



MURIEL BOWSER
MAYOR

May 7, 2020

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Suite 504
Washington, D.C. 20004

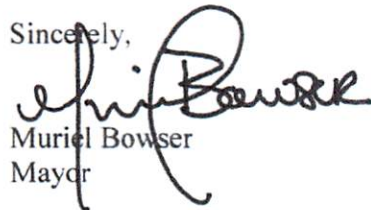
Dear Chairman Mendelson:


Enclosed for consideration by the Council of the District of the Columbia is the "Nurse Staffing Agency Amendment Act of 2020." The bill clarifies the authority of nurse staffing agencies by deleting any reference to a nurse staffing agency providing personnel to individuals.

The term "nurse staffing agency" is currently defined in the Nurse Staffing Agency Act of 2003 as an entity that is licensed to provide personnel to health care facilities and *to individuals*. Some providers and consumers wrongly interpret the reference to "individual" as allowing a nurse staffing agency to provide services to an individual in his or her home. This bill eliminates all references to the provision of personnel to individuals and clarifies that nurse staffing agencies are only authorized to provide personnel to health care facilities and agencies.

The Department of Health determined that the misunderstanding of the current law is significant enough to place some residents' health in the hands of unqualified businesses, and thus, potentially at risk. The Department believes that this legislation will provide needed protection to consumers.

I urge the Council to take prompt and favorable action on this legislation.

Sincerely,

Muriel Bowser
Mayor


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Nurse Staffing Agency Act of 2003 to clarify that nurse staffing agencies are only authorized to provide personnel to a health care facility or agency, not to an individual.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Nurse Staffing Agency Amendment Act of 2020”.

Sec. 2. The Nurse Staffing Agency Act of 2003, effective March 10, 2004 (D.C. Law 15-74; D.C. Official Code § 44-1051.01 *et seq.*), is amended as follows:

(a) Section 2(7) (D.C. Official Code § 44-1051.02(7)) is amended as follows:

(1) The lead-in text is amended by striking the phrase “, or to an individual,”.

(2) Subparagraph (C) is amended by striking the phrase “, or to an individual,”.

(b) Section 3 (D.C. Official Code § 44-1051.03) is amended by striking the phrase “, or to an individual,”.

(c) Section 6(b) (D.C. Official Code § 44-1051.06(b)) is amended by striking the phrase “, and individuals”.

(d) Section 11(a) (D.C. Official Code § 44-1051.11(a)) is amended by striking the phrase “, or to an individual,”.

33 (e) Section 12 (D.C. Official Code § 44-1051.12) is amended by striking the phrase “, or
34 to an individual,”.

35 (f) Section 13 (D.C. Official Code § 44-1051.13) is amended by striking the phrase “, or
36 to an individual,”.

37 (g) Section 15 (D.C. Official Code § 44-1051.15) is amended as follows:

38 (1) Paragraph (9) is amended by striking the phrase “, or to an individual”.

39 (2) Paragraph (10) is amended by striking the phrase “, or to an individual”.

40 (h) Section 16(b)(1) (D.C. Official Code § 44-1051.16(b)(1)) is amended by striking the
41 phrase “, or to individuals”.

42 Sec. 3. Fiscal impact statement.

43 The Council adopts the fiscal impact statement in the committee report as the fiscal
44 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
45 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-30147a). .

46 Sec. 4. Effective date.

47 This act shall take effect following approval by the Mayor (or in the event of veto by the
48 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
49 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
50 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
51 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM


TO: Gianelle Rivera
Deputy Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: December 10, 2019

SUBJECT: Legal Sufficiency Review of Draft Bill, "Nurse Staffing Agency Amendment Act of 2019"
(AE-19-740)

This is to Certify that this Office has reviewed the above-referenced draft bill and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.



Brian K. Flowers

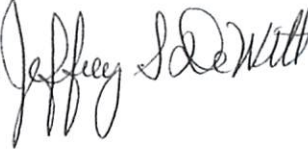
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: December 18, 2019

SUBJECT: Fiscal Impact Statement – Nurse Staffing Agency Amendment Act of 2019

REFERENCE: Draft Print as shared with the Office of Revenue Analysis on December 12, 2019

Conclusion

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill.

Background

The bill clarifies¹ that nurse staffing agencies are only allowed to provide employment services to health care facilities and health care agencies. Nurse staffing agencies are prohibited from providing direct services to individuals, such as overseeing care, supervising the provision of patient care, or maintaining patient care records.

Financial Plan Impact

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill. The Department of Health does not require additional resources to implement the bill.

¹ By amending the Nurse Staffing Agency Act of 2003, effective March 10, 2004 (D.C. Law 15-74; D.C. Official Code § 44-1051 et seq.).