SLS 19RS-112

ENGROSSED

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 |
| | |

Page 1 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

| 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 |

Page 2 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

SB 32 Engrossed

| 1 | accepting an applicant for the clinical preceptor nurse aide training program, |
|----|--|
| 2 | a statewide criminal history background check, which includes a check of the |
| 3 | national sex offender public registry, shall be conducted. The educational |
| 4 | institution or approved training program shall request in writing that the office |
| 5 | or authorized agency conduct a criminal history and security check on the |
| 6 | applicant and shall provide the office or authorized agency with any relevant |
| 7 | information required by the office or authorized agency to conduct the check. |
| 8 | The educational institution or approved training program may request the |
| 9 | criminal history and security check be performed using the fingerprints of the |
| 10 | applicant. |
| 11 | (2) An educational institution, approved training program, or authorized |
| 12 | agency shall pay the fee the office is authorized by law to charge for a search of |
| 13 | the office's criminal history files on an applicant for the clinical preceptor nurse |
| 14 | aide training program. |
| 15 | (3) The security check shall consist of the use of personal identifiers, such |
| 16 | as name, social security number, date of birth, and driver's license number, to |
| 17 | search the national sex offender public registry. An authorized agency shall |
| 18 | notify the office if a security check reveals that an applicant is listed in the |
| 19 | national sex offender public registry. |
| | |

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST 2019 Regular Session

Fannin

<u>Present law</u> provides for criminal history background checks on nonlicensed persons employed by certain healthcare facilities, agencies, providers, or programs. <u>Proposed law</u> retains <u>present law</u> and provides for criminal history background checks on nonlicensed persons enrolling in a clinical preceptor nurse aide training program offered by a community college, vocational-technical program, or other educational entity or another entity approved by the Louisiana Department of Health pursuant to federal or state law or regulation.

<u>Present law</u> provides authority for certain employers to request criminal history and national sex offender registry checks from the office of state police within the Department of Public Safety and Corrections or from an authorized agency authorized by state police to conduct a criminal history and national sex offender registry check. <u>Proposed law</u> retains <u>present law</u> and provides authority for educational institutions and training programs to use the office of state police or an authorized agency to request a criminal history and national sex offender

Page 3 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. registry check on clinical preceptor nurse aide applicants.

<u>Present law</u> 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. <u>Proposed law</u> retains <u>present law</u> 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))