

2026 Regular Session

HOUSE BILL NO. 414

BY REPRESENTATIVE CHENEVERT

HEALTH: Provides for prohibitions on hiring individuals with certain criminal convictions

1 AN ACT

2 To amend and reenact R.S. 40:1203.1(6), 1203.2(A), (B), (C)(1), and (E)(1), and
3 1203.3(A)(1), (C), and (D)(1), to enact R.S. 40:1203.2(H) and 1203.3(A)(5), and to
4 repeal R.S. 40:1203.1(4)(g) and (5) and 1203.3(B), relative to unlicensed healthcare
5 workers and licensed ambulance personnel; to provide for hiring certain healthcare
6 staff; to provide for criminal history and security background checks; to prohibit
7 hiring individuals with certain criminal convictions; to repeal certain restrictions on
8 licensed ambulance personnel; to provide for an effective date; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

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

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

17 §1203.1. Definitions

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

20 * * *

1 (6) "Nonlicensed person" means any person who provides for compensation
2 nursing care or other health-related services directly related to patient care to
3 residents in or patients of a nursing facility, ~~intermediate care facility for people with~~
4 ~~developmental disabilities, adult residential care facility or provider, pediatric day~~
5 ~~health care facility, adult day health care center, psychiatric residential treatment~~
6 ~~facility, end stage renal disease facility, behavioral health services provider, home~~
7 ~~health agency, hospice agency, provider of ambulance services, hospital, adult brain~~
8 ~~injury facility, crisis receiving center, pain management clinic, outpatient abortion~~
9 ~~facility, rural health clinic, ambulatory surgical center, therapeutic group home,~~
10 ~~forensic supervised transitional residential and aftercare facility, case management~~
11 ~~provider, or home- and community-based service provider~~ an employer and who is
12 not a licensed health provider. "Nonlicensed person" also means any person who
13 provides such services to individuals in their own homes as an employee or contract
14 provider of a home health agency, hospice, or home- and community-based service
15 provider. "Nonlicensed person" also means any other direct service worker as
16 defined in R.S. 40:2179 and 2179.1. "Nonlicensed person" also means a student or
17 trainee applying for enrollment in a clinical preceptor training program authorized
18 by R.S. 40:1201.1 et seq., or in a nurse aide training program approved by the
19 department pursuant to federal and state law or regulation. "Nonlicensed person"
20 does not include a person who, while acting within the course and scope of the
21 person's employment, does not provide direct care or other health-related services
22 to a person including but not limited to cafeteria workers, maintenance and janitorial
23 staff, and groundskeepers.

* * *

25 §1203.2. Employment of nonlicensed persons ~~and licensed ambulance personnel;~~
26 training program enrollment of nonlicensed persons; mandatory criminal
27 history and security checks; temporary employment; notice to applicants
28 A.(1) Except as otherwise provided in Subsection C of this Section, prior to
29 any employer making an offer to employ or to contract with a nonlicensed person ~~or~~

1 ~~any licensed ambulance personnel~~ to provide nursing care, health-related services,
2 ~~medic services~~, or supportive assistance to any individual, the employer shall request
3 that a criminal history and security check be conducted on the nonlicensed person
4 ~~or any licensed ambulance personnel~~ pursuant to the provisions of this Section. If
5 the employer is a facility, home, or institution which is part of a larger complex of
6 buildings, the requirement of a criminal history and security check shall apply only
7 to an offer of employment or contract made to a nonlicensed person ~~or any licensed~~
8 ~~ambulance personnel~~ who will work primarily in the immediate boundaries of the
9 facility, home, or institution.

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

15 B.(1)(a) The Except as provided in Paragraph 2 of this Subsection, an
16 employer shall request in writing that the office or authorized agency conduct a
17 criminal history and security check on the nonlicensed person ~~or any licensed~~
18 ~~ambulance personnel~~ and shall provide the office or authorized agency with any
19 relevant information required by the office or authorized agency to conduct the
20 check. The employer may request that the criminal history and security check be
21 performed using the fingerprints of the nonlicensed person ~~or any licensed~~
22 ~~ambulance personnel~~.

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

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

1 ~~personnel~~. The employer shall obtain written permission from the applicant for the
2 release of such information to the employer on a form that clearly notifies the
3 applicant it is a crime to provide false information concerning a criminal history
4 check to an employer.

5 * * *

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

8 §1203.3. Refusal to hire or contract; termination of employment; exceptions to
9 hiring prohibition; appeal procedure; waiver

10 A. Except as otherwise provided in R.S. 40:1203.2(C) and Subsection E of
11 this Section, no employer shall hire any ~~licensed ambulance personnel~~ or nonlicensed
12 person when the results of a criminal history and security check reveal that the
13 ~~licensed ambulance personnel~~ or nonlicensed person has been convicted of any of
14 the following offenses:

15 (1) R.S. 14:28.1, 30, 30.1, 31, 32.6, 32.7, 32.12, 34, 34.1, 34.7, 35.2, 37,
16 37.1, 37.4, 38.1, 42, 42.1, 43, 43.1, 43.2, 43.3, 43.5, 44, 44.1, 44.2, 46.2, 51, 60, 64,
17 64.1, 64.4, 66, 67.16, 80, 81.2, 89, 89.1, 93, 93.3, 93.4, 93.5, 283.3 or distribution or
18 possession with the intent to distribute controlled dangerous substances as listed in
19 Schedules I through V of the Uniform Controlled Dangerous Substances Act.

20 * * *

21 (5) An offense that occurred in another state or a federal offense that is
22 substantially similar to an offense provided for in Paragraphs (1) through (4) of this
23 Subsection.

24 C. If the results of a criminal history and security check reveal that a
25 nonlicensed person ~~or any licensed ambulance personnel~~ hired on a temporary basis
26 or any other person who is an employee has been convicted of any of the offenses
27 listed in Subsection A ~~or B~~ of this Section or has been convicted of a crime in
28 another state or federal court that would satisfy the elements of an offense listed in
29 Subsection A of this Section, the employer shall immediately terminate the person's
30 employment.

Proposed law creates an exception to present law for hospitals providing that a hospital may obtain a criminal history and security check through a third-party consumer reporting agency.

Present law requires an employer to maintain confidentiality and retain documentation of a criminal history and security check.

Proposed law retains present law.

Effective on Oct. 1, 2026.

(Amends R.S. 40:1203.1(6), 1203.2(A), (B), (C)(1), and (E)(1), and 1203.3(A)(1), (C), and (D)(1); Adds R.S. 40:1203.2(H) and 1203.3(A)(5); Repeals R.S. 40:1203.1(4)(g) and (5) and 1203(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Add certain federal criminal offenses that would qualify as an offense that would prohibit hiring or require the termination of a nonlicensed healthcare professional.
2. Modify the definition of nonlicensed person.
3. Provide for maintaining confidentiality of criminal history and security checks.
4. Remove licensed ambulance personnel from the requirements of proposed law.
5. Make technical corrections.