

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 23-1030

BY REPRESENTATIVE(S) Sirota and Soper, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Dickson, Duran, English, Epps, Garcia, Gonzales-Gutierrez, Hamrick, Jodeh, Lieder, Lindsay, Mabrey, McCormick, Ortiz, Ricks, Snyder, Titone, Velasco, Weissman, Willford, Woodrow, Young, McCluskie, Amabile;
also SENATOR(S) Hinrichsen, Cutter, Ginal, Kolker, Moreno, Rodriguez, Winter F., Zenzinger.

CONCERNING A PROHIBITION AGAINST REQUIRING COMPENSATION TO A HEALTH-CARE STAFFING AGENCY IF A CONTRACTED HEALTH-CARE FACILITY HIRES THE HEALTH-CARE STAFFING AGENCY'S EMPLOYEE AS A PERMANENT EMPLOYEE OF THE HEALTH-CARE FACILITY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 8-4-125, **add** (2.5) as follows:

8-4-125. Supplemental health-care staffing agencies - annual certification - contract restrictions - penalty - civil action - reporting - definitions. (2.5) (a) IN ANY CONTRACT OR AGREEMENT BETWEEN A SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY AND A HEALTH-CARE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

WORKER OR HEALTH-CARE FACILITY CONCERNING THE PLACEMENT OF A HEALTH-CARE WORKER WHO IS A NURSING PROFESSIONAL LICENSED OR CERTIFIED PURSUANT TO ARTICLE 255 OF TITLE 12, EXCEPT FOR LIQUIDATED DAMAGES, EMPLOYMENT FEES, OR OTHER COMPENSATION ATTRIBUTABLE TO AND CHARGEABLE FOR A THIRTY-CALENDAR-DAY PERIOD COMMENCING WHEN THE HEALTH-CARE WORKER IS FIRST PLACED AT A HEALTH-CARE FACILITY, IT IS UNLAWFUL FOR THE SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY TO REQUIRE THE PAYMENT OF LIQUIDATED DAMAGES, EMPLOYMENT FEES, OR OTHER COMPENSATION TO THE SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY IF THE HEALTH-CARE FACILITY HIRES THE HEALTH-CARE WORKER AS A PERMANENT EMPLOYEE EITHER PRIOR TO OR AFTER THE TERMINATION OF THE CONTRACT OR AGREEMENT WITH THE SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY.

(b) IF A SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY COLLECTS OR ATTEMPTS TO COLLECT LIQUIDATED DAMAGES, EMPLOYMENT FEES, OR OTHER COMPENSATION FROM A HEALTH-CARE WORKER OR HEALTH-CARE FACILITY IN VIOLATION OF SUBSECTION (2.5)(a) OF THIS SECTION, THE HEALTH-CARE WORKER OR HEALTH-CARE FACILITY MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION FOR DAMAGES, A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS PER VIOLATION, AND INJUNCTIVE RELIEF. THE PREVAILING PARTY TO AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION (2.5)(b) IS ENTITLED TO REASONABLE ATTORNEY FEES.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO