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**SENATE COMMITTEE AMENDMENTS**

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Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 150 by Senator Adley

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1    AMENDMENT NO. 1

2    On page 1, line 2, between "To" and "enact" insert "amend and reenact R.S 40:1300.51(1),  
3    1300.52(A), (B)(1), (C), (D)(2), and (E), the introductory paragraphs of 1300.53(A) and (B),  
4    1300.53(C)(1), and 1300.55 and to"

5    AMENDMENT NO. 2

6    On page 1, line 7, between "Section 1." and "R.S. 40:1300.57" insert "R.S 40:1300.51(1),  
7    1300.52(A), (B)(1), (C), (D)(2), and (E), the introductory paragraphs of 1300.53(A) and (B),  
8    1300.53(C)(1), and 1300.55 are hereby amended and reenacted and"

9    AMENDMENT NO. 3

10   On page 1, between lines 7 and 8, insert the following:

11         "§1300.51. Definitions

12         For the purposes of this Part:

13         (1) "Authorized agency" means a private entity authorized by the office of state  
14         police to conduct the ~~criminal history~~ **fingerprint based criminal background**  
15         checks provided for in this Part. Nothing herein shall be construed as expanding the  
16         access to confidential law enforcement records of the state of Louisiana or its  
17         political subdivisions or authorizing access by said agency to the computerized  
18         records of law enforcement agencies.

19                                     \*         \*         \*

20         §1300.52. Employment of nonlicensed persons and licensed ambulance personnel;  
21         mandatory ~~criminal history~~ **fingerprint based criminal background check** and  
22         security checks; temporary employment; notice to applicants

23         A.(1) Except as otherwise provided in Subsection C of this Section, prior to any  
24         employer making an offer to employ or to contract with a nonlicensed person or any  
25         licensed ambulance personnel to provide nursing care, health-related services, medic  
26         services, or supportive assistance to any individual, the employer shall request that  
27         a ~~criminal history~~ **fingerprint based criminal background check** and security  
28         check be conducted on the nonlicensed person or any licensed ambulance personnel  
29         pursuant to the provisions of this Section. If the employer is a facility, home, or  
30         institution which is part of a larger complex of buildings, the requirement of a  
31         ~~criminal history~~ **fingerprint based criminal background check** and security check  
32         shall apply only to an offer of employment or contract made to a nonlicensed person  
33         or any licensed ambulance personnel who will work primarily in the immediate  
34         boundaries of the facility, home, or institution.

35         (2) Except as otherwise specified in Paragraph D(1) of this Section, an employer may  
36         obtain the ~~criminal history~~ **fingerprint based criminal background check** record  
37         maintained by the office of state police of a nonlicensed person or any licensed  
38         ambulance personnel offering to provide nursing care, health-related services, or  
39         supportive services to any individual.

40         B.(1) The employer shall request in writing that the office or authorized agency  
41         conduct a ~~criminal history~~ **fingerprint based criminal background check** and  
42         security check on the nonlicensed person or any licensed ambulance personnel and  
43         shall provide the office or authorized agency with any relevant information required  
44         by the office or authorized agency to conduct the check.

45                                     \*         \*         \*

46         C.(1) An employer may make an offer of temporary employment to a nonlicensed  
47         person or any licensed ambulance personnel pending the results of the ~~criminal~~  
48         ~~history~~ **fingerprint based criminal background check** and security check on the

1 person. In such instances, the employer shall provide to the office or authorized  
2 agency the name and relevant information relating to the person within seventy-two  
3 hours after the date the person accepts temporary employment.

4 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection, any  
5 nurse's aide offered temporary employment prior to the receipt of the results of the  
6 required ~~criminal history~~ **fingerprint based criminal background check** and  
7 security check shall be under the direct supervision of a permanent employee or shall  
8 be in the presence of a member of the immediate family of the patient or of a care  
9 giver designated by the immediate family of the patient.

10 (b) As used in this Paragraph, "member of the immediate family" means a child,  
11 parent, grandparent, sibling, uncle, aunt, nephew, or niece of the patient related by  
12 blood, marriage, or adoption.

13 D. \* \* \*

14 (2) Within thirty days of receiving notification by the employer to conduct a ~~criminal~~  
15 ~~history~~ **fingerprint based criminal background check** and security check, the  
16 office or authorized agency shall complete the ~~criminal history~~ **fingerprint based**  
17 **criminal background check** and security check and then report the results of the  
18 check to the requesting employer in writing.

19 E. An employer shall inform each applicant for employment or each prospective  
20 contract provider that the employer is required to obtain a ~~criminal history record~~  
21 **fingerprint based criminal background check** and perform a security check before  
22 such employer makes an offer of employment to, or contracts with, a nonlicensed  
23 person or any licensed ambulance personnel. The employer shall obtain written  
24 permission from the applicant for the release of such information to the employer on  
25 a form that clearly notifies the applicant it is a crime to provide false information  
26 concerning a criminal history check to an employer.

27 §1300.53. Refusal to hire or contract; termination of employment; exemption; appeal  
28 procedure; waiver

29 A. Except as otherwise provided in R.S. 40:1300.52(C), no employer shall hire any  
30 licensed ambulance personnel or nonlicensed person when the results of a ~~criminal~~  
31 ~~history check~~ **fingerprint based criminal background check** reveal that the  
32 licensed ambulance personnel or nonlicensed person has been convicted of any of  
33 the following offenses:

34 \* \* \*

35 B. Additionally, except as otherwise provided in R.S. 40:1300.52(C), no employer  
36 who provides care or services to any person under the age of twenty-one shall hire  
37 any licensed ambulance personnel or nonlicensed person when the results of the  
38 ~~criminal history~~ **fingerprint based criminal background** check reveal that the  
39 licensed ambulance personnel or nonlicensed person has been convicted of any of  
40 the following offenses:

41 \* \* \*

42 C.(1) If the results of a ~~criminal history~~ **fingerprint based criminal background**  
43 check reveal that a nonlicensed person or any licensed ambulance personnel hired  
44 on a temporary basis or any other person who is an employee has been convicted of  
45 any of the offenses listed in Subsection A or B of this Section, the employer shall  
46 immediately terminate the person's employment.

47 \* \* \*

48 §1300.55. Compliance

49 The department shall review the employment files of any facility or agency required  
50 to obtain ~~criminal history~~ **fingerprint based criminal background check** records  
51 to ensure such facilities are in compliance with the provisions of this Part."

52 AMENDMENT NO. 4

53 On page 1, line 9, after "**individual**" insert "**or business entity**"

54 AMENDMENT NO. 5

55 On page 1, line 11, after "**individual's**" insert "**or business entity's**"

1 AMENDMENT NO. 6

2 On page 1, line 17, after "entity" insert "**domiciled in the state of Louisiana and**"

3 AMENDMENT NO. 7

4 On page 2, line 7, after "shall" insert "**be domiciled in the state of Louisiana and shall**"

5 AMENDMENT NO. 8

6 On page 2, line 26, after "application" insert "**and, in the case of denial, the reasons for**  
7 **such denial**"