

**Title 19 – DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 105 – Supplemental Health Care Services Agency**

PROPOSED RULE

19 CSR 30-105.010 Definitions

PURPOSE: This rule defines terms as set forth in this chapter and sections 198.640 through 198.648, RSMo.

- (1) Addresses shall mean, for legal entities and individuals, the physical address from which the disclosing entity operates its Missouri business, and mailing address if different from the physical address.
- (2) Articles shall mean a legal entity's articles of incorporation, articles of association, articles of organization, or articles of partnership.
- (3) Average amount charged shall mean the average hourly rates or set pricing charged to a health care facility by an agency for each applicable individual health care personnel.
- (4) Average amount paid shall mean the average hourly rates or set pricing paid by the agency to each applicable individual health care personnel.
- (5) Controlling person shall mean a business entity, officer, program administrator, or director whose responsibilities include the direction of the management or policies of a supplemental health care services agency. The term controlling person shall also mean an individual who, directly or indirectly, holds an ownership interest of five percent (5%) or more in a corporation, partnership, or other business association that is itself a controlling person.
- (6) Department shall mean the Missouri Department of Health and Senior Services.
- (7) Digital website shall mean an online webpage operated by an agency that maintains employee applications submitted to the agency online, for referral to a health care facility.
- (8) Digital smart phone application shall mean a computer program or software application operated by an agency that maintains applications submitted for referral to a health care facility that is designed to run on a mobile device such as a phone, tablet, or watch.
- (9) Employment opportunities shall mean either part time or full time employment with any health care facility.

- (10) Health care facility shall mean a licensed hospital as defined under section 197.020, RSMo, or a licensed assisted living facility, intermediate care facility, residential care facility, or skilled nursing facility as defined under section 198.006, RSMo.
- (11) Health care personnel or personnel shall mean any individual licensed, accredited, or certified by the state of Missouri to perform specified health services consistent with state law.
- (12) Immediately available shall mean made available to the Department or its agent within one (1) business day following written requests made by means of email, fax, or in-person delivery, or within (1) hour of requests made during inspection visits.
- (13) Independent contractor shall mean a self-employed worker licensed, accredited, or certified by the state of Missouri to perform specified health services consistent with state law, who is contracted or referred by a supplemental health care services agency to fulfill specified health services in a health care facility.
- (14) Operator shall mean any person who establishes, conducts, or maintains an agency, or any person licensed or required to be licensed to establish, maintain, or conduct an agency.
- (15) Owner shall mean any person with an ownership interest of five percent (5%) or more in the agency.
- (16) Ownership interest shall mean a percentage of ownership of each person of any general partnership, limited partnership, general business corporation, nonprofit corporation, limited liability company, or governmental entity which owns or operates the agency.
- (17) Person shall mean an individual, firm, corporation, partnership, association, or other legal entity.
- (18) Referral shall mean the act of sending or directing health care personnel to a health care facility to work at the request of or for the benefit of the facility.
- (19) Specified health service shall mean services provided by any individual health care personnel in a health care facility.
- (20) Supplemental health care services agency or agency shall mean a person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in health care facilities for health personnel, including a temporary nursing staffing agency as defined in section 383.130, RSMo, or that operates a digital website or digital smartphone application that facilitates the provision of the engagement of health care personnel and accepts requests for health care personnel through its digital website or digital smartphone application. The term shall not include an individual who

engages only on his or her own behalf, or to provide the individual's services on a temporary basis to health care facilities or a home health agency licensed under section 197.415, RSMo, and shall not include a person, firm, corporation, partnership, or association engaged in the provision of contracted specialty services by a practitioner as defined under subdivision (4) of section 376.1575, RSMo, to a hospital as defined under section 197.020, RSMo, or to other individuals or entities providing health care that are not health care facilities.

(21) Temporary employment shall mean health care personnel placed by a supplemental health care services agency in a health care facility for an initial term of less than twenty-four (24) months to support or supplement the facilities' work force for any purpose.

AUTHORITY: section 198.648, RSMo Supp. 2022. Original rule filed [date].

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Alison Dorge, Missouri Department of Health and Senior Services, P.O. Box 570, Jefferson City, MO 65102, or via email at Alison.Dorge@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*