



The New York City
Department of
Consumer Affairs
42 Broadway
New York, NY
10004-1716

Jonathan Mintz
Commissioner

January 25, 2008

[REDACTED]
Deputy Director
Legal Services Division

[REDACTED]

[REDACTED]

Re: Nurses' Registry Inquiry

Dear Mr. [REDACTED]

I am writing in response to your inquiry regarding the requirements under the Employment Agency Law. Specifically, you asked whether a "nurses' registry" would be exempt from needing a license if "no fee is paid by any nurse for placement." In short, this exemption is not available for nursing employment agencies.

Under New York General Business Law §§ 170, et seq. ("the Employment Agency Law"), if a company procures or attempts to procure employment for persons seeking employment, it must obtain an employment agency license. However, if a company conducts business as an "employer-fee-paid employment agency," meaning it: 1) places only "Class B" employees;¹ and 2) does not directly or indirectly charge fees to the workers, no license is required.

Because your client is planning on placing Class "D"² employees, it would not qualify as an "employer-fee-paid agency." If you have further questions, please feel free to contact me.

Sincerely,

[REDACTED]
Deputy Director
Legal Services Division

¹ Class B employment is defined by Employment Agency Law § 185 as "commercial, clerical, administrative and professional employment . . . and all other employment not included in classes "A", "A1" "C" and "D."

² Class "D" is defined as "nursing engagements as defined in article one hundred thirty-nine of the education law."