

2019 Regular Session

SENATE BILL NO. 32

BY SENATOR FANNIN

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)

1 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

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 * * *

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

registry check on clinical preceptor nurse aide applicants.

Present law 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. Proposed law retains present law 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))