

216.724 Restrictions on health care services agency -- Contracts.

- (1) A health care services agency shall not:
 - (a) Restrict in any manner the employment opportunities of any temporary direct care staff that is contracted with or employed by the agency, including but not limited to contract buy-out provisions or contract non-compete clauses;
 - (b) Require, in any contract with temporary direct care staff, an assisted living community, a long-term care facility, or a hospital, the payment of liquidated damages, employment fees, or other compensation should the employee be hired as a permanent employee of the assisted living community, long-term care facility, or hospital, except in cases where the damages, fees, or compensation are payable solely by the assisted living community, long-term care facility, or hospital and the contract with the assisted living community, long-term care facility, or hospital specifies that the amount will be reduced pro-rata based on the length of time the temporary direct care staff performs services for the assisted living community, long-term care facility, or hospital while on the payroll of the health care services agency; or
 - (c) Solicit or recruit the current staff of an assisted living community, long-term care facility, or hospital, or require, as a condition of employment, assignment, or referral, that their employees recruit new employees for the agency from among the current employees of the assisted living community, long-term care facility, or hospital to which the agency employees are employed, assigned, or referred.
- (2) Any contract between a health care services agency and temporary direct care staff that does not comply with subsection (1) of this section shall be considered an unfair trade practice and be void pursuant to KRS 365.060.
- (3) The provisions of subsection (1) of this section shall not apply to contracts with permanent direct care staff or with an assisted living community, a long-term care facility, or a hospital for the placement of permanent direct care staff.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 61, sec. 3, effective June 29, 2023. -- Created 2022 Ky. Acts ch. 110, sec. 4, effective July 14, 2022.