

Regular Session, 2011

SENATE BILL NO. 65

BY SENATOR CHEEK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE. Provides for an exception to the prohibition against employing a nonlicensed person or licensed ambulance personnel when such person has been convicted of certain criminal offenses. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:1300.53(C)(2), relative to nonlicensed persons and licensed
3 ambulance personnel; to provide for an exemption to the prohibition on employing
4 a nonlicensed person or licensed ambulance personnel when such person has been
5 convicted of certain offenses; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1300.53(C)(2) is hereby amended and reenacted to read as
8 follows:

9 §1300.53. Refusal to hire or contract; termination of employment; exemption;
10 appeal procedure; waiver

11 * * *

12 C. * * *

13 ~~(2) The provisions of this Subsection shall not apply to an employee or~~
14 ~~contract provider who has been employed for twenty-four months of the preceding~~
15 ~~thirty-six months~~ **The provisions of this Section shall not apply to a nonlicensed**
16 **person or licensed ambulance personnel who was working under a waiver**
17 **granted under the law in effect prior to August 15, 2010, so long as that person**

1 continues to be employed for the employer who granted the waiver and the
2 person began employment for the employer prior to August 15, 2010, or a person
3 who has received a pardon of the conviction or has had his conviction expunged.

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

The original instrument was prepared by Greg Waddell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Cheek (SB 65)

Present law prohibits an employer from hiring any licensed ambulance personnel or nonlicensed persons when the results of a criminal history check reveal that the individual has been convicted of certain criminal offenses. Provides that if the employer discovers such after employment of the individual, the employer shall immediately terminate the individual's employment.

Present law provides an exception to present law's prohibition and required termination for an employee who has been employed for 24-months of the preceding 36-months and a person who has received a pardon of the conviction.

Proposed law ends the present law exception with regards to individuals employed for 24-months of the preceding 36-months after August 15, 2010, provided the individual continues to work for the same employer. Also, adds an exception for individuals who have had their conviction expunged.

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

(Amends R.S. 40:1300.53(C)(2))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Adds exception for individuals who have had their conviction expunged.