§ 2999-jj. Registration of temporary health care services agencies; requirements. 1. Any person who operates a temporary health care services agency shall register the agency with the department.

2. The commissioner shall publish guidelines establishing the forms and procedures for applications for registration. Forms must include, at a minimum all of the following:

(a) The names and addresses of the temporary health care services agency controlling person or persons.

(b) The names and addresses of health care entities where the controlling person or persons or their family members:

(i) have an ownership relationship; or

(ii) direct the management or policies of such health care entities.

(c) A demonstration that the applicant is of good moral character and able to comply with all applicable state laws and regulations relating to the activities in which it intends to engage under the registration.

(d) Registration and registration annual renewal fees of one thousand dollars and shall only be used for the purpose of operating this registry.

(e) The state of incorporation of the agency.

(f) Any additional information that the commissioner determines is necessary to properly evaluate an application for registration.

* 3. As a condition of registration, a temporary health care services agency:

(a) Shall document that each individual engaged to provide health care services to health care entities currently meets the minimum licensing, training, and continuing education standards for the position in which the health care personnel will be working.

(b) Shall comply with all pertinent requirements and qualifications for personnel employed in health care entities.

(c) Shall not restrict in any manner the employment opportunities of its health care personnel.

(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.

(e) Shall retain all records related to health care personnel for six

calendar years and make them available to the department upon request.

(f) Shall comply with any requests made by the department to examine the books and records of the agency, subpoena witnesses and documents and make such other investigation as is necessary in the event that the department has reason to believe that the books or records do not accurately reflect the financial condition or financial transactions of the agency.

(g) Shall comply with any additional requirements the department may deem necessary.

* NB Effective until May 28, 2027

* 3. As a condition of registration, a temporary health care services agency:

(a) Shall document that each individual engaged to provide health care services to health care entities currently meets the minimum licensing, training, and continuing education standards for the position in which the individual will be working.

(b) Shall comply with all pertinent requirements and qualifications for personnel employed in health care entities.

(c) Shall not restrict in any manner the employment opportunities of individuals it connects with health care entities to provide health care services.

(d) Shall not require the payment of liquidated damages, employment fees, or other compensation should the individuals it connects with health care entities to provide health care services be hired as a permanent employee, contractor, or contingent worker of a health care entity in any contract with any individual engaged to provide health care services or health care entity or otherwise.

(e) Shall not require the payment of fees or other compensation from the individual engaged to provide health care services for placement or connection with a health care entity.

(f) Shall retain all records related to individuals engaged to provide health care services for six years and make them available to the department upon request.

(g) Shall comply with any requests made by the department to examine the books and records of the agency, subpoena witnesses and documents and make such other investigation as is necessary in the event that the department has reason to believe that the books or records do not

accurately reflect the financial condition or financial transactions of the agency.

(h) Shall comply with any additional requirements the department may deem necessary.

* NB Effective May 28, 2027

4. A registration issued by the commissioner according to this section shall be effective for a period of one year, unless the registration is revoked or suspended, or unless ownership interest of ten percent or more, or management of the temporary health care services agency, is sold or transferred. When ownership interest of ten percent or more, or management of a temporary health care services agency is sold or transferred, the registration of the agency may be transferred to the new owner or operator for thirty days, or until the new owner or operator applies and is granted or denied a new registration, whichever is sooner.

5. The commissioner may, after appropriate notice and hearing, suspend, revoke, or refuse to issue or renew any registration or issue any fines established pursuant to section twenty-nine hundred ninety-nine-ll of this article if the applicant fails to comply with this article or any guidelines, rules and regulations promulgated thereunder.

6. The commissioner shall make available a list of temporary health care services agencies registered with the department on the department's public website.

7. The department shall publish a quarterly report containing aggregated and de-identified data collected pursuant to this article on the department's website.

8. The department, in consultation with the department of labor, shall provide a report to the governor and legislature on or before January first, two thousand twenty-four, summarizing the key findings of the data collected pursuant to this article. The department shall further have authority to utilize any data collected pursuant to this article

for additional purposes consistent with this chapter, including but not limited to determinations of whether an acute labor shortage exists, or any other purpose the department deems necessary for health care related data purposes.

9. The attorney general may, upon the request of the department, bring an action for an injunction against any person who violates any provision of this article; provided, the department shall furnish the attorney general with such material, evidentiary matter or proof as may be requested by the attorney general for the prosecution of such action.