

2017 Regular Session

HOUSE BILL NO. 245

BY REPRESENTATIVE HOFFMANN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/HOME CARE: Authorizes a home- and community-based services provider to recoup the cost of a preemployment background check

1 AN ACT

2 To enact R.S. 23:897(N) and R.S. 40:2120.8, relative to preemployment background check
3 fees paid by home- and community-based services providers; to authorize a home-
4 and community-based services provider to recoup the cost of an applicant's
5 preemployment background check; to provide for the reimbursement of certain fees;
6 to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:897(N) is hereby enacted to read as follows:

9 §897. Medical and other examinations, fingerprinting, requiring employee to pay
10 for, prohibited; enforcement of provisions; civil and criminal penalties;
11 exception

12 * * *

13 N. This Section shall not apply to any preemployment criminal history and
14 security check required by R.S. 40:1203.2 for an applicant for employment with a
15 home- and community-based services provider licensed pursuant to R.S. 40:2120.1
16 et seq.

17 Section 2. R.S. 40:2120.8 is hereby enacted to read as follows:

18 §2120.8. Fees; preemployment criminal background checks

19 A. Notwithstanding any other provision of law to the contrary, including but
20 not limited to R.S. 23:897, a home- and community-based services provider may
21 require an applicant for employment to pay for or in any manner pass on to the

1 applicant or withhold from an employee's pay the cost of the preemployment
2 criminal history and security check required by R.S. 40:1203.2.

3 B. A home- and community-based services provider shall reimburse an
4 applicant required to pay any cost pursuant to the provisions of Subsection A of this
5 Section if the applicant is subsequently hired by that provider and the applicant
6 remains employed for not less than three months from the date of hire.

7 Section 3. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

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)]

HB 245 Reengrossed

2017 Regular Session

Hoffmann

Abstract: Authorizes a home- and community-based services provider to recoup the cost of a preemployment background check.

Present law prohibits a public or private employer from requiring any employee or applicant for employment to pay for or passing on to the applicant or withholding from an employee's pay the cost of fingerprinting, a medical examination, or a drug test, or the cost of furnishing any records available to the employer or required by the employer as a condition of employment.

Proposed law provides an exception to present law for any preemployment criminal history and security check required by state law for an applicant for employment with a licensed home- and community-based services provider.

Proposed law authorizes a home- and community-based services provider to require an applicant for employment to pay for or in any manner pass on to the applicant or withhold from an employee's pay the cost of the preemployment criminal history and security check required by state law.

Proposed law requires a home- and community-based services provider to reimburse an applicant who pays the cost of the required preemployment criminal history and security check if the applicant is subsequently hired by that provider and remains employed for not less than three months from the date of hire.

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

(Adds R.S. 23:897(N) and R.S. 40:2120.8)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Require reimbursement if the applicant is subsequently hired and remains employed for not less than three months from the date of hire.
2. Make technical changes.