

2022 Regular Session

HOUSE BILL NO. 384

BY REPRESENTATIVE WHEAT

HEALTH CARE/FACILITIES: Requires pediatric day health care facilities to provide for installation and operation of cameras at their premises

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(26) and to enact R.S. 40:2193.6, relative to pediatric  
3 day health care facilities licensed by the Louisiana Department of Health; to require  
4 that such facilities install cameras at their licensed premises; to require such facilities  
5 to develop and disseminate policies concerning cameras installed at their premises;  
6 to provide requirements and limitations with respect to the location and placement  
7 of such cameras; to provide authorizations and restrictions with respect to video and  
8 audio recordings made by such cameras; to exempt such video and audio recordings  
9 from the provisions of the Public Records Law; to provide for an effective date; and  
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 40:2193.6 is hereby enacted to read as follows:

13 §2193.6. Cameras; condition of licensure

14 A. Each pediatric day health care facility shall provide for the installation  
15 and operation at its licensed premises of cameras that record both video and audio.

16 Compliance with the provisions of this Section shall be a condition of a pediatric day  
17 health care facility's licensure by the department as provided in this Part.

1           B. The director of each pediatric day health care facility shall develop and  
2           share with all facility employees and parents of children served at the facility a  
3           policy relative to cameras at the facility that, at minimum, provides for all of the  
4           following:

5           (1) The location and placement of cameras in any room, except a location  
6           identified in Paragraph (2) of this Subsection, in which children may be cared for.

7           (2) A prohibition against the recording of the interior of a restroom or any  
8           other area in which a child's bare body is normally exposed.

9           (3) A requirement that written notice of the cameras be provided to facility  
10          employees, parents of children served at the facility, and authorized visitors.

11          (4) A requirement that all employees who provide services at the facility  
12          receive training concerning the provisions of this Section.

13          (5) Provisions relative to the duration of retention of video and audio data  
14          recorded by the devices required by this Section and procedures for data storage and  
15          disposal.

16          (6) Procedures for protecting children's privacy and for determining to whom  
17          and under what circumstances video or audio data may be disclosed. Such policies  
18          shall restrict authorization to review video or audio data recorded by the devices  
19          required by this Section to the following persons, exclusively:

20               (a) The director of the pediatric day health care facility.

21               (b) The secretary of the department or his designee.

22               (c) A parent of a recorded child pursuant to an allegation or evidence of  
23          abuse, neglect, or injury.

24               (d) Any member of law enforcement while investigating, in his official  
25          capacity, an allegation or evidence of abuse, neglect, or injury.

26               (e) Any party designated in a subpoena issued by a court of law.

27          (7) A requirement that any person who views a recording showing what he  
28          believes could be a violation of state or federal law shall report the suspected  
29          violation to the appropriate law enforcement agency.



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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 384 Re-Reengrossed

2022 Regular Session

Wheat

**Abstract:** Requires pediatric day health care facilities licensed by the La. Dept. of Health to install and operate cameras at their premises and provides requirements and limitations relative to audio and video recordings made by such cameras.

Present law defines "pediatric day health care facility", in pertinent part, as a facility that provides care for medically fragile children under the age of 21, including technology-dependent children who require close supervision. Requires that pediatric day health care facilities be licensed by the La. Dept. of Health (LDH). Proposed law retains present law.

Proposed law requires each pediatric day health care facility to provide for the installation and operation at its licensed premises of cameras that record both video and audio. Stipulates that compliance with proposed law shall be a condition of a pediatric day health care facility's licensure.

Proposed law requires that the director of each pediatric day health care facility develop and share with all facility employees and parents of children served at the facility a policy relative to cameras at the facility that, at minimum, provides for all of the following:

- (1) The location and placement of cameras in any room in which children may be cared for except a restroom or any other area in which a child's bare body is normally exposed.
- (2) A requirement that written notice of the cameras be provided to facility employees, parents of children served at the facility, and authorized visitors.
- (3) A requirement that all employees who provide services at the facility receive training concerning the provisions of proposed law.
- (4) Provisions relative to the duration of retention of video and audio data and procedures for data storage and disposal.
- (5) Procedures for protecting children's privacy and for determining to whom and under what circumstances video or audio data may be disclosed. Proposed law requires that the facility's policy restrict authorization to review video or audio data to the following persons:
  - (a) The director of the pediatric day health care facility.
  - (b) The secretary of LDH or his designee.
  - (c) A parent of a recorded child pursuant to an allegation or evidence of abuse, neglect, or injury.
  - (d) A member of law enforcement while investigating, in his official capacity, an allegation or evidence of abuse, neglect, or injury.
  - (e) Any party designated in a subpoena issued by a court of law.

- (6) A requirement that any person who views a recording showing what he believes could be a violation of state or federal law shall report the suspected violation to the appropriate law enforcement agency.
- (7) A requirement that any camera installed pursuant to proposed law be in compliance with the National Fire Protection Assoc. Life Safety Code.

Proposed law requires that recordings made by cameras at pediatric day health care facilities be kept confidential and provides that such recordings are exempt from the Public Records Law (present law, R.S. 44:1 et seq.).

Proposed law provides that proposed law is not enforceable until the adoption of administrative rules by the La. Dept. of Health.

Effective Jan. 1, 2023.

(Amends R.S. 44:4.1(B)(26); Adds R.S. 40:2193.6)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete proposed law authorizing access to video or audio data by a parent of a recorded child upon the parent's request. Provide instead that the parent may access the video or audio pursuant to an allegation or evidence of abuse, neglect, or injury.
2. Add the following to the exclusive list of parties who may access video or audio data recorded by the devices required by proposed law:
  - a. Any member of law enforcement.
  - b. Any party designated in a subpoena issued by a court of law.
3. Make a technical change.

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Limit the authority of law enforcement to access video or audio data to cases where there is an allegation or evidence of abuse, neglect, or injury.
2. Provide for an effective date and implementation upon promulgation of rules.

The House Floor Amendments to the reengrossed bill:

1. Revise language describing locations where recording by cameras provided for in proposed law is prohibited.
2. Revise language relative to access by members of law enforcement to video and audio data recorded by cameras provided for in proposed law.