

135Q.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Affiliate*” means an entity that directly or indirectly is controlled with or by, or is under the common control with, a health care entity. For the purposes of [this subsection](#), “*control*” means the same as defined in [section 423.3](#), [subsection 92](#), paragraph “e”.
2. “*Department*” means the department of inspections, appeals, and licensing.
3. a. “*Health care employment agency*” or “*agency*” means an agency that contracts with a health care entity in this state to provide agency workers for temporary or temporary-to-hire employee placements.
b. “*Health care employment agency*” does not include a health care entity or an affiliate of a health care entity when acting as a health care employment agency for the sole purpose of providing agency workers to the health care entity itself or to an affiliate of the health care entity.
c. “*Health care employment agency*” does not include a health care technology platform.
4. “*Health care employment agency worker*” or “*agency worker*” means an individual who contracts with or is employed by a health care employment agency to provide nursing services to health care entity consumers.
5. “*Health care entity*” means a facility, agency, or program licensed or certified by the department or by the centers for Medicare and Medicaid services of the United States department of health and human services.
6. “*Health care technology platform*” or “*platform*” includes an individual, a trust, a partnership, a corporation, a limited liability partnership or company, or any other business entity that develops and operates, offers, or maintains a system or technology that provides an internet-based or application-based marketplace through which an independent nursing services professional bids on open shifts posted by a health care entity to provide nursing services for the health care entity.
7. “*Independent nursing services professional*” means a person engaged as an independent contractor through a health care technology platform to provide nursing services for a health care entity. An independent nursing services professional shall be considered an independent contractor provided the independent nursing services professional in the independent nursing services professional’s sole discretion bids on open shifts and chooses where, when, and how often to work.
8. “*Individual agency worker category*” includes registered nurses, licensed practical nurses, certified nurse aides, certified medication aides, home health aides, medication managers, and noncertified or nonlicensed staff providing personal care as defined in [section 231C.2](#) who are health care employment agency workers.
9. “*Managing entity*” means a business entity, owner, ownership group, chief executive officer, program administrator, director, or other decision maker whose responsibilities include directing the management or policies of a health care employment agency or a health care technology platform. “*Managing entity*” includes an individual who, directly or indirectly, holds a beneficial interest in a corporation, partnership, or other business entity that constitutes a managing entity.
10. “*Nursing services*” means those services which may be provided only by or under the supervision of a nurse. “*Nursing services*” includes services performed by a registered nurse, a licensed practical nurse, a certified nurse aide, a certified medication aide, a home health aide, a medication manager, or by noncertified or nonlicensed staff providing personal care as defined in [section 231C.2](#). “*Nursing services*” does not include the practice of nursing by an advanced registered nurse practitioner or an advanced practice registered nurse licensed under [chapter 152](#) or [152E](#).
11. “*Nursing services professionals*” includes registered nurses, licensed practical nurses, certified nurse aides, certified medication aides, home health aides, medication managers, and noncertified or nonlicensed staff providing personal care as defined in [section 231C.2](#),

who are not health care employment agency workers but instead are employed directly by or contract directly with a health care entity.

2022 Acts, ch 1069, §1; 2022 Acts, ch 1153, §49; 2023 Acts, ch 19, §1905; 2023 Acts, ch 131, §1, 3; 2024 Acts, ch 1157, §63, 68

Section amended