

## ALERT

July 21, 2020

### Notice to Health Care Provider Who Contracts with Nurse Staffing Agencies

Dear Provider:

This is a notice to you from the DC Health, Health Regulation and Licensing Administration (HRLA), that will serve to clarify the nature of health care facilities and their operations in relation to nurse staffing agencies. HRLA licenses nurse staffing agencies for the purpose of authorizing them to provide nursing personnel to licensed health care providers.

The Nurse Staffing Agency Act of 2003 (the Act) provides the following:

A nurse staffing agency shall be *licensed* by the Department [of Health] before providing any nursing personnel, Home Health Aides, or Personal Care Aides to a health care facility or agency . . . D.C. Code § 44-1051.03 (emphasis added).

The HRLA wants to make sure the providers understand that when an agreement is made with an agency to utilize nursing personnel that are employed by that agency, that employer agency is required to be licensed by HRLA as a nurse staffing agency. HRLA does not license entities whose function is to manage the business of nurse staffing without employing the nursing personnel.

The Act provides that sanctions may be imposed by the Department in accordance with D.C. Code § 2-1801, *et al.* Therefore, HRLA takes this opportunity to inform you of the legal error in an unlicensed nurse staffing agency attempting to do business as such.

“Engaging in or attempting to engage in a health occupation without a license shall be a *per se* imminent danger to the health or safety of the residents of the District unless the person engaging in or attempting to engage in the health occupation is exempt from licensure . . .”

In accordance with this provision, HRLA is authorized to summarily suspend the operation of a business that is functioning without a license.

Please note that you are advised to verify the licensure of any entity with which you do business in order to ensure the operations are legally authorized.

If you have any questions or need further information, please contact Carmen Johnson, Assistant General Counsel at [carmen.johnson@dc.gov](mailto:carmen.johnson@dc.gov) / 202-538-9137, or Veronica Longstreth, Associate Director, Office of Health Facilities, at [veronica.longstreth@dc.gov](mailto:veronica.longstreth@dc.gov) / 202-727-9861.