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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative Cox to Original House Bill No. 548 by Representative Cox

1 AMENDMENT NO. 1

2 On page 1, line 2, after "and (b)" and before "relative to" insert "and 587.1(A)(1)(a) and to
3 enact R.S. 15:587.1.2 and R.S. 40:2008.10,"

4 AMENDMENT NO. 2

5 On page 1, at the beginning of line 6, insert the following:

6 "to provide relative to the provision of information to protect children; to provide
7 relative to the provision of information to protect children who receive services at
8 a therapeutic group home and child care institutions; to provide relative to criminal
9 history record information of certain persons who own, operate, or manage a
10 therapeutic group home or who are employees, contractors, volunteers, or interns of
11 a therapeutic group home; to provide relative to the procedures to obtain and costs
12 of the background check;"

13 AMENDMENT NO. 3

14 On page 1, line 8, after "(b)" delete the remainder of the line and insert the following:

15 "and 587.1(A)(1)(a) are hereby amended and reenacted and R.S. 15:587.1.2 is hereby
16 enacted to read"

17 AMENDMENT NO. 4

18 On page 3, between lines 10 and 11, insert the following:

19 "§587.1. Provision of information to protect children
20 A.(1)(a) As provided in R.S. 15:825.3, R.S. 17:15, 407.42, and 407.71,
21 Children's Code Article 424.1, and R.S. 46:51.2 and 1441.13, any employer or others
22 responsible for the actions of one or more persons who have been given or have
23 applied to be considered for a position of supervisory or disciplinary authority over
24 children, and as provided in R.S. 46:51.2(A), the Department of Children and Family
25 Services as employer of one or more persons who have been given or have applied
26 to be considered for a position whose duties include the investigation of child abuse
27 or neglect, supervisory or disciplinary authority over children, direct care of a child,
28 or performance of licensing surveys, and as provided in 45 CFR 1355.20, a Child
29 Care Institution as an employer of an individual employee including contract
30 employees, shall request in writing that the bureau supply information to ascertain
31 whether that person or persons have been arrested for or convicted of, or pled nolo
32 contendere to, any criminal offense. The request must be on a form prepared by the
33 bureau and signed by a responsible officer or official of the organization or
34 department making the request. It must include a statement signed by the person
35 about whom the request is made which gives his permission for such information to
36 be released.

* * *

1 §587.1.2. Provision of information to protect children who receive services at a
 2 therapeutic group home

3 A.(1) As provided in R.S. 40:2008.10, the Louisiana Department of Health
 4 shall request in writing that the bureau supply information to ascertain whether the
 5 persons listed in Paragraph (2) of this Subsection have been arrested for or convicted
 6 of, or pled nolo contendere to, any criminal offense. The request shall be on a form
 7 prepared by the bureau and signed by a responsible official of the Louisiana
 8 Department of Health making the request. The request shall include a statement
 9 signed by the person about whom the request is made which gives his permission for
 10 such information to be released.

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

12 (i) Any person who owns, operates, or manages a licensed therapeutic group
 13 home.

14 (ii) Any person who has applied for a license to operate a therapeutic group
 15 home.

16 (iii) Any person who is employed by, is contracted by, volunteers at, or
 17 interns with a therapeutic group home.

18 (iv) Any person who has applied to be employed or contracted by a
 19 therapeutic group home.

20 (v) Any person who has applied to volunteer or intern with a therapeutic
 21 group home.

22 (b) This Section shall not apply to contractors and other individuals
 23 providing a service at the therapeutic group home who are not employees,
 24 volunteers, interns, or contracted members of the staff of the therapeutic group home,
 25 including but not limited to plumbers, landscapers, or visiting resources.

26 (3) In responding to a request for information as provided for in Paragraph
 27 (1) of this Subsection, the bureau shall make available a record of all criminal arrests
 28 and convictions of the person prior to the date of the request.

29 (4) The Louisiana Department of Health, as recipient of the information from
 30 the bureau, shall maintain the confidentiality of such criminal history information in
 31 accordance with applicable federal or state law.

32 B.(1) Upon receiving a request pursuant to the provisions of R.S. 40:2008.10
 33 that meets the requirements of Subsection A of this Section, the bureau shall survey
 34 its criminal history records and identification files and make a simultaneous request
 35 of the Federal Bureau of Investigation for like information from other jurisdictions.
 36 The bureau shall provide a report promptly and in writing, but provide only such
 37 information as is necessary to specify whether or not that person has been arrested
 38 for or convicted of or pled nolo contendere to any crime or crimes, the crimes of
 39 which he has been arrested for or convicted or to which he has pled nolo contendere,
 40 and the date or dates on which they occurred. The report provided pursuant to the
 41 provisions of this Subsection shall include arrests, convictions, or other dispositions,
 42 including convictions dismissed pursuant to Code of Criminal Procedure Article 893
 43 or 894.

44 (2)(a) When an individual's record contains information which has been
 45 expunged, the bureau shall include in its report to the Louisiana Department of
 46 Health the date of the arrest and a notation that the individual's record contains
 47 information which has been expunged and that the requestor may contact the bureau
 48 in order to obtain further information regarding the expunged information.

49 (b) The bureau shall establish policies and procedures by which the
 50 Louisiana Department of Health may be furnished with expunged information. These
 51 policies and procedures shall not require the Louisiana Department of Health to
 52 personally appear at the office of the bureau in order to obtain access to the
 53 expunged information.

54 (c) The Louisiana Department of Health shall maintain the confidentiality
 55 of the information as provided by law, and the expunged information shall not be
 56 deemed a public record.

57 C. The costs of any criminal background check which is required under this
 58 Section or R.S. 40:2008.10 shall be the responsibility of the therapeutic group home.

1 D. The Louisiana Department of Health may adopt rules and regulations in
 2 accordance with the Administrative Procedure Act to implement the provisions of
 3 this Section.

4 Section 2. R.S. 40:2008.10 is hereby enacted to read as follows:

5 §2008.10. Therapeutic group homes licensed by the Louisiana Department of
 6 Health; state central registry of child abuse and neglect; criminal background
 7 checks

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

9 (i) Any person who owns, operates, or manages a licensed therapeutic group
 10 home.

11 (ii) Any person who has applied for a license to operate a therapeutic group
 12 home.

13 (iii) Any person who is employed by, is contracted by, volunteers at, or
 14 interns with a therapeutic group home.

15 (iv) Any person who has applied to be employed or contracted by a
 16 therapeutic group home.

17 (v) Any person who has applied to volunteer or intern with a therapeutic
 18 group home.

19 (b) This Section shall not apply to contractors and other individuals
 20 providing a service at the therapeutic group home who are not employees,
 21 volunteers, interns, or contracted members of the state of the therapeutic group
 22 home, including but not limited to plumbers, landscapers, or visiting resources.

23 (2) The Louisiana Department of Health shall request, consistent with the
 24 provisions of R.S. 15:587.2, from the Bureau of Criminal Identification and
 25 Information, information concerning whether or not any of the persons listed in
 26 Paragraph (1) of this Subsection has been arrested for, convicted of, or pled nolo
 27 contendere to any criminal offense.

28 (3) The therapeutic group home shall request information from the
 29 Department of Children and Family Services as to whether the individual's name is
 30 recorded on the state central registry as a perpetrator for a justified finding of abuse
 31 or neglect of a child.

32 (4) For any individual subject to these provisions that has lived in any other
 33 state within the last five years, the Louisiana Department of Health shall request
 34 information from those states' child abuse and neglect registry or repository as to
 35 whether the individual's name is recorded on that state's registry or repository.

36 (5) The Louisiana Department of Health may request any information
 37 necessary from the therapeutic group home, any person subject to the provisions of
 38 this Section, or any other appropriate agency, to ensure compliance with this Section.

39 (6) The Louisiana Department of Health shall require and provide for the
 40 submission of a person's fingerprints in a form acceptable to the Louisiana Bureau
 41 of Criminal Identification and Information.

42 (7) The Louisiana Department of Health may charge a processing fee not to
 43 exceed fifteen dollars, and may collect from the therapeutic group home the charges
 44 and processing fees charged by the Bureau of Criminal Identification and
 45 Information for a state criminal history report, the Federal Bureau of Investigation
 46 for a federal criminal history information report, and any other state's registry or
 47 repository of abuse and neglect. The Louisiana Department of Health shall timely
 48 submit the appropriate charges and processing fees to the appropriate agencies.

49 B. The Louisiana Department of Health may adopt rules and regulations in
 50 accordance with the Administrative Procedure Act to implement the provisions of
 51 this Section."

52 AMENDMENT NO. 5

53 On page 3, line 11, change "Section 2." to "Section 3."