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. 204
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 16 AND 29 OF THE DELAWARE CODE RELATING TO TEMPORARY 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):

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

§ 1102. Definitions.

As used in this chapter:

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

§ 1119C. Regulations.

(a) The Department has the authority to adopt, amend, repeal, or issue regulations to implement this chapter. In addition to regulations by category of facility to be licensed, the Department shall also develop pediatric regulations regarding the care of children in long-term care ~~facilities.~~ facilities and regulations regarding the operations of temporary staffing agencies.

§ 1119D. Temporary staffing agencies.

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

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

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education, and completion of training or educational program required by law. A temporary staffing agency shall make the record described in this subsection available to the Department or the long-term care facility where the employee is assigned upon either party's request.

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

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

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

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

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

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

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

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

§ 7971. Division of Health Care Quality.

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

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