

2020 Second Extraordinary Session

SENATE BILL NO. 53

BY SENATOR MCMATH

EMPLOYMENT. Provides for the rehiring of nonlicensed persons by certain health care providers required to temporarily close during a public health emergency. (gov sig) (Item #28)

1 AN ACT

2 To enact R.S. 40:1203.2(C)(3), relative to the employment of nonlicensed persons by adult
3 day health care providers; to provide for an exemption from the criminal history and
4 security check requirement for certain rehired persons; to provide for an effective
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1203.2(C)(3) is hereby enacted to read as follows:

8 §1203.2. Employment of nonlicensed persons and licensed ambulance personnel;
9 training program enrollment of nonlicensed persons; mandatory
10 criminal history and security checks; temporary employment; notice
11 to applicants

12 * * *

13 C. * * *

14 **(3) Notwithstanding any other provision of law to the contrary, a**
15 **nonprofit adult day health care provider may make an offer of employment to**
16 **a nonlicensed person without conducting the criminal history and security**
17 **check required pursuant to this Part if all of the following conditions are met:**

18 **(a) The nonlicensed person was employed by the nonprofit adult day**

1 **health care provider on March 22, 2020.**

2 **(b) The nonprofit adult day health care provider was required to**
3 **temporarily cease operations pursuant to Proclamation Number 33 JBE 2020,**
4 **or any subsequent proclamation declaring the existence of a statewide**
5 **COVID-19 public health emergency.**

6 **(c) The nonlicensed person is no longer employed by the nonprofit adult**
7 **day health care provider as a result of the temporary closure mandated**
8 **pursuant to Proclamation Number 33 JBE 2020, or any subsequent**
9 **proclamation declaring the existence of a statewide COVID-19 public health**
10 **emergency.**

11 **(d) The nonlicensed person is being rehired by the same nonprofit adult**
12 **day health care provider within sixty days of the provider resuming operations.**

13 **(e) The nonlicensed person provides a written attestation that he has not**
14 **been arrested or received a criminal conviction during the period from the date**
15 **the nonlicensed person was last employed by the nonprofit adult day health care**
16 **provider to the date of rehiring.**

17 * * *

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 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 Brandi Cannon.

DIGEST

SB 53 Engrossed

2020 Second Extraordinary Session

McMath

Present law provides that an employer shall request for a criminal history and security check to be conducted on a nonlicensed person or any licensed ambulance personnel prior to making an offer to employ or to contract with the nonlicensed person or licensed ambulance personnel to provide nursing care, health-related services, medic services, or supportive assistance to any individual.

Proposed law retains present law but provides that a nonprofit adult day health care provider may make an offer of employment to a nonlicensed person without conducting the criminal

history and security check required if all of the following conditions are met:

- (1) The nonlicensed person was employed by the nonprofit adult day health care provider on March 22, 2020.
- (2) The nonprofit adult day health care provider was required to temporarily cease operations pursuant to Proclamation No. 33 JBE 2020, or any subsequent proclamation declaring the existence of a statewide COVID-19 public health emergency.
- (3) The nonlicensed person is no longer employed by the nonprofit adult day health care provider as a result of the temporary closure mandated pursuant to Proclamation No. 33 JBE 2020, or any subsequent proclamation declaring the existence of a statewide COVID-19 public health emergency.
- (4) The nonlicensed person is being rehired by the same nonprofit adult day health care provider within 60 days of the provider resuming operations.
- (5) The nonlicensed person provides a written attestation that he has not been arrested or received a criminal conviction during the period from the date the nonlicensed person was last employed by the nonprofit adult day health care provider to the date of rehiring.

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

(Adds R.S. 40:1203.2(C)(3))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to
the original bill

1. Removes the exemption from a preemployment drug screening test.