

2016 Regular Session

HOUSE BILL NO. 680

BY REPRESENTATIVE MORENO

HOSPITALS: Requires healthcare services providers to conduct background checks on prospective employees

1 AN ACT

2 To amend and reenact R.S. 40:1203.1(3)(a) through (c), (g), (l), and (o), (4), and (5) and to
3 enact R.S. 40:1203.1(3)(d), (i), (j), and (p) through (x), relative to nonlicensed
4 healthcare providers; to require certain healthcare services providers to perform
5 criminal background history checks on nonlicensed personnel prior to employment;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1203.1(3)(a) through (c), (g), (l), and (o), (4), and (5) are hereby
9 amended and reenacted and R.S. 40:1203.1(3)(d), (i), (j), and (p) through (x) are hereby
10 enacted to read as follows:

11 §1203.1. Definitions

12 For the purposes of this Part:

13 * * *

14 (3) "Employer" means any of the following facilities, agencies, providers,
15 or programs:

16 (a) A nursing ~~home~~, facility, as defined in R.S. 40:2009.2.

17 (b) An intermediate care facility for ~~people~~ individuals with ~~developmental~~
18 intellectual disabilities.

19 (c) An adult residential care ~~home~~, ~~as defined in R.S. 40:2153.~~ provider, as
20 defined in R.S. 40:2166.3.

1 (d) A pain management clinic as defined in R.S. 40:2198.11.

2 * * *

3 ~~(g) An ambulance service as defined in R.S. 40:1299.41(A).~~ R.S. 40:1131.

4 * * *

5 (i) An ambulatory surgical center as defined in R.S. 40:2133.

6 (j) A crisis receiving center as defined in R.S. 28:2180.12.

7 * * *

8 ~~(l) A Medicaid Personal Care Services or Section 1915(c) Home and~~
9 ~~Community-based Services Waiver Program.~~ hospital as defined in R.S. 40:2102.

10 * * *

11 ~~(o) An adult residential care provider, as defined in R.S. 40:2166.3.~~ day
12 healthcare provider as defined in R.S. 40:2120.42.

13 (p) A psychiatric residential treatment facility licensed pursuant to R.S.
14 40:2009.

15 (q) An end stage renal disease facility as defined in R.S. 40:2117.1.

16 (r) A behavioral health services provider as defined in R.S. 40:2153.

17 (s) An adult brain Injury facility as defined in R.S. 40:2120.33.

18 (t) A rural health clinic as defined in R.S. 40:1185.3.

19 (u) A therapeutic group home licensed pursuant to R.S. 40:2009.

20 (v) A provider of case management services.

21 (w) A forensic supervised transitional residential and aftercare facility, as
22 defined in R.S. 28:32.

23 (x) An outpatient abortion facility as defined in R.S. 40:2175.3).

24 (4) "Licensed ambulance personnel" means personnel who provide services,
25 either for compensation or volunteer services, ~~of care as a certified~~ an emergency
26 medical service ~~professional~~ practitioner, including ~~certified emergency medical~~
27 ~~technician-basic, certified emergency medical technician-intermediate, certified~~
28 ~~emergency medical technician-paramedic, or certified first responder.~~ Nothing
29 herein shall pertain to any licensed ambulance personnel working for a nursing

1 ~~home, intermediate care facility for people with developmental disabilities, adult~~
2 ~~residential care home, home- and community-based service provider, home health~~
3 ~~agency, or hospice.~~ licensed emergency medical technicians, licensed advanced
4 emergency medical technicians, licensed paramedics, and licensed first emergency
5 medical responders.

6 (5) "Nonlicensed person" means any person, either contracted or employed
7 on staff, who provides for compensation nursing care or other health-related services
8 to residents in or patients of a nursing facility, intermediate care facility for ~~people~~
9 individuals with developmental intellectual disabilities, adult residential care facility
10 or provider, pediatric day healthcare facility, ~~adult residential care provider,~~ adult
11 day healthcare center, psychiatric residential treatment facility, end stage renal
12 disease facility, behavioral health services provider, home health agency, hospice
13 agency, provider of ambulance services, hospital, adult brain injury facility, crisis
14 receiving center, pain management clinic, outpatient abortion facility, rural health
15 clinic, ambulatory surgical center, therapeutic group home, forensic supervised
16 transitional residential and aftercare facility, case management provider, or home-
17 and community-based service provider and who is not a licensed health provider.

18 "Nonlicensed person" also means any person who provides such services to
19 individuals in their own homes as an employee or contract provider of a home health
20 agency, hospice, or home- and community-based service provider. "Nonlicensed
21 person" also means any ~~person employed as a driver by or who contracts as a driver~~
22 ~~with a nonemergency, non-ambulance transportation facility or entity.~~ other direct
23 service worker as defined in R.S. 40:2179 and 2179.1.

24 * * *

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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 680 Original

2016 Regular Session

Moreno

Abstract: Requires certain healthcare services providers to perform criminal background history checks on nonlicensed personnel prior to employment.

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 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 adds additional categories of healthcare services providers to the list of employers required to perform a background check on prospective employees.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1203.1(3)(a)-(c), (g), (l), and (o), (4), and (5); Adds R.S. 40:1203.1(3)(d), (i), (j), and (p)-(x))