

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0467.01 Brita Darling x2241

HOUSE BILL 23-1030

HOUSE SPONSORSHIP

Sirota,

SENATE SPONSORSHIP

Hinrichsen,

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a supplemental health-care staffing agency (staffing agency) from including in a contract or agreement with a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
February 2, 2023

health-care worker, nursing care facility, or assisted living residence a provision for liquidated damages, employment fees, or other compensation to be paid to the staffing agency if the nursing care facility or assisted living residence hires the health-care worker as a permanent employee either prior to or after the termination of the contract or agreement.

A staffing agency that violates the prohibition commits a civil infraction and is subject to a monetary penalty. Further, for repeated or willful violations, the executive director of the department of labor and employment may impose monetary or administrative penalties against the staffing agency.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-4-125, **add**
3 **(2.5) as follows:**

4 **8-4-125. Supplemental health-care staffing agencies - annual**
5 **certification - contract restrictions - penalty - civil action - reporting**
6 **- definitions.**

7
8 (2.5) (a) IN ANY CONTRACT OR AGREEMENT BETWEEN A
9 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY AND A HEALTH-CARE
10 WORKER OR HEALTH-CARE FACILITY, IT IS UNLAWFUL FOR THE
11 SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY TO REQUIRE THE
12 PAYMENT OF LIQUIDATED DAMAGES, EMPLOYMENT FEES, OR OTHER
13 COMPENSATION TO THE SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY
14 IF THE HEALTH-CARE FACILITY HIRES THE HEALTH-CARE WORKER AS A
15 PERMANENT EMPLOYEE EITHER PRIOR TO OR AFTER THE TERMINATION OF
16 THE CONTRACT OR AGREEMENT WITH THE SUPPLEMENTAL HEALTH-CARE
17 STAFFING AGENCY.

18 (b) IF A SUPPLEMENTAL HEALTH-CARE STAFFING AGENCY
19 COLLECTS OR ATTEMPTS TO COLLECT LIQUIDATED DAMAGES,

1 EMPLOYMENT FEES, OR OTHER COMPENSATION FROM A HEALTH-CARE
2 WORKER OR HEALTH-CARE FACILITY IN VIOLATION OF SUBSECTION (2.5)(a)
3 OF THIS SECTION, THE HEALTH-CARE WORKER OR HEALTH-CARE FACILITY
4 MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION FOR
5 DAMAGES, A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS PER
6 VIOLATION, AND INJUNCTIVE RELIEF. THE PREVAILING PARTY TO AN
7 ACTION BROUGHT PURSUANT TO THIS SUBSECTION (2.5)(b) IS ENTITLED TO
8 REASONABLE ATTORNEY FEES.

9 **SECTION 2. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.