

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.

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**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)]

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HB 541 Engrossed

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)