

## RÉSUMÉ DIGEST

ACT 619 (HB 384)

2022 Regular Session

Wheat

Existing 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). New law retains existing law.

New 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 new law shall be a condition of a pediatric day health care facility's licensure.

New 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 new 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. New 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 new law be in compliance with the National Fire Protection Assoc. Life Safety Code.

New law requires that recordings made by cameras at pediatric day health care facilities be kept confidential. Provides that such recordings are exempt from statutes pertaining to public records encompassed by the Public Records Law (existing law, R.S. 44:1 et seq.).

New law stipulates that its provisions relating to installation and operation of cameras at pediatric day health care facilities are not enforceable until LDH adopts administrative rules for implementation of new law.

Effective January 1, 2023.

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