§ 2999-ii. Definitions. For the purposes of this article:

1. "Certified nurse aide" means a person included in the nursing home nurse aide registry pursuant to section twenty-eight hundred three-j of this chapter as added by chapter seven hundred seventeen of the laws of nineteen hundred eighty-nine.

* 2. "Controlling person" means a person, officer, program administrator, or director whose responsibilities include the direction of the management or policies of a temporary health care services agency. "Controlling person" also means an individual who, directly owns at least ten percent voting interest in a corporation, partnership, or other business entity that is a controlling person.

* NB Effective until May 28, 2027

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* NB Effective May 28, 2027

3. "Health care entity" means an agency, corporation, facility, or individual providing medical or health care services.

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.

5. "Nurse" means a registered professional nurse, or a licensed practical nurse as defined by article one hundred thirty-nine 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.

7. "Person" means an individual, firm, corporation, partnership, or association.

* 8. "Temporary health care services agency" or "agency" means a person, firm, corporation, partnership, association or other entity in the business of providing or procuring temporary employment or engaging individuals to provide health care services for health care entities, or of enabling health care entities to engage individuals to perform health care services. Temporary health care services agency shall include a nurses' registry licensed under article eleven of the general business law and entities that utilize apps or other technology-based solutions to provide, procure or enable health care entities to engage individuals to perform health care services. Temporary health care services agency shall not include: (a) an individual who only engages in providing the individual's own services on a temporary basis to health care entities; or (b) a home care agency licensed under article thirty-six of this chapter.

* NB Effective until May 28, 2027

* 8. "Temporary health care services agency" or "agency" means a person, firm, corporation, partnership, association or other entity in the business of providing or procuring temporary employment or engaging individuals to provide health care services for health care entities, or of enabling health care entities, directly or indirectly, to engage individuals to perform health care services. Temporary health care services agency shall include a nurses' registry licensed under article eleven of the general business law and entities that utilize apps or other technology-based solutions to provide, procure or enable health care entities to engage individuals to perform health care services, including vendor management systems and subcontracting arrangements with other agencies that result in the engagement of individuals. Temporary health care services agency shall not include: (a) an individual who only engages in providing the individual's own services on a temporary basis to health care entities; or (b) a home care agency licensed under article thirty-six of this chapter.

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