



## Interpretive Notice & Formal Opinion (“INFO”) #21: Reporting Required by Supplemental Health-Care Staffing Agencies

### Overview

Any supplemental health care staffing agency (“SHSA”) doing business in Colorado must report certain data annually under C.R.S. § 8-4-125, enacted into law by [Senate Bill 22-210](#) on June 3, 2022 (“SB210”).

### The Basic Requirements: Staffing Agencies Reporting Their Wages, Charges and Other Information

- SHSAs must report twice a year — October-March data by **April 30**, April-September data by **October 31**:
  - (1) **Identification** information:
    - (a) who are the **direct or indirect owners**;
    - (b) who are the **individuals making submissions** to the Division of Labor Standards and Statistics; and
    - (c) if the agency is owned by a corporation, the **bylaws and articles of incorporation**.
  - (2) **Wage and revenue** information — a detailed listing by quarter, for each category of health-care worker providing services to a health-care facility, of:
    - (a) average amounts **charged** to health-care **facilities**; and
    - (b) average amounts **paid** to health-care **workers**.
  - (3) **Compliance** information — **certification** by the SHSA that, throughout the reporting period, each health-care worker contracted to a health-care facility:
    - (a) had a **current, unrestricted license or certification in good standing**;
    - (b) met the **training and continuing education standards** for the position with the facility;
    - (c) passed all **background checks** required by any source of law for the position or the facility; and
    - (d) was covered by **professional liability insurance** maintained by the SHSA.
- Violations of reporting duties face fines of \$500, then an additional \$10,000 for not curing violations, or \$20,000 for recurring violations. Violations of other duties to provide information or cure non-compliance may face additional fines. Fines may be reduced or waived if SHSAs show good cause and cure violations.
- Violations may also be referred to other agencies requiring registration or certification (e.g., unemployment insurance, C.R.S. § 8-70-114<sup>1</sup>), which may order other fines and/or disallow continued operation in Colorado.

### Agencies & Workers Covered

- **Supplemental Health-Care Staffing Agencies:** Any person or entity that, for a fee, provides health-care workers to health-care facilities for temporary placements — but not health-care worker platforms, or individual independent contractors providing their *own* services.
- **Health-Care Workers:** The workers an SHSA must report on are those it employs for temporary placement in a health-care facility. HCPF and CDPHE list the following worker categories for SB210 reporting:
 

1. Director of Nursing	5. Certified Nursing Assistant	9. Other: not just other kinds of care workers, but also administrative workers not providing direct care to patients (describe in the report)
2. Registered Nurse	6. Physical Therapy	
3. Licensed Practical Nurse	7. Occupational Therapy	
4. Speech Therapy	8. Respiratory Therapy	

### For More Information, or to Provide or Update Your Contact Information

The Division is contacting SHSAs about SB210; SHSAs not yet contacted (or who received a letter with incomplete or incorrect contact information) should submit contact information at the SB210 resources page [cdle.colorado.gov/HealthStaffing](http://cdle.colorado.gov/HealthStaffing) (also reachable by this QR code). Email [cdle\\_health\\_staffing@state.co.us](mailto:cdle_health_staffing@state.co.us) or call 303-318-8441 with questions.



<sup>1</sup> In addition to mandatory reports to this Division that SB210 newly required: other certifications, registrations, or licenses may or may not be required of an SHSA, by other laws this Division does not administer. For example, Colorado law on unemployment insurance requires certification by an “employee leasing company” (C.R.S. 8-70-114) — but not by a “temporary help contracting firm”: a firm “employing individuals and, for compensation from a third party, providing those individuals to perform work for the third party, under the supervision of the third party,” for “limited-term assignments” (C.R.S. 8-73-105.5). SB210 adds no *new* “employee leasing” certification requirements — for example: an SHSA that functions as a “temporary help contracting firm” remains exempt from “employee leasing” certification.