

2025 Regular Session

HOUSE BILL NO. 541

BY REPRESENTATIVE HILFERTY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE/PROVIDERS: Establishes a registry for individuals and entities that provide caregiving services

1 AN ACT

2 To enact Part II-K of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:2120.81 through 2120.86, relative to caregiver registries;
4 to provide definitions; to provide for licensure requirements; to provide penalties; to
5 create an application for licensure; to provide for fees; to provide the minimum
6 standards for operating a caregiver registry; to provide requirements of a caregiver;
7 to prohibit a caregiver registry from operating without a license; to provide for
8 rulemaking; to provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part II-K of Chapter 11 of Title 40 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 40:2120.81 through 2120.86, is hereby enacted to read as follows:

12 PART II-K. LICENSING PROGRAM FOR CAREGIVER REGISTRIES

13 §2120.81. Definitions

14 As provided for in this Part, the following terms have the following
15 meanings:

16 (1) "Caregiver" means a licensed or unlicensed healthcare professional,
17 including but not limited to a registered nurse, licensed practical nurse, certified
18 nursing assistant or certified nurse aide, home health aide, personal care provider, or
19 companion who represents himself to a caregiver registry, in writing, as being
20 self-employed.

1 (2) "Caregiver registry" means a legal entity that procures, offers, promises,
2 or attempts to secure contracts for a caregiver who is compensated by fees as an
3 independent contractor, including but not limited to contracts for the provision of
4 services to clients and contracts to provide private duty or staffing services to
5 healthcare facilities or other business entities.

6 (3) "Department" means the Louisiana Department of Health.

7 (4) "License" means a license issued by the department to a caregiver
8 registry.

9 §2120.82. Licensure of a caregiver registry; requirements; penalties

10 A.(1) The department shall license a caregiver registry in accordance with
11 this Part.

12 (2) No person, partnership, corporation, unincorporated association, or other
13 legal entity shall establish, operate, maintain, or advertise as a caregiver registry
14 unless the person, partnership, corporation, unincorporated association, or other legal
15 entity is licensed by the department in accordance with this Part.

16 B. A caregiver registry shall connect a client in need of health, personal, or
17 companion care with qualified care providers. A caregiver registry shall not offer
18 care services directly to clients.

19 §2120.83. Application for licensure; fees

20 A. An application to operate a caregiver registry shall be made to the
21 department on a form provided by the department.

22 B. The application shall contain all of the following information:

23 (1) The name and address of the person, partnership, corporation,
24 unincorporated association, or other legal entity that is the applicant.

25 (2) If the applicant is a corporation, a copy of its articles of incorporation,
26 its current bylaws, and the names and addresses of its officers, directors, and
27 shareholders owning more than five percent of the corporation's stock.

28 (3) The names and addresses of the person or persons under whose
29 management or supervision the caregiver registry will be operated.

1 (4) A statement of financial solvency.

2 (5) A statement detailing the experience and qualifications of the applicant
3 to operate a caregiver registry.

4 C.(1) The department shall assess a nonrefundable fee of twelve hundred
5 dollars to a person, partnership, corporation, unincorporated association, or other
6 legal entity operating or planning to operate a caregiver registry at the time an initial
7 licensing application is made to the department.

8 (2) The department shall assess a nonrefundable fee of twelve hundred
9 dollars every two years after the initial application for license renewal.

10 (3) The department shall assess a delinquent fee of one hundred dollars to
11 a caregiver registry for failure to timely renew its license. The delinquent fee shall
12 be assessed and shall become due and payable to the department at midnight on the
13 first day following the expiration date of the license. The licensing fees provided for
14 in this Section are for the initial application and renewal of a license only and are in
15 addition to any other fees that may be assessed according to the laws, rules,
16 regulations, and standards that are applicable to a caregiver registry.

17 D.(1) Upon receipt and after review of an application for a license in
18 accordance with this Part, the department shall issue a license if it determines that
19 the applicant is qualified to operate a caregiver registry based upon demonstrated
20 compliance with this Part.

21 (2) A license issued by the department in accordance with this Section shall
22 remain effective for a period of two years unless the license is revoked or suspended
23 pursuant to this Part.

24 (3) When a caregiver registry is sold or ownership is transferred, the
25 transferee shall notify the department and apply for a new license at least forty-five
26 days prior to the transfer. The transferor shall remain responsible for the operation
27 of the registry until such time as a license is issued to the transferee.

1 (4) At least thirty days prior to the expiration of a license, the licensee shall
2 submit an application for license renewal. If the application is approved, the license
3 shall be renewed for an additional two-year period.

4 E. The department may, after appropriate notice and hearing, suspend,
5 revoke, or refuse to issue or renew any license if the licensee or applicant fails to
6 comply with the provisions of this Part, the rules and regulations promulgated by the
7 department in accordance with this Part, or fails to report hours worked by a certified
8 nursing assistant or certified nurse aide to the Certified Nurse Aide Registry.

9 §2120.84. Minimum standards

10 A. The department, by rule, shall establish minimum standards for the
11 operation of a caregiver registry. Those standards shall include but are not limited
12 to the following:

13 (1) The maintenance of written policies and procedures governing the
14 caregiver registry's caregiver registration process, background screening, credential
15 verification, and referral services.

16 (2) Licensure application and renewal application procedures and
17 requirements.

18 (3) Survey of caregiver registries and complaint investigations.

19 (4) Provisions for denial, revocation, suspension, and nonrenewal of licenses,
20 and appeals thereof.

21 B.(1) A caregiver registry shall not refer a caregiver to a client if the
22 caregiver has not completed an application form providing the following
23 information:

24 (a) The name, address, date of birth, and social security number of the
25 applicant.

26 (b) The educational background and prior work history of the applicant.

27 (c) The number and date of any applicable license or certification the
28 applicant claims, in writing, to possess.

1 (d) When appropriate, information concerning the renewal of the applicable
2 license, registration, or certification.

3 (2) A caregiver registry shall maintain an applicant's application form on file,
4 and open to the inspection by the department.

5 (3) A caregiver registry shall maintain a caregiver's application and other
6 applicable documentation for three years after the date of the last referral entry of
7 client-related information.

8 C. If a client was referred a caregiver by the caregiver registry and the client
9 retained the services of the caregiver under contract, the caregiver registry shall
10 maintain, on file, the name and address the client.

11 D. A caregiver registry shall maintain records of a caregiver's referral history
12 with clients to whom the caregiver registry has referred the caregiver.

13 E. A caregiver referred by a caregiver registry is responsible for complying
14 with the professional licensing and practice requirements.

15 F. A caregiver registry shall maintain a professional liability insurance
16 policy covering the caregiver registry's professional responsibility with respect to the
17 background screening and credential-verification services it provides.

18 G. A caregiver registry shall not refer a caregiver to a client unless the
19 caregiver registry has documents establishing that the caregiver, at the time of
20 application and acceptance, has satisfied the minimum background screening and
21 credential verification protocol set forth below:

22 (1) Criminal background check.

23 (2) United States Citizenship and Immigration Service I-9 Citizenship Form.

24 (3) Written proof of any licensure or certification.

25 (4) Notes that memorialize a personal interview with the caregiver that was
26 conducted by the caregiver registry.

27 (5) Verification of a chronological work history covering at least the past
28 five years at the time of registration.

1 (6) Verification of any education, training, or experience that the caregiver
2 claims, in writing, to possess.

3 (7) Verification of no adverse determinations concerning the caregiver from
4 a recognized state monitoring organization, including abuse registries.

5 (8) A disclosure statement executed by the caregiver, attesting to its accuracy
6 and completeness, in which the caregiver is requested to identify any history of loss
7 of license or felony convictions.

8 H. A caregiver registry shall not refer a caregiver to a client unless it has
9 entered into a written agreement with the caregiver that satisfies all of the following
10 minimum standards:

11 (1) A provision expressly characterizing the relationship being created
12 between the caregiver registry and the caregiver as one of the independent
13 contractors.

14 (2) A provision disclosing that the caregiver is utilizing the caregiver registry
15 to provide the caregiver with referrals to potential client opportunities in exchange
16 for a fee that may be charged to the caregiver or to a referred client for whom the
17 caregiver provides services.

18 (3) A provision stating that the caregiver is solely responsible for all federal,
19 state, and local income and related taxes with respect to all remuneration the
20 caregiver receives for performing services for clients referred by the caregiver
21 registry.

22 (4) A provision stating that an affiliation with the caregiver registry will not
23 entitle the caregiver to any unemployment insurance and workers compensation.

24 (5) A provision stating that the caregiver will be individually responsible and
25 accountable for providing any services beyond the scope authorized by the
26 individual's licensure or certifications.

27 (6) A provision stating that any caregiver referred for contract in a private
28 residence will be individually responsible for complying with the requirements of
29 any applicable plan of treatment.

1 §2120.85. Operation without a license; penalty

2 A. A caregiver registry shall not operate without a license issued by the
3 department. Any person, partnership, corporation, unincorporated association, or
4 other legal entity operating such a registry without a license shall be guilty of a
5 misdemeanor and, upon conviction, shall be fined no less than two hundred fifty
6 dollars nor more than one thousand dollars. Each day of violation shall constitute
7 a separate offense. It shall be the responsibility of the department to inform the
8 appropriate district attorney of the alleged violation to ensure enforcement.

9 B. If a person, partnership, corporation, unincorporated association, or other
10 legal entity is operating a caregiver registry without a license issued by the
11 department, the department may issue an immediate cease and desist order to that
12 person, partnership, corporation, unincorporated association, or other legal entity.
13 A caregiver registry receiving a cease and desist order from the department shall
14 immediately cease operations until such time that the agency is issued a license by
15 the department.

16 C. The department shall seek an injunction in the Nineteenth Judicial District
17 Court against any person, partnership, corporation, unincorporated association, or
18 other legal entity operating as a caregiver registry that receives a cease and desist
19 order from the department in accordance with Subsection B of this Section and that
20 does not cease operations immediately. Any such person, partnership, corporation,
21 unincorporated association, or other legal entity operating a caregiver registry against
22 which an injunction is granted shall be liable to the department for attorney fees,
23 costs, and damages.

24 §2120.86. Administrative rulemaking

25 The department shall adopt all rules and regulations in accordance with the
26 Administrative Procedure Act as necessary for the implementation of the provisions
27 of this Part.

28 Section 2. This Act shall become effective on January 1, 2026.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 541 Original

2025 Regular Session

Hilferty

Abstract: Provides for the regulation and licensing of a caregiver registry by the La. Dept. of Health.

Proposed law requires a caregiver registry to connect a client in need of health, personal, or companion care with qualified care providers. Proposed law prohibits a caregiver registry from offering care services directly to clients.

Proposed law requires the La. Dept. of Health (LDH) to license a caregiver registry.

Proposed law prohibits any person, partnership, corporation, unincorporated association, or other legal entity from establishing, operating, maintaining, or advertising as a caregiver registry unless the person, partnership, corporation, unincorporated association, or other legal entity is licensed by LDH.

Proposed law requires LDH to generate a form for an application to operate a caregiver registry. Proposed law further provides that the application shall contain all of the following information:

- (1) The name and address of the person, partnership, corporation, unincorporated association, or other legal entity that is the applicant.
- (2) If the applicant is a corporation, a copy of its articles of incorporation, its current bylaws, and the names and addresses of its officers, directors, and shareholders owning more than 5% of the corporation's stock.
- (3) The names and addresses of the person or persons under whose management or supervision the caregiver registry will be operated.
- (4) A statement of financial solvency.
- (5) A statement detailing the experience and qualifications of the applicant to operate a caregiver registry.

Proposed law requires LDH to assess a nonrefundable fee of \$1,200 to a person, partnership, corporation, unincorporated association, or other legal entity operating or planning to operate a caregiver registry at the time an initial licensing application is made to LDH.

Proposed law requires LDH to assess a nonrefundable fee of \$1,200 every two years after the initial application for license renewal.

Proposed law requires LDH to assess a delinquent fee of \$100 to a caregiver registry for failure to timely renew its license. Proposed law further provides that the delinquent fee shall be assessed and shall become due and payable to LDH at midnight on the first day following the expiration date of the license.

Proposed law requires a caregiver registry to maintain records of a caregiver's referral history with clients to whom the caregiver registry has referred the caregiver.

Proposed law requires a caregiver registry to maintain a professional liability insurance policy covering the caregiver registry's professional responsibility with respect to the background screening and credential-verification services it provides.

Proposed law prohibits a caregiver registry from referring a caregiver to a client, unless the caregiver registry has documents establishing that the caregiver, at the time of application and acceptance, has satisfied the minimum background screening and credential verification protocol set forth below:

- (1) Criminal background check.
- (2) United States Citizenship and Immigration Service I-9 Citizenship Form.
- (3) Written proof of any licensure or certification.
- (4) Notes that memorialize a personal interview with the caregiver that was conducted by the caregiver registry.
- (5) Verification of a chronological work history covering at least the past five years at the time of registration.
- (6) Verification of any education, training, or experience that the caregiver claims, in writing, to possess.
- (7) Verification of no adverse determinations concerning the caregiver from a recognized state monitoring organization, including abuse registries.
- (8) A disclosure statement executed by the caregiver, attesting to its accuracy and completeness, in which the caregiver is requested to identify any history of loss of license or felony convictions.

Proposed law prohibits a caregiver registry from referring a caregiver to a client, unless it has entered into a written agreement with the caregiver that satisfies all of the following minimum standards:

- (1) A provision expressly characterizing the relationship being created between the caregiver registry and the caregiver as one of the independent contractors.
- (2) A provision disclosing that the caregiver is utilizing the caregiver registry to provide the caregiver with referrals to potential client opportunities in exchange for a fee that may be charged to the caregiver or to a referred client for whom the caregiver provides services.
- (3) A provision stating that the caregiver is solely responsible for all federal, state, and local income and related taxes with respect to all remuneration the caregiver receives for performing services for clients referred by the caregiver registry.
- (4) A provision stating that an affiliation with the caregiver registry will not entitle the caregiver to any unemployment insurance and workers' compensation.
- (5) A provision stating that the caregiver will be individually responsible and accountable for providing any services beyond the scope authorized by the individual's licensure or certifications.
- (6) A provision stating that any caregiver referred for contract in a private residence will be individually responsible for complying with the requirements of any applicable plan of treatment.

Proposed law prohibits a caregiver registry from operating without a license issued by LDH.

Proposed law provides that any person, partnership, corporation, unincorporated association, or other legal entity operating a caregiver registry without a license shall be guilty of a misdemeanor and, upon conviction, shall be fined no less than \$250 and nor more than \$1000.

Proposed law allows LDH to issue an immediate cease and desist to any person, partnership, corporation, unincorporated association, or other legal entity is operating a caregiver registry without a license issued by LDH.

Proposed law defines terms.

Effective Jan. 1, 2026.

(Adds R.S. 40:2120.81-2120.86)