

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 414

2026 Regular Session

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HEALTH: Provides for prohibitions on hiring individuals with certain criminal convictions

Synopsis of Senate Amendments

1. Adds provisions relative to background checks for individuals who own, operate, or manage therapeutic group homes.
2. Adds provisions relative to temporary or conditional employment while an employer awaits final disposition and clarification of a criminal history check.
3. Modifies effectiveness provisions.

Digest of Bill as Finally Passed by Senate

Present law provides for criminal history and security checks for nonlicensed healthcare workers and licensed ambulance personnel employed by certain healthcare providers and facilities.

Present law defines “nonlicensed person” as a person who provides nursing care or other health-related services directly related to patient care in certain healthcare settings and who is not a licensed healthcare provider. Present law further includes students and trainees in certain clinical or nurse aide training programs.

Proposed law revises the definition of “nonlicensed person” to clarify that the term applies to persons employed by an employer and removes provider-specific language relating to certain direct care workers. Proposed law further clarifies that the term excludes persons who do not provide direct care or health-related services while acting within the course and scope of employment, including cafeteria workers, maintenance and janitorial staff, and groundskeepers.

Present law requires an employer, prior to making an offer of employment or contract to a nonlicensed person or licensed ambulance personnel, to request a criminal history and security check through the office of state police or an authorized agency.

Proposed law retains present law but authorizes hospitals to obtain criminal history and security checks through an accredited consumer reporting agency if the report includes parish, county, federal criminal court, and national sex offender registry searches and complies with federal Fair Credit Reporting Act requirements.

Present law authorizes temporary employment of a nonlicensed person or licensed ambulance personnel pending the results of a criminal history and security check.

Proposed law retains present law adding that the existence of a pending arrest record, unresolved record match, or certain misdemeanor offenses shall not prohibit temporary or conditional employment of a unlicensed healthcare worker pending completion of the criminal history review.

Present law requires employers to notify applicants that a criminal history and security check is required and to obtain written authorization from the applicant prior to release of such information.

Proposed law retains present law.

Proposed law additionally requires employers to maintain documentation demonstrating compliance with criminal history and security check requirements in accordance with

present law governing confidentiality and retention of records.

Present law prohibits employers from hiring a nonlicensed person or licensed ambulance personnel convicted of specified criminal offenses, including certain violent crimes, sexual offenses, theft offenses, drug offenses, and crimes against persons. Present law further provides separate hiring prohibitions applicable when the healthcare provider serves persons under the age of 21.

Proposed law repeals the separate hiring prohibitions applicable to providers serving persons under the age of 21 and consolidates all prohibited offenses into a single hiring prohibition applicable to all employers covered by present law.

Proposed law further removes licensed ambulance personnel as an employee that is prohibited from being hired due to prior criminal offenses provided for in present law.

Proposed law extends the hiring prohibitions of present law to an unlicensed healthcare worker convicted of a federal offense or an offense in another state that would satisfy the elements of an offense listed in present law.

Present law requires the La. Dept. of Health to conduct background checks on certain persons who own, operate, or manage therapeutic group homes.

Proposed law changes the applicability of the individuals requiring a background check pursuant to present law.

Effective upon signature of the governor or lapse of time for gubernatorial action; certain provisions effective on Oct. 1, 2026.

(Amends R.S. 15:587.1.2(A)(2)(a)(i) and R.S. 40:1203.1(6), 1203.2(A), (B), (C)(1), and (E)(1), 1203.3(A)(1), (C), and (D)(1), and 2008.10(A)(1)(a)(i); Adds R.S. 40:1203.2(H) and (I) and 1203.3(A)(5); Repeals R.S. 40:1203.1(4)(g) and (5) and 1203.3(B))