

1 INCLUDING ANY PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, LIMITED
2 LIABILITY COMPANY, LIMITED LIABILITY LIMITED PARTNERSHIP,
3 ASSOCIATION, TRUST, JOINT STOCK COMPANY, INSURANCE COMPANY, OR
4 CORPORATION, WHETHER DOMESTIC OR FOREIGN, ENGAGED IN THE
5 BUSINESS OF PROVIDING HEALTH-CARE WORKERS WHO ARE EMPLOYEES OF
6 THE STAFFING AGENCY, AND, FOR A FEE, ASSIGNING THEM TO TEMPORARY
7 PLACEMENTS IN HEALTH-CARE FACILITIES.

8 (II) "SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY" DOES NOT
9 INCLUDE:

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

13 (B) A HEALTH-CARE WORKER PLATFORM.

14 (2) NO LATER THAN NOVEMBER 30, 2023, THE DEPARTMENT, IN
15 CONSULTATION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND
16 FINANCING, SHALL SUBMIT A REPORT DESCRIBED IN SUBSECTION (3) OF
17 THIS SECTION TO THE GOVERNOR'S OFFICE, THE ATTORNEY GENERAL'S
18 OFFICE, THE JOINT BUDGET COMMITTEE, THE HEALTH AND INSURANCE
19 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
20 HUMAN SERVICES COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR
21 COMMITTEES.

22 (3) AT A MINIMUM, THE DEPARTMENT'S REPORT MUST INCLUDE:

23 (a) SYNTHESIZED FINDINGS FROM INFORMATION REPORTED BY
24 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCIES TO THE DEPARTMENT
25 OF LABOR AND EMPLOYMENT PURSUANT TO SECTION 8-4-125;

26 (b) INFORMATION REGARDING THE IMPACT OF SUPPLEMENTAL
27 HEALTH-CARE STAFFING AGENCIES ON HEALTH-CARE FACILITIES AND
28 RECOMMENDATIONS SPECIFIC TO HEALTH-CARE FACILITIES;

29 (c) AN OVERVIEW OF SUPPLEMENTAL HEALTH-CARE STAFFING
30 AGENCIES IN THE STATE AND THE USE OF STAFFING AGENCIES BY
31 HEALTH-CARE FACILITIES;

32 (d) INFORMATION REGARDING ANY FEDERAL GOVERNMENT
33 INITIATIVES THAT SEEK TO ADDRESS ISSUES RELATING TO SUPPLEMENTAL
34 HEALTH-CARE STAFFING AGENCIES AND HEALTH-CARE FACILITIES;

35 (e) RECOMMENDATIONS FOR THE CONTINUATION OR REPEAL OF
36 REQUIRED STATUTORY REPORTING BY SUPPLEMENTAL HEALTH-CARE
37 STAFFING AGENCIES PURSUANT TO SECTION 8-4-125; AND

38 (f) RECOMMENDATIONS FOR DETERMINING CAPS AND OTHER
39 LIMITATIONS ON SERVICE RATES AND THE AMOUNT THAT SUPPLEMENTAL
40 HEALTH-CARE STAFFING AGENCIES MAY CHARGE FOR EACH CATEGORY OF
41 HEALTH-CARE WORKER PROVIDING SERVICES TO HEALTH-CARE FACILITIES.

42 (4) IN FORMULATING RECOMMENDATIONS PURSUANT TO
43 SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL CONDUCT A

1 STAKEHOLDER PROCESS THAT INCLUDES REPRESENTATIVES FROM
2 LONG-TERM, ACUTE, AND PRIMARY CARE SERVICE PROVIDERS,
3 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCIES, AN EMPLOYEE
4 ORGANIZATION THAT REPRESENTS EMPLOYEES IN THE HEALTH-CARE
5 INDUSTRY, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING,
6 AND THE DEPARTMENT OF LABOR AND EMPLOYMENT.

7 **SECTION 2.** In Colorado Revised Statutes, **add 8-4-125** as
8 follows:

9 **8-4-125. Supplemental health-care staffing agencies - annual**
10 **certification - reporting - definitions.** (1) AS USED IN THIS SECTION,
11 UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
13 EMPLOYMENT.

14 (b) "HEALTH-CARE FACILITY" MEANS A FACILITY LICENSED BY THE
15 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO
16 SECTION 25-1.5-103 (1)(a).

17 (c) "HEALTH-CARE WORKER" HAS THE MEANING SET FORTH IN
18 SECTION 25-1.5-118 (1).

19 (d) "HEALTH-CARE WORKER PLATFORM" OR "PLATFORM" HAS THE
20 MEANING SET FORTH IN SECTION 25-1.5-118 (1).

21 (e) "SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY" OR
22 "STAFFING AGENCY" HAS THE MEANING SET FORTH IN SECTION 25-1.5-118
23 (1).

24 (2) (a) ON AND AFTER OCTOBER 1, 2022, IT IS UNLAWFUL FOR ANY
25 PERSON TO OPERATE A SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY
26 IN THIS STATE WITHOUT COMPLETING THE STAFFING AGENCY'S INITIAL
27 CERTIFICATION AND REQUIRED ANNUAL CERTIFICATION WITH THE
28 DEPARTMENT PURSUANT TO SECTION 8-70-114.

29 (b) ANY PERSON WHO VIOLATES THIS SECTION COMMITS A CIVIL
30 INFRACTION AND MAY BE SUBJECT TO FINES DETERMINED BY THE
31 DEPARTMENT.

32 (c) ON OR BEFORE SEPTEMBER 1, 2022, AND SEPTEMBER 1, EACH
33 YEAR THEREAFTER, THE DEPARTMENT OF PUBLIC HEALTH AND
34 ENVIRONMENT AND THE DEPARTMENT OF HEALTH CARE POLICY AND
35 FINANCING SHALL PROVIDE THE DEPARTMENT WITH A LIST OF ALL KNOWN
36 NAMES AND CONTACT INFORMATION FOR SUPPLEMENTAL HEALTH-CARE
37 STAFFING AGENCIES OPERATING IN THE STATE.

38 (3) (a) ON OR BEFORE APRIL 30, 2023, EACH SUPPLEMENTAL
39 HEALTH-CARE STAFFING AGENCY OPERATING IN THE STATE SHALL
40 PROVIDE TO THE DEPARTMENT A QUARTERLY REPORT CONTAINING THE
41 INFORMATION AND CERTIFICATIONS SET FORTH IN SUBSECTION (3)(b) OF
42 THIS SECTION FOR THE FIRST QUARTER OF 2023. THE STAFFING AGENCY
43 SHALL CONTINUE TO FILE QUARTERLY REPORTS CONTAINING THE

1 INFORMATION AND CERTIFICATIONS DESCRIBED IN SUBSECTION (3)(b) OF
2 THIS SECTION NO LATER THAN THE LAST DAY OF THE MONTH IMMEDIATELY
3 FOLLOWING THE END OF THE APPLICABLE QUARTER.

4 (b) AT A MINIMUM, A STAFFING AGENCY'S QUARTERLY REPORTS
5 REQUIRED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST
6 INCLUDE:

7 (I) THE NAME OF EACH DIRECT AND INDIRECT OWNER OF THE
8 STAFFING AGENCY;

9 (II) IF THE STAFFING AGENCY'S DIRECT OWNER IS A CORPORATION,
10 COPIES OF THE ARTICLES OF INCORPORATION AND CURRENT BYLAWS;

11 (III) A DETAILED LISTING OF THE AVERAGE AMOUNT CHARGED
12 DURING THE REPORTING PERIOD TO A HEALTH-CARE FACILITY FOR EACH
13 CATEGORY OF HEALTH-CARE WORKER PROVIDING SERVICES TO THE
14 HEALTH-CARE FACILITY;

15 (IV) A DETAILED LISTING OF THE AVERAGE AMOUNT PAID DURING
16 THE REPORTING PERIOD TO HEALTH-CARE WORKERS FOR THEIR SERVICES
17 FOR EACH CATEGORY OF HEALTH-CARE WORKER PROVIDING SERVICES;

18 (V) THE STAFFING AGENCY'S CERTIFICATION THAT EACH
19 HEALTH-CARE WORKER CONTRACTED TO A HEALTH-CARE FACILITY
20 DURING THE REPORTING PERIOD HAD A CURRENT, UNRESTRICTED LICENSE
21 OR CERTIFICATION IN GOOD STANDING AND MET THE TRAINING AND
22 CONTINUING EDUCATION STANDARDS FOR THE POSITION WITH THE
23 HEALTH-CARE FACILITY THROUGHOUT THE ENTIRETY OF THE REPORTING
24 PERIOD;

25 (VI) THE STAFFING AGENCY'S CERTIFICATION THAT EACH
26 HEALTH-CARE WORKER CONTRACTED TO A HEALTH-CARE FACILITY HAD
27 SUCCESSFULLY COMPLETED ALL BACKGROUND CHECKS REQUIRED BY
28 FEDERAL AND STATE LAW, RULE, AND REGULATION RELATING TO THE
29 HEALTH-CARE POSITION AND HEALTH-CARE FACILITY IN WHICH THE
30 HEALTH-CARE WORKER WAS PLACED DURING THE REPORTING PERIOD; AND

31 (VII) THE STAFFING AGENCY'S CERTIFICATION THAT THE STAFFING
32 AGENCY MAINTAINED PROFESSIONAL LIABILITY INSURANCE THROUGHOUT
33 THE ENTIRETY OF THE REPORTING PERIOD FOR EACH HEALTH-CARE
34 WORKER CONTRACTED TO A HEALTH-CARE FACILITY DURING THE
35 REPORTING PERIOD.

36 (c) THE DEPARTMENT SHALL ESTABLISH THE MANNER AND FORM
37 OF REPORTING PURSUANT TO THIS SUBSECTION (3).

38 (4) (a) (I) THE DEPARTMENT SHALL IMPOSE A FINE IN THE AMOUNT
39 OF FIVE HUNDRED DOLLARS FOR A REPORT REQUIRED PURSUANT TO
40 SUBSECTION (3) OF THIS SECTION THAT:

41 (A) IS NOT SUBMITTED WITHIN THIRTY DAYS AFTER THE
42 REPORTING DEADLINE; OR

43 (B) THE DEPARTMENT DEEMS NONCOMPLIANT WITH THE

1 REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.
2 (II) THE DEPARTMENT MAY WAIVE THE FINE IF THE STAFFING
3 AGENCY IS ABLE TO SHOW GOOD CAUSE FOR THE DELAY IN SUBMITTING
4 THE REPORT OR FOR SUBMITTING A NONCOMPLIANT REPORT.
5 (b) THE DEPARTMENT SHALL SEND NOTICE TO EACH STAFFING
6 AGENCY THAT:
7 (I) HAS NOT SUBMITTED THE REQUIRED QUARTERLY REPORT ON OR
8 BEFORE THE DEADLINE; OR
9 (II) HAS NOT SUBMITTED A COMPLIANT REPORT.
10 (c) IF THE STAFFING AGENCY DOES NOT SUBMIT A COMPLIANT
11 REPORT WITHIN THIRTY DAYS AFTER THE DATE OF THE DEPARTMENT'S
12 NOTICE OF NONCOMPLIANCE, THE DEPARTMENT SHALL IMPOSE A FINE OF
13 TEN THOUSAND DOLLARS, AND FOR A FAILURE IN ANY SUBSEQUENT
14 QUARTER TO TIMELY SUBMIT A COMPLIANT REPORT WITHIN THIRTY DAYS
15 AFTER THE DEPARTMENT'S NOTICE OF NONCOMPLIANCE, A FINE OF TWENTY
16 THOUSAND DOLLARS. THE DEPARTMENT MAY WAIVE OR REDUCE THE
17 STAFFING AGENCY'S FINE IF THE STAFFING AGENCY IS ABLE TO SHOW GOOD
18 CAUSE FOR DELAYING THE SUBMISSION OF THE REPORT.
19 (d) THE DEPARTMENT SHALL TRANSMIT ANY PENALTIES IMPOSED
20 AND COLLECTED PURSUANT TO THIS SUBSECTION (4) TO THE STATE
21 TREASURER, WHO SHALL CREDIT THE MONEY TO THE WAGE THEFT
22 ENFORCEMENT FUND CREATED IN SECTION 8-4-113 (3).
23 (5) THE DEPARTMENT SHALL PROVIDE COPIES OF THE QUARTERLY
24 REPORTS REQUIRED PURSUANT TO SUBSECTION (3) OF THIS SECTION TO THE
25 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND TO THE
26 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR PURPOSES OF
27 ANALYZING THE INFORMATION PROVIDED BY THE STAFFING AGENCIES TO
28 MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE
29 GOVERNOR PURSUANT TO SECTION 25-1.5-118 CONCERNING THE
30 REGULATION OF STAFFING AGENCY SERVICE RATES AND RATES CHARGED
31 TO HEALTH-CARE FACILITIES.

32 **SECTION 3. Act subject to petition - effective date.** This act
33 takes effect at 12:01 a.m. on the day following the expiration of the
34 ninety-day period after final adjournment of the general assembly; except
35 that, if a referendum petition is filed pursuant to section 1 (3) of article V
36 of the state constitution against this act or an item, section, or part of this
37 act within such period, then the act, item, section, or part will not take
38 effect unless approved by the people at the general election to be held in
39 November 2022 and, in such case, will take effect on the date of the
40 official declaration of the vote thereon by the governor."

41 Page 1, line 103, strike "ENVIRONMENT." and substitute "ENVIRONMENT,
42 AND, IN CONNECTION THEREWITH, REQUIRING SUPPLEMENTAL

1 HEALTH-CARE STAFFING AGENCIES TO REPORT DATA TO THE
2 DEPARTMENT OF LABOR AND EMPLOYMENT, AND REQUIRING THE
3 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO REPORT TO
4 THE GENERAL ASSEMBLY, THE GOVERNOR, AND THE ATTORNEY
5 GENERAL'S OFFICE CONCERNING CAPS OR OTHER METHODS OF
6 REGULATING SERVICE RATES AND RATES CHARGED TO HEALTH-CARE
7 FACILITIES."

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