SLS 19RS-112 **ORIGINAL**

2019 Regular Session

SENATE BILL NO. 32

BY SENATOR FANNIN

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

HEALTH CARE. Provides relative to criminal background checks for certified nurse aide trainees. (8/1/19)

AN ACT

2	To amend and reenact R.S. 40:1203.1(5) and the section heading of R.S. 40:1203.2, and to
3	enact R.S. 40:1203.1(7) and (8) and R.S. 40:1203.2(G), relative to criminal
4	background checks for certified nurse aide trainees; to provide for definitions; to
5	provide for applicability to training programs; to provide authorization for
6	conducting a criminal background check; to provide for search of the national sex
7	offender public registry; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 40:1203.1(5) and the section heading of R.S. 40:1203.2 are hereby
10	amended and reenacted and R.S. 40:1203.1(7) and (8) and R.S. 40:1203.2(G) are hereby
11	enacted to read as follows:
12	§1203.1. Definitions
13	For the purposes of this Part:
14	* * *
15	(5) "Nonlicensed person" means any person who provides for compensation
16	nursing care or other health-related services directly related to patient care to
17	residents in or patients of a nursing facility, intermediate care facility for people with

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1	developmental disabilities, adult residential care facility or provider, pediatric day
2	health care facility, adult day health care center, psychiatric residential treatment
3	facility, end stage renal disease facility, behavioral health services provider, home
4	health agency, hospice agency, provider of ambulance services, hospital, adult brain
5	injury facility, crisis receiving center, pain management clinic, outpatient abortion
6	facility, rural health clinic, ambulatory surgical center, therapeutic group home,
7	forensic supervised transitional residential and aftercare facility, case management
8	provider, or home- and community-based service provider and who is not a licensed
9	health provider. "Nonlicensed person" also means any person who provides such
10	services to individuals in their own homes as an employee or contract provider of a
11	home health agency, hospice, or home- and community-based service provider.
12	"Nonlicensed person" also means any other direct service worker as defined in R.S.
13	40:2179 and 2179.1. "Nonlicensed person" also means a student or trainee
14	applying for enrollment in a clinical preceptor training program authorized by
15	R.S. 40:1201.1 et seq., or in a nurse aide training program approved by the
16	department pursuant to federal and state law or regulation.
17	* * *
18	(7) "Training program" means a department approved clinical
19	preceptor nurse aide training program.
20	(8) "Educational institution" means a community college, vocational-
21	technical program, or other educational entity offering a clinical preceptor
22	nurse aide training program developed by the Louisiana Community and
23	Technical College System pursuant to R.S. 40:1201.1 et seq.
24	§1203.2. Employment of nonlicensed persons and licensed ambulance personnel;
25	training program enrollment of nonlicensed persons; mandatory
26	criminal history and security checks; temporary employment; notice
27	to applicants
28	* * *

G.(1) Prior to any educational institution or approved training program

1 accepting an applicant for the clinical preceptor nurse aide training program, 2 a statewide criminal history background check, which includes a check of the national sex offender public registry, shall be conducted. The educational 3 institution or approved training program shall request in writing that the office 4 or authorized agency conduct a criminal history and security check on the 5 applicant and shall provide the office or authorized agency with any relevant 6 information required by the office or authorized agency to conduct the check. 7 8 The educational institution or approved training program may request the 9 criminal history and security check be performed using the fingerprints of the 10 applicant. 11 (2) An educational institution, approved training program, or authorized 12 agency shall pay the fee the office is authorized by law to charge for a search of 13 the office's criminal history files on an applicant for the clinical preceptor nurse aide training program. 14 (3) The security check shall consist of the use of personal identifiers, such 15 16 as name, social security number, date of birth, and driver's license number, to search the national sex offender public registry. An authorized agency shall 17 notify the office if a security check reveals that an applicant is listed in the 18 19 national sex offender public registry.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST 2019 Regular Session

SB 32 Original

Fannin

<u>Present law</u> provides for criminal history background checks on nonlicensed persons employed by certain healthcare facilities, agencies, providers, or programs. <u>Proposed law</u> retains <u>present law</u> and provides for criminal history background checks on nonlicensed persons enrolling in a clinical preceptor nurse aide training program offered by a community college, vocational-technical program, or other educational entity or another entity approved by the Louisiana Department of Health pursuant to federal or state law or regulation.

<u>Present law</u> provides authority for certain employers to request criminal history and national sex offender registry checks from the office of state police within the Department of Public Safety and Corrections or from an authorized agency authorized by state police to conduct a criminal history and national sex offender registry check. <u>Proposed law</u> retains <u>present law</u> and provides authority for educational institutions and training programs to use the office of state police or an authorized agency to request a criminal history and national sex offender

registry check on clinical preceptor nurse aide applicants.

<u>Present law</u> provides that employers requesting a search of the office's criminal history files on an applicant for employment shall pay the fee the office is authorized by law to charge for a search of the office's criminal history files. <u>Proposed law</u> retains <u>present law</u> and provides that an educational institution or approved training program shall pay the same fee for a search on an applicant for the clinical preceptor nurse aide training program.

Effective August 1, 2019.

(Amends R.S. 40:1203.1(5) and R.S. 40:1203.2 (section heading); adds R.S. 40:1203.1(7) and (8) and R.S. 40:1203.2(G))