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 DIGEST

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SB 53 Engrossed

2020 Second Extraordinary Session

McMath

Present law requires an employer to request that a criminal history and security check 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 and provides that any adult day health care provider and any home- and community-based service provider that provides adult day care services 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 provider on March 22, 2020.
- (2) The 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 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 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 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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the engrossed bill:

1. Change the type of facilities to which proposed law applies from nonprofit adult day health care providers to all adult day health care providers and all home- and community-based service providers that provide adult day care services.