

1 healthcare facility;

2 (ii) Restrict a healthcare worker from engaging in any other occupation or business or from
3 working at a healthcare facility, with any nursing service agency, or through any other healthcare
4 worker platform; or

5 (iii) Allow healthcare workers to accept any shifts to perform healthcare related services
6 from home nursing care providers, home care providers, or hospices licensed in this state.

7 **23-106-3. Licensure of healthcare worker platforms.**

8 (a) No person shall establish, conduct, or maintain a healthcare worker platform in this
9 state without a license issued pursuant to this chapter in accordance with § 23-106-4(c).

10 (b) Any person establishing, conducting, managing, or operating a healthcare worker
11 platform without a license under this chapter shall be fined not more than five thousand dollars
12 (\$5,000) or imprisoned not more than one year or both, in the discretion of the court, for each
13 offense in accordance with § 23-106-4(c).

14 **23-106-4. Rules and regulations.**

15 (a) The director of the department of health shall promulgate rules and regulations to carry
16 out the intent of this chapter.

17 (b) The department of health may assess an annual licensure fee of one thousand dollars
18 (\$1,000) per license.

19 (c) After September 1, 2027, or by the date the department of health has set for licensure
20 of healthcare worker platforms pursuant to subsection (b) of this section, whichever is later, no
21 healthcare worker platform shall operate a platform in this state, unless it is licensed pursuant to
22 this section.

23 **23-106-5. Minimum worker and patient protections.**

24 (a) Every healthcare worker platform licensed pursuant to this chapter shall ensure that all
25 healthcare workers utilizing the platform meet the following standards:

26 (1) Criminal background checks. Completion of a national fingerprint-based criminal
27 background check, including disqualifying offenses, in accordance with § 23-106-10 of this
28 chapter. A healthcare worker who books shifts through a healthcare worker platform shall be able
29 to receive a background check in accordance with chapter 17.7.1 of title 23, and a healthcare worker
30 platform shall be able to apply to the bureau of criminal identification of the department of attorney
31 general for a national criminal records check as specified in chapter 17.7.1 of title 23, even if the
32 healthcare worker platform is not the employer of the healthcare worker.

33 (2) Credential and competency verification.

34 (i) Every individual who provides healthcare services shall be required to hold an active

1 registration of license in good standing issued by the department of health as required by chapter
2 17.9 of this title ("registration of nursing assistants") or by chapters 19.1 ("pharmacies"), 29
3 ("podiatrists"), 30 ("chiropractic physicians"), 31.1 ("dentists and dental hygienists"), 34 ("nurses"),
4 34.2 ("nurse anesthetists"), 35.1 ("optometrists"), 37 ("board of medical licensure and discipline"),
5 40 (physical therapists), 54 "(physician assistants"), 96 ("occupational therapy licensure compact")
6 of title 5.

7 (iii) No certified nursing assistant shall be allowed to book a shift on a healthcare worker
8 platform until the requisite training in subsection (a)(3)(ii) of this section has been certified as
9 completed.

10 (3) Training and/or competency evaluation program for nursing assistants.

11 (i) An educational program for nursing assistants who book shifts through a healthcare
12 worker platform shall be required, which the healthcare worker platform must certify has been
13 completed for each nursing assistant who books shifts though the healthcare worker platform. The
14 educational program shall include orientation and periodic programs at least quarterly for a
15 minimum of three (3) hours for the continued improvement and development of skills of nursing
16 assistants, including competency training and required training based on licensure.

17 (4) Health and vaccination standards. Compliance with all applicable department of health
18 requirements for healthcare personnel, including immunizations, tuberculosis screening, and
19 infection control standards.

20 (5) Insurance coverage. Maintenance of occupational accident insurance coverage or
21 verification that healthcare workers are covered by worker's compensation insurance applicable to
22 any work performed during a shift the healthcare worker schedules through the platform and
23 maintenance of general and professional liability insurance, in amounts determined by the
24 department of business regulation in accordance with § 42-14.1-2.

25 (b) A healthcare worker platform shall be deemed the responsible entity for ensuring
26 compliance with this section, regardless of any contractual or employment classification of the
27 healthcare worker.

28 **23-106-6. Requirements and prohibitions.**

29 (a) A healthcare worker platform shall never require the payment of liquidated damages,
30 employment fees, or other compensation by a healthcare worker or healthcare facility that posts
31 shift on the healthcare worker platform if a healthcare facility that posts shifts on the healthcare
32 worker platform hires a healthcare worker who books shifts through the healthcare worker platform
33 as a permanent employee of a healthcare facility.

34 (b) A healthcare worker platform shall not actively recruit potential contractors from a

1 healthcare facility to which it has an active contract.

2 (c) A healthcare worker platform shall maintain compliance with maximum allowable rates
3 or markups established by the department of health at the rates indicated in § 23-17.7.1-10(b).

4 **23-106-7. Inspections and investigations.**

5 (a) The department of health shall make or cause to be made any inspections and
6 investigations that it deems necessary, including service records. Those service records shall
7 include, but are not limited to, the following:

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

11 (2) Documents for each healthcare worker who books shifts on the healthcare worker
12 platform, including documented evidence of credentials and other appropriate data, including,
13 records of completion of required training and educational programs, medical records, and criminal
14 background checks.

15 (b) Records of violations of public health code by all healthcare workers who book shifts
16 on healthcare worker platforms shall be tracked and made a public record. A healthcare worker
17 platform shall maintain records of violations of public health code when the violations occurred
18 during the shifts booked by healthcare workers through the healthcare worker platform.

19 (c) The long-term care coordinating council (LTCC) shall develop standards for healthcare
20 worker platforms and a ranking formula to track all healthcare worker platforms for public
21 accountability.

22 **23-106-8. Annual reporting requirements.**

23 (a) Each healthcare worker platform shall submit an annual statistical report to the
24 department of health including, but not limited to, the following:

25 (1) Mean, median, and average pay rates by the healthcare worker platform of healthcare
26 workers, by profession, in the state;

27 (2) Number of healthcare workers who booked shifts through the healthcare worker
28 platform in the state;

29 (3) Number of healthcare workers who have booked shifts through the healthcare worker
30 platform in the state who have been deactivated;

31 (4) Number of healthcare workers who have booked shifts through the healthcare worker
32 platform in the state reported to the office of the attorney general;

33 (5) Number of healthcare workers who have booked shifts through the healthcare worker
34 platform in the state reported to the department of health for abuse, neglect, misappropriation, and

1 job abandonment:

2 (6) The amounts charged to healthcare facilities for shifts worked by a healthcare worker
3 in the state without facility identifying information; and

4 (7) Any other information that the department of health determines relevant to determine
5 how much healthcare facilities who participate in Medicare and Medicaid are charged by healthcare
6 worker platforms.

7 **23-106-9. Anti-evasion.**

8 No healthcare worker platform shall structure its operations, contracts, or worker
9 classifications for the purpose of avoiding the requirements of chapter 17.7.1 of title 23.

10 **23-106-10. Criminal records review.**

11 (a) Any healthcare worker seeking to register with a platform shall undergo a national
12 criminal records check that shall include fingerprints submitted to the Federal Bureau of
13 Investigation (FBI) by the bureau of criminal identification of the department of attorney general.
14 The national criminal records check shall be initiated prior to accepting any shift.

15 (b) The director of the department of health may, by rule, identify those positions requiring
16 national criminal records checks. The healthcare worker, through the platform, shall apply to the
17 bureau of criminal identification of the department of attorney general for a national criminal
18 records check. Upon the discovery of any disqualifying information as defined in § 23-17.7.1-20,
19 and in accordance with the rule promulgated by the director of the department of health, the bureau
20 of criminal identification of the department of attorney general will inform the applicant, in writing,
21 of the nature of the disqualifying information; and, without disclosing the nature of the
22 disqualifying information, will notify the platform, in writing, that disqualifying information has
23 been discovered.

24 (c) A healthcare worker against whom disqualifying information under § 23-17.7.1-20(b)
25 has been found may provide a copy of the national criminal records check to the platform who shall
26 make a judgment regarding the registration of the healthcare worker with the platform.

27 (d) In those situations, in which no disqualifying information has been found, the bureau
28 of criminal identification of department of attorney general shall inform the healthcare worker and
29 the platform, in writing, of this fact.

30 (e) The platform shall maintain on file, subject to inspection by the department of health,
31 evidence that national criminal records checks have been initiated on all healthcare workers seeking
32 to register with the platform, and the results of those checks. Failure to maintain that evidence
33 would be grounds to revoke the license of the platform.

34 (f) The healthcare worker or the platform shall be responsible for the cost of conducting

1 [the national criminal records check through the bureau of criminal identification of the department](#)
2 [of attorney general.](#)

3 **23-106-11. Judicial review of license action.**

4 [Any person who has exhausted all administrative remedies available to him or her within](#)
5 [the department of health, and who is aggrieved by a final decision of the department of health, is](#)
6 [entitled to judicial review in accordance with the provisions of §§ 42-35-15 and 42-35-16.](#)

7 **23-106-12. Power of enforcement.**

8 [The director of the department of health shall have power to enforce the provisions of this](#)
9 [chapter.](#)

10 **23-106-13. Severability.**

11 [If any provision of this chapter or the application of any provision of this chapter to any](#)
12 [person or circumstance shall be held invalid, the invalidity shall not affect the provisions or](#)
13 [application of this chapter which can be given effect without the invalid provisions or application,](#)
14 [and to this end the provisions of the chapter are declared to be severable.](#)

15 SECTION 2. Section 23-17.7.1-13 of the General Laws in Chapter 23-17.7.1 entitled
16 "Licensing of Nursing Service Agencies" is hereby amended to read as follows:

17 **23-17.7.1-13. Agencies to which chapter inapplicable.**

18 (a) The provisions of this chapter shall not be construed to apply to hospices, home nursing
19 care providers and homecare providers licensed in accordance with chapter 17 of this title; however,
20 the agencies shall be subject to the same training requirements for nursing assistants and the duties
21 of the individuals shall be the same as those prescribed by regulations.

22 (b) Training Thru Placement, Inc., and the respite care services provided to the
23 developmentally disabled by Training Thru Placement, Inc., shall be exempted from the provisions
24 of this chapter.

25 [\(c\) The provisions of this chapter shall not be construed to apply to healthcare worker](#)
26 [platforms licensed in accordance with chapter 106 of this title; however, the platforms shall be](#)
27 [subject to the same training requirements for nursing assistants and the duties of the individuals](#)
28 [shall be the same as those prescribed by regulations.](#)

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

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LC003152/SUB B
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- HEALTHCARE WORKER PLATFORM ACT

1 This act would establish the healthcare worker platform and would require platforms
2 offering healthcare shifts to register with the department of health by June 1, 2027, while,
3 specifically, exempting them from being classified as nursing service agencies.

4 This act would take effect upon passage.

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LC003152/SUB B
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