135Q.4 Penalties — enforcement.

1. *a.* A health care employment agency that violates section 135Q.2, subsection 1 or 4, is subject to an initial monetary penalty of five thousand dollars and shall be provided notification by the department and given a thirty-day grace period in which to comply.

b. A health care employment agency that fails to comply following the notification and within the thirty-day grace period under paragraph *"a"* shall be subject to a monetary penalty of twenty-five thousand dollars.

c. If a health care employment agency fails to comply with paragraph *"b"*, the health care employment agency shall be subject to an additional monetary penalty of twenty-five thousand dollars, revocation of registration, and denial of subsequent registration for up to three years.

2. *a.* A health care employment agency that violates section 135Q.2, subsection 2, or that knowingly provides an agency worker who has an illegally or fraudulently obtained or issued diploma, registration, license, certification, or background check to a health care entity is subject to a monetary penalty of five thousand dollars for each violation.

b. If a health care employment agency commits a second or subsequent violation of section 135Q.2, subsection 2, within any three-year period, the health care employment agency shall be subject to immediate revocation of registration. The department shall notify the agency thirty days in advance of the date of such revocation.

3. A health care employment agency that violates section 135Q.2, subsection 3, is subject to a monetary penalty of twenty-five thousand dollars for the first violation. If a health care employment agency violates section 135Q.2, subsection 3, a second or subsequent time, the health care employment agency shall be subject to immediate revocation of registration, and shall not be eligible to apply for or be granted registration for the three-year period immediately following the date of revocation.

4. *a.* (1) A health care technology platform that violates section 135Q.3, subsection 1, is subject to an initial monetary penalty of five thousand dollars and shall be provided notification by the department and given a thirty-day grace period in which to comply.

(2) A health care technology platform that fails to comply with the notification and within the thirty-day grace period under subparagraph (1) shall be subject to a monetary penalty of twenty-five thousand dollars.

(3) If a health care technology platform knowingly fails to comply with subparagraph (2), the health care technology platform shall be subject to an additional monetary penalty of twenty-five thousand dollars, revocation of registration, and denial of subsequent registration for up to three years.

b. (1) A health care technology platform that violates section 135Q.3, subsection 2, or that knowingly allows an independent nursing services professional who has an illegally obtained or issued diploma, registration, license, certification, or background check to utilize the platform to bid on a shift for a health care entity is subject to a monetary penalty of five thousand dollars for each violation.

(2) If a health care technology platform commits a second or subsequent violation of section 135Q.3, subsection 2, within any three-year period, the health care technology platform shall be subject to immediate revocation of registration. The department shall notify the health care technology platform thirty days in advance of the date of such revocation.

c. (1) A health care technology platform that violates section 135Q.3, subsection 3, is subject to a monetary penalty of twenty-five thousand dollars for the first violation.

(2) If a health care technology platform violates section 135Q.3, subsection 3, a second or subsequent time, the health care technology platform shall be subject to immediate revocation of registration, and shall not be eligible to apply for or be granted registration for the three-year period immediately following the date of revocation.

5. *a.* The managing entity of an agency for which registration has been denied or revoked under this section shall not be eligible to apply for or be granted registration for another agency during the three-year period following the date of the denial or revocation.

b. The department shall not approve a new registration or renew an existing registration for any agency for which the managing entity is also the managing entity of an agency

for which registration has been denied or revoked during the three-year period in which registration of the violating agency is denied or revoked.

6. *a.* The managing entity of a health care technology platform for which registration has been denied or revoked under this section shall not be eligible to apply for or be granted registration for another health care technology platform during the two-year period following the date of the denial or revocation.

b. The department shall not approve a new registration or renew an existing registration for any health care technology platform for which the managing entity is also the managing entity of a health care technology platform for which registration has been denied or revoked during the two-year period in which registration of the violating health care technology platform is denied or revoked.

7. Any monetary penalties collected under this section shall be retained by the department as appropriated receipts as defined in section 8.2.

8. The attorney general shall enforce this chapter.

2024 Acts, ch 1157, §66, 68; 2024 Acts, ch 1185, §84