

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1757

By: Garvin

AS INTRODUCED

An Act relating to health care; defining terms; prohibiting healthcare staffing agency from charging fee in excess of certain amount; authorizing certain civil actions; making healthcare staffing agency liable for certain violation under specified conditions; authorizing certain relief; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-714.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Covered facility" means:

- a. a hospital licensed under Section 1-702 of Title 63 of the Oklahoma Statutes, or
- b. a nursing facility or specialized facility licensed under the Nursing Home Care Act, Section 1-1902 et seq. of Title 63 of the Oklahoma Statutes;

1           2. "Healthcare staffing agency" means a company that provides  
2 temporary nursing services for covered facilities needing to fill  
3 vacant shifts in exchange for a fee; and

4           3. "Healthcare worker" means a nurse, nurse aide, or any other  
5 direct care clinical staff that is employed by a healthcare staffing  
6 agency and that provides nursing services to a patient or resident  
7 of a covered facility.

8           B. If a healthcare staffing agency places a healthcare worker  
9 in a covered facility who was previously employed by the covered  
10 facility for any period of time within the preceding two (2) years,  
11 the fee charged by the healthcare staffing agency for that  
12 healthcare worker shall not, when converted to an hourly wage,  
13 exceed one hundred five percent (105%) of the highest hourly wage  
14 paid to the healthcare worker by the covered facility when the  
15 worker was employed by the facility.

16           C. 1. A covered facility may bring an action against a  
17 healthcare staffing agency alleging a violation of subsection B of  
18 this section. A healthcare staffing agency found in violation of  
19 subsection B of this section shall be liable if:

20           a. the covered facility, prior to bringing the action,  
21 notified the healthcare staffing agency of a fee in  
22 excess of the limit imposed by subsection B of this  
23 section and provided accurate and detailed records of  
24

1 the employee's pay to the healthcare staffing agency  
2 to support the allegation, and

3 b. the healthcare staffing agency failed to promptly  
4 correct the violation.

5 2. The court may award actual damages, punitive damages, court  
6 costs, reasonable attorney fees, injunctive relief, and any other  
7 appropriate relief to a prevailing plaintiff.

8 SECTION 2. This act shall become effective November 1, 2024.

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