

RÉSUMÉ DIGEST

ACT 243 (HB 548)

2019 Regular Session

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Existing law provides that the La. Bureau of Criminal Identification and Information (the bureau) shall make available to the Dept. of Children and Family Services (DCFS) all criminal history record information as defined in existing law related to foster and adoptive parent applicants.

New law adds to the applicants listed in existing law by including individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any La. state government agency.

Existing law provides that the bureau shall facilitate national criminal history record checks on certain individuals as it relates to the fostering and adopting of certain children subject to DCFS investigation or custody.

New law adds to the applicants listed in existing law by including individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any La. state government agency.

New law authorizes the La. Dept. of Health (LDH) to request in writing that the bureau supply certain criminal history record information to ascertain whether certain persons have been arrested for, convicted of, or pled nolo contendere to, any criminal offense.

New law applies to the following persons:

- (1) Any person who owns, operates, or manages a licensed therapeutic group home.
- (2) Any person who has applied for a license to operate a therapeutic group home.
- (3) Any person who is employed by, is contracted by, volunteers at, or interns with a therapeutic group home.
- (4) Any person who has applied to be employed or contracted by a therapeutic group home.
- (5) Any person who has applied to volunteer or intern with a therapeutic group home.

New law requires LDH to maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

New law provides that the costs of the criminal background check are the responsibility of the therapeutic group home.

New law authorizes LDH to adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of new law. Further authorizes LDH to adopt emergency rules according to the process provided for in existing law.

Existing law provides for exceptions to the Public Records Law.

New law adds certain information provided by the bureau to DCFS and LDH pursuant to existing law and new law to the existing law public records exceptions.

Effective upon signature of governor (June 11, 2019).

(Amends R.S. 15:587(A)(2)(a) and (b) and 587.1(A)(1)(a) and R.S. 44:4.1(B)(8); Adds R.S. 15:587.1.2 and R.S. 40:2008.10)