

House File 298 - Introduced

HOUSE FILE 298

BY FRY

A BILL FOR

1 An Act relating to temporary staffing agencies for nursing
2 services.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135Q.1 Temporary staffing agency
2 for nursing services — requirements.

3 1. As used in this section:

4 a. "Department" means the department of inspections and
5 appeals.

6 b. "Direct services" means services provided through
7 person-to-person contact. "Direct services" excludes services
8 provided by persons in a health facility for a very limited
9 purpose, are not in the health facility on a regular basis,
10 and who do not provide any treatment or services to residents,
11 tenants, or other consumers of a health facility.

12 c. "Health facility" means a health care facility as defined
13 in section 135C.1, an assisted living program as defined in
14 section 231C.2, and a Medicare certified home health agency.

15 d. "Nurse" means a licensed practical nurse or a registered
16 nurse licensed pursuant to chapter 152.

17 e. "Nurse aide" means a certified nursing assistant
18 registered with the Iowa direct care worker registry.

19 f. "Nursing services" means those services which may be
20 provided by or only under the direction of a nurse.

21 g. "Temporary employee providing nursing services" or
22 "temporary employee" means a nurse, a nurse aide, or other
23 person employed by a temporary staffing agency for nursing
24 services to provide direct services to consumers in a health
25 facility.

26 h. "Temporary staffing agency for nursing services" or
27 "agency" means an entity engaged for hire to provide or procure
28 temporary employment in health facilities for temporary
29 employees providing nursing services. "Temporary staffing
30 agency for nursing services" does not include a person who only
31 provides the person's own services on a temporary basis to
32 health facilities.

33 2. A temporary staffing agency for nursing services
34 operating in the state shall comply with all of the following:

35 a. The agency shall document that each temporary employee

1 meets the minimum licensing, training, and continuing education
2 requirements for the position in which the temporary employee
3 will be working.

4 *b.* The agency shall not restrict in any manner the
5 employment opportunities of its temporary employees.

6 *c.* The agency shall not, in any contract with a temporary
7 employee or health facility, require the payment of liquidated
8 damages, employment fees, or other compensation if the
9 temporary employee is subsequently hired as a full-time
10 employee of the health facility.

11 *d.* The agency shall document that each temporary employee is
12 an employee of the agency and not an independent contractor.

13 *e.* The agency shall retain all agency records for five
14 calendar years.

15 3. The department shall adopt rules pursuant to chapter 17A
16 to administer this section.

17

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill establishes requirements for a temporary staffing
21 agency for nursing services (agency) operating in the state.
22 The bill requires an agency to comply with several requirements
23 including: documenting that each temporary employee meets
24 the minimum licensing, training, and continuing education
25 requirements for the position in which the temporary employee
26 will be working; not restricting the employment opportunities
27 of its temporary employees; not, in any contract with a
28 temporary employee or health facility, requiring the payment
29 of liquidated damages, employment fees, or other compensation
30 if the temporary employee is subsequently hired as a full-time
31 employee of the health facility; documenting that each
32 temporary employee is an employee of the agency and not an
33 independent contractor; and retaining all agency records for
34 five calendar years.

35 The bill directs the department of inspections and appeals

1 to adopt administrative rules to administer the provisions of
2 the bill.

3 The bill includes definitions of terms used in the bill
4 including health facility, temporary employee providing nursing
5 services, and temporary staffing agency for nursing services
6 which means an entity engaged for hire to provide or procure
7 temporary employment in health facilities for temporary
8 employees providing nursing services. Temporary staffing
9 agency for nursing services does not include a person who only
10 provides the person's own services on a temporary basis to
11 health facilities.