
DIGEST

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HB 384 Re-Reengrossed

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 in which children may be cared for except a restroom or any other area in which a child's bare body is normally exposed.
- (2) A requirement that written notice of the cameras be provided to facility employees, parents of children served at the facility, and authorized visitors.
- (3) A requirement that all employees who provide services at the facility receive training concerning the provisions of proposed law.
- (4) Provisions relative to the duration of retention of video and audio data and procedures for data storage and disposal.
- (5) 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 to the following persons:
 - (a) The director of the pediatric day health care facility.
 - (b) The secretary of LDH or his designee.

- (c) A parent of a recorded child pursuant to an allegation or evidence of abuse, neglect, or injury.
 - (d) A member of law enforcement while investigating, in his official capacity, an allegation or evidence of abuse, neglect, or injury.
 - (e) Any party designated in a subpoena issued by a court of law.
- (6) 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.
- (7) A requirement that any camera installed pursuant to proposed law be in compliance with the National Fire Protection Assoc. 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.).

Proposed law provides that proposed law is not enforceable until the adoption of administrative rules by the La. Dept. of Health.

Effective Jan. 1, 2023.

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

Summary of Amendments Adopted by House

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

1. Delete proposed law authorizing access to video or audio data by a parent of a recorded child upon the parent's request. Provide instead that the parent may access the video or audio pursuant to an allegation or evidence of abuse, neglect, or injury.
2. Add the following to the exclusive list of parties who may access video or audio data recorded by the devices required by proposed law:
 - a. Any member of law enforcement.
 - b. Any party designated in a subpoena issued by a court of law.
3. Make a technical change.

The Committee Amendments Proposed by House Committee on House and Governmental

Affairs to the engrossed bill:

1. Limit the authority of law enforcement to access video or audio data to cases where there is an allegation or evidence of abuse, neglect, or injury.
2. Provide for an effective date and implementation upon promulgation of rules.

The House Floor Amendments to the reengrossed bill:

1. Revise language describing locations where recording by cameras provided for in proposed law is prohibited.
2. Revise language relative to access by members of law enforcement to video and audio data recorded by cameras provided for in proposed law.