

ASSEMBLY, No. 1394

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman VANDERVALK

1 AN ACT concerning health care services temporary agencies and
2 supplementing Title 26 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. As used in this act:

8 "Commissioner" means the Commissioner of Health.

9 "Health care facility" means a health care facility licensed pursuant
10 to P.L.1971, c.136 (C.26:2H-1 et seq.).

11 "Health care service" means a preventive, diagnostic or therapeutic
12 health service provided in the recipient's residence, or to a patient in
13 a health care facility under a contractual agreement between the
14 facility and a health care services temporary agency, including, but not
15 limited to, nursing, nutritional and personal care services and physical,
16 speech, occupational, respiratory, intravenous and related therapies.

17 "Health care services temporary agency" means a person,
18 partnership, corporation, company, trust or other business entity,
19 whether for-profit or nonprofit, who arranges or provides one or more
20 health care services, or who is engaged in the business of procuring or
21 offering to procure employment for persons to provide one or more
22 health care services, where a fee is exacted, charged or received
23 directly or indirectly for procuring or offering to procure that
24 employment. A health care services temporary agency does not
25 include a home health care agency licensed pursuant to P.L.1971,
26 c.136 (C.26:2H-1 et seq.).

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28 2. a. The operator of a health care services temporary agency who
29 procures or offers to procure employment for an employee of that
30 agency which would require the employee to perform duties for which
31 the employee is not qualified by law is liable to a civil penalty of not
32 less than \$2,000 and not more than \$5,000 for each offense, to be
33 collected and enforced by summary proceedings pursuant to "the
34 penalty enforcement law," N.J.S.2A:58-1 et seq. If the violation is of
35 a continuing nature, each day during which it continues shall constitute
36 a separate offense.

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3 Penalizes health care facilities and health care services temporary
4 agencies for utilizing temporary health care personnel improperly.