It is enacted by the General Assembly as follows:

SECTION 1. Sections 23-17.7.1-3, 23-17.7.1-10 and 23-17.7.1-11 of the General Laws in Chapter 23-17.7.1 entitled "Licensing of Nursing Service Agencies" are hereby amended to read as follows:

23-17.7.1-3. Licensing of nursing service agencies -- Rules governing establishment of fees.

(a) The director may establish reasonable fees for the licensure application, licensure renewal, and administrative actions under this chapter. Annual licensure fees shall be five hundred dollars ($500) per licensee.

(b) The department of health shall promulgate licensure standards, and rules and regulations governing the operation of nursing service agencies to protect the health and welfare of patients. These regulations shall include, but not be limited to, employee bonding, maintenance of service records, and appropriate staff professional registration and certification, licensure training, supervision, health screening and liability insurance.

(c) A nursing service agency’s maximum rate for services provided to a client, including, but not limited to, a health care facility and assisted living residence, by a nurse or nurse aide may not exceed two hundred percent (200%) of the regional average hourly wage of each position. The department of health shall use and publish the most current median hourly wage data reported by the United States Department of Labor Bureau of Labor Statistics (BLS) wage estimates for the
The positions subject to the provisions of this subsection shall include registered nurses (RNs), licensed practical nurses (LPNs), certified nurse assistants (CNAs), medication aides, medical technicians, therapists and therapist aides. The maximum rate shall include all charges for administrative fees, contract fees, or other special charges in addition to the hourly rates for the nursing personnel supplied to a client.

23-17.7.1-10. Regulations, inspections, and investigations.

(a) The licensing agency shall, after a public hearing pursuant to chapter 35 of title 42, give notice, adopt, amend, promulgate, and enforce any rules and regulations and standards with respect to nursing service agencies to be licensed under this chapter that may be designed to further the accomplishment of the purposes of this chapter in promoting safe and adequate care of individuals receiving nursing and nursing assistant services, in the interest of public health, safety, and welfare. All licensed nursing service agencies shall be required to protect clients by insuring that all persons whom it employs receive training and/or competency evaluation pursuant to the provisions of §§ 23-17.9-3 and 23-17.7-11. The licensing agency shall make or cause to be made any inspections and investigations that it deems necessary including service records. Inspection of records may include, but are not limited to:

(1) Records of required health examination which shall be kept confidential, all required medical records including COVID-19 testing results, and all required vaccinations required by the department; and

(2) Personnel file and folder for each employee; which includes 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.

(b) The staffing agency shall maintain insurance coverage for workers compensation for all nurses, med technicians, certified nursing assistants, therapists and therapist aides provided or procured by the agency.

23-17.7.1-11. Training and/or competency evaluation program for nursing assistants.

(a) Every individual who is employed to provide nursing assistant services shall be required to be registered as required by chapter 17.9 of this title.

(b) An in-service educational program for direct patient care personnel shall be provided on an ongoing basis which shall include orientation for new personnel and periodic programs conducted at a minimum quarterly totaling a minimum of twelve (12) hours of instruction annually for the continued improvement and development of skills of direct care personnel, including competency training and department required training based on licensure.
SECTION 2. Chapter 23-17.7.1 of the General Laws entitled “Licensing of Nursing Service Agencies” is hereby amended by adding thereto the following sections:


(a) No nursing service agency may recruit and/or hire potential employees from a client which the nursing service agency actively provides nursing personnel services to the client under contract.

(b) 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 provider.

23-17.7.1-23. Annual reporting requirements.

(a) The agency shall submit an annual statistical report to the department of health. The report shall include information required by the department pursuant to rules and regulations to include, but not be limited to:

(1) Mean, median, and average salaries and hourly pay rates of employees, by employment type;

(2) Number of employees currently employed;

(3) Number of employees terminated during the reporting period;

(4) Number of employees reported to the office of the attorney general for suspected violation of law; and

(5) Number of employees reported to the department for suspected abuse, neglect, misappropriation, or job abandonment.

(b) For every person placed for employment, or temporary performance of services by an employment agency with a health care provider employer, the employment agency shall annually report:

(1) The amount charged for each person;

(2) The amount paid to each person;

(3) The amount of payment received that is retained by the employment agency; and

(4) Any other information that the department, in conjunction with the Family and Social services administration, determines relevant to determine how much health care provider employers who participate in Medicare and Medicaid are charged by employment agency services.

(c) Reports under this section shall be submitted by the employment agencies no later than thirty (30) days after the end of the calendar year.
SECTION 3. This act shall take effect upon passage.
This act would establish a nursing service agency’s maximum rate of two hundred percent (200%) of the regional average hourly wage for each position for services provided to a client, including, but not limited to, a health care facility and assisted living residence, by a nurse or nurse aide. Additionally, this act would create employment prohibitions which would not allow a nursing service agency to recruit and/or hire potential employees from a client to which it actively provides services under contract. Also, this act would create annual reporting requirements for certain statistics to the department in order for the department to enforce the provisions of this act.

This act would take effect upon passage.