

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: Representatives Bennett, and Hull

Date Introduced: March 01, 2023

Referred To: House Health & Human Services

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)~~ one thousand dollars (\$1,000) per licensee.

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

14 (c) A nursing service agency's maximum rate for services provided to a client, including,  
15 but not limited to, a nursing facility and or assisted living residence, by a nurse or certified nurse  
16 shall not exceed two hundred percent (200%) of the regional hourly wage of each position. The  
17 department shall use and publish the most current median hourly wage data reported by the United  
18 States Department of Labor Bureau of Labor Statistics (BLS) Wage Estimates for the state. These

1 positions shall include registered nurses, licensed practical nurses, certified nurse assistants, and  
2 medication aides. The maximum rate shall include all charges for administrative fees, contract  
3 fees, or other special charges in addition to the hourly rates for the temporary nursing pool  
4 personnel supplied to a client.

5 **23-17.7.1-10. Regulations, inspections, and investigations.**

6 (a) The licensing agency shall, after a public hearing pursuant to chapter 35 of title 42, give  
7 notice, adopt, amend, promulgate, and enforce any rules and regulations and standards with respect  
8 to nursing service agencies to be licensed under this chapter that may be designed to further the  
9 accomplishment of the purposes of this chapter in promoting safe and adequate care of individuals  
10 receiving nursing and nursing assistant services, in the interest of public health, safety, and welfare.  
11 All licensed nursing service agencies shall be required to protect clients by insuring that all persons  
12 whom it employs receive training and/or competency evaluation pursuant to the provisions of §§  
13 23-17.9-3 and 23-17.7-11. The licensing agency shall make or cause to be made any inspections  
14 and investigations that it deems necessary including service records.

15 (b) Those service records shall include, but are not limited to, the following:

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

19 (2) Personnel file and folder for each employee, which includes documented evidence of  
20 credentials and other appropriate data, including documentation of orientation, and quarterly in-  
21 service education, records of completion of required training and educational programs, medical  
22 records, and criminal background checks.

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

26 (d) Records of violations of public health code by all agency staff shall be tracked and  
27 made a public record

28 (e) The long term care coordinating council (LTCC) shall develop standards for nurse staff  
29 agencies and a ranking formula to track all agencies for public accountability.

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

33 **23-17.7.1-11. Training and/or competency evaluation program for nursing assistants.**

34 (a) Every individual who is employed to provide nursing assistant services shall be required

1 to be registered as required by chapter 17.9 of this title.

2 (b) An in-service educational program for direct patient care personnel shall be provided  
3 on an ongoing basis which shall include orientation for new personnel and periodic programs at  
4 least quarterly for a minimum of three (3) hours for the continued improvement and development  
5 of skills of direct care personnel, including competency training and department required training  
6 based on licensure.

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

9 **23-17.7.1-22. Employment prohibitions.**

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

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

15 **23-17.7.1-23. Annual reporting requirements.**

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

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

20 (2) Number of employees;

21 (3) Number of employees terminated;

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

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

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

28 (1) The amount charged for each person;

29 (2) The amount paid to each person;

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

31 (4) Any other information that the department, in conjunction with the department of  
32 children, youth and families, determines relevant to determine how much health care provider  
33 employers who participate in Medicare and Medicaid are charged by employment agency services.

34 (c) Reports under this section shall be submitted by the employment agencies no later than

1 [thirty \(30\) days after the end of the calendar year.](#)

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO HEALTH AND SAFETY -- LICENSING OF NURSING SERVICE  
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1           This act would establish a cap on the rates that nursing service agencies can charge. The  
2 act would also 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 relating to the nursing service agencies.

5           This act would take effect upon passage.

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