

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 9, 2022

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB22-210 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3, strike lines 2 through 21.

2 Strike pages 4 and 5.

3 Renumber succeeding sections accordingly.

4 Page 6, strike lines 11 through 17 and substitute:

5 "(c) "HEALTH-CARE WORKER" MEANS A PERSON EMPLOYED BY A
6 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY FOR TEMPORARY
7 PLACEMENT IN A HEALTH-CARE FACILITY.

8 (d) "HEALTH-CARE WORKER PLATFORM" OR "PLATFORM" MEANS
9 ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, OR ASSOCIATION THAT
10 MAINTAINS A SYSTEM OR TECHNOLOGY THAT PROVIDES A MEDIA OR
11 INTERNET PLATFORM FOR A HEALTH-CARE WORKER TO BE LISTED AND
12 IDENTIFIED AS AVAILABLE FOR HIRE BY HEALTH-CARE FACILITIES SEEKING
13 HEALTH-CARE WORKERS. UNDER A PLATFORM, THE HEALTH-CARE
14 FACILITY SETS THE HOURLY RATES AND OTHER TERMS OF HIRE AND THE
15 HEALTH-CARE WORKER, AS AN INDEPENDENT CONTRACTOR AND NOT AS
16 AN EMPLOYEE OR AGENT OF THE ENTITY THAT MAINTAINS THE PLATFORM,
17 DECIDES WHETHER TO AGREE TO THE HOURLY RATES AND OTHER TERMS
18 OF HIRE.

19 (e) (I) "SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY" OR
20 "STAFFING AGENCY" MEANS AN INDIVIDUAL OR TYPE OF ORGANIZATION,
21 INCLUDING ANY PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, LIMITED
22 LIABILITY COMPANY, LIMITED LIABILITY LIMITED PARTNERSHIP,
23 ASSOCIATION, TRUST, JOINT STOCK COMPANY, INSURANCE COMPANY, OR
24 CORPORATION, WHETHER DOMESTIC OR FOREIGN, ENGAGED IN THE

1 BUSINESS OF PROVIDING HEALTH-CARE WORKERS WHO ARE EMPLOYEES OF
2 THE STAFFING AGENCY, AND, FOR A FEE, ASSIGNING THEM TO TEMPORARY
3 PLACEMENTS IN HEALTH-CARE FACILITIES.

4 (II) "SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY" DOES NOT
5 INCLUDE:

6 (A) AN INDIVIDUAL ACTING AS AN INDEPENDENT CONTRACTOR
7 WHO IS ONLY ENGAGED IN PROVIDING THE INDIVIDUAL'S SERVICES ON A
8 TEMPORARY BASIS TO HEALTH-CARE FACILITIES; OR

9 (B) A HEALTH-CARE WORKER PLATFORM."

10 Page 7, strike lines 5 through 13 and substitute:

11 "(3) (a) NO LATER THAN OCTOBER 1, 2022, EACH SUPPLEMENTAL
12 HEALTH-CARE STAFFING AGENCY SHALL MAINTAIN DETAILED DATA
13 DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION. BY THE DEADLINES
14 ESTABLISHED IN THIS SUBSECTION (3)(a), EACH STAFFING AGENCY SHALL
15 PROVIDE REPORTS TO THE DEPARTMENT THAT CONTAIN THE INFORMATION
16 AND CERTIFICATIONS SET FORTH IN SUBSECTION (3)(b) OF THIS SECTION.
17 BEGINNING APRIL 30, 2023, AND CONTINUING EACH APRIL 30
18 THEREAFTER, A STAFFING AGENCY OPERATING IN THE STATE SHALL
19 PROVIDE A REPORT COVERING THE PERIOD BETWEEN OCTOBER 1 OF THE
20 PREVIOUS YEAR AND MARCH 31 OF THE CURRENT YEAR. FOR THE
21 REPORTING PERIOD BETWEEN APRIL 1 AND SEPTEMBER 30 OF THE
22 CURRENT YEAR, THE STAFFING AGENCY SHALL FILE A REPORT ANNUALLY,
23 BEGINNING OCTOBER 31, 2023, AND CONTINUING EACH OCTOBER 31
24 THEREAFTER."

25 Page 7, line 14, strike "QUARTERLY" and substitute "BIANNUAL".

26 Page 7, line 22, after "DURING" insert "EACH QUARTER OF".

27 Page 7, line 25, after "DURING" insert "EACH QUARTER OF".

28 Page 9, line 6, strike "QUARTERLY" and substitute "BIANNUAL".

29 Page 9, line 13, strike "QUARTER" and substitute "REPORTING PERIOD".

30 Page 9, line 22, strike "QUARTERLY" and substitute "BIANNUAL".

31 Page 9, strike lines 26 and 27 and substitute "ANALYZING THE
32 INFORMATION PROVIDED BY THE SUPPLEMENTAL HEALTH-CARE STAFFING
33 AGENCIES AND DETERMINING THE NEED FOR REGULATION OF STAFFING
34 AGENCIES."

1 Page 10, strike lines 1 through 3.

2 Page 10, strike lines 4 through 15 and substitute:

3 **"SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal
4 year, \$427,591 is appropriated to the department of labor and employment
5 for use by the division of labor standards and statistics. This appropriation
6 is from the general fund. To implement this act, the division may use this
7 appropriation for program costs, which amount is based on an assumption
8 that the division will require an additional 2.0 FTE.

9 (2) For the 2022-23 state fiscal year, \$39,358 is appropriated to
10 the department of public health and environment for use by the health
11 facilities and emergency medical services division. To implement this act,
12 the division may use this appropriation as follows:

13 (a) \$24,071 for administration and operations, which amount is
14 based on an assumption that the division will require an additional 0.3
15 FTE; and

16 (b) \$15,545 for the purchase of information technology services.

17 (3) For the 2022-23 state fiscal year, \$15,545 is appropriated to
18 the office of the governor for use by the office of information technology.
19 This appropriation is from reappropriated funds received from the
20 department of public health and environment under subsection (1)(b) of
21 this section. To implement this act, the office may use this appropriation
22 to provide information technology services for the department of public
23 health and environment."

24 Page 1, strike lines 107 through 111 and substitute "**HEALTH AND**
25 **ENVIRONMENT TO ANALYZE INFORMATION PROVIDED BY**
26 **SUPPLEMENTAL HEALTH-CARE STAFFING AGENCIES TO DETERMINE THE**
27 **NEED FOR REGULATION OF STAFFING AGENCIES AND MAKING AN**
28 **APPROPRIATION.**".

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