

Regular Session, 2008

SENATE BILL NO. 70

BY SENATOR CHEEK

HEALTH SERVICES. Provides for registration of personal care service agencies. (gov sig)

1 AN ACT

2 To enact Part XIV of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:2200.1 through 2200.5, relative to personal care service
4 agencies; to provide for definitions; to provide for the registration of personal care
5 service agencies; to provide for verifications; to provide for civil penalties; to
6 provide for rules and regulations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part XIV of Chapter 11 of Title 40 of the Louisiana Revised Statutes of
9 1950, comprised of R.S. 40:2200.1 through 2200.5, is hereby enacted to read as follows:

10 **PART XIV. REGISTRATION OF PERSONAL CARE SERVICE AGENCIES**

11 **§2200.1. Definitions**

12 **As used in this Part, the following definitions shall apply unless the**
13 **content clearly states otherwise:**

14 **A. "Department" means the Department of Health and Hospitals.**

15 **B. "Personal care service agency" means any agency, institution, society,**
16 **corporation, person or persons, or any other group that provides, for profit, the**
17 **services of personal care attendants, direct service workers, certified nursing**

1 assistants or others to provide care for a dependent person in a private
2 residence.

3 C. "Secretary" means the secretary of the Department of Health and
4 Hospitals.

5 §2200.2. Registration

6 A. No personal care service agency may be established, operated, or
7 reimbursed for any portion of its services unless the personal care service
8 agency is registered with the department.

9 B. The registration shall be valid for only one geographic location and
10 shall be issued only for the person and premises named in the registration
11 application.

12 C. A registration shall expire on the last day of the twelfth month after
13 the date of issuance, unless otherwise renewed, or as set forth in rules
14 promulgated by the department.

15 §2200.3. Verifications

16 A. Any personal care service agency shall, before assigning a caregiver,
17 conduct an in-home assessment to determine the appropriate level of care for
18 the dependent individual.

19 B. Any personal care service staffing agency employing or placing a
20 certified nursing assistant shall conduct a face-to-face interview and verify that
21 the certified nursing assistant is certified and listed on the Certified Nurse Aide
22 Registry and perform or have performed a criminal background check on each
23 such certified nursing assistant.

24 C. Any personal care service agency employing or placing a direct
25 service worker that is not a certified nursing assistant, shall, before hiring or
26 placing such a caregiver, conduct a face-to-face interview and perform or have
27 performed a criminal background check on such person. The agency shall also
28 be required to assess the skill level of the non-certified caregiver and require at
29 least three positive references before placement.

1 **D. Any personal care service agency employing or placing a caregiver in**
 2 **any situation that requires twenty-four hour coverage shall have, at minimum,**
 3 **ten available on-call substitutes for every one hundred active clients to assure**
 4 **twenty-four hour coverage.**

5 **§2200.4. Penalty**

6 **Whoever violates the provisions of this Part shall be fined not more than**
 7 **five hundred dollars. Each day's violation constitutes a separate offense.**

8 **§2200.5. Rules and regulations**

9 **The secretary of the department shall promulgate rules and regulations**
 10 **necessary to carry out the provisions of the Part in accordance with the**
 11 **Administrative Procedure Act. The department may assess registration fees not**
 12 **to exceed one thousand dollars per year.**

13 Section 2. This Act shall become effective upon signature of the governor or, if not
 14 signed by the governor, upon expiration of the time for bills to become law without signature
 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 16 vetoed by the Governor and subsequently approved by the legislature, this Act shall become
 17 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Proposed law provides for the registration of personal care agencies with DHH.

Proposed law provides for the definition of "department," "personal care service agency,"
 and "secretary."

Proposed law provides that no personal care agency may be established, operated, or
 reimbursed unless the agency is registered with DHH. In addition, proposed law provides
 that registration is only valid for one geographical location and expires on the twelfth month
 after the date of issuance.

Proposed law requires any personal care service agency to conduct an in-home assessment
 to determine the appropriate level of care before assigning a caregiver.

Proposed law requires any personal care service agency employing a certified nursing
 assistant to perform a face-to-face interview with the certified nursing assistant and to verify
 that such certified nursing assistant is certified and listed on the Certified Nurse Aide
 Registry and perform or have performed a criminal background check.

Proposed law requires that any personal care service agency employing a direct service worker that is not a certified nursing assistant to conduct a face-to-face interview, perform a criminal background check, and assess the skill level of the non-certified caregiver and require at least three positive references before placement.

Proposed law requires that when a personal care service agency is required to place a caregiver in a situation which requires twenty-four hour coverage the agency shall have at minimum 10 available on-call substitutes for every 100 active clients to assure the required coverage.

Proposed law provides for fines of not more than \$500 for violations of the proposed law. Each day's violations constitutes a separate offense.

Proposed law requires DHH to promulgate rules and regulations to carry out the provisions of this Act. Proposed law allows DHH to assess up to \$1000 per year in registration fees.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:2200.1 - 2200.5)