§ 2999-kk. Temporary health care services agencies; minimum standards. 1. A temporary health care services agency shall appoint an administrator qualified by training, experience or education to operate the agency. Each separate agency location shall have its own administrator.

* 2. A temporary health care services agency shall maintain a written agreement or contract with each health care entity, which shall include, at a minimum:

(a) The required minimum licensing, training, and continuing education requirements for each individual engaged in a health care position.

(b) Any requirement for minimum advance notice in order to ensure prompt arrival of individuals engaged to provide health care services.

(c) The maximum rates that can be billed or charged by the temporary health care services agency pursuant to section twenty-nine hundred ninety-nine-mm of this article and any applicable regulations.

(d) The rates to be charged by the temporary health care services agency.

(e) Procedures for the investigation and resolution of complaints about the performance of temporary health care services agency personnel.

(f) Procedures for notice from health care entities of failure of individuals engaged to provide health care services to report to an agreed upon scheduled shift.

(g) Procedures for notice of actual or suspected abuse, theft, tampering or other diversion of controlled substances by medical personnel.

(h) The types and qualifications of individuals engaged to provide health care services available through the temporary health care services agency.

* NB Effective until May 28, 2027

* 2. A temporary health care services agency shall maintain, and require subcontracting arrangements with other agencies to maintain, a written agreement or contract with each health care entity, which shall include, at a minimum:

(a) The required minimum licensing, training, and continuing education requirements for each individual engaged in a health care position.

(b) Any requirement for minimum advance notice in order to ensure

prompt arrival of individuals engaged to provide health care services.

(c) The maximum rates that can be billed or charged by the temporary health care services agency pursuant to section twenty-nine hundred ninety-nine-mm of this article and any applicable regulations.

(d) The rates to be charged by the temporary health care services agency.

(e) Procedures for the investigation and resolution of complaints about the performance of individuals engaged to provide health care services.

(f) Procedures for notice from health care entities of failure of individuals engaged to provide health care services to report to an agreed upon scheduled shift.

(g) Procedures for notice of actual or suspected abuse, theft, tampering or other diversion of controlled substances by individuals engaged to provide health care services.

(h) The types and qualifications of individuals engaged to provide health care services available through the temporary health care services agency.

* NB Effective May 28, 2027

* 3. A temporary health care services agency shall submit to the department copies of all contracts between the agency and a health care entity to which it assigns or otherwise connects individuals engaged to provide health care services, 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.

* NB Effective until May 28, 2027

* 3. A temporary health care services agency shall retain for six years and make available to the department upon request copies of all contracts between the agency or a third party with whom the agency is subcontracting and a health care entity to which it assigns or otherwise connects individuals engaged to provide health care services, and copies of all invoices to health care entities. Executed contracts submitted upon request to the department are not subject to disclosure under article six of the public officers law.

* NB Effective May 28, 2027

4. The commissioner may promulgate regulations to implement the requirements of this section and to establish additional minimum standards for the operation of temporary health care services agencies, including but not limited to pricing, fees, administrative costs, profits, and business practices.

5. The commissioner may waive the requirements of this article during a declared state or federal public health emergency.