
HOUSE COMMITTEE AMENDMENTS

2026 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 414 by Representative Chenevert

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 40:1203.1(6), 1203.2(A), (B), (C)(1), and (E)(1), and 1203.3(A)(1), (C), and (D)(1), to enact R.S. 40:1203.2(H) and 1203.3(A)(5), and to repeal R.S. 40:1203.1(4)(g) and (5) and 1203.3(B),"

AMENDMENT NO. 2

On page 1, line 2, delete "repeal R.S. 40:1203.3(B),"

AMENDMENT NO. 3

On page 1, line 4, after "personnel;" delete the remainder of the line

AMENDMENT NO. 4

On page 1, delete line 5 in its entirety and insert the following:

"to provide for hiring certain healthcare staff; to provide for criminal history and security background checks; to prohibit hiring individuals with certain criminal convictions; to repeal certain restrictions on licensed ambulance personnel; to provide for an effective date; and to provide for related matters."

AMENDMENT NO. 5

On page 1, delete lines 7 and 8 in their entirety and insert the following:

"Section 1. R.S. 40:1203.1(6), 1203.2(A), (B), (C)(1), and (E)(1), and 1203.3(A)(1), (C), and (D)(1) are hereby amended and reenacted and R.S. 40:1203.2(H) and 1203.3(A)(5) are hereby enacted to read as follows:

PART II. CRIMINAL HISTORY CHECKS ON
NONLICENSED PERSONS ~~AND LICENSED~~
~~AMBULANCE PERSONNEL~~

§1203.1. Definitions

For the purposes of this Part, the following terms have the meaning ascribed in this Section:

* * *

(6) "Nonlicensed person" means any person who provides for compensation nursing care or other health-related services directly related to patient care to residents in or patients of a nursing facility, ~~intermediate care facility for people with developmental disabilities, adult residential care facility or provider, pediatric day health care facility, adult day health care center, psychiatric residential treatment facility, end stage renal disease facility, behavioral health services provider, home health agency, hospice agency, provider of ambulance services, hospital, adult brain injury facility, crisis receiving center, pain management clinic, outpatient abortion facility, rural health clinic, ambulatory surgical center, therapeutic group home, forensic supervised transitional residential and aftercare facility, case management provider, or home- and community-based service provider~~ an employer and who is not a licensed health provider. "Nonlicensed person" also means any person who provides such services to individuals in their own homes as an employee or contract

1 provider of a home health agency, hospice, or home- and community-based service
 2 provider. "Nonlicensed person" also means any other direct service worker as
 3 defined in R.S. 40:2179 and 2179.1. "Nonlicensed person" also means a student or
 4 trainee applying for enrollment in a clinical preceptor training program authorized
 5 by R.S. 40:1201.1 et seq., or in a nurse aide training program approved by the
 6 department pursuant to federal and state law or regulation. "Nonlicensed person"
 7 does not include a person who, while acting within the course and scope of the
 8 person's employment, does not provide direct care or other health-related services
 9 to a person including but not limited to cafeteria workers, maintenance and janitorial
 10 staff, and groundskeepers.

11 * * *

12 §1203.2. Employment of nonlicensed persons ~~and licensed ambulance personnel;~~
 13 training program enrollment of nonlicensed persons; mandatory criminal
 14 history and security checks; temporary employment; notice to applicants

15 A.(1) Except as otherwise provided in Subsection C of this Section, prior to
 16 any employer making an offer to employ or to contract with a nonlicensed person ~~or~~
 17 ~~any licensed ambulance personnel~~ to provide nursing care, health-related services,
 18 ~~medic services~~, or supportive assistance to any individual, the employer shall request
 19 that a criminal history and security check be conducted on the nonlicensed person
 20 ~~or any licensed ambulance personnel~~ pursuant to the provisions of this Section. If
 21 the employer is a facility, home, or institution which is part of a larger complex of
 22 buildings, the requirement of a criminal history and security check shall apply only
 23 to an offer of employment or contract made to a nonlicensed person ~~or any licensed~~
 24 ~~ambulance personnel~~ who will work primarily in the immediate boundaries of the
 25 facility, home, or institution.

26 (2) Except as otherwise specified in Paragraph (D)(1) of this Section, an
 27 employer may obtain the criminal history record maintained by the office of state
 28 police of a nonlicensed person ~~or any licensed ambulance personnel~~ offering to
 29 provide nursing care, health-related services, or supportive services to any
 30 individual.

31 B.(1)(a) ~~The~~ Except as provided in Paragraph 2 of this Subsection, an
 32 employer shall request in writing that the office or authorized agency conduct a
 33 criminal history and security check on the nonlicensed person ~~or any licensed~~
 34 ~~ambulance personnel~~ and shall provide the office or authorized agency with any
 35 relevant information required by the office or authorized agency to conduct the
 36 check. The employer may request that the criminal history and security check be
 37 performed using the fingerprints of the nonlicensed person ~~or any licensed~~
 38 ~~ambulance personnel~~.

39 ~~(2)~~ (b) An employer or authorized agency shall pay a fee of twenty-six
 40 dollars to the office for a search of the office's criminal history files on an applicant
 41 for employment.

42 ~~(3)~~ (c) The security check shall consist of the use of personal identifiers,
 43 such as name, social security number, date of birth, and driver's license number, to
 44 search the national sex offender public registry. An authorized agency shall notify
 45 the office if a security check reveals that an applicant is listed in the national sex
 46 offender public registry.

47 (2) A hospital, as defined in R.S. 40:2102, shall conduct a criminal history
 48 and security check in one of the following ways:

49 (a) Following the procedure described in Paragraph (1) of this Subsection.

50 (b) Obtaining a criminal history and security check prepared by a consumer
 51 reporting agency as defined in 15 U.S.C. 1681a(f) that also meets all of the following
 52 criteria:

53 (i) The consumer reporting agency is accredited by the Professional
 54 Background Screening Association or a successor organization maintaining
 55 nationally recognized accreditation standards for employment background screening
 56 agencies.

57 (ii) The criminal history and security check includes a search of the criminal
 58 court records in each parish or county in which the applicant has resided during the

1 preceding three years, federal criminal court records, and the national sex offender
 2 public registry.

3 (iii) The consumer reporting agency searches records using multiple personal
 4 identifiers including but not limited to name, date of birth, and address history.

5 (iv) The consumer reporting agency prepares the criminal history and security
 6 check report in compliance with the requirements of 15 USC 1681.

7 C.(1) An employer may make an offer of temporary employment to a
 8 nonlicensed person ~~or any licensed ambulance personnel~~ pending the results of the
 9 criminal history and security check on the person. In such instances, the employer
 10 shall provide to the office or authorized agency the name and relevant information
 11 relating to the person within seventy-two hours after the date the person accepts
 12 temporary employment.

13 * * *

14 E.(1) An employer shall inform each applicant for employment or each
 15 prospective contract provider that the employer is required to obtain a criminal
 16 history record and perform a security check before such employer makes an offer of
 17 employment to, or contracts with, a nonlicensed person ~~or any licensed ambulance~~
 18 ~~personnel~~. The employer shall obtain written permission from the applicant for the
 19 release of such information to the employer on a form that clearly notifies the
 20 applicant it is a crime to provide false information concerning a criminal history
 21 check to an employer.

22 * * *

23 H. An employer shall maintain documentation demonstrating compliance
 24 with the requirements of this Section in accordance with R.S. 40:1203.4."

25 AMENDMENT NO. 6

26 On page 1, line 12, delete "licensed ambulance personnel or"

27 AMENDMENT NO. 7

28 On page 1, line 13, after "history" and before "check" insert "and security" and at the end of
 29 the line, delete "licensed"

30 AMENDMENT NO. 8

31 On page 1, line 14, delete "ambulance personnel or"

32 AMENDMENT NO. 9

33 On page 2, line 3, after "history" and before "check" insert "and security"

34 AMENDMENT NO. 10

35 On page 2, line 4, delete "or any licensed ambulance personnel"

36 AMENDMENT NO. 11

37 On page 2, between lines 8 and 9, insert the following:

38 "D.(1) The provisions of this Section shall not apply to a nonlicensed person
 39 ~~or licensed ambulance personnel~~ who was working under a waiver granted under the
 40 law in effect prior to August 15, 2010, ~~so long as~~ if that person continues to be
 41 employed for the employer who granted the waiver and the person began
 42 employment for the employer prior to August 15, 2010, or a person who has received
 43 a pardon of the conviction or has had his conviction expunged."
 44

1 AMENDMENT NO. 12

2 On page 2, delete line 10 in its entirety and insert the following:

3 "Section 2. R.S. 40:1203.1(4)(g) and (5) and 1203.3(B) are hereby repealed in their
4 entirety.

5 Section 3. This Act shall become effective on October 1, 2026."

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