

2015 Regular Session

HOUSE BILL NO. 700

BY REPRESENTATIVE SIMON

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

HEALTH/HOME CARE: Provides relative to home- and community-based services

1 AN ACT

2 To amend and reenact R.S. 15:587(B)(1) and (F)(1) and to enact R.S. 15:587(I), relative to
3 home- and community-based services; to provide for fees for criminal history
4 background checks for employees of home- and community-based services
5 providers; to provide for enhancement of Medicaid reimbursement for home- and
6 community-based services through the proceeds of the fees; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:587(B)(1) and (F)(1) are hereby amended and reenacted and R.S.
10 15:587(I) is hereby enacted to read as follows:

11 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal
12 Identification and Information

13 * * *

14 B.(1) ~~The~~ Except as provided in Subsection I of this Section, the bureau may
15 charge a processing fee of twenty-six dollars for information provided to any agency
16 or entity statutorily eligible to receive this information, except another state or local
17 law enforcement agency, pursuant to a request to assist the agency in performing a
18 screening function as part of any regulatory or licensing scheme. Payment of the
19 processing fee shall accompany the request for such information and shall be

1 deposited by the bureau immediately upon receipt into the Criminal Identification
2 and Information Fund.

3 * * *

4 F.(1) An employer or his representative shall be entitled to obtain conviction
5 records of an applicant seeking employment, directly from the Bureau of Criminal
6 Identification and Information in order to further qualify the applicant for the
7 position being sought, if the applicant has signed a consent form authorizing the
8 employer to obtain such conviction records. Upon written request and upon
9 presentation of a consent form prepared by the bureau and executed by the applicant,
10 the bureau shall provide conviction records of the applicant to the employer or his
11 representative in a timely manner. In addition, each applicant shall be fingerprinted,
12 and the fingerprints shall be forwarded by the bureau to the Federal Bureau of
13 Investigation for a national criminal history check. Records obtained pursuant to the
14 provisions of this Subsection shall not include those records which have been
15 ordered expunged pursuant to R.S. 44:9. ~~The~~ Except as provided in Subsection I of
16 this Section, the provisions of Subsection B of this Section shall apply to any request
17 made pursuant to this Subsection. The bureau shall not be liable civilly or criminally
18 for the release of information released pursuant to the provisions of this Subsection.

19 * * *

20 I.(1) For any criminal history information provided relative to an applicant
21 for employment by a home- and community-based services provider pursuant to
22 Subsection F of this Section, the bureau may charge a processing fee of twenty-six
23 dollars. Payment of the processing fee shall accompany the request for the
24 information.

25 (2) The bureau shall transfer the full amount of the processing fees collected
26 pursuant to Paragraph (1) of this Subsection to the Department of Health and
27 Hospitals to be used by the department to obtain federal matching funds to enhance
28 Medicaid reimbursement for home- and community-based services.

1 (3) After complying with the provisions of Paragraph (2) of this Subsection,
2 the Department of Health and Hospitals shall transfer to the bureau an amount equal
3 to the total amount of the processing fees originally transferred pursuant to
4 Paragraph (2) of this Subsection.

5 (4) The transfer and use of any processing fees pursuant to this Subsection
6 shall be subject to approval by the Centers for Medicare and Medicaid Services.

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 700 Original

2015 Regular Session

Simon

Abstract: Provides relative to Medicaid reimbursement for home- and community-based services.

Present law authorizes the La. Bureau of Criminal Identification and Information (bureau) to provide the conviction records of an applicant seeking employment if the applicant has signed a consent form authorizing the employer to obtain the conviction records. Further authorizes the bureau to collect a processing fee of \$26 to provide the information.

Proposed law retains present law but requires the full processing fee for any criminal history information provided relative to an applicant for employment by a home- and community-based services provider to be transferred to the Dept. of Health and Hospitals (DHH) and used by the department to obtain federal matching funds to enhance Medicaid reimbursement for home-and community-based services.

Proposed law further requires DHH, after complying with the provisions of proposed law, to transfer to the bureau an amount equal to the total amount of the processing fees originally transferred.

The transfer and use of any processing fees pursuant to proposed law shall be subject to approval by the Centers for Medicare and Medicaid Services.

(Amends R.S. 15:587(B)(1) and (F)(1); Adds R.S. 15:587(I))