



General Assembly

February Session, 2006

Substitute Bill No. 5090

* HB05090AGEHS_030706 *

**AN ACT CONCERNING RATES FOR NURSING POOL SERVICES
PROVIDED TO HEALTH CARE INSTITUTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) For purposes of this
2 section, "nursing pool" means any person, firm, corporation, limited
3 liability company, partnership or association engaged for a fee in the
4 business of employing and providing health care personnel on a
5 temporary basis to one or more health care institutions, as defined in
6 section 19a-490 of the 2006 supplement to the general statutes.
7 "Nursing pool" does not include: (1) A licensed health care institution
8 or subsidiary thereof which supplies temporary health care personnel
9 to its own institution only and does not charge a fee to such institution;
10 or (2) an individual who offers only his or her own personal services
11 on a temporary basis.

12 (b) On and after January 1, 2007, no person acting individually or
13 jointly with any other person shall establish, conduct, operate or
14 maintain a nursing pool in this state without first obtaining a certificate
15 of registration from the Commissioner of Social Services.

16 (c) Any person seeking a certificate of registration as a nursing pool
17 shall apply to the commissioner, in writing, on a form prescribed by
18 the commissioner. The application shall include the applicant's name,
19 business address, business telephone number, contact person, a

20 description of the controlling company or organization and such other
21 information as the commissioner may require.

22 (d) Certificates of registration issued to a nursing pool shall not be
23 transferable or assignable.

24 (e) Each application for a certificate of registration for a nursing pool
25 shall be accompanied by a fee in an amount determined by the
26 commissioner in accordance with this subsection. Such registration fee
27 shall be equivalent to the pro rata actual collective cost to the
28 Department of Social Services of regulating such nursing pools. The
29 amount of such registration fee shall be published on the department's
30 Internet web site. All certificates of registration issued under this
31 section shall expire annually. The fee for a renewal of a certificate shall
32 be determined by the method prescribed in this subsection. Fees
33 collected pursuant to the issuance of a certificate or renewal of a
34 certificate shall, upon deposit in the General Fund, be credited to the
35 Department of Social Services for personal services.

36 (f) Upon the failure by a nursing pool to comply with the
37 registration provisions of this section, the Attorney General, at the
38 request of the Commissioner of Social Services, may apply in the name
39 of the state of Connecticut to the Superior Court for an order
40 temporarily or permanently restraining and enjoining a nursing pool
41 from continuing to do business in the state.

42 Sec. 2. (NEW) (*Effective July 1, 2006*) (a) Not earlier than December 1,
43 2006, but not later than December 31, 2006, and commencing annually
44 each December thereafter, a nursing pool shall file with the
45 Department of Social Services, on a form and in a manner prescribed
46 by the department, the proposed rates of such nursing pool for
47 services provided by (1) registered nurses, licensed pursuant to
48 chapter 378 of the general statutes, (2) licensed practical nurses,
49 licensed pursuant to chapter 378 of the general statutes, and (3) nurse's
50 aides, registered pursuant to chapter 378a of the general statutes for
51 the fiscal year that is to commence on July first of the following

52 calendar year. The rates filed by such nursing pools shall reflect full
53 compensation for services provided by a nursing pool, including any
54 administrative or supervisory duties provided by the nursing pool on
55 behalf of a health care institution or correctional institution. The
56 provisions of this section shall not apply to any nursing pool rate that
57 is the subject of a written contract for a fixed period of time in effect
58 prior to January 1, 2007. Initial rates submitted by a nursing pool and
59 approved by the department shall remain effective from the date of
60 approval through June 30, 2008. Commencing July 1, 2008, and
61 annually thereafter, rates submitted by a nursing pool and approved
62 by the department shall be effective for the duration of the fiscal year.

63 (b) Rates filed by such nursing pool shall be reasonable and neither
64 excessive nor inadequate, as described in this subsection, nor shall they
65 be unfairly discriminatory. A rate shall be held to be excessive if (1)
66 such rate is unreasonably high when compared to the cost incurred by
67 the nursing pool to provide such service, or (2) a reasonable degree of
68 competition does not exist in the area with respect to the service to
69 which such rate is applicable. A rate shall be held inadequate if (A) it is
70 unreasonably low for the service provided, and (B) continued use of
71 such rate would endanger solvency of the nursing pool, or (C) if such
72 rate is unreasonably low for the service provided and the use of such
73 rate by the nursing pool has, or, if continued, will have the effect of
74 destroying competition or creating a monopoly.

75 (c) A nursing pool, upon filing rates or proposed rates with the
76 department pursuant to subsections (a) and (e) of this section, shall
77 certify to the department that it has provided contemporaneous
78 written notice of the rates filed with the department, to all customers
79 of such nursing pool. The written notice provided by the nursing pool
80 to all customers shall include: (1) A summary of the rates filed with the
81 department, and (2) contact information that will allow customers of
82 the nursing pool to ascertain the date, time and place of the hearing on
83 rates or proposed rates filed with the department.

84 (d) The department shall review the rates filed by nursing pools

85 pursuant to subsection (a) of this section and shall schedule a public
86 hearing on such rates not later than sixty days after the date of receipt
87 of such rates. Not less than fourteen days prior to the date of a
88 scheduled public hearing on such rates, the department shall provide
89 notice of such hearing to the nursing pool by certified mail and to the
90 public by publication on the department's Internet web site and by
91 publication in a newspaper having a substantial circulation in the area
92 served by the nursing pool. Rates initially filed by a nursing pool in
93 December, 2006, pursuant to subsection (a) of this section shall be
94 effective pending review by the department. The department shall
95 approve, disapprove or modify the rates filed by a nursing pool
96 pursuant to subsection (a) of this section, not later than thirty days
97 after the date of the public hearing. A nursing pool whose rates are
98 disapproved by the department may elect to submit revised rates in
99 accordance with procedures established pursuant to this section.

100 (e) A nursing pool that seeks to change rates approved by the
101 department in accordance with the provisions of this section, shall file
102 a request for such proposed interim rate change with the department.
103 Proposed interim rate changes shall not be effective until approved by
104 the department. The department shall schedule a public hearing on
105 such proposed rate changes not later than thirty days after the date of
106 receipt of such rates. Not less than fourteen days prior to the date of a
107 scheduled public hearing on such proposed interim rate changes, the
108 department shall provide notice of such hearing to the nursing pool by
109 certified mail and to the public by publication on the department's
110 Internet web site. The department shall approve or deny the proposed
111 rates filed by a nursing pool pursuant to this subsection not later than
112 thirty days after the date of the public hearing. Interim rate changes
113 shall remain effective through the end of the fiscal year in which the
114 rate change was made.

115 (f) Any nursing pool aggrieved by a decision of the department
116 regarding the rates determined in accordance with the provisions of
117 this section may obtain, by written request to the department, a
118 hearing on all items of grievement in accordance with sections 4-

119 176e to 4-181a, inclusive, of the general statutes if the written request is
120 made not later than ten days after written notice of the decision is
121 provided by the department to such nursing pool.

122 (g) Not later than July 1, 2007, the Commissioner of Social Services
123 shall adopt regulations, in accordance with chapter 54 of the general
124 statutes, to implement the provisions of this section and section 1 of
125 this act. The commissioner may implement interim policies and
126 procedures to carry out the provisions of this section and section 1 of
127 this act, provided, prior to implementing such policies and procedures,
128 the commissioner publishes notice of the intent to adopt regulations
129 and to implement interim policies and procedures in the Connecticut
130 Law Journal. The notice in the Connecticut Law Journal shall provide
131 that all persons who wish to present their views, questions or concerns
132 with respect to the proposed regulations and interim policies and
133 procedures may do so at a public hearing to be conducted by the
134 department. Such policies and procedures shall remain in effect
135 through June 30, 2007.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	New section

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Joint Favorable Subst. C/R

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