

CHAPTER 242
SB 149-FN - FINAL VERSION

03/16/2023 0852s
03/16/2023 1013s
4May2023... 1463h
06/29/2023 2248EBA

2023 SESSION

23-1035
09/04

SENATE BILL ***149-FN***

AN ACT relative to nurse agencies.

SPONSORS: Sen. Rosenwald, Dist 13; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Soucy, Dist 18; Sen. Altschiller, Dist 24; Sen. Chandley, Dist 11; Sen. Prentiss, Dist 5; Sen. D'Allesandro, Dist 20; Rep. N. Murphy, Hills. 12; Rep. M. Murray, Hills. 37; Rep. Bouldin, Hills. 25

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a licensing and application process for nurse agencies.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to nurse agencies.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 242:1 New Chapter; Nurse Agency Registration. Amend RSA by inserting after chapter 326-L the
2 following new chapter:

3 CHAPTER 326-M
4 NURSE AGENCY REGISTRATION

5 326-M:1 Definitions. In this chapter:

6 I. "Nurse agency" means any individual, firm, corporation, partnership or other legal entity that
7 employs, assigns or refers nurses or licensed nursing assistants to a health care facility on a per diem or
8 temporary basis for a fee. The term "nurse agency" includes an agency that employs, assigns, or refers
9 such personnel through the use of apps or other technology based solutions or platforms. The term
10 "nurse agency" shall not include services provided by home health agencies licensed and operated under
11 RSA 151:2-b, any entity wholly owned by a health care facility or facilities separately licensed under RSA
12 151, nor shall it include any individual offering only his or her services.

13 II. "Director" means the executive director of the office of professional licensure and certification.

14 326-M:2 Nurse Agency Registration Applications.

15 I. Beginning January 1, 2024, a nurse agency seeking to do business in the state shall submit an
16 application to the office of professional licensure and certification.

17 II. The director shall adopt rules, pursuant to RSA 541-A, relative to the registration application
18 form and content, and the registration application procedures.

19 III. An application fee in accordance with rules adopted by the office of professional licensure and
20 certification, pursuant to RSA 541-A. All applicants shall certify in writing, under oath, that their
21 application is complete and accurate.

22 IV. Any applicant who, after notice and hearing, is found to have submitted false or misleading
23 information to the office shall be punished by a fine, pursuant to RSA 541-A, and the revocation or
24 suspension of the applicant's registration.

25 V. After notice and hearing the director may revoke or suspend any registration issued under this
26 chapter if the registrant:

27 (a) Is found to have violated any requirement or rule under this chapter and fails to cure such
28 violation within a reasonable time prescribed by the director following such finding;

29 (b) Willfully and without justification fails to respond to any lawful inquiry of the director after
30 reasonable notice; or

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1 (c) Is under a suspension or revocation of a registration, similar to one issued under this
2 chapter, in another jurisdiction and is not reinstated.

3 326-M:3 Contracts Between Nurse Agencies and Health Care Facilities.

4 I. Nurse agencies shall not commit the services of a single nurse or licensed nursing assistant to
5 more than one health care facility for the same time period or shift and cancel a commitment to a facility,
6 or compel that facility to bid again for services already promised it.

7 II. Nurse agencies shall not recruit potential employees on the premises of a health care facility.

8 III. Nurse agencies may not charge a health care facility a higher amount based upon the
9 presence in that facility of a communicable virus, except in the case of a state or local declaration of a
10 public health emergency.

11 IV. Nurse agencies may not facilitate the placement of any licensed professional with a license
12 that is suspended.

13 326-M:4 Rulemaking. The executive director of the office of professional licensure and certification
14 shall adopt rules, pursuant to RSA 541-A, relative to the necessary forms, application procedures, and
15 fees required under this chapter.

16 242:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 08, 2023
Effective Date: October 07, 2023

