STATE OF NEW YORK

5150--A

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to temporary services provided by "health care personnel"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 4 and 6 of section 2999-ii of the public health law, as added by section 1 of part X of chapter 57 of the laws of 2023, are amended to read as follows:

4. "Health care personnel" means nurses, certified nurse aides and licensed or unlicensed direct care staff provided by the temporary health care services agency to provide temporary services in a health care entity. **For such health care personnel, "temporary services" shall mean health care services contracted for an initial term of less than twenty-four continuous months. Health care personnel shall not include physicians pursuant to article one hundred thirty-one of the education law.**

6. "Direct care worker" means an individual who is responsible for patient/resident handling or patient/resident assessment as a regular or incidental part of their services, including any licensed or unlicensed health care worker. **Direct care worker shall not include physicians pursuant to article one hundred thirty-one of the education law.**

§ 2. Paragraph (d) of subdivision 3 of section 2999-jj of the public health law, as added by section 1 of part X of chapter 57 of the laws of 2023, is amended to read as follows:

(d) Shall not require the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care entity in any contract with any health care personnel or health care entity or otherwise**, except that a**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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health care entity may agree contractually to reimburse the agency for its reasonable costs in placing the employee.

§ 3. Subdivision 3 of section 2999-kk of the public health law, as added by section 1 of part X of chapter 57 of laws of 2023, is amended to read as follows:

3. A temporary health care services agency shall **annually** submit to the department copies of all contracts between the agency and a health care entity to which it assigns or refers health care personnel, and copies of all invoices to health care entities personnel. Executed contracts must be sent to the department within five business days of their effective date and are not subject to disclosure under article six of the public officers law.

§ 4. The opening paragraph of section 2999-mm of the public health law, as added by section 1 of part X of chapter 57 of laws of 2023, is amended to read as follows:

A temporary health care services agency shall report [~~quarterly~~] **annually** to the department a full disclosure of charges and compensation, including a schedule of all hourly bill rates per category of health care personnel, a full description of administrative charges, and a schedule of rates of all compensation per category of health care personnel including, but not limited to:

§ 5. This act shall take effect immediately.