

RÉSUMÉ DIGEST

ACT 802 (HB 414)

2026 Regular Session

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Prior law required the La. Dept. of Health (LDH) to conduct background checks on any person who owns, operates, or manages a therapeutic group home.

New law requires LDH to conduct background checks on any individual who has any ownership interest in a therapeutic group home or who has managerial authority over its business operations or its provision of client care.

Prior law provided for criminal history and security checks for nonlicensed healthcare workers and licensed ambulance personnel employed by certain healthcare providers and facilities.

New law removes licensed ambulance personnel as an employee who is prohibited from being hired due to prior criminal offenses.

Prior law defined "nonlicensed person" as a person who provides nursing care or other health-related services directly related to patient care in certain healthcare settings and who is not a licensed healthcare provider. Existing law further includes students and trainees in certain clinical or nurse aide training programs.

New law revises the definition of "nonlicensed person" to clarify that the term applies to persons who provide nursing care or health-related services to residents or patients of an employer, removing provider-specific language. New law further clarifies that the term excludes persons who do not provide direct care or health-related services while acting within the course and scope of employment, including cafeteria workers, maintenance and janitorial staff, and groundskeepers.

Existing law requires an employer, before making an offer of employment or contract to a nonlicensed person or licensed ambulance personnel, to request a criminal history and security check through the office of state police or an authorized agency.

New law retains existing law and authorizes hospitals to obtain criminal history and security checks through an accredited consumer reporting agency if the report includes parish, county, federal criminal court and national sex offender registry searches and complies with federal Fair Credit Reporting Act requirements.

Existing law authorizes temporary employment of a nonlicensed person or licensed ambulance personnel pending the results of a criminal history and security check.

New law retains existing law and adds that the existence of a pending arrest record, unresolved record match, or certain misdemeanor offenses shall not prohibit temporary or conditional employment of a nonlicensed healthcare worker pending completion of the criminal history review.

Existing law requires employers to notify applicants that a criminal history and security check is required and to obtain written authorization from the applicant prior to conducting a criminal history and security check.

New law retains existing law.

New law additionally requires employers to maintain documentation demonstrating compliance with criminal history and security check requirements in accordance with existing law governing confidentiality and retention of records.

Prior law prohibited employers from hiring a nonlicensed person or licensed ambulance personnel convicted of specified criminal offenses, including certain violent crimes, sexual offenses, theft offenses, drug offenses, and crimes against persons. Prior law further provided separate hiring prohibitions applicable when the healthcare provider serves persons under the age of 21.

New law repeals the separate hiring prohibitions applicable to providers serving persons under the age of 21 and consolidates all prohibited offenses into a single hiring prohibition applicable to all employers hiring nonlicensed healthcare workers.

New law extends the hiring prohibitions to a nonlicensed healthcare worker convicted of a federal offense or an offense in another state that is substantially similar to an offense provided for in new law.

Certain provisions effective on June 9, 2026; certain provisions effective on October 1, 2026.

(Amends 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); Adds R.S. 40:1203.2(H) and (I) and 1203.3(A)(5); Repeals R.S. 40:1203.1(4)(g) and (5) and 1203.3(B))