



SPONSOR: Rep. K. Johnson & Rep. Dorsey Walker &
Sen. Mantzavinos
Reps. Briggs King, Griffith, Morrison; Sens. Hoffner,
Huxtable, Lockman, Pettyjohn, Townsend, Walsh

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 199

AN ACT TO AMEND TITLES 16 AND 29 OF THE DELAWARE CODE RELATING TO TEMPORARY NURSE STAFFING AGENCIES SERVING LONG-TERM CARE FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

1 Section 1. Amend Chapter 11, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 1102. Definitions.

4 As used in this chapter:

5 (10) "Temporary nurse staffing agency" means a business entity or subdivision that provides temporary nurses to a
6 long-term care facility within this State.

7 § 1119C. Regulations.

8 (a) The Department has the authority to adopt, amend, repeal, or issue regulations to implement this chapter. In
9 addition to regulations by category of facility to be licensed, the Department shall also develop pediatric regulations
10 regarding the care of children in long-term care ~~facilities.~~ facilities and regulations regarding the operations of temporary
11 nurse staffing agencies. The temporary nurse staffing agency regulations shall establish a maximum rate temporary nurse
12 staffing agencies can charge long-term care facilities.

13 § 1119D. Temporary nurse staffing agencies.

14 (a) A temporary nurse staffing agency is required to register with the Division and renew the registration annually.
15 In the event of a change in ownership, operation, or location, the temporary nurse staffing agency shall update the
16 registration under the rules adopted by the Department.

17 (b) A temporary nurse staffing agency shall ensure that each employee the staffing agency assigns or refers for a
18 position at a long-term care facility meets state and federal qualification requirements and has the appropriate work
19 experience for that position. A temporary nurse staffing agency shall maintain a record for each employee that must include
20 documented evidence of credentials and required immunizations and documentation of any orientation, in-service
21 education, and completion of training or educational program required by law. A temporary nurse staffing agency shall

22 make the record described in this subsection available to the Department or the long-term care facility where the employee
23 is assigned upon either party's request.

24 (c) A temporary nurse staffing agency may not require, as a condition of employment, assignment, or referral, that
25 an employee of the temporary nurse staffing agency or staff contracted to the temporary nurse staffing agency recruit new
26 employees for the temporary nurse staffing agency from among the permanent employees of the long-term care facility to
27 which the temporary nurse staffing agency employees or contracted staff have been assigned or referred.

28 (d) A temporary nurse staffing agency shall provide an annual report to the Division that includes all of the
29 following information:

30 (1) The number of total employees placed, the health care settings where they were placed, the average
31 duration of the placements, and the state of licensure for those employees.

32 (2) The total and average amounts charged during each quarter of the reporting period to a long-term care
33 facility per employee providing services to the long-term care facility.

34 (3) The total and average wages paid per employee during each quarter of the reporting period.

35 (4) The total and average amounts of stipends paid during each quarter of the reporting period to employees.

36 (5) Documentation showing that the temporary nurse staffing agency has records that each employee
37 contracted to a health care facility during the reporting period had a current, unrestricted license or certification in good
38 standing and met the training and continuing education standards required by state and federal law for the position with
39 the long-term care facility throughout the entirety of the reporting period.

40 (6) Documentation showing that the temporary nurse staffing agency has records that each employee
41 contracted to a long-term care facility had satisfied all background checks required by federal and state law relating to
42 the position and long-term care facility in which the employee was placed during the reporting period.

43 (e) The Division may charge a reasonable registration fee to temporary nurse staffing agencies that may not exceed
44 the costs to the Division of administering this section.

45 Section 2. Amend Chapter 79, Title 29 of the Delaware Code by making deletions as shown by strikethrough and
46 insertions as shown by underline as follows:

47 § 7971. Division of Health Care Quality.

48 (d) The Division has all of the following duties and functions:

49 (19) Regulate, oversee, and monitor temporary nurse staffing agencies, as defined under § 1102 of Title 16.

SYNOPSIS

This bill grants authority to the Department of Health and Social Services (DHSS) to adopt regulations related to the operation of temporary nurse staffing agencies that staff temporary nurses in long-term care facilities in the State and

assigns oversight within DHSS to the Division of Health Care Quality. The bill requires temporary nurse staffing agencies to (1) register annually with the Division of Health Care Quality; (2) validate the qualifications of all provided nurses provided; (3) maintain records of all provided nurses' credentials, job requirements, and required immunizations; and (4) provide all such records upon request to DHSS and to the long-term care facility where the employee is placed. The bill also requires temporary nurse staffing agencies to report annually to DHSS regarding various factors, including its employee placements, costs charged to long-term care facilities, and wages paid to temporary nurses.