malpractice claims as indicated in R.S. 40:1231.2, which is \$500,000.00 plus interest and cost.</li> <li>▪ Must have evidence of compliance with the Louisiana Workers' Compensation Law, 28 R.S. 23:1020.1, et seq. with a minimum coverage in the amount of \$1,000,000.00.</li> </ul>
Bond	Not addressed in this law.
Recordkeeping	Not addressed in the statutes, but see the regulations, which contain recordkeeping requirements, La. Admin. Code tit. 48, § 7753.
Nonsolicitation	<p>Agencies and healthcare facilities are prohibited from requiring, as a condition of employment, that their employees recruit new employees from among the employees of the healthcare facility or agency, as applicable.</p> <p>Agencies are prohibited from offering or providing financial incentives to their employees or contracted staff for the purpose of inducing permanent employees of healthcare facilities to which they are assigned to become employed or enter into a contract with the nurse staffing agency.</p>
<b>Enforcement</b>	
Civil	<p>The Department may issue sanctions, allowed under current state law or regulation, for deficiencies or noncompliance(s) and violations of law, rules, and regulations. Sanctions include, but are not limited to:</p> <ol style="list-style-type: none"> <li>(1) civil fines;</li> <li>(2) directed plans of correction;</li> <li>(3) license revocation; and/or</li> <li>(4) denial of license renewal.</li> </ol> <p>The Department may also issue a cease and desist order directing an agency to cease unlicensed operation in the state. If the agency does not comply, the Department shall seek an injunction. Any agency against which an injunction is granted shall be liable to the Department for attorney's fees, costs, and damages.</p>
Criminal	Any such person or entity operating an agency without a license shall be guilty of a misdemeanor and, upon conviction, shall be fined no less than \$250 for each day of operation without a license, up to a maximum of \$1,000. Each day of violation shall constitute a separate offense.



# Maine

## Temporary Nurse Agency Law

The Maine Temporary Nurse Agency Law ("Law") was enacted in 1989 and has been amended several times with the most recent amendments adopted in 2023.

### Potential Application to Locum Tenens Agencies

The Law may apply to locum tenens agencies that place advanced practice registered nurses (such as nurse practitioners and certified registered nurse anesthetists) and also may potentially apply to placements of other types of practitioners because the definition includes the phrase "other qualified staff." In this regard, note that the registration application form includes, for example, check boxes for placements of physical therapists, occupational therapists, and speech therapists.

Temporary Nurse Agency	"Temporary nurse agency" means a business entity or subdivision that primarily provides nurses, certified nursing assistants and other qualified staff to another organization on a temporary basis within Maine.
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Exclusions	No enumerated exclusions in the Law.
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### Other Key Definitions

No other defined terms.	
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### Resources

Statutes	<a href="#">Me. Rev. Stat. tit. 22, §§ 2131 – 2139</a>
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Regulations	Rulemaking to address the 2023 changes to the law is in progress.
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Regulator Contact	Department of Health and Human Services Division of Licensing and Certification Attention: Temporary Nurse Agency Staff 41 Anthony Ave 11 State House Station Augusta, ME 04333-0011 Phone: (207) 287-9300 Email: <a href="mailto:dlrs.info@maine.gov">dlrs.info@maine.gov</a>
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Regulator Website	<a href="https://www.maine.gov/dhhs/dlc/licensing-certification/temporary-nurse-agencies">https://www.maine.gov/dhhs/dlc/licensing-certification/temporary-nurse-agencies</a>
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Application Form	<a href="https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/TNA%20application%20as%20of%2010-25-2023_0.pdf">https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/TNA%20application%20as%20of%2010-25-2023_0.pdf</a>
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### Effective Dates and Deadlines

Law	Originally effective in 1990; 2023 amendments effective on October 25, 2023.
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Registration Deadline	Not a new requirement – registration was required prior to the 2023 amendments.
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Annual Reporting	First report anticipated to be required by July 31, 2024.
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Registration or Licensure Requirements	
Requirement	A temporary nurse agency shall register with the department and renew the registration annually.
Fee	\$1,000
Term	1 year
Reporting Obligations	
Annual Reporting	<p>Expected to be further addressed in the regulations. At a minimum, the agency must submit an annual report that includes:</p> <ol style="list-style-type: none"> <li>(1) Number of total employees placed, the health care settings into which they were placed, the average duration of the placements and the state of licensure for those employees;</li> <li>(2) Total and average amounts charged during each quarter of the reporting period to a health care facility for each category of health care employee providing services to the health care facility;</li> <li>(3) Total and average amounts of wages paid during each quarter of the reporting period to health care employees for each category of health care employee;</li> <li>(4) Total and average amounts of stipends paid during each quarter of the reporting period to health care employees for each category of health care employee;</li> <li>(5) Documentation showing that the temporary nurse agency has documentation that each employee contracted to a health care facility during the reporting period had a current, unrestricted license or certification in good standing and met the training and continuing education standards required by state and federal law for the position with the health care facility throughout the entirety of the reporting period; and</li> <li>(6) Documentation showing that the temporary nurse agency has documentation that each employee contracted to a health care facility had successfully completed all background checks required by federal and state law relating to the health care position and health care facility in which the employee was placed during the reporting period.</li> </ol>
Credentialing	
Employee Application for Certain Employees	A temporary nurse agency shall ensure that each employee the agency assigns or refers to a health care facility for a position meets the state and federal qualification requirements for that position and has the appropriate work experience for that position.
Background Check	The agency must adhere to Maine's Background Check Center Act which requires the employer conduct a comprehensive background check that includes a criminal history records check for all individuals before hire and every 5 years subsequent to the date of hire, in accordance with the requirements of the act. (Me. Rev. Stat. tit. 22, § 9054; see also Me. Rev. Stat. tit. 22, § 9051, et. seq.; see also Me. Code R. § 10-144 Ch. 60, et. seq.).

Contractual Prohibitions or Requirements	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation Provisions	Law prohibits requiring a worker, as a condition of employment, to recruit new employees for the agency from among the permanent employees of the health care facility to which the worker was assigned or referred.
Conversion Fees	Not addressed in this law.
Other Requirements	
Insurance	Not addressed in this law.
Bond	Not addressed in this law.
Recordkeeping	Maintain a record for each employee that must include documented evidence of credentials and required immunizations and documentation of any orientation, in-service education and completion of training or an educational program required by law. Make records available to the Department.
Enforcement	
Civil	<p>A person who operates a temporary nurse agency in violation of the employment prohibitions in <a href="#">Me. Rev. Stat. tit. 22, § 2138</a> commits a civil violation for which a fine of not less than \$500 per day but not more than \$10,000 per day may be imposed. Each day constitutes a separate violation.</p> <p>The Department may impose a fine of not less than \$500 and not more than \$10,000 for each violation of this chapter on a person or business entity who operates a temporary nurse agency and who fails to:</p> <ul style="list-style-type: none"> <li>(1) Meet the documentation requirements or make available to the department a record described in section 1-B; or</li> <li>(2) Provide an annual report that includes the documentation required by section 1-D.</li> </ul> <p>A person who operates a temporary nurse agency without registering or who fails to verify the inclusion of a certified nursing assistant on the Maine Registry of Certified Nursing Assistants and Direct Care Workers established under <a href="#">Me. Rev. Stat. tit. 22, § 1812-G</a> before hiring that certified nursing assistant commits a civil violation for which a fine of not less than \$500 per day but not more than \$10,000 per day may be adjudged. Each day constitutes a separate violation.</p> <p>Violation of <a href="#">Me. Rev. Stat. tit. 22, § 2131</a> also constitutes a violation of the Maine Unfair Trade Practices Act.</p>

# Maryland

## Health Care Staff Agency Law

The Maryland Health Care Staff Agency Law ("Law") was enacted in 1996 and was amended most recently in 2018.

### Potential Application to Locum Tenens Agencies

The Law may apply to locum tenens agencies that place certain types of allied health practitioners (e.g., physical therapists and occupational therapists), but does not apply to placements of physicians, physician assistants, nurse practitioners, or nurse anesthetists.

Health Care Staff Agency	"Health care staff agency" means any person, firm, corporation, partnership, or other business entity engaged in the business of referring health care practitioners as employees or independent contractors to render temporary health care services at a health care facility in Maine.
Exclusions	The term does not include: (1) A health care staff agency operated by a health care facility or its affiliates solely for the purpose of procuring, furnishing, or referring temporary or permanent health care personnel for employment at that health care facility or its affiliates; (2) A home health agency regulated under Subtitle 4 of Title 19; or (3) Any health care practitioners procuring, furnishing, or referring their own services to a health care facility without the direct or indirect assistance of a health care staff agency.
<b>Other Key Definitions</b>	
Allied Health Care Field	"Allied health care field" means a healthcare profession subject to licensure under Health Occupations Article, Annotated Code of Maryland. [This Article requires licensure for numerous health care professionals, including acupuncturists, dentists, chiropractors, audiologists, nurses, occupational therapists, optometrists, pharmacists, physical therapists, physicians, physician assistants, podiatrists, and psychologists.]  "Allied health care field" does not include the healthcare profession of physician assistant.
Client Facility	"Client facility" means a health care facility that contracts with a health care staff agency for the referral of health care practitioners.
Health Care Facility	"Health care facility" means a hospital or related institution as defined in § 19-301 of Title 19.
Health Care Practitioner	"Health care practitioner" means any individual licensed or certified under the Health Occupations Article who: (1) is a licensed practical nurse, registered nurse, or certified nursing assistant; or (2) practices in an allied health care field, as defined by the Office in regulation.

	Health care practitioner” does not include: (1) acupuncturist; (2) dentist; (3) nurse anesthetist; (4) nurse midwife; (5) nurse practitioner; (6) pharmacist; (7) physician; or (8) podiatrist. <sup>4</sup>
Office	“Office” means the Office of Health Care Quality in the Maryland Department of Health.
<b>Resources</b>	
Statutes	<a href="#">Md. Code, Health-Gen. §§ 19-2001 – 19-2002</a>
Regulations	<a href="#">Md. Code Regs. 10.07.03.01 through 10.07.03.17</a>
Regulator Contact	Maryland Department of Health Office of Health Care Quality 7120 Samuel Morse Drive, Second Floor Columbia, MD 21046-3422 Phone: (410) 402-8015
Regulator Website	<a href="https://app.smartsheet.com/b/publish?EQBCT=1b0bc062eed64ecd882739b76481f2c7">https://app.smartsheet.com/b/publish?EQBCT=1b0bc062eed64ecd882739b76481f2c7</a>
Application Form	<a href="https://health.maryland.gov/ohcq/docs/Applications/Current/Application%20for%20Health%20Care%20Staff%20Agency%20License%2003142023.pdf">https://health.maryland.gov/ohcq/docs/Applications/Current/Application%20for%20Health%20Care%20Staff%20Agency%20License%2003142023.pdf</a>
<b>Effective Dates and Deadlines</b>	
Law	Originally effective in 1996; most recent amendments effective July 1, 2018.
Licensure Deadline	Obtain license before operating in Maryland (licensure requirement in effect for years).
<b>Registration or Licensure Requirements</b>	
Requirement	A health care staff agency must be licensed by the Office before referring health care practitioners to a health care facility to render temporary health care services at a health care facility in Maryland.
Fee	None.
Term	Although the regulations contemplate a license renewal each year, our understanding is that the Office's position is that renewal is not required unless the Office determines an agency to be out of compliance. Please confirm with your Maryland counsel.
<b>Reporting Obligations</b>	
Reporting	None.

<sup>4</sup> The exclusions are in the statutory definition; physician assistant is excluded from the definition of “allied health care field” in the regulations. See Md. Code Regs. 10.07.03.02.B(3).

Credentialing	
Licensure or Certification Verification	<p>Agency must:</p> <ol style="list-style-type: none"> <li>(1) Verify the licensure or certification status of the health care practitioner before initially providing or referring a health care practitioner to health care facilities to render temporary health care services. (MD Code, Health - General, § 19-2001(d)(1).)</li> <li>(2) At the time a health care practitioner who the agency is referring to health care facilities must renew the health care practitioner's license or certificate, the agency shall: (i) submit the name and license or certificate number of the health care practitioner to the Office; and (ii) verify the licensure or certification status of the health care practitioner. (MD Code, Health - General, § 19-2001(d)(2).)</li> </ol>
Background Check	Criminal background checks of a health care practitioner must be performed before referral by the agency if the client facility requires criminal background checks for facility employees.
Experience	Agency must validate the experience of a health care practitioner prior to referral.
Contractual Prohibitions or Requirements	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation Provisions	Not addressed in this law.
Conversion Fees	Not addressed in this law.
Other Requirements	
Insurance	Not addressed in this law.
Bond	Not addressed in this law.
Required Procedures	<a href="#">Md. Code, Health-Gen., § 19-2002</a> (d) requires an agency to develop, document, and implement procedures for 10 enumerated items. Please see the statute and <a href="#">Md. Code Regs. 10.07.03.08</a> for details.
Enforcement	
Civil	<p>The Office may impose a penalty for a violation of any provision of Md. Code, Health-Gen. § 19-2001:</p> <ol style="list-style-type: none"> <li>(1) For a first offense, up to \$2,500 per violation or up to \$2,500 per day until the health care staff agency complies with the requirements of this subtitle;</li> <li>(2) For a second offense, up to \$5,000 per violation or up to \$5,000 per day until the health care staff agency complies with the requirements of this subtitle; and</li> <li>(3) For a third or subsequent offense, up to \$10,000 per violation or up to \$10,000 per day until the health care staff agency complies with the requirements of this subtitle.</li> </ol> <p>Each day a violation continues is a separate violation.</p>

# Massachusetts

## Temporary Nursing Service Agency Law (Nursing Pool Law)

The Massachusetts Temporary Nursing Service Agency Law ("Law") was enacted more than 20 years ago and has been amended a few times with the most recent amendments adopted in 2012.

### Potential Application to Locum Tenens Agencies

The Law may apply to locum tenens agencies that place advanced practice nurses.

Temporary Nursing Service Agency (Nursing Pool)	"Temporary Nursing Service Agency" (also referred to as "Nursing Pool" in Mass. Gen. Laws ch. 111, § 72Y) means any person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in health care facilities for medical personnel, including but not limited to nurses, nursing assistants, nurses' aides, and orderlies.
Exclusions	The term does not include: (1) A medical personnel staff arrangement set up by a health care facility solely for its own use where the only costs are the salaries paid to such medical personnel; or (2) An individual who only engages in providing his or her own services on a temporary basis to health care facilities.

### Other Key Definitions

Department	"Department" means the Massachusetts Department of Health.
Fixed-Term Employees	"Fixed-term Employees" means employees who work exclusively at a particular health-care facility for a specified period of at least 90 days pursuant to a contract between the provider and a temporary nursing agency.
Health Care Facility	"Health Care Facility" means: a hospital or clinic, as defined in Mass. Gen. Laws ch. 111, § 52; a long-term facility which is an infirmary maintained in a town; a convalescent or nursing home, a rest home or a charitable home for the aged, as defined in Mass. Gen. Laws ch. 111D, § 71; a clinical laboratory subject to licensing under Mass. Gen. Laws ch. 111D; a public medical institution, which is any medical institution, and any institution, for the mentally ill or persons with developmental disabilities, supported in whole or in part by public funds, staffed by professional, medical and nursing personnel and providing medical care; provided, however, that Health Care Facility shall not include a facility operated by a religious group relying solely on spiritual means through prayer and healing and in which health care by or under the supervision of doctors of medicine, osteopathy, or dentistry is not provided.
Medical Personnel	"Medical Personnel" means nurses, nursing assistants, nurse aides, and orderlies. Pursuant to 101 Mass. Code Regs. 345.02, all such medical personnel are employees unless the agency demonstrates that they should be treated as independent contractors.

Nurse	"Nurse" means a licensed practical nurse or a registered nurse as defined by the Board of Registration in Nursing (Mass. Gen. Laws ch. 112, §§ 74 through 81C).
Travel Nurse Employees	"Travel Nurse Employees" means nurses employed by temporary nursing agencies who are required to move to temporary housing to provide services with rate limits established by 101 Mass. Code Regs. 345.00 and for whom such agencies cover costs that must include temporary housing costs, but which also may include other costs including, but not necessarily limited to, meals.
<b>Resources</b>	
Statutes	<a href="#">Mass. Gen. Laws ch. 111, § 72Y</a>
Regulations	<a href="#">105 Mass. Code Regs. 157</a> (registration and operation of agency) <a href="#">101 Mass. Code Regs. 345.00</a> (rates and cost reporting)
Regulator Contact	Department of Public Health Division of Health Care Facility Licensure and Certification 67 Forest Street Marlborough, MA 01752 Phone: (617) 753-8000
Regulator Website	<a href="https://www.mass.gov/how-to/register-as-a-temporary-nursing-service-agency">https://www.mass.gov/how-to/register-as-a-temporary-nursing-service-agency</a>
Application Form	<a href="https://www.mass.gov/doc/application-for-initial-registration/download">https://www.mass.gov/doc/application-for-initial-registration/download</a>
Reporting	<a href="https://www.chiamass.gov/nursing-services-cost-reports-2/">https://www.chiamass.gov/nursing-services-cost-reports-2/</a>
<b>Effective Dates and Deadlines</b>	
Law	Originally effective more than 20 years ago.
Registration	An initial application or an application for a new additional location must be submitted 30 days prior to commencement of operations.
Annual Reporting	Annual Report: Due May/June each year for prior year - see annual bulletin issued by the Center for Health Information and Analysis for specific deadline.
<b>Registration or Licensure Requirements</b>	
Requirement	Register the agency with the Commissioner of Public Health before commencing operations in Massachusetts.
Fee	\$750 (\$300 for each additional location)
Term	2 years
<b>Reporting Obligations</b>	
Annual Reporting	Complete and file a Temporary Nursing Service Cost Report each calendar year. The Center for Health Information and Analysis will issue an administrative bulletin to provide instructions and the due date for filing the cost report. Agencies that employ only fixed-term employees are not required to file a Temporary Nursing Service Cost Report; however, such agencies must still file a certified or audited financial statement annually, due no later than the required due date of the Temporary Nursing Service Cost Report.



<b>Credentialing</b>	
Licensure	An agency shall establish policies and procedures to verify that all medical personnel maintain current licenses, registrations or certifications as applicable. See <a href="#">105 Mass. Code Regs. 157.300</a> .
Pre-employment Physical and Testing	An agency shall establish policies and procedures to verify that all medical personnel have undergone pre-employment physicals and testing for communicable diseases as required by the Department, based upon and prior to assignment. See <a href="#">105 Mass. Code Regs. 157.310</a> .
<b>Contractual Prohibitions or Requirements</b>	
Facility Contracts	Written agreement with facility is required. See <a href="#">105 Mass. Code Regs. 157.220</a> for provisions that must be included.
Noncompete Clauses	Not addressed in this law.
Nonsolicitation Provisions	Not addressed in this law, but see Other Requirements below regarding prohibition on agency soliciting facility employees.
Conversion Fees	Not addressed in this law.
<b>Other Requirements</b>	
Administrator	The temporary nursing service agency, at each separate location thereof, shall have an administrator qualified by training, experience or education to operate the temporary nursing service agency. See <a href="#">105 Mass. Code Regs. 157.200</a> for administrator responsibilities.
Maximum Rates	See <a href="#">101 Mass. Code Regs. 345.00</a> , which governs the rates charged by and paid to temporary nursing service agencies.
Insurance	Not addressed in this law.
Bond	Not addressed in this law.
Recordkeeping	Agency required to maintain personnel records in accordance with <a href="#">105 Mass. Code Regs. 157.230</a> . Agency must retain documentation that fixed-term employees and travel nurse employees meet requirements pursuant to <a href="#">101 Mass. Code Regs. 345.00</a> .
Nonsolicitation	Agencies are prohibited from soliciting and/or hiring nursing facility employees from nursing facilities in which the temporary nurse staffing agency has an active contract for the period of the contract plus 12 months.

Enforcement	
Civil	<p>The Department may deny or revoke registration for cause, which includes but is not limited to:</p> <ol style="list-style-type: none"> <li>(1) Failure to submit the required fees;</li> <li>(2) Violation of any state statute pertaining to regulation of temporary nursing service agencies;</li> <li>(3) Failure to comply with reporting requirements as may be established under <a href="#">101 Mass. Code Regs. 345.000</a>;</li> <li>(4) Having outstanding fines, or otherwise violating <a href="#">101 Mass. Code Regs. 345.000</a>;</li> <li>(5) Violation of any applicable provision of <a href="#">105 Mass. Code Regs. 157.000</a>.</li> </ol> <p>If an agency violates the rate provisions, the hospital or nursing facility may:</p> <ol style="list-style-type: none"> <li>(1) Notify the Department, which may seek to suspend or revoke the agency's registration, or take other action as appropriate; or</li> <li>(2) Request that the Attorney General bring an action against the agency pursuant to its enforcement of Mass. Gen. Laws ch. 93A or take further action to restrain or prevent the agency from operating.</li> </ol>

# Minnesota

## Supplemental Nursing Services Agency Law

The Minnesota Supplemental Nursing Services Agency Law ("Law") was enacted in 2002 and has been amended several times, including most recently in 2020.

### Potential Application to Locum Tenens Agencies

The Law may apply to locum tenens agencies that nurses; the law applies to placements of registered nurses and it is somewhat unclear as to whether that term encompasses advanced practice registered nurses.

Supplemental Nursing Services Agency	"Supplemental nursing services agency" means a person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in health care facilities for nurses, nursing assistants, nurse aides, and orderlies.
Exclusions	The term does not include: (1) an individual who only engages in providing the individual's services on a temporary basis to health care facilities; or (2) a professional home care agency that only provides staff to other home care providers.

### Other Key Definitions

Commissioner	"Commissioner" means the Minnesota Commissioner of Health.
Health Care Facility	"Health care facility" means a hospital, boarding care home, or outpatient surgical center; a nursing home or home care agency; an assisted living facility; or a board and lodging establishment that is registered to provide supportive or health supervision services.
Nurse	"Nurse" means a licensed practical nurse as defined in <a href="#">Minn. Stat. § 148.171(8)</a> or a registered nurse as defined in <a href="#">Minn. Stat. § 148.171(20)</a> .  Minn. Stat. § 148.171(20) defines "Registered nurse" as an individual licensed by the board to practice professional nursing. "Advanced practice registered nurse" is separately defined by Minn. Stat. § 148.171(3) to mean "an individual licensed as an advanced practice registered nurse by the board and certified by a national nurse certification organization acceptable to the board to practice as a clinical nurse specialist, nurse anesthetist, nurse-midwife, or nurse practitioner."

### Resources

Statutes	<a href="#">Minn. Stat. § 144A.70 through 144A.74</a> (Supplemental Nursing Services Agency) <a href="#">Minn. Stat. § 144.057</a> (Background Studies on Licensees and Personnel)
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Regulations	None at this time.
Regulator Contact	Minnesota Department of Health Health Regulation Division Federal Licensing and Certification Program PO Box 64900 St. Paul, MN 55164-0900 Phone: (651) 201-4101 Email: <a href="mailto:health.SNSA.email.box@state.mn.us">health.SNSA.email.box@state.mn.us</a>
Regulator Website	<a href="https://www.health.state.mn.us/facilities/regulation/snsa">https://www.health.state.mn.us/facilities/regulation/snsa</a>
Registration Form	<a href="https://www.health.state.mn.us/facilities/regulation/snsa/docs/fpc931.pdf">https://www.health.state.mn.us/facilities/regulation/snsa/docs/fpc931.pdf</a>
Maximum Charges for Nursing Home Placements	<a href="https://www.health.state.mn.us/facilities/regulation/snsa/docs/snsa.pdf">https://www.health.state.mn.us/facilities/regulation/snsa/docs/snsa.pdf</a>
<b>Effective Dates and Deadlines</b>	
Law	Originally effective in 2002; amended various times since then.
Registration Deadline	Register before operating in Minnesota (registration requirement in effect for years). Submit renewal application at least 30 days before the expiration date of current registration.
<b>Registration or Licensure Requirements</b>	
Requirement	A person who operates a supplemental nursing services agency shall register annually with the Commissioner.
Fee	\$2,035
Term	1 year
Separate Locations	Each separate location of a supplemental nursing services agency shall register the agency with the commissioner. Each separate location of the business of a supplemental nursing services agency shall have a separate registration.
<b>Reporting Obligations</b>	
Report to the Commissioner of Revenue	Must file with the commissioner of revenue: (1) Name and address of the bank, savings bank, or savings association in which the supplemental nursing services agency deposits all employee income tax withholdings; and (2) Name and address of any nurse, nursing assistant, nurse aide, or orderly whose income is derived from placement by the agency, <u>if</u> the agency purports the income is not subject to withholding.

<b>Credentialing</b>	
Verification	Document that each temporary employee provided to health care facilities currently meets the minimum licensing, training, and continuing education standards for the position.
Background Checks	Commissioner of Health shall contract with the Commissioner of Human Services to conduct background checks of individuals: (1) who are employed by a supplemental nursing services agency and providing services in health care facilities; and (2) controlling persons of a supplemental nursing services agency. Background check is not required if the individual has a valid license issued by a Minnesota health-related licensing board and has completed the required criminal background check.
<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	Must not restrict in any manner the employment opportunities of its employees.
Nonsolicitation	Not addressed in this law.
Conversion Fees	Must not, in any contract with any employee or health care facility, require the payment of liquidated damages, employment fees, or other compensation should the employee be hired as a permanent employee of a health care facility.
<b>Other Requirements</b>	
Maximum Rates for Nursing Homes	<p>A supplemental nursing services agency must not bill or receive payments from a nursing home at a rate higher than 150% of the sum of the weighted average wage rate, plus a factor determined by the Commissioner to incorporate payroll taxes for the applicable employee classification for the geographic group. The weighted average wage rates must be determined by the Commissioner of Human Services and reported to the Commissioner of Health on an annual basis. Wages are defined as hourly rate of pay and shift differential, including weekend shift differential and overtime.</p> <p>A nursing home that pays for the actual travel and housing costs for supplemental nursing services agency staff working at the facility and that pays these costs to the employee, the agency, or another vendor, is not violating the limitation on charges.</p>
Insurance	<p>Must carry medical malpractice insurance to insure against the loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in the provision of health care services by the supplemental nursing services agency or by any employee of the agency.</p> <p>Must maintain insurance coverage for workers' compensation for all nurses, nursing assistants, nurse aides, and orderlies provided or procured by the agency.</p>
Bond	Must carry employee dishonesty bond in the amount of \$10,000.
Recordkeeping	Retain all records for five calendar years. All records of the supplemental nursing services agency must be immediately available to the Department of Health.

Enforcement	
Civil	<p>Failure to comply with the Law shall subject the supplemental nursing services agency to revocation or nonrenewal of its registration.</p> <p>Violations of <a href="#">Minn. Stat. § 144A.74</a> (maximum rates for nursing homes) are subject to a fine equal to 200% of the amount billed or received in excess of the maximum permitted under that section.</p> <p>The controlling person of a supplemental nursing services agency whose registration has not been renewed or has been revoked because of noncompliance with the Law shall not be eligible to apply for nor will be granted a registration for five years following the effective date of the nonrenewal or revocation.</p>

# Missouri

## Supplemental Health Care Services Agency Law

The Missouri Supplemental Health Care Services Agency Law ("Law") was enacted in 2022.

### Potential Application to Locum Tenens Agencies

The Law generally would apply to locum tenens agencies that place practitioners at assisted living facilities, intermediate care facilities, residential care facilities, or skilled nursing facilities. There is an exclusion for placements of certain types of practitioners, including physicians, physician assistants, and advanced practice nurses who are placed at hospitals or other entities that are not "health care facilities."

Supplemental Health Care Services Agency	Any person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in health care facilities for health care personnel, including a temporary nursing staffing agency as defined in <a href="#">Mo. Rev. Stat. § 383.130</a> , or that operates a digital website or digital smartphone application that facilitates the provision of the engagement of health care personnel and accepts requests for health care personnel through its digital website or digital smartphone application.
Exclusions	<p>The term does <u>not</u> include:</p> <ol style="list-style-type: none"> <li>(1) An individual who engages, only on his or her own behalf, to provide the individual's services on a temporary basis to health care facilities;</li> <li>(2) A home health agency licensed under <a href="#">Mo. Rev. Stat. § 197.415</a>;</li> <li>(3) A person or entity engaged in the provision of contracted specialty services by a practitioner as defined under <a href="#">Mo. Rev. Stat. § 376.1575</a>(4) [physician, physician assistant, pharmacist, dentist, chiropractor, optometrist, podiatrist, psychologist, licensed clinical social worker, advanced practice nurse], to a hospital or to other individuals or entities providing health care that are not health care facilities.</li> </ol>

### Other Key Definitions

Controlling Person	<p>"Controlling person" means:</p> <ol style="list-style-type: none"> <li>(a) A business entity, officer, program administrator, or director whose responsibilities include the direction of the management or policies of a supplemental health care services agency; or</li> <li>(b) An individual who, directly or indirectly, beneficially owns an interest in a corporation, partnership, or other business association that is a controlling person.</li> </ol>
Department	"Department" means the Missouri Department of Health and Senior Services.
Health Care Facility	"Health care facility" means a licensed hospital defined under <a href="#">Mo. Rev. Stat. § 197.020</a> or a licensed entity defined under <a href="#">Mo. Rev. Stat. § 198.006</a> (6), (14), (22), or (23) [assisted living facility, intermediate care facility, residential care facility, or skilled nursing facility].

Health Care Personnel	"Health care personnel" means any individual licensed, accredited, or certified by the state of Missouri to perform specified health services consistent with state law.
Temporary Nursing Staffing Agency	"Temporary nursing staffing agency" (as defined in <a href="#">Mo. Rev. Stat. § 383.130</a> ) means any person or entity doing business within the state that supplies, on a temporary basis, registered nurses, licensed practical nurses to a hospital, nursing home, or other facility requiring the services of those persons.
<b>Resources</b>	
Statutes	<a href="#">Mo. Rev. Stat. §§ 198.640 – 198.648</a>
Regulations	<a href="#">19 Mo. Code State Reg. §§ 30-105.010 to 30-105.070</a>
Regulator Contact	Department of Health and Senior Services Supplemental Health Care Services Agency Regulation 920 Wildwood Drive, P.O. Box 570 Jefferson City, MO 65109 Phone: (573) 526-5335 Email: <a href="mailto:SHCSA@health.mo.gov">SHCSA@health.mo.gov</a>
Regulator Website	<a href="https://health.mo.gov/safety/shcsa/index.html">https://health.mo.gov/safety/shcsa/index.html</a>
	The agency website has a number of resources, including links to the registration application and quarterly reporting information.
<b>Effective Dates and Deadlines</b>	
Law Effective	August 28, 2022
Registration Deadline	Initial registration required no later than December 31, 2023.
Quarterly Reporting Deadlines	First quarterly report due by January 31, 2024. Reporting Schedule: <ul style="list-style-type: none"> <li>▪ April 30 (data from January 1 through March 31)</li> <li>▪ July 31 (data from April 1 through June 30)</li> <li>▪ October 31 (data from July 1 through September 30)</li> <li>▪ January 31 (data from October 1 through December 31)</li> </ul>
<b>Registration or Licensure Requirements</b>	
Requirement	Register with the Missouri Department of Health and Senior Services
Fee	Initial fee of \$830. Renewal fee of \$700.
Term	1 year
Separate Locations	Separate registration for each location required.



Reporting Obligations	
Quarterly Reports	<p>If the agency contracts with a health care facility that participates in Medicare or Medicaid, the agency must submit a report to the Department that includes the following:</p> <p>(A) A detailed list of each health care facility participating in Medicare or Medicaid with whom the agency has contracted over the prior quarter;</p> <p>(B) A detailed list of the average amount charged by the agency to the health care facility over the prior quarter, broken down by health care facility and each individual health care personnel within each job classification; and</p> <p>(C) A detailed list of the average amount paid by the agency to health care personnel over the prior quarter, broken down by health care facility and each individual health care personnel within each job classification.</p>
Credentialing	
Pertinent Requirements Including Background Checks	Must comply with all pertinent requirements relating to the health and other qualifications of personnel employed in health care facilities, including requirements related to background checks in Mo. Rev. Stat. §§ 192.2490 and 192.2495.
Documentation for Facility	<p>Must provide to the health care facility to which any temporary health care personnel are supplied documentation that each health care worker meets:</p> <ul style="list-style-type: none"> <li>▪ All licensing or certification requirements for the position in which the health care worker will be working; and</li> <li>▪ All training and continuing education standards for the position in which the health care personnel will be working for the type of facility or entity with which the health care personnel is placed in compliance with any federal, state, or local requirements.</li> </ul>
Contractual Prohibitions or Requirements	
Noncompete Clauses	An agency shall not restrict in any manner the employment opportunities of its health care personnel.
Nonsolicitation	Not addressed in this law.
Conversion Fees	<p>An agency shall refrain in any contract with any health care personnel or health care facility from requiring the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care facility.</p> <p>For contracts entered into on or after August 28, 2022, if the contract between an agency and health care personnel or a health care facility requires the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care facility, the agency's registration shall be subject to revocation or nonrenewal of its registration.</p>

Other Requirements	
Insurance	<p>Must carry, or require the health care personnel to carry, and provide proof of medical malpractice insurance to insure against loss, damages, or expenses incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in the provision of health care services by the agency or by any health care personnel of the agency.</p> <p>Must maintain, and provide proof of, insurance coverage for workers' compensation for all health care personnel provided or procured by the agency or, if the health care personnel provided or procured by the agency are independent contractors, require occupational accident insurance.</p>
Bond	Not addressed in this law.
Required Indemnification of Facilities	<p>Must indemnify and hold harmless a health care facility for any damages, sanctions, or civil monetary penalties that are proximately caused by an action or failure to act of any health care personnel the agency provides to the health care facility; provided that the amount for which the supplemental health care services agency may be liable to a health care facility for civil monetary penalties and sanctions shall not exceed \$100,000 for civil monetary penalties and sanctions that may be assessed against skilled nursing facilities by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services. If the damages, sanctions, or civil monetary penalties are proximately caused by the negligence, action, or failure to act by the health care facility, then liability shall be determined by a percentage of fault and shall be the sole responsibility of the party against whom such determination is made. Such determinations shall be made by the agreement of the parties or a neutral third party who considers all of the relevant factors in making a determination.</p>
Recordkeeping	<p>Must retain certain business records and personnel records in a manner to allow them to be immediately available to the Department upon request.</p> <p>Personnel records must be retained for at least ten (10) years following termination of employment or independent contractor relationship from the agency.</p> <p>If an agency fails to provide any of the items required in <a href="#">19 Mo. Code State Reg 30-105.030</a>(4) within ten (10) business days of the department's written request, the Department will immediately suspend or refuse to issue the agency's registration.</p>
Enforcement	
Civil	<p>Department of Health and Senior Services may revoke or nonrenew an agency's registration for failure to comply with the provisions of the Law. The controlling person of an agency whose registration was revoked or not renewed because of noncompliance shall not be eligible to apply for or receive a registration for 5 years following the effective date of the revocation or nonrenewal.</p>

# Nevada

## Nursing Pool Law

The Nevada Nursing Pool Law ("Law") was enacted in 1989 and amended in 2005 and 2017.

### Potential Application to Locum Tenens Agencies

The Law may apply to locum tenens agencies that place nurses; there is no specific exclusion or inclusion of advanced practice registered nurses.

Nursing Pool	"Nursing pool" means a person or agency which provides for compensation, through its employees or by contracts with other persons, nursing services to any person, medical facility or facility for the dependent.
Exclusions	<p>The term "nursing pool" does not include:</p> <ol style="list-style-type: none"> <li>(1) An independent contractor who provides such services without the assistance of employees;</li> <li>(2) A nursing pool based in a medical facility or facility for the dependent;</li> <li>(3) A provider of community-based living arrangement services during any period in which the provider of community-based living arrangement services is engaged in providing community-based living arrangement services; or</li> <li>(4) A provider of supported living arrangement services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.</li> </ol>
<b>Other Key Definitions</b>	
Division	"Division" means the Division of Public and Behavioral Health of the Nevada Department of Health and Human Services.
Facility for the Dependent	<p>"Facility for the dependent" includes:</p> <ol style="list-style-type: none"> <li>(1) A facility for the treatment of alcohol or other substance use disorders;</li> <li>(2) A halfway house for persons recovering from alcohol or other substance use disorders;</li> <li>(3) A facility for the care of adults during the day;</li> <li>(4) A residential facility for groups;</li> <li>(5) An agency to provide personal care services in the home;</li> <li>(6) A facility for transitional living for released offenders;</li> <li>(7) A home for individual residential care;</li> <li>(8) A community health worker pool; and</li> <li>(9) A provider of community-based living arrangement services.</li> </ol>

Medical Facility	<p>"Medical facility" includes:</p> <ol style="list-style-type: none"> <li>(1) A surgical center for ambulatory patients;</li> <li>(2) A freestanding birthing center;</li> <li>(3) An independent center for emergency medical care;</li> <li>(4) An agency to provide nursing in the home;</li> <li>(5) A facility for intermediate care;</li> <li>(6) A facility for skilled nursing;</li> <li>(7) A facility for hospice care;</li> <li>(8) A hospital;</li> <li>(9) A psychiatric hospital;</li> <li>(10) A facility for the treatment of irreversible renal disease;</li> <li>(11) A rural clinic;</li> <li>(12) A nursing pool;</li> <li>(13) A facility for modified medical detoxification;</li> <li>(14) A facility for refractive surgery;</li> <li>(15) A mobile unit; and</li> <li>(16) A community triage center.</li> </ol>
<b>Resources</b>	
Statutes	<a href="#">Nev. Rev. Stat. §§ 449.001 – 449.2488</a>
Regulations	<a href="#">Nev. Admin. Code 449.747 – 449-7481</a>
Regulator Contact	<p>Department of Health and Human Services Division of Public and Behavioral Health 4150 Technology Way Carson City, NV 89706 Phone: (775) 684-4200 Email: <a href="mailto:dpbh@health.nv.gov">dpbh@health.nv.gov</a></p>
Regulator Website	<a href="https://dpbh.nv.gov/Reg/HealthFacilities/HF-Medical/Nursing_Pools/">https://dpbh.nv.gov/Reg/HealthFacilities/HF-Medical/Nursing_Pools/</a>
Online Licensing Portal	<a href="https://nvdpbh.aithent.com/Login.aspx">https://nvdpbh.aithent.com/Login.aspx</a>
<b>Effective Dates and Deadlines</b>	
Law Effective	Originally effective in 1989.
Licensure Deadline	Obtain a license before operating in Nevada (licensure requirement in effect for years).
<b>Registration or Licensure Requirements</b>	
Requirement	Obtain a license from the Nevada Department of Health and Human Services.
Fee	\$4,602
Term	Unclear
Separate Locations	Separate license for each location required.

Reporting Obligations	
Reporting	None.
Credentialing	
Verification	Not specially required, but regulations require services to be provided by qualified personnel with necessary qualifications including licensure, registration, certification or the equivalent, as required by state and federal law, for professional registered nurses, practical nurses and nursing assistants.
Contractual Prohibitions or Requirements	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation	Not addressed in this law.
Conversion Fees	Not addressed in this law.
Other Requirements	
Insurance	Not addressed in this law.
Bond	"Appropriate bond" required of each member of its staff who provides care directly to patients.
Recordkeeping	Maintain personnel records which confirm the personnel policies are being followed.
Personnel Policies	Written personnel policies required. See <a href="#">Nev. Admin. Code 449.7477</a> for details.
Administrator	Must have an administrator who has certain qualifications and is responsible for daily operation of the nursing pool. See <a href="#">Nev. Admin. Code 449.7475</a> for details.
Director of Professional Services	Must have a director of professional services who is a physician or a registered nurse licensed to practice in Nevada. Director is responsible for certain responsibilities. See <a href="#">Nev. Admin. Code 449.7476</a> for details.
Enforcement	
Civil	<p>The Division may deny an application for a license or suspend or revoke any license for failure to comply with the requirements of law or for other reasons (e.g., "conduct inimical to the public health").</p> <p>The Division may also impose an administrative penalty of up to \$5,000 per day for each violation, plus interest thereon at a rate not to exceed 10% per year. The Division is entitled to Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.</p> <p>For operating without a license, court of competent jurisdiction may enjoin the person from operating the nursing pool and impose a \$10,000 civil penalty for the first violation and at least \$10,000 but not more than \$25,000 for a second or subsequent offense.</p>
Criminal	Operating without obtaining a license is a misdemeanor.

# New Hampshire

## Nurse Agency Law

The New Hampshire Nurse Agency Law ("Law") was enacted in 2023.

### Potential Application to Locum Tenens Agencies

The Law may apply to locum tenens agencies that place nurses; there is no specific exclusion or inclusion of advanced practice registered nurses in the Law.

Nurse Agency	"Nurse agency" means any individual, firm, corporation, partnership or other legal entity that employs, assigns or refers nurses or licensed nursing assistants to a health care facility on a per diem or temporary basis for a fee. The term "nurse agency" includes an agency that employs, assigns, or refers such personnel through the use of apps or other technology based solutions or platforms.
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Exclusions	<p>The term "nurse agency" does not include:</p> <ul style="list-style-type: none"> <li>(1) Services provided by home health agencies licensed and operated under <a href="#">N.H. Rev. Stat. § 151:2-b</a>;</li> <li>(2) Any entity wholly owned by a health care facility or facilities separately licensed under <a href="#">N.H. Rev. Stat. Chapter 151</a>;</li> <li>(3) Any individual offering only his or her services.</li> </ul>
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### Other Key Definitions

Director	"Director" means the executive director of the N.H. office of professional licensure and certification.
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Nurse	Not defined in the Law.
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Office	"Office" means the N.H. office of professional licensure and certification.
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### Resources

Statutes	<a href="#">N.H. Rev. Stat. § 326-M:1 – 326-M:4</a>
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Regulations	None at this time.
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Regulator Contact	<p>Office of Professional Licensure &amp; Certification 7 Eagle Square Concord, NH 03301 Phone: (603) 271-2152 Email: <a href="mailto:CustomerSupport@oplc.nh.gov">CustomerSupport@oplc.nh.gov</a> Email: <a href="mailto:OPLCLicensing11@oplc.nh.gov">OPLCLicensing11@oplc.nh.gov</a></p>
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Regulator Website	<a href="https://www.oplc.nh.gov/">https://www.oplc.nh.gov/</a> (general website only; not specific to Nurse Agencies)
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Effective Dates and Deadlines	
Law Effective	October 7, 2023
Registration	Begins on January 1, 2024.
Registration or Licensure Requirements	
Requirement	A nurse agency must be registered with the Office of Professional Licensure and Certification to operate in New Hampshire.
Fee	Not established yet.
Term	Unclear; likely 2 years.
Reporting Obligations	
Reporting	Not required.
Credentialing	
Verification	Confirm that professional's license is not suspended before referring or assigning.
Contractual Prohibitions or Requirements	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation	Not addressed in this law.
Conversion Fees	Not addressed in this law.
Other Requirements	
Insurance	Not addressed in this law.
Bond	Not addressed in this law.
Recordkeeping	Not addressed in this law.
Upcharging	Nurse agencies may not charge a health care facility a higher amount based upon the presence in that facility of a communicable virus, except in the case of a state or local declaration of a public health emergency.
Enforcement	
Civil	<p>Any applicant who, after notice and hearing, is found to have submitted false or misleading information to the Office shall be punished by a fine, pursuant to N.H. Rev. Stat. § 541-A, and the revocation or suspension of the applicant's registration.</p> <p>After notice and hearing, the Director may revoke or suspend any registration if the registrant:</p> <ol style="list-style-type: none"> <li>(1) Is found to have violated any requirement or rule and fails to cure such violation within a reasonable time prescribed by the Director following such finding;</li> <li>(2) Willfully and without justification fails to respond to any lawful inquiry of the Director after reasonable notice; or</li> <li>(3) Is under a suspension or revocation of a registration, similar to one issued in N.H., in another jurisdiction and is not reinstated.</li> </ol>

# New Jersey

## Health Care Service Firm Law

The New Jersey Health Care Service Firm Law ("Law") was enacted in 2002 and was most recently amended in 2020.

### Potential Application to Locum Tenens Agencies

The Law would apply to locum tenens agencies that *employ* health care professionals and assign them for placements in New Jersey in a person's home or a "care-giving facility." The Law does not appear to apply to agencies with only independent contractor relationships, *provided that* the workers are properly classified as independent contractors.<sup>5</sup>

Health Care Service Firm	"Health care service firm" means any person who operates a firm that employs individuals directly or indirectly for the purpose of assigning the employed individuals to provide health care, personal care, or companion services either directly in the home or at a care-giving facility, and who, in addition to paying wages or salaries to the employed individuals while on assignment, pays or is required to pay Federal social security taxes and State and Federal unemployment insurance; carries or is required to carry worker's compensation insurance; and sustains responsibility for the action of the employed individuals while they render health care services.
Exclusions	Law does not apply to: (1) Licensed employment; (2) Licensed home health care agency; (3) Licensed hospice.
<b>Other Key Definitions</b>	
Care-Giving Facility	This term is used in N.J. Admin. Code § 13:45B-13.2 to define a "health care service firm," but is not defined in the statute or the regulations.
Health Care Services	"Health Care Services" mean any services rendered to a patient for the purpose of maintaining or restoring the patient's physical or mental health, or any health related services rendered to a patient for which a license, registration, or certificate is required as a pre-condition to the rendering of such services.
<b>Resources</b>	
Statutes	<a href="#">N.J. Stat. § 34.8-45.1</a>
Regulations	<a href="#">N.J. Admin. Code §§ 13:45B-13.1 – 13:45B-16.1</a>

<sup>5</sup> Whether a worker is properly classified as an independent contractor or an employee is outside the scope of this Guide and should be evaluated in consultation with a New Jersey employment lawyer.



Regulator Contact	New Jersey Division of Consumer Affairs Regulated Business Section P.O. Box 45028 Newark, New Jersey 07101 Phone: (973) 504-6370 Email: <a href="mailto:askconsumeraffairs@dca.lps.state.nj.us">askconsumeraffairs@dca.lps.state.nj.us</a>
Regulator Website	<a href="https://www.njconsumeraffairs.gov/hcservice">https://www.njconsumeraffairs.gov/hcservice</a>
Online Registration	<a href="https://www.njconsumeraffairs.gov/regulated/Pages/Regulated-Business-Online-Registration.aspx">https://www.njconsumeraffairs.gov/regulated/Pages/Regulated-Business-Online-Registration.aspx</a>
<b>Effective Dates and Deadlines</b>	
Law Effective	Effective since 2002; most recently amended in 2020.
Registration	Register before operating in New Jersey. Renew prior to July 1 each year.
Reporting	Initial reports may be due July 1, 2024 – the Division is working on rulemaking.
<b>Registration or Licensure Requirements</b>	
Requirement	A health care service firm must be registered to operate by the Division of Consumer Affairs.
Fee	\$500 per primary location
Term	1 year
<b>Reporting Obligations</b>	
Reporting	N.J. Public Law 2020, c. 132, enacted December 14, 2020, revised the financial reporting requirements applicable to health care service firms. The new law requires that all health care service firms submit annual “financial statements,” and that certain firms submit “audits” or “reports.” The Division is working on proposed rulemaking concerning these requirements; it is anticipated that submissions under the rule will not be required prior to July 1, 2024.
<b>Credentialing</b>	
Licensure	Verify the license status of each individual being placed or referred prior to the referral or placement.
Work History	Verify employee work history at all employment locations for one-year period prior to date of application.
Qualifications	Make diligent inquiry of employers and applicants for employment in order to ascertain the relevant needs of the place of employment and the applicant’s qualifications. An agency shall not place or refer an applicant whose qualifications do not reasonably match the needs and requirements of an employee.

Contractual Prohibitions or Requirements	
Noncompete Clauses	Health care service firms cannot prohibit or inhibit an employee's ability from becoming employed by any other person.
Nonsolicitation	Not addressed in this law.
Conversion Fees	Health care service firms are prohibited from charging conversion fees or liquidated damages to any employee unless the firm is also registered as an employment agency pursuant to N.J. Admin. Code § 13:45B-2.
Other Requirements	
Insurance	Maintain general liability insurance in an amount not less than \$1,000,000.
Bond	A bond of \$10,000 is required to secure compliance. The Director may waive the bond requirement for any corporation or entity having a net worth of \$100,000 or more.
Recordkeeping	Maintain record of licensure verification. See N.J. Admin. Code 13:45B-14.4(e) for details.
Enforcement	
Civil	<p>In addition to any other penalty provided by law, a person shall be liable for a penalty of \$500 per day for each day that the person continues to operate a firm without registering as required.</p> <p>Failure to comply with the N.J. Admin. Code Chapter 45B Subchapter 13 may be deemed good cause within the meaning of N.J. Stat. § 34:8-53, upon notice to the agency and an opportunity to be heard, for the suspension or revocation of licensure or for such other relief or sanctions as may be authorized by law.</p>

# New York

## Temporary Health Care Services Agency Law

The New York Temporary Health Care Services Agency Law ("Law") was enacted in 2023.

### Potential Application to Locum Tenens Agencies

The Law applies to locum tenens agencies because, as interpreted by the N.Y. Department of Health, it applies to all entities in the business of providing or procuring temporary employment of health care personnel, including, for example, physicians.

Temporary Health Care Services Agency	"Temporary health care services agency" means a person or entity in the business of providing or procuring temporary employment of health care personnel for health care entities. Temporary health care services agency shall include a nurses' registry licensed under NY General Business Law, Article 11, and entities that utilize apps or other technology-based solutions to provide or procure temporary employment of health care personnel in health care entities.
Exclusions	The term does not include: (1) An individual who only engages in providing the individual's own services on a temporary basis to health care entities; or (2) A home care agency licensed under Laws of New York, Public Health Chapter, Article 36 ("Home Care Services).

### Other Key Definitions

Certified Nurse Aide	"Certified nurse aide" means a person included in the nursing home nurse aide registry pursuant to N.Y. Pub. Health Law § 2803-j.
Direct Care Worker	"Direct care worker" means nurses, certified nurse aides and licensed or unlicensed direct care staff provided by the temporary health care services agency to provide temporary services in a health care entity.
Health Care Entity	"Health care entity" means an agency, corporation, facility, or individual providing medical or health care services.
Health Care Personnel	"Health care personnel" means nurses, certified nurse aides and licensed or unlicensed direct care staff provided by the temporary health care services agency to provide temporary services in a health care entity.
Nurse	"Nurse" means a registered professional nurse, or a licensed practical nurse as defined by N.Y. Educ. Law Art. 139.

### Resources

Statutes	<a href="#">N.Y. Pub. Health Law § 2999-ii through § 2999-mm</a>
Regulations	No regulations at this time.

Regulator Contact	New York State Department of Health Corning Tower Empire State Plaza Albany, NY 12237 <a href="mailto:TempAgencyRegistration@health.ny.gov">TempAgencyRegistration@health.ny.gov</a>
Regulator Website	<a href="https://www.health.ny.gov/facilities/staffing_agency/">https://www.health.ny.gov/facilities/staffing_agency/</a>
<b>Effective Dates and Deadlines</b>	
Law Effective	August 1, 2023
Registration Deadline	Initial registration file due November 15, 2023.
Quarterly Reporting	Initial reporting due November 30, 2023.  Per November 29, 2023 email sent by the Department of Health via the Listserv, the quarterly reporting schedule is: <ul style="list-style-type: none"> <li>▪ Due by January 31, 2024: Data from November 1, 2023 - December 31, 2023</li> <li>▪ Due by April 30, 2024: Quarter 1 (January 1, 2024 – March 31, 2024)</li> <li>▪ Due by July 31, 2024: Quarter 2 (April 1, 2024 – June 30, 2024)</li> <li>▪ Due by October 31, 2024: Quarter 3 (July 1, 2024 – September 30, 2024)</li> <li>▪ Due by January 31, 2025: Quarter 4 (October 1, 2024 – December 31, 2024)</li> </ul>
<b>Registration or Licensure Requirements</b>	
Requirement	Any person who operates a temporary health care services agency shall register the agency with the Department of Health.
Fee	\$1,000
Term	1 year
<b>Reporting Obligations</b>	
Submission of Contracts with Health Care Entities	A temporary health care services agency must submit copies of all contracts between the agency and a health care entity to which it assigns or refers health care personnel within five (5) business days of their effective date.
Quarterly Reports	A temporary health care services agency shall report quarterly to the department a full disclosure of charges and compensation, including a schedule of all hourly bill rates per category of health care personnel, a full description of administrative charges, and a schedule of rates of all compensation per category of health care personnel. See the regulator's website and the quarterly reporting file and attestation forms posted on it for additional details.
<b>Credentialing</b>	
Verification	Confirm and document that each health care personnel provided to health care entities meets the minimum licensing, training, and continuing education standards for the position which the personnel will be working.

<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	A temporary health care services agency is prohibited from restricting in any manner the employment opportunities of its health care personnel.
Nonsolicitation	Not addressed in this law.
Conversion Fees	A temporary health care services agency must not require the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care entity in any contract with any health care personnel or health care entity or otherwise.
Facility Contracts	<p>A temporary health care staffing service agency must maintain a written agreement or contract with each health care entity, which must include the following at minimum:</p> <ol style="list-style-type: none"> <li>(1) The required minimum licensing, training and continuing education requirements for each assigned health care personnel;</li> <li>(2) Any requirement for minimum advance notice in order to ensure prompt arrival of assigned health care personnel;</li> <li>(3) The maximum rates that can be billed or charged by the temporary health care services agency;</li> <li>(4) The rates to be charged by the temporary health care services agency;</li> <li>(5) Procedures for the investigation and resolution of complaints about the performance of temporary health care services agency personnel;</li> <li>(6) Procedures for notice from health care entities of failure of medical personnel to report to assignments;</li> <li>(7) Procedures for notice of actual or suspected abuse, theft, tampering or other diversion of controlled substances by medical personnel;</li> <li>(8) The types and qualifications of health care personnel available for assignment through the temporary health care services agency.</li> </ol>
<b>Other Requirements</b>	
Insurance	Not addressed in this law.
Bond	Not addressed in this law.
Recordkeeping	A temporary health care staffing service agency must retain all records related to health care personnel for six calendar years and make them available to the Department upon request.
Administrator	A temporary health care services agency must appoint an administrator qualified by training, experience or education to operate the agency. Each separate agency location shall have its own administrator.

Enforcement	
Civil	<p>Violations of the provisions in Article 29-K are subject to penalties and fines pursuant to Public Health Law § 12. Section 12 provides, among other things, that any person who violates, disobeys or disregards any term or provision of this chapter or of any lawful notice, order or regulation pursuant thereto for which a civil penalty is not otherwise expressly prescribed by law, shall be liable to the people of the state for a civil penalty not to exceed \$2,000 for every such violation.</p> <p>The penalty may be increased to an amount not to exceed \$5,000 for a subsequent violation if the person committed the same violation, with respect to the same or any other person or persons, within 12 months of the initial violation for which a penalty was assessed.</p> <p>Additionally, the attorney general may, upon the request of the department, bring an action for an injunction against any person who violates any provision of this article; provided, the department shall furnish the attorney general with such material, evidentiary matter or proof as may be requested by the attorney general for the prosecution of such action.</p>

# North Carolina

## Nursing Pool Licensure Act

The North Carolina Nursing Pool Licensure Act ("Act") was enacted in 1989 and has been amended a few times since enactment, including most recently in 2019.

### Potential Application to Locum Tenens Agencies

The Act applies to "nurse pools" doing business in North Carolina. The Law may apply to locum tenens agencies that place nursing personnel; there is no specific exclusion or inclusion of advanced practice registered nurses in the Act.

Nursing Pool	"Nursing pool" means any person or entity engaged for hire in the business of providing or procuring temporary employment in health care facilities for nursing personnel, including nurses, nursing assistance, nurses aides, and orderlies.
Exclusions	The term "nursing pool" does not include an individual who engages solely in providing the individual's own services on a temporary basis to health care facilities.

### Other Key Definitions

Commission	"Commission" means the N.C. Medical Care Commission.
Department	"Department" means the N.C. Department of Health and Human Services.
Division	"Division" means the Division of Health Service Regulation within the N.C. Department of Health and Human Services.
Health Care Facility	"Health care facility" means: hospital; psychiatric facility; rehabilitation facility; long-term care facility; home health agency; intermediate care facility for individuals with intellectual disabilities; chemical dependency treatment facility; and ambulatory surgical facility.
Nursing Personnel	Not defined in the Act or the regulations.

### Resources

Statutes	<a href="#">N.C. Gen. Stat. §§ 131E-154.1 through 131E-154.8</a>
Regulations	<a href="#">10A N.C. Admin. Code Subchapter 13L</a>
Regulator Contact	Department of Health and Human Services Division of Health Service Regulation – Licensure/Certification/Acute/Home Care Section 2712 Mail Service Center Raleigh, NC 27699-2712 Phone: (919) 855-4620 Fax: (919) 715-3073
Regulator Website	<a href="https://info.ncdhhs.gov/dhsr/ahc/formapps.html">https://info.ncdhhs.gov/dhsr/ahc/formapps.html</a>

Effective Dates and Deadlines	
Law Effective	Originally effective in 1990.
Registration	Requirement has been in place since law enacted.
Registration or Licensure Requirements	
Requirement	Person who or entity that operates a nursing pool must obtain a license from the Department.
Term	1 year
Reporting Obligations	
Reporting	Not required.
Credentialing	
Verification	Verify and document that each employee who provides care meets the minimum licensing, training, and continuing education standards for the position in which the employee will work.
Contractual Prohibitions or Requirements	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation	Not addressed in this law.
Conversion Fees	Not addressed in this law.
Other Requirements	
Insurance	Must have general and professional liability insurance to insure against losses and expenses for a claim arising out of death or injury of any person as the result of negligence or malpractice in provision of health care services by the nursing pool or its employees.
Bond	Not addressed in this law.
Recordkeeping	Must maintain personnel record that includes: (1) Copy of current license to practice as RN or LPN or listing card for Nurse Aide; (2) Completed job application with employment history, training, education, and continuing education; (3) Results of reference checks; and (4) Performance evaluations at least annually.
Written Policies	Must have written administrative and personnel policies to govern the services provided including policies concerning patient care, personnel, training and orientation, supervision, employee evaluation, and organizational structure.



Enforcement	
Civil	<p>In the event of non-compliance with any regulations of Subchapter 13L or the Nursing Pool Licensure Act, the business shall be given no more than 30 days to correct the non-compliance.</p> <p>The Division may suspend, revoke, annul, withdraw, recall, cancel, or amend a license for any nursing pool that substantially fails to comply with the rules contained in this Subchapter or that fails to implement an approved plan of correction for violations of rules cited by the Division.</p> <p>the Division may seek injunctive relief to prevent a person from establishing or operating a nursing pool without a license.</p>

# Oregon

## Temporary Staffing Agency Law

The Oregon Temporary Staffing Agency Law ("Law") was enacted in 2022 and amended in 2023.

### Potential Application to Locum Tenens Agencies

The Law applies to any "temporary staffing agency" doing business in Oregon. The Law would apply to locum tenens agencies that place "personnel" as defined in the Law; however, there are some ambiguities in the meaning of "personnel" (see Other Key Definitions below).

Temporary Staffing Agency	An entity that operates in Oregon for the purpose of providing temporary work to personnel providing health care services or assistance with activities of daily living for or on behalf of entities that engage the temporary staffing agency.
Exclusions	<p>The term "temporary staffing agency" does <u>not</u> include:</p> <ol style="list-style-type: none"> <li>(1) A staff arrangement established by an entity solely for use by the entity, or by any entity associated with the entity, and in which the only costs are salaries paid to individuals who perform work;</li> <li>(2) An individual who provides the individual's services on a temporary basis;</li> <li>(3) An employment agency as defined in Or. Rev. Stat. § 658.005;</li> <li>(4) Home health agencies licensed under Or. Rev. Stat. § 443.015;</li> <li>(5) In-home care agencies licensed under Or. Rev. Stat. § 443.315; or</li> <li>(6) Home care workers and personal support workers listed on the home care registry as defined in Or. Rev. Stat. § 410.600.</li> </ol>
<b>Other Key Definitions</b>	
Assistance with Activities of Daily Living	"Assistance with activities of daily living" means services related to bathing and personal hygiene, dressing and grooming, eating, mobility, bowel and bladder management, administering medication and cognition.
Personnel <sup>6</sup>	<p>"Personnel" means:</p> <ol style="list-style-type: none"> <li>(1) A registered nurse, licensed practical nurse, certified medical assistant, certified nursing assistant or direct caregiver who provides health care services or assistance with activities of daily living to clients, patients or residents for or on behalf of an in-home care agency as defined in ORS 443.305, a facility with a memory care endorsement as described in ORS 443.886, a residential care facility as defined in <a href="#">Or. Rev. Stat. § 443.400</a> or a skilled nursing facility as defined in <a href="#">Or. Rev. Stat. § 442.015</a> that engages the temporary staffing agency with which the registered nurse, licensed practical nurse, certified medical assistant, certified nursing assistant or direct caregiver is associated; or</li> </ol>

<sup>6</sup> Among other things, the 2023 legislation amended (replaced entirely) the definition of "personnel." The 2023 legislative amendments became effective on September 25, 2023. Please see the link to the 2022 legislation for the definition of "personnel" that was in effect prior to September 25, 2023.

	<p>(2) A registered nurse or certified nursing assistant who provides health care services to patients for or on behalf of a hospital that engages the temporary staffing agency with which the registered nurse or certified nursing assistant is associated.</p> <p><i>Note:</i> We assume registered nurse would include advanced practice registered nurse, but neither the Law nor the regulations clearly state that. In addition, "direct caregiver" is not defined in the Law or the regulations.</p>
Rate	"Rate" means the total amount that a temporary staffing agency may charge to or receive from an entity that engages the temporary staffing agency to assign personnel to the entity on a temporary basis.
<b>Resources</b>	
Statutes	The official Oregon Revised Statutes have not yet been updated to reflect the 2022 and 2023 legislation; therefore, please see the links below to the legislation for the statutory language.
2022 Legislation	<a href="https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/SB1549/Enrolled">https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/SB1549/Enrolled</a>
2023 Legislation	<a href="https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB2665/Enrolled">https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB2665/Enrolled</a>
Regulations	<a href="https://www.oregon.gov/oha/PH/HLO/Rules/TSA-Rules.pdf">https://www.oregon.gov/oha/PH/HLO/Rules/TSA-Rules.pdf</a>
Regulator Contact	<p>Oregon Health Authority Health Licensing Office 1430 Tandem Avenue NE, Suite 180 Salem, OR 97301-2192 Phone: (503) 378-8667 Email: <a href="mailto:hlo.info@odhsoha.oregon.gov">hlo.info@odhsoha.oregon.gov</a></p> <p>Anne Thompson Email: <a href="mailto:anne.p.thompson@dhsosha.state.or.us">anne.p.thompson@dhsosha.state.or.us</a> Phone: (503) 509-4775</p>
Regulator Website	<a href="https://www.oregon.gov/oha/PH/HLO/Pages/Board-Temporary-Staffing-Agency-Information.aspx">https://www.oregon.gov/oha/PH/HLO/Pages/Board-Temporary-Staffing-Agency-Information.aspx</a>
<b>Effective Dates and Deadlines</b>	
Law Effective	<p>2022 Law: Effective immediately upon passage, but most provisions not operative until July 1, 2023.</p> <p>2023 Law: Changes effective September 25, 2023.</p>
Registration Deadline	July 1, 2023
<b>Registration or Licensure Requirements</b>	
Requirement	Obtain an authorization to operate in Oregon from the Health Licensing Office.

Fees	Application: \$250 Authorization: \$2,000 Renewal: \$1,500
Term	One year
Separate Locations	Separate authorization for each location required.
<b>Reporting Obligations</b>	
Reporting	None.
<b>Credentialing</b>	
Personnel Qualifications	Each agency shall ensure all personnel for which the agency procures or provides temporary employment meet any professional authorization requirements established for the practice or performance of the services provided by the personnel.
Appropriate Work Experience / Background of Personnel	Each agency shall assign personnel to settings for which the personnel have the appropriate work experience and background to provide the services required by the specific setting.
<b>Contractual Prohibitions or Requirements</b>	
Facility Contracts	<p>An agency may charge to an entity that engages the agency fees or other amounts related to or associated with the subsequent hiring of personnel by the entity, or pay to the entity such fees or amounts if the temporary staffing agency hires the entity's staff members, if:</p> <ul style="list-style-type: none"> <li>▪ The entity or the agency directly solicits, or attempts to solicit, employment of the personnel or the entity's staff members; and</li> <li>▪ An agreement between the agency and the entity allows each party to charge to or receive from the other party the fees or amounts described herein.</li> </ul>
Noncompete Clauses	Not addressed in this law.
Nonsolicitation Provisions	Not addressed in this law except as described above in Facility Contracts.
Conversion Fees	Not addressed in this law except as described above in Facility Contracts.

Rate Caps (2023 Legislation)	<p>The Oregon Health Authority shall adopt rules to establish the maximum rates that a temporary staffing may charge to or received from an entity that engages with the temporary staffing agency and a process through which a temporary staffing agency may apply for a waiver of the maximum rates, including emergency waivers under circumstances such as a public health emergency.</p> <p>The maximum rates must be established based on the most recently available wage data, factors including but not limited to the minimum wages set in geographic regions of Oregon, shift differentials, holiday pay, type of license care setting, relevant state and federal regulatory requirements, personnel with specialty training, and based on consultations with temporary staffing agencies and providers.</p> <p>A temporary staffing agency that is engaged by a hospital may charge to and receive from the hospital rates that exceed the maximum rates if the rates apply to 25 or fewer personnel in a single licensed care setting.</p> <p><i>Note:</i> Rules have not yet been established by the Oregon Health Authority as of December 15, 2023.</p>
<b>Other Requirements</b>	
Insurance	Not addressed in this law.
Bond	Not addressed in this law.
Recordkeeping	Each agency shall retain records for at least 10 years in a manner that makes the records immediately available to the Health Licensing Office upon request of the office.
<b>Enforcement</b>	
Civil	<p>The Health Licensing Office may impose a civil penalty of up to \$500 per day per violation of the authorization requirements and make revoke, suspend or impose conditions on an agency's authorization to operate in Oregon.</p> <p>A court may issue injunctive relief for any violation of the Law without proof of actual damages.</p>

# Pennsylvania

## Temporary Health Care Services Agency Law

The Pennsylvania Temporary Health Care Services Agency Law ("Law") was enacted in 2022.

### Potential Application to Locum Tenens Agencies

The precise scope of the Law's application to locum tenens agencies is unclear. The Law applies to locum tenens agencies that place "health care personnel," as defined in the Law, at long-term care nursing facilities, personal care homes, or assisted living residences. Health care personnel includes "nurses" and "direct care staff." Based on the definitions of these terms, it appears that placements of nurse practitioners, advanced practice registered nurses, and certified registered nurse anesthetists at long-term care nursing facilities, personal care homes, or assisted living facilities in Pennsylvania would fall within the ambit of the Law; placements of physicians and physician assistants at personal care homes is a grey area, but placements of physicians and physician assistants at other types of facilities would not be within the ambit of the Law.

Temporary Health Care Services Agency	"Temporary health care services agency" means a person engaged for hire in the business of providing or procuring temporary employment in health care facilities for health care personnel.
Exclusions	The term "temporary staffing agency" does not include: (1) An individual who only engages on the individual's own to provide services on a temporary basis to health care facilities; or (2) A home health care agency licensed under 28 Pa. Code Ch. 601 (relating to home health care agencies).

### Other Key Definitions

Department	"Department" means the Pennsylvania Department of Health.
Health Care Facility	"Health care facility" means any of the following: (1) A long-term care nursing facility as defined in section 802.1 <a href="#">[35 Pa. Stat. § 448.802a]</a> ; or (2) A personal care home or an assisted living residence, licensed by the Department of Human Services.
Health Care Personnel	"Health care personnel" means any of the following: (1) A nurse aide as defined in <a href="#">section 2 of the act of June 9, 1997</a> (P.L. 169, No. 14). (2) A registered nurse as defined in <a href="#">49 Pa. Code § 21.1</a> . (3) A licensed practical nurse as defined in <a href="#">49 Pa. Code § 21.141</a> . (4) A direct care staff person as defined in <a href="#">55 Pa. Code § 2600.4</a> .

### Resources

Statutes	<a href="#">35 Pa. Stat. § 448.801-B through § 448.808-B</a>
Regulations	No regulations at this time.

Regulator Contact	<p>Pennsylvania Department of Health Bureau of Non-Long-Term Care Temporary Health Care Services Agency 2525 North 7th Street, Ste 210 Harrisburg, PA 17110 Email: <a href="mailto:RA-DHQATEMPAGENCY@pa.gov">RA-DHQATEMPAGENCY@pa.gov</a> Email: <a href="mailto:dh-qatempagency@pa.gov">dh-qatempagency@pa.gov</a></p>
Regulator Website	<a href="https://www.health.pa.gov/topics/facilities/Pages/Act-128.aspx">https://www.health.pa.gov/topics/facilities/Pages/Act-128.aspx</a>
Registration Application	<a href="https://www.health.pa.gov/topics/Documents/Facilities%20and%20Licensing/ACT128_THCSA_Application.pdf">https://www.health.pa.gov/topics/Documents/Facilities%20and%20Licensing/ACT128_THCSA_Application.pdf</a>
<b>Effective Dates and Deadlines</b>	
Law Effective	November 3, 2022
Registration Deadline	Not specified, but application and instructions have been posted for
<b>Registration or Licensure Requirements</b>	
Requirement	Register with Pennsylvania Department of Health.
Fee	\$500
Term	1 year
<b>Reporting Obligations</b>	
Reporting	None.
<b>Credentialing</b>	
Criminal Records Checks	Provide health care facilities with proof of applicable criminal records checks for each temporary employee consistent with the facilities' regulatory requirements.
Documentation	Provide to the health care facility to which any temporary health care personnel are supplied documentation that each temporary employee meets all licensing or certification, training and continuing education standards for the position in which the temporary employee will be working.
<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	Neither agency nor health care facility may restrict in any manner the employment opportunities of health care personnel.
Nonsolicitation Provisions	Not addressed in this law.
Conversion Fees	Cannot be included in any employment contract with health care personnel. Unclear whether including a buy-out provision in a facility contract would be permissible.

Other Requirements	
Insurance	<p>Carry medical malpractice insurance of not less than \$500,000 to insure against loss, damages or expenses incident to a claim arising out of the death or injury of any individual as the result of negligence or malpractice in the provision of health care services by the temporary health care services agency or an employee, agent or contractor of the temporary health care services agency.</p> <p>Maintain insurance coverage for workers' compensation for all health care personnel provided or procured by the temporary health care services agency.</p>
Bond	Carry for each employee a dishonesty bond in the amount of \$10,000.
Recordkeeping	Retain all records for 10 calendar years in a manner to allow the records to be immediately available to the Department for inspection to determine compliance.
Enforcement	
Civil	Failure of an agency to comply with the Law will subject the agency to sanctions, including denying the application to register or renewal, revocation of registration, and civil penalty of no more than \$5,000 for each incident.



# Rhode Island

## Nursing Service Agency Law

The Rhode Island Nursing Service Agency Law was enacted in 2005 and amended in 2023.

### Potential Application to Locum Tenens Agencies

The Law may apply to locum tenens agencies that place nurses in Rhode Island; there is no specific inclusion or exclusion of advanced practice registered nurses.

Temporary Staffing Agency	"Nursing service agency" means any person, firm, partnership, or corporation doing business within the state that supplies, on a temporary basis, registered nurses, licensed practical nurses, or nursing assistants to a hospital, nursing home, or other facility requiring the services of those persons, with the exception of hospitals, home nursing care providers, home care providers, and hospices licensed in this state.
Exclusions	<ul style="list-style-type: none"> <li>(1) Exclusion in the definition for hospitals, home nursing care providers, home care providers, and hospices licensed in Rhode Island.</li> <li>(2) Nursing services that "rely exclusively on spiritual means through prayer alone in accordance with the creed or tenets of a recognized church or religious denomination."</li> <li>(3) Nursing service agencies that limit the provision of temporary staff, including registered nurses, licensed practical nurses, or nursing assistants, to one or more hospitals provided that such nursing service agency maintain certification from The Joint Commission or such other accreditation entity acceptable to the Director.</li> </ul>
<b>Other Key Definitions</b>	
Director	"Director" means the director of the Rhode Island Department of Health.
Employees	<p>"Employees" means those individuals (registered nurses, licensed practical nurses, or nursing assistants) which a nursing service agency supplies on a temporary basis.</p> <p>Note: The Law provides that, for all purposes, a nursing service agency shall be considered an employer and those persons that it supplies on a temporary basis shall be considered employees and not independent contractors, and the nursing service agency shall be subject to all state and federal laws which govern employer-employee relations.</p>
Nursing Assistant	"Nursing assistant" means a nurse's aide, or orderly, or home health aide who is a paraprofessional, trained to give personal care and related health care and assistance based on his/her level of preparation to individuals who are sick, disabled, dependent or infirm, as defined in R.I. Gen. Laws Chapter <a href="#">23-17.9</a> .

Resources	
Statutes	<a href="#">23 R.I. Gen. Laws § 17.7.1-1 to 17.7.1-21</a>
Regulations	<a href="#">216-40 R.I. Code R. §§ 10-10.1 – 10-10.11</a>
Regulator Contact	Rhode Island Department of Health 3 Capitol Hill, Room 105A Providence, RI 02908 Phone: (401) 222-5960 Email: <a href="mailto:doh.elicense@health.ri.gov">doh.elicense@health.ri.gov</a>
Regulator Website	<a href="https://health.ri.gov/licenses/detail.php?id=279">https://health.ri.gov/licenses/detail.php?id=279</a>
Effective Dates and Deadlines	
Law Effective	Originally effective in 2005; license requirement in effect for years. 2023 amendments effective June 19, 2023.
Renew License	Before January 1 each year.
Annual Report	By January 30 for the preceding calendar year.
Registration or Licensure Requirements	
Requirement	Obtain license from Department of Health before operating in Rhode Island.
Fees	\$1,000
Term	1 year – expires on December 31 each year
Reporting Obligations	
Annual Report	2023 amendments to the Law added an annual report requirement. Annual report must be submitted to the Department of Health that includes, but is not limited to, the following data: (1) Mean, median, and average salaries and hourly pay rates of employees by employment type; (2) Number of employees; (3) Number of employees terminated; (4) Number of employees reported to the Office of the Attorney General; (5) Number of employees reported to the Department of Health for abuse, neglect, misappropriation, and job abandonment.
Credentialing	
Criminal Background Check	A person seeking employment in a facility who is required to be licensed by the Department of Health must undergo a national criminal background check that includes taking finger prints submitted to the FBI.

Personnel Training	In-service educational programs for direct patient care personnel must be provided on an ongoing basis which must include orientation for new personnel and periodic programs consisting of three hours per quarter at a minimum for the continued improvement and development of skills of direct care personnel, including competency training and department required training based on licensure.
<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation	No nursing service agency shall recruit potential employees from a client to which it actively provides services in any contract.
Conversion Fees	The nursing service agency shall not, in any contract with any employee of a client, require the payment of liquidated damages, employment fees or other compensation should the employee be hired as a permanent employee of a client facility.
<b>Other Requirements</b>	
Insurance	Each nursing service agency shall have liability insurance to a minimum amount of \$500,000 per occurrence. The nursing service agency must also have insurance coverage for workers' compensation for all nurses, med technicians, certified nursing assistants, therapists and therapist aides provided or procured by the agency.
Bond	Each nursing service agency shall have an organized governing body responsible for acquiring and maintaining employee bonding insurance (theft and damage) to the amount of \$10,000 per loss.
Recordkeeping	The personnel file and folder for each employee shall be kept confidential, including documented evidence of credentials and other appropriate data, including documentation of orientation, and quarterly in-service education, records of completion of required training and educational programs, medical records, and criminal background checks.
Maximum Rates	A nursing service agency's maximum rate for services provided to a nursing facility or an assisted living residence by a nurse or certified nurse assistant shall not exceed 200% of the regional hourly wage for each position (the current median hourly wage data reported by the U.S. Department of Labor Bureau of Labor Statistics for the state). The maximum rates include charges for administrative fees, contract fees, or other special charges in addition to hourly rates.
<b>Enforcement</b>	
Civil	The Department, after notice and opportunity for a hearing to the applicant or licensee, is authorized to deny, suspend, or revoke a license in any case in which it finds that there has been failure to comply with the requirements established under and pursuant to <a href="#">23 R.I. Gen. Laws Chapter 17.7.1</a> .

# Tennessee

## Temporary Healthcare Staffing Agency Law

The Tennessee Temporary Health Care Staffing Agency Law ("Law") was enacted in 2023.

### Potential Application to Locum Tenens Agencies

The Law is unlikely to apply to locums tenens agencies because it applies to the placement of "direct care staff," and the definition of "direct care staff" is limited to medication aide, medication technician, certified nursing assistant, licensed practical nurse, or registered nurse and specifically excludes physicians and the practice of nursing by a certified nurse practitioner or an advanced practice registered nurse.

Temporary Healthcare Staffing Agency	"Temporary healthcare staffing agency" means a person, or other business entity engaged in whole or in part in the business of providing or procuring temporary employment in healthcare facilities for direct care staff, any individual who contracts with or is employed by an agency to provide direct care services to residents or patients in a healthcare facility; or that operates a digital website or digital smartphone application that facilitates the provision of the engagement of direct care staff and accepts requests from healthcare facilities for direct care staff through its digital website or digital smartphone application.
Exclusions	<p>The term does not include:</p> <ol style="list-style-type: none"> <li>(1) An individual who engages, only on the individual's own behalf, to provide the individual's services on a temporary basis to a healthcare facility without the use or involvement of a temporary healthcare staffing agency; or</li> <li>(2) An agency operated by a hospital, assisted-care living facility, or nursing home, as those terms are defined by <a href="#">Tenn. Code Ann. § 68-11-201</a>, or an affiliate of a hospital, assisted-care living facility, or nursing home, if the purpose of the agency is solely procuring, furnishing, or referring temporary or permanent direct care staff for employment at that healthcare provider, or any affiliates under common ownership.</li> </ol>

### Other Key Definitions

Commission	"Commission" means the Tennessee Health Facilities Commission.
Controlling Person	A "controlling person" is an individual, business entity, officer, program administrator, or director whose responsibilities include the direction of the management or policies of a temporary healthcare staffing agency. The term "controlling person" shall also mean an individual who, directly or indirectly, holds an ownership interest of five percent (5%) or more in a corporation, partnership, or other business association that is itself a controlling person.

Direct Care Staff	<p>A "direct care staff" means an individual who is a medication aide, medication technician, certified nursing assistant, licensed practical nurse, or registered nurse and contracts with or is employed by a temporary healthcare staffing agency to provide direct care services to residents or patients in a healthcare facility.</p> <p>The term does not include: an individual who is engaged in and licensed to practice medicine and surgery or osteopathic medicine and surgery; or the practice of nursing by a certified nurse practitioner or an advanced practice registered nurse.</p>
Healthcare Facility	"Healthcare facility" means a nursing home or an assisted-care living facility as defined in <a href="#">Tenn. Code Ann. § 68-11-201</a> .
<b>Resources</b>	
Statutes	<a href="#">Tenn. Code Ann. §§ 68-11-2301 68-11-2208</a>
Regulations	<a href="#">Tenn. Comp. R. &amp; Regs. Chapter 0720-46</a> ("Emergency" rules filed November 7, 2023)
Regulator Contact	<p>Tennessee Health Facilities Commission Logan Grant, Executive Director Katie Thomas, Policy and Project Manager 502 Deaderick Street, 9th Floor Nashville, TN 37243 Phone: (615) 741-2364 Email: <a href="mailto:sarah.y.raybin@tn.gov">sarah.y.raybin@tn.gov</a> Email: <a href="mailto:scott.faragher@tn.gov">scott.faragher@tn.gov</a></p>
Regulator Website	<a href="https://www.tn.gov/hfc/temporary-healthcare-staffing-registry.html">https://www.tn.gov/hfc/temporary-healthcare-staffing-registry.html</a>
<b>Effective Dates and Deadlines</b>	
Law Effective	Most of the law takes effect on July 1, 2024, except the recordkeeping requirements and the contractual prohibitions, which take effect immediately upon enactment (i.e., May 11, 2023).
Required Notice	By December 31, 2023, a Temporary Healthcare Staffing Agency must provide notice to the health facilities commission identifying its business entity and any controlling person.
Registration Deadline	July 1, 2024 – Registration application will be made available in early January 2024 per regulator website.
<b>Registration or Licensure Requirements</b>	
Requirement	A Temporary Healthcare Staffing Agency must register with the Health Facilities Commission.
Fee	Varies based on number of staff employed by the agency. See <a href="#">Tenn. Comp. R. &amp; Regs. 0720-46-.02(4)</a> for the schedule.

Term	1 year
<b>Reporting Obligations</b>	
Biannual Reports	Agency must submit biannual reports to the Commission. See <a href="#">Tenn. Comp. R. &amp; Regs. 0720-46-.06</a> for content requirements.
<b>Credentialing</b>	
Verification	Agency must verify and document a number of items. See <a href="#">Tenn. Comp. R. &amp; Regs. 0720-46-.04</a> for details.
<b>Contractual Prohibitions or Requirements</b>	
Noncompete Clauses	A Temporary Healthcare Staffing Agency cannot "restrict in any manner the employment opportunities of any direct care staff that is contracted with or employed by the agency."
Nonsolicitation Provisions	A Temporary Healthcare Staffing Agency cannot solicit or recruit "the current staff of a healthcare facility, or require, as a condition of employment, assignment, or referral, that the agency direct care staff recruit new employees for the agency from among the current employees of the healthcare facility to which the agency direct care staff are employed, assigned, or referred."
Conversion Fees	A Temporary Healthcare Staffing Agency cannot require "the payment of liquidated damages, employment fees, or other compensation in any contract with direct care staff or a healthcare facility, if the direct care staff is hired as a permanent employee of the healthcare facility."
Additional Requirements	See <a href="#">Tenn. Comp. R. &amp; Regs. 0720-46-.04</a> for additional requirements.
<b>Other Requirements</b>	
Insurance	Maintain workers' compensation coverage for all direct care staff.
Bond	No less than \$10,000 per occurrence in employee dishonesty bond.
Recordkeeping	A Temporary Healthcare Staffing Agency must retain documentation of: (1) Corporate documents including bylaws, IRS records, and workers comp coverage; (2) Direct care staff records (see above in Employee Credentialing for details)); (3) Screening records required by any healthcare facility; (4) All contracts with direct care staff; (5) Healthcare facility agreements.
<b>Enforcement</b>	
Civil	Upon a finding by the Executive Director that an agency has violated any provision of the rules, the Executive Director may impose disciplinary procedures addressed in Tenn. Comp. R. & Regs. 0720-46.07(a)-(e), which includes probation, registration suspension, revocation of registration, and civil penalties. Civil penalties, addressed in Tenn. Comp. R. & Regs. 0720-46.08, can be levied between \$100 to \$5,000.

# Texas

## Medical Staffing Agency Price Gouging Law

The Texas Medical Staffing Agency Price Gouging Law ("Law") was enacted in 2023.

### Potential Application to Locum Tenens Agencies

The Law is limited to price gouging during a designated public health disaster period. It would apply to locum tenens agencies that place physician assistants, surgical assistants, nurses, or nurse aides in Texas during such a period.

Medical Staffing Agency	Medical staffing services agencies that provide health care professionals listed below to fill vacancies or address temporary staffing needs during a designated public health disaster period: (1) physician assistants licensed under Chapter 204, Occupations Code; (2) surgical assistants licensed under Chapter 206, Occupations Code; (3) nurses licensed under Chapter 301, Occupations Code; or (4) nurse aides listed in the nurse aide registry under Chapter 250.
Exclusions	None enumerated.
<b>Other Key Definitions</b>	
Designated Public Health Disaster Period	A "designated public health disaster period" means a period based on a threat to public health, including threat from a chemical, biological, explosive, nuclear, or radiological attack or incident, a communicable disease, epidemic, or pandemic beginning when the governor issues a proclamation or executive order declaring a state of disaster, when the United States President declares a state of disaster, or when a disaster as previously described occurs, and ending on the 30th day after the date the disaster declaration expires or is terminated.
<b>Resources</b>	
Statutes	<a href="#">Tex. Health &amp; Safety Code § 81B.001 through § 81B.004</a>
Regulations	None at this time.
Regulator Contact	Texas Attorney General Consumer Protection PO Box 12548 Austin, TX 78711-2548
Regulator Website	<a href="https://www.texasattorneygeneral.gov/consumer-protection">https://www.texasattorneygeneral.gov/consumer-protection</a>
<b>Effective Dates and Deadlines</b>	
Law Effective	September 1, 2023

Registration or Licensure Requirements	
Requirement	None.
Reporting Obligations	
Reporting	None.
Credentialing	
Credentialing Requirements	None.
Contractual Prohibitions or Requirements	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation	Not addressed in this law.
Conversion Fees	Not addressed in this law.
Other Requirements	
Insurance	Not addressed in this law.
Bond	Not addressed in this law.
Recordkeeping	Not addressed in this law.
Prohibition on Price Gouging	During a designated public health disaster period, a medical staffing services agency is prohibited from providing medical staffing services to a health care organization "at an exorbitant or excessive price" or demanding or charging "at an exorbitant or excessive price." The law does not define "an exorbitant or excessive price."
Enforcement	
Civil	<p>Violation of this chapter subjects the medical staffing services agency to civil penalties in an amount not to exceed \$10,000 for each violation.</p> <p>The consumer protection division of the office of the attorney general may bring an action in the name of the state to recover civil penalties, or to obtain a temporary or permanent restraint on the agency from violating this chapter. Reasonable expenses incurred to collect a civil penalty may also be recovered.</p>



# Washington

## Nursing Pool Law

The Washington Nursing Pool Law ("Law") was enacted in 1989 and most recently amended in 2023.

### Potential Application to Locum Tenens Agencies

The Law appears to apply to locum tenens agencies that place nurses, including advanced practice registered nurses, at health care facilities in Oregon.

Nursing Pool	"Nursing pool" means any person engaged in the business of providing, procuring, or referring health care or long-term care personnel for temporary employment in health care facilities, such as licensed nurses or practical nurses, nursing assistants, and chore service providers.
Exclusions	"Nursing pool" does not include: (1) An individual who only engages in providing his or her own services; and (2) A hospital, clinic, nursing home, assisted living facility, enhanced services facility, or an adult family home that provides temporary staffing to its own organization.
<b>Other Key Definitions</b>	
Adult Family Home	"Adult family home" means a residential home licensed pursuant to <a href="#">Wash. Rev. Code Chapter 70.128</a> .
Assisted Living Facility	"Assisted living facility" means an assisted living facility licensed under <a href="#">Wash. Rev. Code Chapter 18.20</a> .
Health Care Facility	"Health care facility" means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, assisted living facility, group home, or other entity for the delivery of health care or long-term care services, including chore services provided under <a href="#">Wash. Rev. Code Chapter 74.39A</a> .
Health Care Personnel	"Health care personnel" means a registered nurse or licensed practical nurse as defined in <a href="#">Wash. Rev. Code Chapter 18.79</a> , a surgical technologist registered under <a href="#">Wash. Rev. Code Chapter 18.215</a> , a diagnostic radiologic technologist or cardiovascular invasive specialist certified under <a href="#">Wash. Rev. Code Chapter 18.84</a> , a respiratory care practitioner licensed under <a href="#">Wash. Rev. Code Chapter 18.89</a> , or a nursing assistant-certified as defined in <a href="#">Wash. Rev. Code § 18.88A.020</a> who is a temporary employee or a referred independent contractor of a nursing pool.
Hospital	"Hospital" means a facility licensed under <a href="#">Wash. Rev. Code Chapter 70.41</a> or <a href="#">Chapter 71.12</a> .
Long-Term Care Personnel	"Long-term care workers" means all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including individual providers of home care services, direct care workers employed by home care agencies or a consumer directed employer, and providers of home care services to persons with developmental disabilities.

Nursing Home	"Nursing home" means any nursing home facility licensed pursuant to <a href="#">Wash. Rev. Code Chapter 18.52</a> .
<b>Resources</b>	
Statutes	<a href="#">Wash. Rev. Code Chapter 18.52C</a>
Regulations	<a href="#">Wash. Admin. Code §§ 246-845-050 – 246-845-990</a> (not yet updated to reflect the 2023 amendments to the Law)
Regulator Contact	Washington State Department of Health Health Systems Quality Assurance P.O. Box 1099 Olympia, WA 98507-1099 Phone: (360) 236-4844 Email: <a href="mailto:hsqa.csc@doh.wa.gov">hsqa.csc@doh.wa.gov</a>
Regulator Website	<a href="https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/nursing-pool">https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/nursing-pool</a>
<b>Effective Dates and Deadlines</b>	
Law Effective	Effective since January 1, 1989; 2023 legislation effective on July 23, 2023.
Registration	Required prior to 2023 amendments, but 2023 amendments to the Law require annual registration.
Annual Report	To be determined.
<b>Registration or Licensure Requirements</b>	
Requirement	Register with Washington Department of Health.
Fee	Initial Registration: \$175 Renewal: \$280
Term	1 year
<b>Reporting Obligations</b>	
Annual Report	Submit annual report to the Secretary of the Department of Health. See <a href="#">Wash. Rev. Code § 18.52C.060</a> for details. No reporting guidance published yet.
<b>Credentialing</b>	
Minimum State Credentials	The Nursing Pool must document that each temporary employee or referred independent contractor meets the minimum state credentialing requirements.
Criminal Background Checks	The Nursing Pool must conduct a criminal background check on all employees and independent contractors as required under Wash. Rev. Code § 43.43.842 <i>prior</i> to employment or referral of the employee or independent contractor.

Contractual Prohibitions or Requirements	
Noncompete Clauses	Not addressed in this law.
Nonsolicitation Provisions	Not addressed in this law.
Conversion Fees	A nursing pool may not in any contract with health care personnel or a nursing home, assisted living facility, enhanced services facility, or adult family home that lasts longer than 13 weeks, require the payment of liquidated damages, employment fees, or other compensation if health care or long-term care personnel is hired as a permanent employee by the nursing home, assisted living facility, enhanced services facility, or adult family home.
Other Requirements	
Insurance	Must carry professional and general liability insurance to insure against loss or damage occurring as the result of negligence of its employees, agents, or independent contractors in the amount of \$1M per occurrence for each person who delivers patient care services.
Bond	Not addressed in this law.
Recordkeeping	Must retain evidence of compliance with quality assurance standards for three years. These documents must be available for the department of health for inspection. The quality assurance standards include the establishment of pre-hire/pre-contract screening procedures (two references, verification of current license or registration, verification of any certificate, verification of CPR certification, health screening, criminal background check, and post-hire/post-contract procedures (see Wash. Rev. Code § 43.70.250 for more details) and compliance with state and federal wage and labor laws, and federal immigration laws
Enforcement	
Civil	The Secretary of the Department of Health may deny, suspend, or revoke the registration and/or assess penalties if any nursing pool is found to have violated the provisions of <a href="#">Wash. Rev. Code Chapter 18.130</a> , the Uniform Disciplinary Act, or <a href="#">Wash. Admin. Code Chapter 246-845</a> .
Criminal	A person who attempts to obtain, obtains, or attempts to maintain a license by willful misrepresentation or fraudulent representation is guilty of a gross misdemeanor.