

2023 -- S 0927 SUBSTITUTE A

LC002689/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HEALTH AND SAFETY -- LICENSING OF NURSING SERVICE AGENCIES

Introduced By: Senators McKenney, and Ruggiero

Date Introduced: April 06, 2023

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

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

4 **23-17.7.1-3. Licensing of nursing service agencies — Rules governing establishment**
5 **of fees.**

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

9 (b) Not later than October 1, 2023, the department of health (DOH) shall develop a system
10 that allows a temporary nursing services agency that provides services in the state to register
11 annually with the department of health.

12 (c) The DOH may assess an annual licensure fee of one thousand dollars (\$1,000) per
13 licensee not later than January 1, 2024, no temporary nursing services agency shall provide
14 temporary nursing services in the state unless it is registered pursuant to subsection (b) of this
15 section.

16 ~~(b)~~(d) The department of health shall promulgate licensure standards, and rules and
17 regulations governing the operation of nursing service agencies to protect the health and welfare of
18 patients. These regulations shall include, but not be limited to, employee bonding, maintenance of

1 service records, and appropriate staff professional registration and certification, licensure training,
2 supervision, health screening and liability insurance.

3 **23-17.7.1-10. Regulations, inspections, and investigations.**

4 (a) The licensing agency shall, after a public hearing pursuant to chapter 35 of title 42, give
5 notice, adopt, amend, promulgate, and enforce any rules and regulations and standards with respect
6 to nursing service agencies to be licensed under this chapter that may be designed to further the
7 accomplishment of the purposes of this chapter in promoting safe and adequate care of individuals
8 receiving nursing and nursing assistant services, in the interest of public health, safety, and welfare.
9 All licensed nursing service agencies shall be required to protect clients by insuring that all persons
10 whom it employs receive training and/or competency evaluation pursuant to the provisions of §§
11 23-17.9-3 and 23-17.7-11. The licensing agency shall make or cause to be made any inspections
12 and investigations that it deems necessary including service records.

13 (b) A nursing service agency's maximum rate for services provided to a client, including,
14 but not limited to, a nursing facility and or assisted living residence, by a nurse or certified nurse
15 assistant shall not exceed two hundred percent (200%) of the regional hourly wage of each position.
16 The licensing agency shall use and publish the most current median hourly wage data reported by
17 the United States Department of Labor Bureau of Labor Statistics (BLS) Wage Estimates for the
18 state. These positions shall include registered nurses, licensed practical nurses, certified nurse
19 assistants, and medication aides. The maximum rate shall include all charges for administrative
20 fees, contract fees, or other special charges in addition to the hourly rates for the temporary nursing
21 pool personnel supplied to a client.

22 (c) Records of required health inspections and investigations shall be kept confidential as
23 well as all required medical records including COVID-19 testing results, and all other required
24 vaccinations required by the department.

25 (d) The personnel file and folder for each employee shall be kept confidential, including
26 documented evidence of credentials and other appropriate data, including documentation of
27 orientation, and quarterly in-service education, records of completion of required training and
28 educational programs, medical records, and criminal background checks.

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

32 (f) Records of violations of public health code by all agency staff shall be tracked and made
33 a public record.

34 (g) The long-term care coordinating council (LTCC) shall develop standards for nurse staff

1 agencies and a ranking formula to track all agencies for public accountability.

2 (h) If an employee of a staffing agency is directly connected to a quality of care or a
3 substandard quality of care deficiency in a facility, a subsequential investigation by the licensing
4 agency shall be conducted at the nursing service agency in which that individual is employed.

5 **23-17.7.1-11. Training and/or competency evaluation program for nursing assistants.**

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

8 (b) An in-service educational program for direct patient care personnel shall be provided
9 on an ongoing basis which shall include orientation for new personnel and periodic programs
10 consisting of three (3) hours per quarter at a minimum for the continued improvement and
11 development of skills of direct care personnel, including competency training and department
12 required training based on licensure.

13 SECTION 2. Chapter 23-17.7.1 of the General Laws entitled "Licensing of Nursing
14 Service Agencies" is hereby amended by adding thereto the following sections:

15 **23-17.7.1-22. Employment prohibitions.**

16 (a) No nursing service agency shall recruit and/or hire potential employees from a client to
17 which it actively provides services in any contract.

18 (b) The nursing service agency shall not, in any contract with any employee of a client,
19 require the payment of liquidated damages, employment fees or other compensation should the
20 employee be hired as a permanent employee of a client facility.

21 **23-17.7.1-23. Annual reporting requirements.**

22 (a) The agency shall submit an annual statistical report to the department of health
23 including, but not limited to:

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

26 (2) Number of employees;

27 (3) Number of employees terminated;

28 (4) Number of employees reported to the office of the attorney general; and

29 (5) Number of employees reported to the department for abuse, neglect, misappropriation,
30 and job abandonment.

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

34 (1) The amount charged for each person;

- 1 (2) The amount paid to each person;
- 2 (3) The amount of payment received that is retained by the employment agency;
- 3 (4) Any other information that the department, in conjunction with the department of
4 human services, determines relevant to determine how much health care provider employers who
5 participate in Medicare and Medicaid are charged by employment agency services.
- 6 (c) Reports under this section shall be submitted by the employment agencies no later than
7 thirty (30) days after the end of the calendar year.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would establish a cap on the rates that nursing service agencies can charge. The
2 act also would protect clients from having their staff recruited and hired by a nursing service agency
3 while providing services to them. Lastly, the act would update some training, reporting, and other
4 administrative details.

5 This act would take effect upon passage.

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