AN ACT

To amend and reenact R.S. 40:1203.3(A)(introductory paragraph) and to enact R.S. 40:1203.3(E), relative to employment of nonlicensed persons with certain healthcare providers; to define and provide with respect to the role of peer support specialists in behavioral health settings; to authorize the employment by licensed behavioral health services providers of peer support specialists who have been convicted of certain offenses; to provide conditions for the employment of such persons; to provide for administrative rulemaking by the Louisiana Department of Health; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1203.3(A)(introductory paragraph) is hereby amended and reenacted and R.S. 40:1203.3(E) is hereby enacted to read as follows:

§1203.3. Refusal to hire or contract; termination of employment; exemption to hiring prohibition; appeal procedure; waiver

A. Except as otherwise provided in R.S. 40:1203.2(C) and Subsection E of this Section, no employer shall hire any licensed ambulance personnel or nonlicensed person when the results of a criminal history check reveal that the licensed ambulance personnel or nonlicensed person has been convicted of any of the following offenses:

* * *
E.(1) For purposes of this Subsection, “peer support specialist” means a behavioral health staff member who possesses lived experience with his own behavioral health condition and with navigating the behavioral health services network who seeks employment with a behavioral healthcare facility or program serving people with behavioral health conditions.

(2) The provisions of this Subsection shall apply exclusively to peer support specialists employed or contracted with a behavioral health services provider licensed by the department, and shall not be construed to apply to any other person or any licensed personnel.

(3) Notwithstanding any other provision of law, a person shall not be prohibited or disqualified from employment as a peer support specialist with a licensed behavioral health services provider if the person's criminal background check reveals he has been convicted of an offense provided for in R.S. 14:38.1 or 14:67, or convicted of distribution or possession with the intent to distribute controlled dangerous substances listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law, R.S. 40:961 et seq., if that person meets all of the following requirements:

(a) No less than three years prior to being hired as a peer support specialist, the person satisfactorily completed his sentence or was lawfully released from confinement, supervision, or probation imposed by a court for the person's most recent conviction for an offense listed in this Paragraph.

(b) After satisfactorily completing his sentence or after being lawfully released from confinement, supervision, or probation for his most recent conviction for an offense listed in this Paragraph, the person successfully completed all training and requirements established by the office of behavioral health of the department for a peer support specialist as evidenced by a Notice of Completion of Training and Requirements issued by the office of behavioral health or its designee.

(4) Nothing in this Subsection shall be construed as creating an obligation upon an employer to offer employment to a person.
(5) The department shall promulgate rules in accordance with the Administrative Procedure Act relating to the training and requirements of peer support specialists for purposes of implementing this Subsection.