

SENATE BILL NO. 32

BY SENATOR FANNIN

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

1 AN ACT

2 To amend and reenact R.S. 40:1203.1(5) and the section heading of R.S. 40:1203.2, and to
3 enact R.S. 40:1203.1(7) and (8) and R.S. 40:1203.2(G), relative to criminal
4 background checks for certified nurse aide trainees; to provide for definitions; to
5 provide for applicability to training programs; to provide authorization for
6 conducting a criminal background check; to provide for search of the national sex
7 offender public registry; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1203.1(5) and the section heading of R.S. 40:1203.2 are hereby
10 amended and reenacted and R.S. 40:1203.1(7) and (8) and R.S. 40:1203.2(G) are hereby
11 enacted to read as follows:

12 §1203.1. Definitions

13 For the purposes of this Part:

14 * * *

15 (5) "Nonlicensed person" means any person who provides for compensation
16 nursing care or other health-related services directly related to patient care to
17 residents in or patients of a nursing facility, intermediate care facility for people with
18 developmental disabilities, adult residential care facility or provider, pediatric day
19 health care facility, adult day health care center, psychiatric residential treatment
20 facility, end stage renal disease facility, behavioral health services provider, home
21 health agency, hospice agency, provider of ambulance services, hospital, adult brain
22 injury facility, crisis receiving center, pain management clinic, outpatient abortion
23 facility, rural health clinic, ambulatory surgical center, therapeutic group home,
24 forensic supervised transitional residential and aftercare facility, case management
25 provider, or home- and community-based service provider and who is not a licensed
26 health provider. "Nonlicensed person" also means any person who provides such

1 services to individuals in their own homes as an employee or contract provider of a
 2 home health agency, hospice, or home- and community-based service provider.
 3 "Nonlicensed person" also means any other direct service worker as defined in R.S.
 4 40:2179 and 2179.1. "Nonlicensed person" also means a student or trainee
 5 applying for enrollment in a clinical preceptor training program authorized by
 6 R.S. 40:1201.1 et seq., or in a nurse aide training program approved by the
 7 department pursuant to federal and state law or regulation.

8 * * *

9 (7) "Training program" means a department approved clinical
 10 preceptor nurse aide training program.

11 (8) "Educational institution" means a community college, vocational-
 12 technical program, or other educational entity offering a clinical preceptor
 13 nurse aide training program developed by the Louisiana Community and
 14 Technical College System pursuant to R.S. 40:1201.1 et seq.

15 §1203.2. Employment of nonlicensed persons and licensed ambulance personnel;
 16 training program enrollment of nonlicensed persons; mandatory
 17 criminal history and security checks; temporary employment; notice
 18 to applicants

19 * * *

20 G.(1) Prior to any educational institution or approved training program
 21 accepting an applicant for the clinical preceptor nurse aide training program,
 22 a statewide criminal history background check, which includes a check of the
 23 national sex offender public registry, shall be conducted. The educational
 24 institution or approved training program shall request in writing that the office
 25 or authorized agency conduct a criminal history and security check on the
 26 applicant and shall provide the office or authorized agency with any relevant
 27 information required by the office or authorized agency to conduct the check.
 28 The educational institution or approved training program may request the
 29 criminal history and security check be performed using the fingerprints of the
 30 applicant.

1 (2) An educational institution, approved training program, or authorized
 2 agency shall pay the fee the office is authorized by law to charge for a search of
 3 the office's criminal history files on an applicant for the clinical preceptor nurse
 4 aide training program.

5 (3) The security check shall consist of the use of personal identifiers, such
 6 as name, social security number, date of birth, and driver's license number, to
 7 search the national sex offender public registry. An authorized agency shall
 8 notify the office if a security check reveals that an applicant is listed in the
 9 national sex offender public registry.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____