

CHECKLIST · ACT 128

Hiring a Staffing Agency in Pennsylvania: What Act 128 Requires and What to Ask

Present Health Staffing · October 2026

Since Act 128 of 2022, any agency that supplies CNAs, LPNs or RNs to Pennsylvania nursing facilities or personal care homes must register with the Department of Health each year and meet minimum insurance, bonding and record-keeping rules. Facilities can check those requirements before an agency worker starts.

Who the law covers

Act 128 added a chapter on temporary health care services agencies to Pennsylvania's Health Care Facilities Act ([Act 128 of 2022](#)). The Department of Health applies it to agencies that staff CNAs, LPNs and RNs in personal care homes and long-term care nursing facilities ([PA Department of Health](#)).

What a registered agency must do

REQUIREMENT	WHAT THE LAW SAYS
Registration	Register with the Department of Health every year and list each location. The fee is at least \$500 a year. A sale or change of ownership voids the registration.
Worker qualifications	Give each facility documentation that every worker meets the licensing, certification, training and continuing education standards for the position.
Criminal background	Give each facility proof of the criminal records checks required for each worker.

REQUIREMENT	WHAT THE LAW SAYS
checks	
No employment restrictions	The agency may not restrict in any way the employment opportunities of its health care personnel. The same rule applies to facilities.
Malpractice insurance	At least \$500,000 of professional liability coverage.
Workers' compensation	Coverage for every worker the agency provides; the Department's application asks for proof of at least \$500,000.
Fidelity bond	A dishonesty or fidelity bond of \$10,000 per employee. The Department does not accept commercial crime, employee theft or ERISA bonds in its place.
Records	Keep records for 10 years and make them available to the Department immediately on request.
Payroll taxes	Withhold Pennsylvania employer taxes on its workers.

The Department can revoke or suspend a registration and impose civil penalties of up to \$5,000 per incident, with each day of a violation counted separately. Application details come from the [Department's application page](#).

Checklist: what to ask an agency before the first shift

- ☐ A current Department of Health certificate of registration under Act 128
- ☐ A certificate of insurance showing at least \$500,000 professional liability and workers' compensation coverage
- ☐ Proof of the fidelity bond covering its employees
- ☐ For each worker: license or certification verification, nurse aide registry check for CNAs, and proof of the required criminal records checks

- ☐ Health records your policies require, such as a TB test and immunizations
- ☐ A skills checklist or competency record matched to the unit
- ☐ A written agreement that does not restrict you from hiring the agency's workers
- ☐ A named contact who answers the phone on nights and weekends

If something goes wrong

Anyone can file a complaint about a temporary health care services agency with the Department of Health by email at RA-DHQATempAgency@pa.gov or by phone at 717-547-3620, option 2 ([PA Department of Health](#)).

How Present Health Staffing works under Act 128

We send each facility the complete credential file for every clinician before the first shift, and we never restrict a clinician from joining a client's staff. [Tell us what you need covered](#).

This guide summarizes public sources as of October 2026 and is not legal advice. Check current requirements with the Department of Health or your counsel.

Sources

1. [Act 128 of 2022, Temporary Health Care Services Agencies \(Pennsylvania General Assembly\)](#).
2. [Temporary Health Care Services Agencies \(PA Department of Health\)](#).
3. [THCSA applications and supporting documents \(PA Department of Health\)](#).