

ACT No. 802

2026 Regular Session

HOUSE BILL NO. 414

BY REPRESENTATIVE CHENEVERT

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AN ACT

To amend and reenact R.S. 15:587.1.2(A)(2)(a)(i) and R.S. 40:1203.1(6), 1203.2(A), (B), (C)(1), and (E)(1), 1203.3(A)(1), (C), and (D)(1), and 2008.10(A)(1)(a)(i), to enact R.S. 40:1203.2(H) and (I) and 1203.3(A)(5), and to repeal R.S. 40:1203.1(4)(g) and (5) and 1203.3(B), relative to unlicensed healthcare workers and licensed ambulance personnel; 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.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587.1.2(A)(2)(a)(i) is hereby amended and reenacted to read as follows:

§587.1.2. Provision of information to protect children who receive services at a therapeutic group home

A.

* * *

1 (2)(a) The persons to which this Section applies include:

2 (i) Any ~~person who owns, operates, or manages a licensed therapeutic group~~
3 home individual who has any ownership interest in a therapeutic group home or who
4 has managerial authority over its business operations or its provision of client care.

5 * * *

6 Section 2. R.S. 40:1203.1(6) and 1203.2(A), (B), (C)(1), and (E)(1) are hereby
7 amended and reenacted and R.S. 40:1203.2(H) and (I) are hereby enacted to read as follows:

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

11 §1203.1. Definitions

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

14 * * *

15 (6) "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~~
18 ~~developmental disabilities, adult residential care facility or provider, pediatric day~~
19 ~~health care facility, adult day health care center, psychiatric residential treatment~~
20 ~~facility, end stage renal disease facility, behavioral health services provider, home~~
21 ~~health agency, hospice agency, provider of ambulance services, hospital, adult brain~~
22 ~~injury facility, crisis receiving center, pain management clinic, outpatient abortion~~
23 ~~facility, rural health clinic, ambulatory surgical center, therapeutic group home,~~
24 ~~forensic supervised transitional residential and aftercare facility, case management~~
25 ~~provider, or home- and community-based service provider~~ an employer and who is
26 not a licensed health provider. "Nonlicensed person" also means any person who
27 provides such services to individuals in their own homes as an employee or contract
28 provider of a home health agency, hospice, or home- and community-based service
29 provider. "Nonlicensed person" also means any other direct service worker as
30 defined in R.S. 40:2179 and 2179.1. "Nonlicensed person" also means a student or

1 trainee applying for enrollment in a clinical preceptor training program authorized
 2 by R.S. 40:1201.1 et seq., or in a nurse aide training program approved by the
 3 department pursuant to federal and state law or regulation. "Nonlicensed person"
 4 does not include a person who, while acting within the course and scope of the
 5 person's employment, does not provide direct care or other health-related services
 6 to a person, including but not limited to cafeteria workers, maintenance and janitorial
 7 staff, and groundskeepers.

8 * * *

9 §1203.2. Employment of nonlicensed persons ~~and licensed ambulance personnel;~~
 10 training program enrollment of nonlicensed persons; mandatory criminal
 11 history and security checks; temporary employment; notice to applicants

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

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

28 B.(1)(a) ~~The~~ Except as provided in Paragraph (2) of this Subsection, an
 29 employer shall request in writing that the office or authorized agency conduct a
 30 criminal history and security check on the nonlicensed person ~~or any licensed~~

1 ~~ambulance personnel~~ and shall provide the office or authorized agency with any
 2 relevant information required by the office or authorized agency to conduct the
 3 check. The employer may request that the criminal history and security check be
 4 performed using the fingerprints of the nonlicensed person ~~or any licensed~~
 5 ~~ambulance personnel~~.

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

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

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

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

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

20 (i) The consumer reporting agency is accredited by the Professional
 21 Background Screening Association or a successor organization maintaining
 22 nationally recognized accreditation standards for employment background screening
 23 agencies.

24 (ii) The criminal history and security check includes a search of the criminal
 25 court records in each parish or county in which the applicant has resided during the
 26 preceding three years, federal criminal court records, and the national sex offender
 27 public registry.

1 (1) The preliminary criminal history review does not reveal a conviction for
2 an offense enumerated in R.S. 40:1203.3(A).

3 (2) Any unresolved record match involves only:

4 (a) Traffic-related offenses.

5 (b) Parking violations.

6 (c) Administrative citations.

7 (d) Nonviolent misdemeanor offenses not involving abuse, neglect,
8 exploitation, theft, fraud, controlled dangerous substances, or crimes against a
9 person.

10 (e) Identity verification issues requiring additional review by state police or
11 other reporting agency.

12 (3) The employee works under supervision consistent with existing
13 temporary employment requirements provided in Subsection C of this Section.

14 (4) The employer immediately removes the employee from direct service
15 duties upon receipt of a final criminal history report revealing a disqualifying
16 offense.

17 I. An employer shall maintain documentation demonstrating compliance
18 with the requirements of this Section in accordance with R.S. 40:1203.4.

19 Section 3. R.S. 40:1203.3(A)(1), (C), and (D)(1) and 2008.10(A)(1)(a)(i) are hereby
20 amended and reenacted and R.S. 40:1203.3(A)(5) is hereby enacted to read as follows:

21 §1203.3. Refusal to hire or contract; termination of employment; exceptions to
22 hiring prohibition; appeal procedure; waiver

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

28 (1) R.S. 14:28.1, 30, 30.1, 31, 32.6, 32.7, 32.12, 34, 34.1, 34.7, 35.2, 37,
29 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,
30 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

1 possession with the intent to distribute controlled dangerous substances as listed in
2 Schedules I through V of the Uniform Controlled Dangerous Substances Act.

3 * * *

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

7 C. If the results of a criminal history and security check reveal that a
8 nonlicensed person ~~or any licensed ambulance personnel~~ hired on a temporary basis
9 or any other person who is an employee has been convicted of any of the offenses
10 listed in Subsection A ~~or B~~ of this Section or has been convicted of a crime in
11 another state or federal court that is substantially similar to an offense listed in
12 Subsection A of this Section, the employer shall immediately terminate the person's
13 employment.

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

20 * * *

21 §2008.10. Therapeutic group homes licensed by the Louisiana Department of
22 Health; state central registry of child abuse and neglect; criminal background
23 checks

24 A.(1)(a) The provisions of this Section shall apply to the following persons:

25 (i) ~~Any person who owns, operates, or manages a licensed therapeutic group~~
26 ~~home~~ individual who has any ownership interest in a therapeutic group home or who
27 has managerial authority over its business operations or its provision of client care.

28 * * *

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

3 Section 5.(A) This Section and Section 2 of this Act shall become effective upon
4 signature by the governor or, if not signed by the governor, upon expiration of the time for
5 bills to become law without signature by the governor.

6 (B) Sections 1, 3, and 4 of this Act shall become effective on October 1, 2026.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____