

2022 Regular Session

HOUSE BILL NO. 384

BY REPRESENTATIVE WHEAT

HEALTH CARE/FACILITIES: Requires pediatric day health care facilities to provide for installation and operation of cameras at their premises

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(26) and to enact R.S. 40:2193.6, relative to pediatric
3 day health care facilities licensed by the Louisiana Department of Health; to require
4 that such facilities install cameras at their licensed premises; to require such facilities
5 to develop and disseminate policies concerning cameras installed at their premises;
6 to provide requirements and limitations with respect to the location and placement
7 of such cameras; to provide authorizations and restrictions with respect to video and
8 audio recordings made by such cameras; to exempt such video and audio recordings
9 from the provisions of the Public Records Law; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:2193.6 is hereby amended and reenacted to read as follows:

12 §2193.6. Cameras; condition of licensure

13 A. Each pediatric day health care facility shall provide for the installation
14 and operation at its licensed premises of cameras that record both video and audio.
15 Compliance with the provisions of this Section shall be a condition of a pediatric day
16 health care facility's licensure by the department as provided in this Part.

17 B. The director of each pediatric day health care facility shall develop and
18 share with all facility employees and parents of children served at the facility a
19 policy relative to cameras at the facility that, at minimum, provides for all of the
20 following:

1 (1) The location and placement of cameras in any room, except one
2 identified in Paragraph (2) of this Subsection, in which children may be cared for.

3 (2) A prohibition against the recording of the interior of a restroom or any
4 other area in which a child's clothing may be changed or removed.

5 (3) A requirement that written notice of the cameras be provided to facility
6 employees, parents of children served at the facility, and authorized visitors.

7 (4) A requirement that all employees who provide services at the facility
8 receive training concerning the provisions of this Section.

9 (5) Provisions relative to the duration of retention of video and audio data
10 recorded by the devices required by this Section and procedures for data storage and
11 disposal.

12 (6) Procedures for protecting children's privacy and for determining to whom
13 and under what circumstances video or audio data may be disclosed. Such policies
14 shall restrict authorization to review video or audio data recorded by the devices
15 required by this Section to the following persons, exclusively:

16 (a) The director of the pediatric day health care facility.

17 (b) The secretary of the department or his designee.

18 (c) A parent of a recorded student upon the parent's request.

19 (7) A requirement that any person who views a recording showing what he
20 believes could be a violation of state or federal law shall report the suspected
21 violation to the appropriate law enforcement agency.

22 (8) A requirement that any camera installed pursuant to this Section be in
23 compliance with the National Fire Protection Association Life Safety Code.

24 C. Recordings made by cameras at pediatric day health care facilities
25 installed and operated in accordance with this Section shall be kept confidential and
26 are not public records; however, such a recording may be viewed by a party
27 designated in Paragraph (A)(6) of this Section.

1 Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

2 §4.1. Exceptions

3 * * *

4 B. The legislature further recognizes that there exist exceptions, exemptions,
5 and limitations to the laws pertaining to public records throughout the revised
6 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
7 limitations are hereby continued in effect by incorporation into this Chapter by
8 citation:

9 * * *

10 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 973.1, 978.2.1,
11 1007, 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1168.3, 1171.4, 1203.4,
12 1231.4, 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019,
13 2020, 2106, 2109.1, 2138, 2175.7(B)(1), 2193.6, 2532, 2845.1

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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 384 Original 2022 Regular Session Wheat

Abstract: Requires pediatric day health care facilities licensed by the La. Dept. of Health to install and operate cameras at their premises and provides requirements and limitations relative to audio and video recordings made by such cameras.

Present law defines "pediatric day health care facility", in pertinent part, as a facility that provides care for medically fragile children under the age of 21, including technology-dependent children who require close supervision. Requires that pediatric day health care facilities be licensed by the La. Dept. of Health (LDH). Proposed law retains present law.

Proposed law requires each pediatric day health care facility to provide for the installation and operation at its licensed premises of cameras that record both video and audio. Stipulates that compliance with proposed law shall be a condition of a pediatric day health care facility's licensure.

Proposed law requires that the director of each pediatric day health care facility develop and share with all facility employees and parents of children served at the facility a policy relative to cameras at the facility that, at minimum, provides for all of the following:

- (1) The location and placement of cameras in any room, with one exception, in which children may be cared for.

- (2) A prohibition against the recording of the interior of a restroom or any other area in which a child's clothing may be changed or removed.
- (3) A requirement that written notice of the cameras be provided to facility employees, parents of children served at the facility, and authorized visitors.
- (4) A requirement that all employees who provide services at the facility receive training concerning the provisions of proposed law.
- (5) Provisions relative to the duration of retention of video and audio data recorded by the devices required by proposed law and procedures for data storage and disposal.
- (6) Procedures for protecting children's privacy and for determining to whom and under what circumstances video or audio data may be disclosed. Proposed law requires that the facility's policy restrict authorization to review video or audio data recorded by the devices required by proposed law to the following persons, exclusively:
 - (a) The director of the pediatric day health care facility.
 - (b) The secretary of LDH or his designee.
 - (c) A parent of a recorded student upon the parent's request.
- (7) A requirement that any person who views a recording showing what he believes could be a violation of state or federal law shall report the suspected violation to the appropriate law enforcement agency.
- (8) A requirement that any camera installed pursuant to proposed law be in compliance with the National Fire Protection Association Life Safety Code.

Proposed law requires that recordings made by cameras at pediatric day health care facilities be kept confidential and provides that such recordings are exempt from the Public Records Law (present law, R.S. 44:1 et seq.).

(Amends R.S. 44:4.1(B)(26); Adds R.S. 40:2193.6)