

CHAPTER 55
HEALTH CARE EMPLOYMENT AGENCIES
AND HEALTH CARE TECHNOLOGY PLATFORMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/4/28

481—55.1(135Q) Definitions. The definitions set forth in Iowa Code section 135Q.1 are incorporated herein by reference. As used in this chapter, unless the context otherwise requires, the following also apply:

“*Health care employment agency*” does not include a recruitment firm that contracts with a health care entity to identify and screen potential candidates for hire and does not provide agency workers for temporary or temporary-to-hire employee placements in this state.

“*Health care entity*” includes but is not limited to any entities licensed or certified pursuant to Iowa Code chapter 135B (hospitals), 135C (health care facilities), 135G (subacute mental health care facilities), 135H (psychiatric medical institutions for children), 135J (licensed hospice programs), 231C (assisted living programs), 231D (adult day services), or 135R (ambulatory surgical centers) or any home health agency, hospice, end-stage renal disease center, rural health clinic, or federally qualified health care center certified by the Centers for Medicare and Medicaid Services.

[ARC 6711C, IAB 11/30/22, effective 1/4/23; ARC 9022C, IAB 3/19/25, effective 4/23/25]

481—55.2(135Q) Registration.

55.2(1) A health care employment agency or health care technology platform operating in the state shall register annually with the department and pay an annual registration fee of \$500. A health care employment agency with multiple locations may complete one registration for all locations and may remit one payment for the total registration fee required. A health care employment agency or health care technology platform shall register with the department 30 days prior to operation. A health care technology platform in operation prior to April 23, 2025, shall register with the department within 30 days of April 23, 2025.

55.2(2) The statement of registration may be submitted electronically via an Internet-based system provided by the department for such purpose; by mail to the Department of Inspections, Appeals, and Licensing, Health and Safety Division, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321; or by fax to 515.242.5022.

55.2(3) The registrant shall include, at a minimum, the following information on the statement of registration:

- a. Name(s) of the owner(s) and managing entity(ies);
- b. Location of the health care employment agency, including street address, city, and ZIP code; and
- c. Contact information for the owner(s) and managing entity(ies), including telephone number, mailing address, and email address.

55.2(4) The health care employment agency or health care technology platform shall notify the department of any changes to the information on the annual statement of registration within 30 days of the date the change occurs, including cessation of operation.

[ARC 6711C, IAB 11/30/22, effective 1/4/23; ARC 9022C, IAB 3/19/25, effective 4/23/25]

481—55.3(135Q) General requirements. A health care employment agency or health care technology platform shall adhere to all requirements under Iowa Code section 135Q.2(2) or 135Q.3(2), as applicable, and do all of the following.

55.3(1) *Verification of employment standards.* A health care employment agency shall ensure that its agency workers comply with all applicable state and federal requirements and qualifications for personnel in health care entity settings pursuant to Iowa Code section 135Q.2(2)“a” through “c.” A health care technology platform shall verify that independent nursing services professionals supply documentation demonstrating compliance with all applicable state and federal requirements and qualifications for personnel in health care entity settings pursuant to Iowa Code section 135Q.3(2)“a” through “c.” These

include but are not limited to a health care employment agency ensuring or a health care technology platform verifying the following:

- a.* Completion of all requirements regarding criminal, dependent adult abuse, and child abuse record checks that would otherwise be the responsibility of the health care entity if the health care entity employed the agency worker or contracted with the independent nursing services professional directly;
- b.* Completion of the physical examination and screening and testing for tuberculosis procedures that would otherwise be the responsibility of the health care entity if the health care entity employed the agency worker or contracted with the independent nursing services professional directly; and
- c.* That an agency worker or independent nursing services professional has completed all education, training, and continuing education requirements for the agency worker's or independent nursing services professional's occupation and that the agency worker or independent nursing services professional is in good standing with any minimum licensing or certification standards to appropriately engage in the worker's or professional's profession.

55.3(2) *Allegations of dependent adult abuse.*

a. If an allegation of dependent adult abuse is received by a health care employment agency against an agency worker or is received by a health care technology platform against an independent nursing services professional, the health care employment agency or health care technology platform shall immediately notify the facility in which the alleged abuse occurred so that the facility may immediately separate the victim and alleged dependent adult abuser. The health care employment agency or health care technology platform shall also notify the department within 24 hours or the next business day. If the health care employment agency or health care technology platform has reason to believe that immediate protection for the dependent adult is advisable, it should also make an oral report to an appropriate law enforcement agency. After receiving notice of an allegation of dependent adult abuse against an agency worker or independent nursing services professional and before the department's dependent adult abuse investigation is completed and the abuse determination is made, the health care employment agency or health care technology platform shall disclose such investigation to any prospective health care entity with which the agency worker will be placed or the independent nursing services professional will provide services.

b. In addition to any other requirement under state or federal law with respect to the receipt of an allegation of dependent adult abuse, if a health care entity receives an allegation of dependent adult abuse against an agency worker or independent nursing services professional, the health care entity shall immediately notify the health care employment agency or health care technology platform of the allegation. This does not exempt the health care entity from any of its duties with respect to alleged dependent adult abuse under state or federal law.

c. If the health care employment agency or health care technology platform terminates the alleged dependent adult abuser or deactivates the alleged abuser's account as a result of the investigation or the alleged dependent adult abuser resigns, the alleged dependent adult abuser shall disclose such termination, deactivation, or investigation to any prospective facility or program employer.

[ARC 6711C, IAB 11/30/22, effective 1/4/23; ARC 9022C, IAB 3/19/25, effective 4/23/25]

481—55.4(135Q) Prohibitions.

55.4(1) A health care employment agency or health care technology platform shall not restrict the employment opportunities of an agency worker or independent nursing services professional in accordance with Iowa Code section 135Q.2(3) or 135Q.3(3), as applicable.

55.4(2) Subrule 55.4(1) does not apply to a contract that meets all of the criteria set forth in Iowa Code section 135Q.2(3) "b."

[ARC 6711C, IAB 11/30/22, effective 1/4/23; ARC 9022C, IAB 3/19/25, effective 4/23/25]

481—55.5(135Q) Record retention and reporting.

55.5(1) *Document retention.* A health care employment agency or health care technology platform shall maintain documentation in its files regarding each agency worker's or independent nursing services professional's compliance, as applicable, with minimum licensing, certification, training, health requirements, and continuing education standards as described in subrule 55.3(1). A health care

employment agency or health care technology platform shall provide copies of this documentation to the department or a health care entity for a contracted agency worker or independent nursing services professional upon request.

55.5(2) *External reporting.* A health care employment agency shall report, file, or otherwise provide any required documentation pursuant to Iowa Code section 135Q.2(2) “c,” including but not limited to:

a. For any agency workers who are certified nurse aides, the health care employment agency shall report to the direct care worker registry completed work assignments of the agency worker sufficient to maintain an active status on the registry pursuant to requirements set forth in 441—subparagraph 81.16(5) “c”(2), 441—paragraph 81.16(5) “e,” and 42 CFR 483.35(d)(6) and 483.156(c)(2).

b. The health care employment agency shall report allegations of dependent adult abuse as set forth in subrule 55.3(2).

55.5(3) *Quarterly reporting to the department.*

a. The quarterly report required to be submitted by a health care employment agency pursuant to Iowa Code section 135Q.2(4) shall provide the following:

(1) A detailed list of each health care entity participating in Medicare or Medicaid with whom the agency has contracted over the prior quarter;

(2) A detailed list of the average amount charged by the health care employment agency to the health care entity participating in Medicare or Medicaid over the prior quarter, broken down by provider type (e.g., hospital, nursing facility) and each individual agency worker category (e.g., certified nurse aide, registered nurse, licensed practical nurse) within that provider type; and

(3) A detailed list of the average amount paid by the health care employment agency participating in Medicare or Medicaid to agency workers over the prior quarter, broken down by provider type (e.g., hospital, nursing facility) and each individual agency worker category (e.g., certified nurse aide, registered nurse, licensed practical nurse) within that provider type.

b. The report data and submission dates shall be as follows:

(1) The quarterly report containing data from January 1 through March 31 is due no later than April 15;

(2) The quarterly report containing data from April 1 through June 30 is due no later than July 15;

(3) The quarterly report containing data from July 1 through September 30 is due no later than October 15; and

(4) The quarterly report containing data from October 1 through December 31 is due no later than January 15.

[ARC 6711C, IAB 11/30/22, effective 1/4/23; ARC 9022C, IAB 3/19/25, effective 4/23/25]

481—55.6(135Q) Complaints.

55.6(1) *Complaints.*

a. The process for filing a complaint is as follows:

(1) Any person with a concern regarding the operation of a health care employment agency may file a complaint at the department’s physical location, complaint hotline, or website, as follows:

Physical address: Department of Inspections, Appeals, and Licensing
Health and Safety Division, Complaint/Incident Unit
6200 Park Avenue, Suite 100

Des Moines, Iowa 50321

Complaint hotline: 1.877.686.0027

Website address: dial.iowa.gov

(2) When the nature of the complaint is outside the department’s authority, the department will forward the complaint to the appropriate investigatory entity.

b. The department will act on anonymous complaints unless the department determines that the complaint is intended to harass the health care employment agency or health care technology platform or is without a reasonable basis. If the department, upon preliminary investigation, determines that the complaint is intended to harass or is without a reasonable basis, the department may dismiss the complaint.

55.6(2) *Content of complaint reports.* The complaint should include as much of the following information as possible: the complainant's name, address, and telephone number; the complainant's relationship to the health care employment agency or health care technology platform; and the reason for the complaint. The complainant's name shall be confidential information and will not be released by the department.

55.6(3) *Time frames for investigation of complaints.* Upon receipt of a complaint made in accordance with this rule, the department will make a preliminary investigation of the complaint to determine if probable cause exists to further investigate the complaint. If probable cause exists, an investigation of the health care employment agency or health care technology platform will be initiated within 45 working days.

55.6(4) *Standard for determining whether a complaint is substantiated.* The department will apply a preponderance of the evidence standard in determining whether a complaint is substantiated.

55.6(5) *Notification of the health care employment agency or health care technology platform of results of investigation.* The department will notify the subject health care employment agency or health care technology platform, in writing, of the final report of the complaint investigation.

55.6(6) *Notification of the complainant of results of investigation.* The complainant, if known, will be notified of the final findings of a complaint investigation as well as if the department determines not to further investigate after the preliminary investigation, including an explanation of the department's decision.

[ARC 6711C, IAB 11/30/22, effective 1/4/23; ARC 9022C, IAB 3/19/25, effective 4/23/25]

481—55.7(135Q) Investigations.

55.7(1) *Initiation of investigations.* Investigations may be initiated because of a complaint or other information received by the department or upon referral from other agencies. If the department determines there is probable cause to believe that a health care employment agency or health care technology platform is unregistered or that a registered health care employment agency or health care technology platform is not in compliance with state, federal, or local statutes or rules, an investigation may be initiated.

55.7(2) *Evaluation of allegations and referral to other agencies.* If an investigation is initiated, the department will evaluate the allegations to determine whether the allegations should also be referred to other local, state, or federal agencies. If the department believes a criminal violation has occurred or is occurring, it will notify the appropriate law enforcement entities.

55.7(3) *Access to records.* An inspector of the department may enter a health care employment agency without a warrant and may examine and copy all records and items pertaining to the investigation, or may require the health care employment agency or health care technology platform to provide copies of all records and items pertaining to the investigation, unless the record or item is protected by some other legal privilege.

[ARC 6711C, IAB 11/30/22, effective 1/4/23; ARC 9022C, IAB 3/19/25, effective 4/23/25]

481—55.8(135Q) Penalties. A health care employment agency or health care technology platform that violates Iowa Code chapter 135Q will be subject to monetary penalties, denial or revocation of registration, and other penalties as described in Iowa Code section 135Q.4.

[ARC 6711C, IAB 11/30/22, effective 1/4/23; ARC 9022C, IAB 3/19/25, effective 4/23/25]

481—55.9(135Q) Public and confidential information.

55.9(1) *Public disclosure.* The following records are open and available for inspection:

- a. Registration forms and accompanying materials;
- b. Final findings of the department's investigations;
- c. Official notices of penalties; and
- d. Any records required to be submitted to the department by the health care employment agency pursuant to Iowa Code section 135Q.2(4) and subrule 55.5(3) (quarterly reporting to the department).

55.9(2) *Confidential information.* Confidential information includes the following:

- a. Information obtained by the department that does not comprise a final finding resulting from a complaint investigation. Investigation information which does not comprise a final finding may be made

public in a contested case proceeding concerning the department's final findings, including the imposition of a monetary penalty or the denial or revocation of registration.

b. Names and identifying information of all complainants.

[ARC 6711C, IAB 11/30/22, effective 1/4/23; ARC 9022C, IAB 3/19/25, effective 4/23/25]

These rules are intended to implement Iowa Code chapter 135Q.

[Filed ARC 6711C (Notice ARC 6571C, IAB 10/5/22), IAB 11/30/22, effective 1/4/23]

[Filed ARC 9022C (Notice ARC 7784C, IAB 4/17/24; Amended Notice ARC 8214C, IAB 9/18/24),
IAB 3/19/25, effective 4/23/25]