

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "HEALTH CARE FACILITY" MEANS A HOSPITAL OR RELATED INSTITUTION AS DEFINED IN § 19-301 OF THE HEALTH - GENERAL ARTICLE.

(3) "INITIALLY PROVIDING OR REFERRING" MEANS THE FIRST TIME A NURSING STAFF AGENCY PROVIDES OR REFERS A PARTICULAR LICENSED PRACTICAL NURSE, REGISTERED NURSE, OR GERIATRIC NURSING ASSISTANT TO A HEALTH CARE FACILITY.

(4) "NURSING PERSONNEL" MEANS:

(I) ANY INDIVIDUAL LICENSED BY THE STATE BOARD OF NURSING AS A:

1. LICENSED PRACTICAL NURSE; OR
2. REGISTERED NURSE; OR

(II) A GERIATRIC NURSING ASSISTANT WHO COMPLIES WITH THE PROVISIONS OF § 19-308.1 OF THE HEALTH - GENERAL ARTICLE FOR PATIENT CARE PERSONNEL.

(5) (I) "NURSING STAFF AGENCY" MEANS ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, OR OTHER BUSINESS ENTITY ENGAGED IN THE BUSINESS OF PROVIDING OR REFERRING NURSING PERSONNEL TO RENDER TEMPORARY NURSING SERVICES AT A HEALTH CARE FACILITY IN THE STATE.

(II) "NURSING STAFF AGENCY" DOES NOT INCLUDE:

1. A PERSON RENDERING ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, OR OTHER BUSINESS ENTITY ENGAGED SOLELY IN THE BUSINESS OF PROVIDING OR REFERRING NURSING PERSONNEL TO RENDER PRIVATE DUTY NURSING CARE AT A HEALTH CARE FACILITY;

2. A NURSING STAFF AGENCY OPERATED BY A HEALTH CARE FACILITY SOLELY FOR THE PURPOSE OF PROCURING, FURNISHING, OR REFERRING TEMPORARY OR PERMANENT NURSING PERSONNEL FOR EMPLOYMENT AT THAT HEALTH CARE FACILITY;

3. A HOME HEALTH AGENCY REGULATED UNDER SUBTITLE 4 OF THE HEALTH - GENERAL ARTICLE; OR

4. ANY NURSING PERSONNEL PROCURING, FURNISHING, OR REFERRING THEIR OWN SERVICES TO A HEALTH CARE FACILITY WITHOUT THE DIRECT OR INDIRECT ASSISTANCE OF A NURSING STAFF AGENCY.