

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1013.01 Brita Darling x2241

SENATE BILL 22-210

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SENATE SPONSORSHIP

Zenzinger and Cooke,

HOUSE SPONSORSHIP

Lontine,

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Health & Human Services

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF SUPPLEMENTAL HEALTH-CARE  
102 STAFFING AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH  
103 AND ENVIRONMENT.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires the department of public health and environment (department) to license supplemental health-care staffing agencies (staffing agencies) that employ nurses, nurse aids, physical and occupational therapists, and physical therapist and occupational therapy assistants (health-care workers). A staffing agency is defined as an entity

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

that employs health-care workers and, for a fee, assigns them to temporary placements in nursing care facilities or assisted living residences (health-care facilities) on a temporary basis for a fee. The bill differentiates a staffing agency from a health-care worker platform where health-care workers can be listed for hire by a health-care facility.

The bill includes qualifications for a license; criteria for applying for a license and the related fee; and provisions for the issuance, renewal, suspension, or revocation of the license.

On and after April 1, 2023, a person operating an unlicensed staffing agency is guilty of a civil infraction and is subject to a fine and may be subject to civil penalties.

The bill specifies minimum standards for staffing agencies as established by the state board of health (state board) by rule. In part, the minimum standards:

- Require that a staffing agency maintain professional liability insurance, workers' compensation insurance, and a surety bond; and
- Prohibit a staffing agency from restricting employment opportunities of its health-care worker employees, including a prohibition against requiring liquidated damages, employment fees, or other compensation from health-care workers, if the staffing agency employee is hired as a permanent employee by the health-care facility.

A staffing agency shall check the credentials of health-care worker employees and require a background check and a check of the Colorado adult protective services (CAPS) database for employees.

The bill requires each staffing agency to report quarterly to the department concerning the average amount charged for services to health-care facilities and the average amount paid for those services. A staffing agency that fails to report is subject to civil fines and suspension or nonrenewal of its license.

By December 31, 2023, the department shall submit a report to certain committees of the general assembly and to the governor concerning the department's recommendations for caps or other limitations on service rates and amounts charged to health-care facilities for services provided by a staffing agency's health-care workers. In formulating its recommendations, the department shall conduct a stakeholder process with affected providers and agencies.

The bill requires the department to maintain a current list of licensed staffing agencies and make the list publicly available on the department's website.

The bill creates a cash fund for licensing fees and penalties.



1 MANAGEMENT OR POLICIES OF A SUPPLEMENTAL HEALTH-CARE STAFFING  
2 AGENCY; OR

3 (b) AN INDIVIDUAL WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY  
4 OWNS AN INTEREST IN A CORPORATION, PARTNERSHIP, OR OTHER BUSINESS  
5 ASSOCIATION THAT IS A CONTROLLING PERSON.

6 (3) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF  
7 PUBLIC HEALTH AND ENVIRONMENT.

8 (4) "FUND" MEANS THE SUPPLEMENTAL HEALTH-CARE STAFFING  
9 AGENCY CASH FUND CREATED IN SECTION 25-27.3- 112.

10 (5) "HEALTH-CARE FACILITY" MEANS A NURSING CARE FACILITY  
11 OR ASSISTED LIVING RESIDENCE LICENSED BY THE DEPARTMENT PURSUANT  
12 TO SECTION 25-1.5-103 (1)(a).

13 (6) "HEALTH-CARE WORKER" MEANS A NURSE, CERTIFIED NURSE  
14 AIDE, THERAPIST, OR THERAPIST ASSISTANT.

15 (7) "HEALTH-CARE WORKER PLATFORM" OR "PLATFORM" MEANS  
16 ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, OR ASSOCIATION THAT  
17 MAINTAINS A SYSTEM OR TECHNOLOGY THAT PROVIDES A MEDIA OR  
18 INTERNET PLATFORM FOR A HEALTH-CARE WORKER TO BE LISTED AND  
19 IDENTIFIED AS AVAILABLE FOR HIRE BY HEALTH-CARE FACILITIES SEEKING  
20 HEALTH-CARE WORKERS. UNDER A PLATFORM, THE HEALTH-CARE  
21 FACILITY SETS THE HOURLY RATES AND OTHER TERMS OF HIRE AND THE  
22 HEALTH-CARE WORKER, AS AN INDEPENDENT CONTRACTOR AND NOT AS  
23 AN EMPLOYEE OR AGENT OF THE ENTITY THAT MAINTAINS THE PLATFORM,  
24 DECIDES WHETHER TO AGREE TO THE HOURLY RATES AND OTHER TERMS  
25 OF HIRE.

26 (8) "LICENSEE" MEANS A SUPPLEMENTAL HEALTH-CARE STAFFING  
27 AGENCY LICENSED PURSUANT TO THIS ARTICLE 27.3.

1 (9) "NURSE" MEANS A PRACTICAL NURSE OR A REGISTERED NURSE,  
2 AS DEFINED IN SECTION 12-255-104 (7) AND (11), RESPECTIVELY.

3 (10) "PERSON" MEANS AN INDIVIDUAL, FIRM, CORPORATION,  
4 PARTNERSHIP, OR ASSOCIATION.

5 (11) "STATE BOARD" MEANS THE STATE BOARD OF HEALTH.

6 (12) (a) "SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY" OR  
7 "STAFFING AGENCY" MEANS A PERSON THAT EMPLOYS HEALTH-CARE  
8 WORKERS AND, FOR A FEE, ASSIGNS THEM TO TEMPORARY PLACEMENTS IN  
9 HEALTH-CARE FACILITIES.

10 (b) "SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY" DOES NOT  
11 INCLUDE:

12 (I) AN INDIVIDUAL ACTING AS AN INDEPENDENT CONTRACTOR WHO  
13 IS ONLY ENGAGED IN PROVIDING THE INDIVIDUAL'S SERVICES ON A  
14 TEMPORARY BASIS TO HEALTH-CARE FACILITIES; OR

15 (II) A HEALTH-CARE WORKER PLATFORM.

16 (13) "THERAPIST" MEANS A PHYSICAL THERAPIST, AS DEFINED IN  
17 SECTION 12-285-104 (4), OR AN OCCUPATIONAL THERAPIST, AS DEFINED  
18 IN SECTION 12-270-104 (9).

19 (14) "THERAPIST ASSISTANT" MEANS A CERTIFIED PHYSICAL  
20 THERAPIST ASSISTANT, AS DEFINED IN SECTION 12-285-104 (5), OR AN  
21 OCCUPATIONAL THERAPY ASSISTANT, AS DEFINED IN SECTION 12-270-104  
22 (11).

23 **25-27.3-103. License required - civil penalties.** (1) ON OR  
24 AFTER APRIL 1, 2023, IT IS UNLAWFUL FOR ANY PERSON TO CONDUCT OR  
25 MAINTAIN A SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY IN THIS  
26 STATE WITHOUT HAVING OBTAINED A LICENSE FROM THE DEPARTMENT.

27 (2) (a) ANY PERSON WHO VIOLATES THIS SECTION:

1 (I) COMMITS A CIVIL INFRACTION; AND

2 (II) (A) MAY BE SUBJECT TO A CIVIL PENALTY ASSESSED BY THE  
3 DEPARTMENT OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN ONE  
4 HUNDRED DOLLARS FOR EACH DAY THE PERSON IS IN VIOLATION OF THIS  
5 SECTION.

6 (B) A PENALTY ASSESSED PURSUANT TO SUBSECTION (2)(a)(II)(A)  
7 OF THIS SECTION ACCRUES FROM THE DATE THE DEPARTMENT FINDS THE  
8 PERSON IN VIOLATION OF THIS SECTION.

9 (b) THE DEPARTMENT SHALL ASSESS, COLLECT, AND ENFORCE  
10 PENALTIES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AND CREDIT THE  
11 MONEY TO THE FUND. THE DEPARTMENT MAY ENFORCE AND COLLECT A  
12 CIVIL PENALTY AFTER REACHING A DECISION IN ACCORDANCE WITH  
13 PROCEDURES SET FORTH IN SECTION 24-4-105.

14 **25-27.3-104. License - application - issuance - fees - rules.**

15 (1) EACH LOCATION OF A SUPPLEMENTAL HEALTH-CARE STAFFING  
16 AGENCY MUST BE LICENSED BY THE STATE BOARD WITH A SEPARATE  
17 LICENSE.

18 (2) (a) TO OBTAIN AN INITIAL OR RENEWAL SUPPLEMENTAL  
19 HEALTH-CARE STAFFING AGENCY LICENSE, A PERSON SHALL SUBMIT AN  
20 APPLICATION TO THE DEPARTMENT IN THE FORM AND MANNER REQUIRED  
21 BY THE DEPARTMENT. AT A MINIMUM, THE APPLICATION MUST INCLUDE:

22 (I) THE NAMES AND ADDRESSES OF THE DIRECT AND INDIRECT  
23 OWNERS AND THE CONTROLLING PERSON OF THE APPLICANT OR STAFFING  
24 AGENCY;

25 (II) IF THE CONTROLLING PERSON IS A CORPORATION, COPIES OF ITS  
26 ARTICLES OF INCORPORATION AND CURRENT BYLAWS, TOGETHER WITH  
27 THE NAMES AND ADDRESSES OF ITS OFFICERS AND DIRECTORS;

1 (III) SATISFACTORY PROOF OF COMPLIANCE WITH THIS ARTICLE  
2 27.3, INCLUDING THE REQUIREMENT TO OBTAIN AND MAINTAIN  
3 PROFESSIONAL LIABILITY INSURANCE FOR HEALTH-CARE WORKERS;

4 (IV) THE APPLICANT'S DECLARATION THAT THE APPLICANT WILL  
5 COMPLY WITH STATE BOARD RULES RELATING TO THE AVAILABILITY OF  
6 THE STAFFING AGENCY'S RECORDS;

7 (V) ANY OTHER RELEVANT INFORMATION, AS DETERMINED BY THE  
8 STATE BOARD BY RULE, THAT IS NECESSARY FOR THE DEPARTMENT TO  
9 PROPERLY EVALUATE AN APPLICATION FOR LICENSURE; AND

10 (VI) A LICENSE FEE IN THE AMOUNT SET BY THE STATE BOARD BY  
11 RULE.

12 (b) IF THE APPLICANT OR STAFFING AGENCY FAILS TO SUBMIT A  
13 COMPLETE APPLICATION FOR AN INITIAL LICENSE OR LICENSE RENEWAL,  
14 THE DEPARTMENT MAY REFUSE TO ISSUE A LICENSE OR IMMEDIATELY  
15 SUSPEND A STAFFING AGENCY'S LICENSE.

16 (3)(a) THE DEPARTMENT SHALL INVESTIGATE AND APPROVE EACH  
17 INITIAL APPLICATION AND EACH RENEWAL APPLICATION FOR A LICENSE.  
18 THE DEPARTMENT SHALL NOT ISSUE OR RENEW A LICENSE IF A  
19 CONTROLLING PERSON HAS BEEN CONVICTED OF A FELONY OR OF A  
20 MISDEMEANOR THAT INVOLVES MORAL TURPITUDE OR INVOLVES CONDUCT  
21 THAT THE DEPARTMENT OR THE STATE BOARD BY RULE DETERMINES  
22 COULD POSE A RISK TO THE HEALTH, SAFETY, AND WELFARE OF THE  
23 PATIENTS OR RESIDENTS OF A HEALTH-CARE FACILITY.

24 (b) WITH SUBMISSION OF AN APPLICATION PURSUANT TO THIS  
25 SECTION, EACH CONTROLLING PERSON SHALL SUBMIT A COMPLETE SET OF  
26 THE PERSON'S FINGERPRINTS TO THE COLORADO BUREAU OF  
27 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED

1 CRIMINAL HISTORY RECORD CHECK. UPON COMPLETION OF THE CRIMINAL  
2 HISTORY RECORD CHECK, THE BUREAU SHALL FORWARD THE RESULTS TO  
3 THE DEPARTMENT. THE DEPARTMENT MAY ACQUIRE A NAME-BASED  
4 CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT WHO HAS TWICE  
5 SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
6 AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.

7 (4) THE DEPARTMENT SHALL ISSUE OR RENEW A LICENSE TO  
8 OPERATE A SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY WHEN IT IS  
9 SATISFIED THAT THE APPLICANT OR LICENSEE IS IN COMPLIANCE WITH THE  
10 REQUIREMENTS SET FORTH IN THIS ARTICLE 27.3 AND THE RULES  
11 PROMULGATED PURSUANT TO THIS ARTICLE 27.3.

12 (5) WHEN AN APPLICATION FOR AN INITIAL LICENSE HAS BEEN  
13 DENIED BY THE DEPARTMENT, THE DEPARTMENT SHALL PROVIDE NOTICE  
14 TO THE APPLICANT BY MAILING A NOTICE TO THE APPLICANT AT THE  
15 ADDRESS LISTED ON THE APPLICATION. ANY APPLICANT AGGRIEVED BY  
16 THE DENIAL OF A LICENSE MAY SEEK REVIEW AS PROVIDED IN ARTICLE 4  
17 OF TITLE 24, AND THE DEPARTMENT SHALL FOLLOW THE PROCEDURES  
18 SPECIFIED IN ARTICLE 4 OF TITLE 24.

19 (6) (a) THE STATE BOARD SHALL ESTABLISH BY RULE A SCHEDULE  
20 OF FEES FOR LICENSING SUPPLEMENTAL HEALTH-CARE STAFFING AGENCIES  
21 THAT IS SUFFICIENT TO MEET THE DEPARTMENT'S DIRECT AND INDIRECT  
22 COSTS TO ADMINISTER AND ENFORCE THIS ARTICLE 27.3.

23 (b) THE DEPARTMENT SHALL ASSESS AND COLLECT FEES FROM  
24 STAFFING AGENCIES IN ACCORDANCE WITH THE FEE SCHEDULE  
25 ESTABLISHED BY THE STATE BOARD IN SUBSECTION (6)(a) OF THIS SECTION  
26 AND SHALL TRANSMIT FEES COLLECTED PURSUANT TO THIS SECTION TO  
27 THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.



1 (c) IN ADDITION TO USING THE FEES FOR THE DEPARTMENT'S  
2 DIRECT AND INDIRECT COSTS OF ADMINISTERING AND ENFORCING THIS  
3 ARTICLE 27.3, THE DEPARTMENT MAY USE THE FEES COLLECTED PURSUANT  
4 TO THIS SUBSECTION (6) TO PROVIDE TECHNICAL ASSISTANCE AND  
5 EDUCATION TO STAFFING AGENCIES RELATING TO COMPLIANCE IWTH  
6 COLORADO LAW.

7 (7) (a) A LICENSE OR RENEWAL OF A LICENSE ISSUED BY THE  
8 DEPARTMENT PURSUANT TO THIS SECTION IS EFFECTIVE FOR A PERIOD OF  
9 ONE YEAR AFTER THE DATE OF ISSUANCE UNLESS THE LICENSE IS REVOKED  
10 OR SUSPENDED IN ACCORDANCE WITH SECTION 25-27.3-107, OR UNLESS  
11 THE SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY IS SOLD OR  
12 OWNERSHIP OR MANAGEMENT IS TRANSFERRED TO A DIFFERENT  
13 CONTROLLING PERSON.

14 (b) IF A SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY IS SOLD  
15 OR OWNERSHIP OR MANAGEMENT IS TRANSFERRED TO A DIFFERENT  
16 CONTROLLING PERSON, THE DEPARTMENT SHALL REVOKE THE STAFFING  
17 AGENCY'S LICENSE AND THE NEW CONTROLLING PERSON MAY APPLY FOR  
18 A NEW LICENSE.

19 (8) NOTHING IN THIS ARTICLE 27.3 PREVENTS ANY HEALTH-CARE  
20 WORKER PLATFORM FROM ACCESSING STATE RESOURCES NECESSARY TO  
21 QUALIFY AND CREDENTIAL A HEALTH-CARE WORKER IN ORDER TO BE  
22 HIRED BY A HEALTH-CARE FACILITY, INCLUDING STATE BACKGROUND  
23 CHECK SYSTEMS, NURSE REGISTRIES, AND ABUSE AND NEGLECT  
24 REGISTRIES.

25 **25-27.3-105. Minimum standards - rules.** (1) THE STATE BOARD  
26 MAY PROMULGATE ANY RULES NECESSARY FOR THE IMPLEMENTATION OF  
27 THIS ARTICLE 27.3.

1           (2) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING  
2           MINIMUM STANDARDS FOR THE OPERATION OF SUPPLEMENTAL  
3           HEALTH-CARE STAFFING AGENCIES. THE STATE BOARD SHALL  
4           PROMULGATE INITIAL RULES NO LATER THAN JANUARY 1, 2023. AT A  
5           MINIMUM, THE STATE BOARD'S RULES MUST REQUIRE A SUPPLEMENTAL  
6           HEALTH-CARE STAFFING AGENCY TO:

7           (a) ENSURE AND DOCUMENT THAT EACH OF ITS HEALTH-CARE  
8           WORKERS PLACED IN A HEALTH-CARE FACILITY HAS A CURRENT,  
9           UNRESTRICTED LICENSE OR CERTIFICATION IN GOOD STANDING AND MEETS  
10          THE TRAINING AND CONTINUING EDUCATION STANDARDS FOR THE  
11          POSITION IN WHICH THE HEALTH-CARE WORKER WILL BE WORKING;

12          (b) COMPLY WITH ALL PERTINENT REQUIREMENTS RELATING TO  
13          THE HEALTH AND OTHER QUALIFICATIONS OF HEALTH-CARE WORKERS  
14          PLACED IN A HEALTH-CARE FACILITY, INCLUDING ENSURING THAT ALL  
15          HEALTH-CARE WORKERS MEET REQUIREMENTS FOR INFLUENZA AND  
16          COVID-19 VACCINATIONS AND REQUIRED BACKGROUND CHECKS;

17          (c) PROVIDE EVIDENCE OF AND MAINTAIN PROFESSIONAL LIABILITY  
18          INSURANCE IN AN AMOUNT DETERMINED BY THE STATE BOARD BY RULE;

19          (d) MAINTAIN A SURETY BOND IN THE AMOUNT OF TEN THOUSAND  
20          DOLLARS;

21          (e) MAINTAIN WORKERS' COMPENSATION INSURANCE COVERAGE  
22          IN ACCORDANCE WITH ARTICLES 40 TO 47 OF TITLE 8 FOR ALL  
23          HEALTH-CARE WORKERS EMPLOYED BY THE STAFFING AGENCY;

24          (f) FILE WITH THE DEPARTMENT:

25                (I) THE NAME AND ADDRESS OF THE FINANCIAL INSTITUTION IN  
26          WHICH THE STAFFING AGENCY DEPOSITS ALL EMPLOYEE INCOME TAX  
27          WITHHOLDINGS; AND

1           (II) THE NAME AND ADDRESS OF ANY HEALTH-CARE WORKER  
2 WHOSE INCOME IS DERIVED FROM PLACEMENT BY THE STAFFING AGENCY,  
3 IF THE STAFFING AGENCY PURPORTS THE INCOME IS NOT SUBJECT TO  
4 WITHHOLDING;

5           (g) NOT RESTRICT IN ANY MANNER THE EMPLOYMENT  
6 OPPORTUNITIES OF HEALTH-CARE WORKERS EMPLOYED BY THE STAFFING  
7 AGENCY;

8           (h) NOT, IN ANY CONTRACT WITH ANY EMPLOYEE OR HEALTH-CARE  
9 FACILITY, REQUIRE THE PAYMENT OF LIQUIDATED DAMAGES, EMPLOYMENT  
10 FEES, OR OTHER COMPENSATION IF AN EMPLOYEE PLACED BY THE  
11 STAFFING AGENCY IS HIRED AS A PERMANENT EMPLOYEE OF A  
12 HEALTH-CARE FACILITY;

13           (i) DOCUMENT THAT EACH HEALTH-CARE WORKER PROVIDING  
14 SERVICES IN A HEALTH-CARE FACILITY IS AN EMPLOYEE OF THE STAFFING  
15 AGENCY AND IS NOT AN INDEPENDENT CONTRACTOR; AND

16           (j) RETAIN ALL RECORDS FOR SIX CALENDAR YEARS. ALL RECORDS  
17 OF THE STAFFING AGENCY MUST BE IMMEDIATELY AVAILABLE TO THE  
18 DEPARTMENT.

19           **25-27.3-106. Employee - criminal history record check - adult**  
20 **protective services system record check.** (1) A SUPPLEMENTAL  
21 HEALTH-CARE STAFFING AGENCY SHALL:

22           (a) REQUIRE A HEALTH-CARE WORKER SEEKING EMPLOYMENT  
23 WITH THE STAFFING AGENCY TO SUBMIT TO A CRIMINAL HISTORY RECORD  
24 CHECK NOT MORE THAN NINETY DAYS BEFORE EMPLOYMENT, AT THE  
25 STAFFING AGENCY'S EXPENSE;

26           (b) INQUIRE OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS  
27 IN THE DEPARTMENT OF REGULATORY AGENCIES OR RELEVANT

1 REGULATORY BOARD FOR THE APPLICABLE PROFESSION OR OCCUPATION  
2 TO ENSURE THAT THE HEALTH-CARE WORKER'S LICENSE OR CERTIFICATION  
3 IS IN GOOD STANDING WITH THE DIVISION OR REGULATORY BOARD; AND

4 (c) OBTAIN A CHECK OF THE ADULT PROTECTIVE SERVICES DATA  
5 SYSTEM PURSUANT TO SECTION 26-3.1-111 FOR ANY EMPLOYEE OF THE  
6 STAFFING AGENCY, AS DEFINED IN SECTION 26-3.1-111 (2).

7 **25-27.3-107. License denial - suspension - revocation - failure**  
8 **to renew - intermediate restrictions on license - complaints against**  
9 **licensee.** (1) THE DEPARTMENT:

10 (a) MAY REVOKE, SUSPEND, OR FAIL TO RENEW A SUPPLEMENTAL  
11 HEALTH-CARE STAFFING AGENCY'S LICENSE IF THE STAFFING AGENCY HAS  
12 FAILED TO COMPLY WITH MINIMUM STANDARDS FOR SUPPLEMENTAL  
13 HEALTH-CARE STAFFING AGENCIES SET FORTH IN STATE BOARD RULES  
14 PROMULGATED PURSUANT TO SECTION 25-27.3-105, AS WELL AS ANY  
15 OTHER RULES PROMULGATED BY THE STATE BOARD TO IMPLEMENT THIS  
16 ARTICLE 27.3;

17 (b) SHALL NOT RENEW A SUPPLEMENTAL HEALTH-CARE STAFFING  
18 AGENCY'S LICENSE IF THE STAFFING AGENCY HAS NOT REFERRED A  
19 HEALTH-CARE WORKER OR OTHERWISE PROVIDED SERVICES TO A  
20 HEALTH-CARE FACILITY IN THE YEAR IMMEDIATELY PRECEDING THE  
21 STAFFING AGENCY'S RENEWAL DATE. IF THE STAFFING AGENCY'S LICENSE  
22 IS NOT RENEWED PURSUANT TO THIS SUBSECTION (1)(b), THE STAFFING  
23 AGENCY MUST APPLY FOR AND OBTAIN A NEW LICENSE IN ORDER TO  
24 CONDUCT OPERATIONS AS A STAFFING AGENCY.

25 (c) SHALL NOT ISSUE OR RENEW AND SHALL REVOKE OR SUSPEND  
26 A SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY'S LICENSE IF:

27 (I) THE STAFFING AGENCY KNOWINGLY PROVIDES TO A

1 HEALTH-CARE FACILITY A HEALTH-CARE WORKER WHO HAS AN ILLEGALLY  
2 OR FRAUDULENTLY OBTAINED OR ISSUED DIPLOMA, REGISTRATION,  
3 LICENSE, CERTIFICATION, OR OTHER REQUIRED CREDENTIAL OR  
4 BACKGROUND CHECK OR CRIMINAL HISTORY RECORD CHECK;

5 (II) THE CONTROLLING PERSON WAS THE CONTROLLING PERSON OF  
6 A STAFFING AGENCY FOR WHICH THE DEPARTMENT HAS FAILED TO RENEW  
7 THE LICENSE OR HAS SUSPENDED OR REVOKED THE LICENSE FOR  
8 NONCOMPLIANCE WITH THIS ARTICLE 27.3 AT ANY TIME DURING THE FIVE  
9 YEARS IMMEDIATELY FOLLOWING THE NONRENEWAL, SUSPENSION, OR  
10 REVOCATION; OR

11 (III) THE CONTROLLING PERSON INCLUDES ANY PERSON WHO WAS  
12 A CONTROLLING PERSON OF A STAFFING AGENCY DESCRIBED IN  
13 SUBSECTION (1)(c)(II) OF THIS SECTION.

14 (2) IF THE DEPARTMENT DENIES AN INITIAL LICENSE, SUSPENDS,  
15 REVOKES, OR FAILS TO RENEW A LICENSE, THE DEPARTMENT SHALL  
16 COMPLY WITH THE REQUIREMENTS OF ARTICLE 4 OF TITLE 24 IN TAKING  
17 THE ACTION.

18 (3) THE DEPARTMENT MAY IMPOSE INTERMEDIATE RESTRICTIONS  
19 OR CONDITIONS ON THE SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY'S  
20 LICENSE AS DETERMINED BY THE STATE BOARD BY RULE AND SHALL  
21 PROVIDE TIMELY NOTICE OF THE RESTRICTIONS OR CONDITIONS TO THE  
22 STAFFING AGENCY. THE STAFFING AGENCY MAY APPEAL AN INTERMEDIATE  
23 RESTRICTION TO THE DEPARTMENT THROUGH AN INFORMAL REVIEW  
24 PROCESS ESTABLISHED BY THE DEPARTMENT. IF THE STAFFING AGENCY IS  
25 NOT SATISFIED WITH THE RESULT OF THE INFORMAL REVIEW OR DOES NOT  
26 SEEK AN INFORMAL REVIEW, THE DEPARTMENT SHALL NOT IMPOSE AN  
27 INTERMEDIATE RESTRICTION OR CONDITION ON THE STAFFING AGENCY

1 UNTIL AFTER THE STAFFING AGENCY IS AFFORDED AN OPPORTUNITY FOR  
2 A HEARING PURSUANT TO SECTION 24-4-105.

3 (4) THE STATE BOARD SHALL ESTABLISH BY RULE A PROCESS TO BE  
4 ADMINISTERED BY THE DEPARTMENT FOR RECEIVING AND INVESTIGATING  
5 COMPLAINTS AGAINST LICENSEES RELATING TO A LICENSEE'S COMPLIANCE  
6 WITH THIS ARTICLE 27.3 AND STATE BOARD RULES.

7 **25-27.3-108. Required reporting to department concerning**  
8 **services provided - penalty.** (1) COMMENCING WITH THE QUARTER  
9 ENDING JUNE 30, 2023, AND EACH QUARTER THEREAFTER, EACH  
10 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY SHALL SUBMIT A  
11 QUARTERLY REPORT TO THE DEPARTMENT CONCERNING THE SERVICES  
12 PROVIDED BY THE STAFFING AGENCY TO A HEALTH-CARE FACILITY  
13 PARTICIPATING IN THE MEDICARE PROGRAM OR THE MEDICAL ASSISTANCE  
14 PROGRAM ESTABLISHED IN ARTICLES 4, 5, AND 6 OF TITLE 25.5. THE  
15 QUARTERLY REPORT MUST INCLUDE THE FOLLOWING:

16 (a) A DETAILED LISTING OF THE AVERAGE AMOUNT CHARGED FOR  
17 HEALTH-CARE SERVICES IN THE PRECEDING QUARTER FOR EACH CATEGORY  
18 OF HEALTH-CARE WORKER PROVIDING SERVICES TO A HEALTH-CARE  
19 FACILITY; AND

20 (b) A DETAILED LISTING OF THE AVERAGE AMOUNT PAID FOR  
21 SERVICES IN THE PRECEDING QUARTER FOR EACH CATEGORY OF  
22 HEALTH-CARE WORKER PROVIDING SERVICES TO A HEALTH-CARE FACILITY.

23 (2) THE DEPARTMENT SHALL POST ON ITS WEBSITE THE  
24 INFORMATION REPORTED PURSUANT TO SUBSECTION (1) OF THIS SECTION  
25 AND SHALL PROVIDE THE INFORMATION TO ANYONE REQUESTING THE  
26 INFORMATION UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF  
27 ARTICLE 72 OF TITLE 24.

1 (3) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY AGAINST A  
2 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY THAT FAILS TO PROVIDE  
3 THE INFORMATION REQUIRED PURSUANT TO SUBSECTION (1) OF THIS  
4 SECTION. UPON REPEATED FAILURE TO PROVIDE THE INFORMATION, THE  
5 DEPARTMENT MAY REVOKE A STAFFING AGENCY'S LICENSE FOR A PERIOD  
6 OF UP TO ONE YEAR OR THE DEPARTMENT MAY FAIL TO RENEW THE  
7 STAFFING AGENCY'S LICENSE.

8 **25-27.3-109. Report - recommendations concerning limitations**  
9 **on service rates - repeal.** (1) ON OR BEFORE DECEMBER 31, 2023, THE  
10 DEPARTMENT SHALL SUBMIT A REPORT TO THE HEALTH AND INSURANCE  
11 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, THE HEALTH AND  
12 HUMAN SERVICES COMMITTEE OF THE SENATE, THE JOINT BUDGET  
13 COMMITTEE, AND THE GOVERNOR CONCERNING THE DEPARTMENT'S  
14 RECOMMENDATIONS FOR DETERMINING CAPS AND OTHER LIMITATIONS ON  
15 SERVICE RATES AND THE AMOUNT THAT A SUPPLEMENTAL HEALTH-CARE  
16 STAFFING AGENCY MAY CHARGE HEALTH-CARE FACILITIES ANNUALLY FOR  
17 EACH CATEGORY OF HEALTH-CARE WORKER PROVIDING SERVICES TO  
18 HEALTH-CARE FACILITIES.

19 (2) IN FORMULATING RECOMMENDATIONS, THE DEPARTMENT  
20 SHALL CONDUCT A STAKEHOLDER PROCESS FOR AFFECTED STAKEHOLDERS,  
21 INCLUDING REPRESENTATIVES OF LONG-TERM, ACUTE, AND PRIMARY CARE  
22 SERVICE PROVIDERS, AND REPRESENTATIVES FROM THE DEPARTMENT OF  
23 HEALTH CARE POLICY AND FINANCING, THE DEPARTMENT OF HUMAN  
24 SERVICES, AND THE GOVERNOR'S OFFICE.

25 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

26 **25-27.3-110. Article does not prohibit health-care worker**  
27 **contracting.** NOTHING IN THIS ARTICLE 27.3 IS APPLICABLE TO ANY

1 INDIVIDUAL HEALTH-CARE WORKER WHO SEPARATELY NEGOTIATES AND  
2 ENTERS INTO AN AGREEMENT WITH A HEALTH-CARE FACILITY TO PROVIDE  
3 SERVICES FOR COMPENSATION, EITHER DIRECTLY OR THROUGH A  
4 HEALTH-CARE WORKER PLATFORM.

5 **25-27.3-111. List of licensed staffing agencies.** THE  
6 DEPARTMENT SHALL MAINTAIN A CURRENT LIST OF LICENSED  
7 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCIES AND SHALL MAKE THE  
8 LIST PUBLICLY AVAILABLE ON THE DEPARTMENT'S WEBSITE.

9 **25-27.3-112. Supplemental health-care staffing agency cash**  
10 **fund.** (1) THE SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY CASH  
11 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS  
12 OF MONEY CREDITED TO THE FUND PURSUANT TO THIS ARTICLE 27.3.

13 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
14 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
15 FUND TO THE FUND.

16 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
17 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND TO  
18 CARRY OUT ITS DUTIES UNDER THIS ARTICLE 27.3.

19 **SECTION 2. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly; except  
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
23 of the state constitution against this act or an item, section, or part of this  
24 act within such period, then the act, item, section, or part will not take  
25 effect unless approved by the people at the general election to be held in  
26 November 2022 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.