*** § 2999-mm. Rates for temporary health care services; reports.** A temporary health care services agency shall report quarterly 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:

1. hourly regular pay rate, shift differential, weekend differential, hazard pay, charge nurse add-on, overtime, holiday pay, travel or mileage pay, and any health or other fringe benefits provided;

2. the percentage of health care entity dollars that the agency expended on temporary personnel wages and benefits compared to the temporary health care services agency's profits and other administrative costs;

3. a list of the states and zip codes of their health care personnels' primary residences;

4. the names of all health care entities they have contracted within New York state;

5. the number of health care personnel of the temporary health care services agency working at each entity; and

6. any other information prescribed by the commissioner.

* NB Effective until May 28, 2027

* § 2999-mm. Rates for temporary health care services; reports. 1. A temporary health care services agency shall report quarterly to the department a full disclosure of charges and compensation, including a schedule of all hourly bill rates per category of individuals engaged to provide health care services, a full description of administrative charges, and a schedule of rates of all compensation per category of individuals engaged to provide health care services including, but not limited to:

(a) hourly regular pay rate, shift differential, weekend differential,

hazard pay, charge nurse add-on, overtime, holiday pay, travel or mileage pay, and any health or other fringe benefits provided;

(b) the percentage of health care entity dollars that the agency expended on compensation, including, as applicable, benefits, to individuals engaged to provide health care services compared to the temporary health care services agency's profits and other administrative costs;

(c) a list of the states and zip codes of the primary residences of individuals engaged to provide health care services;

(d) the names of all health care entities they or a third party with whom the agency is subcontracting have contracted within New York state;

(e) the number of individuals engaged to provide health care services by the temporary health care services agency working at each entity; and

(f) any other information prescribed by the commissioner.

2. The commissioner is hereby authorized to promulgate regulations to establish, monitor, and enforce a limitation on the amount that temporary health care services agencies or certain types or classes of such agencies may retain as profit from providing, procuring, or enabling health care entities to engage an individual to provide health care services, which for the purposes of this section shall be referred to as the "agency rate." In setting one or more agency rates, which can be expressed as a percentage or in another manner as determined by the department, the department shall take into consideration factors including but not limited to the ability to maintain sufficient staffing of the health care workforce, whether on a contract or permanent basis and across the range of needed professional titles and roles, in all geographic areas across the state. The department shall also engage in a periodic reassessment of any agency rates to ensure that they reflect current conditions and remain effective.

3. The commissioner shall publish guidelines establishing the forms and procedures for verification of compliance with an agency rate. In addition, a temporary health care services agency shall retain for six years and make available to the department upon request copies of all contracts, invoices, records, payroll information, and other documents necessary to determine compliance with the agency rate. The department

is authorized to conduct audits of temporary health care services agencies as well as targeted investigations based on complaints or atypical reporting patterns.

4. Nothing in this article shall displace any generally applicable law relevant to temporary health care services agencies, including but not limited to sections three hundred forty-nine and three hundred ninety-six-r of the general business law.

* NB Effective May 28, 2027