
DIGEST

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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)