



## 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
    - (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), 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.

