

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0467.01 Brita Darling x2241

HOUSE BILL 23-1030

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A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST REQUIRING COMPENSATION TO**
102 **A HEALTH-CARE STAFFING AGENCY IF A CONTRACTED**
103 **HEALTH-CARE FACILITY HIRES THE HEALTH-CARE STAFFING**
104 **AGENCY'S EMPLOYEE AS A PERMANENT EMPLOYEE OF THE**
105 **HEALTH-CARE FACILITY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a supplemental health-care staffing agency (staffing agency) from including in a contract or agreement with a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
March 16, 2023

HOUSE
3rd Reading Unamended
February 6, 2023

HOUSE
Amended 2nd Reading
February 2, 2023

health-care worker, nursing care facility, or assisted living residence a provision for liquidated damages, employment fees, or other compensation to be paid to the staffing agency if the nursing care facility or assisted living residence hires the health-care worker as a permanent employee either prior to or after the termination of the contract or agreement.

A staffing agency that violates the prohibition commits a civil infraction and is subject to a monetary penalty. Further, for repeated or willful violations, the executive director of the department of labor and employment may impose monetary or administrative penalties against the staffing agency.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-4-125, **add**
3 **(2.5)** as follows:

4 **8-4-125. Supplemental health-care staffing agencies - annual**
5 **certification - contract restrictions - penalty - civil action - reporting**
6 **- definitions.**

7
8 (2.5) (a) IN ANY CONTRACT OR AGREEMENT BETWEEN A
9 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY AND A HEALTH-CARE
10 WORKER OR HEALTH-CARE FACILITY CONCERNING THE PLACEMENT OF A
11 HEALTH-CARE WORKER WHO IS A NURSING PROFESSIONAL LICENSED OR
12 CERTIFIED PURSUANT TO ARTICLE 255 OF TITLE 12, EXCEPT FOR
13 LIQUIDATED DAMAGES, EMPLOYMENT FEES, OR OTHER COMPENSATION
14 ATTRIBUTABLE TO AND CHARGEABLE FOR A THIRTY-CALENDAR-DAY
15 PERIOD COMMENCING WHEN THE HEALTH-CARE WORKER FIRST BEGINS
16 EMPLOYMENT AT A HEALTH-CARE FACILITY, IT IS UNLAWFUL FOR THE
17 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY TO REQUIRE THE
18 PAYMENT OF LIQUIDATED DAMAGES, EMPLOYMENT FEES, OR OTHER
19 COMPENSATION TO THE SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY

1 IF THE HEALTH-CARE FACILITY HIRES THE HEALTH-CARE WORKER AS A
2 PERMANENT EMPLOYEE EITHER PRIOR TO OR AFTER THE TERMINATION OF
3 THE CONTRACT OR AGREEMENT WITH THE SUPPLEMENTAL HEALTH-CARE
4 STAFFING AGENCY.

5 (b) IF A SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY
6 COLLECTS OR ATTEMPTS TO COLLECT LIQUIDATED DAMAGES,
7 EMPLOYMENT FEES, OR OTHER COMPENSATION FROM A HEALTH-CARE
8 WORKER OR HEALTH-CARE FACILITY IN VIOLATION OF SUBSECTION (2.5)(a)
9 OF THIS SECTION, THE HEALTH-CARE WORKER OR HEALTH-CARE FACILITY
10 MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION FOR
11 DAMAGES, A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS PER
12 VIOLATION, AND INJUNCTIVE RELIEF. THE PREVAILING PARTY TO AN
13 ACTION BROUGHT PURSUANT TO THIS SUBSECTION (2.5)(b) IS ENTITLED TO
14 REASONABLE ATTORNEY FEES.

15 **SECTION 2. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.