

Regular Session, 2012

HOUSE BILL NO. 17

BY REPRESENTATIVE RICHARD

HEALTH CARE: Provides relative to prohibitions on employment by certain health care providers of licensed ambulance personnel and nonlicensed persons who are convicted of certain criminal offenses

1 AN ACT

2 To amend and reenact R.S. 40:1300.53(A)(1) and (B)(1), relative to criminal history checks
3 on licensed ambulance personnel and nonlicensed persons; to provide relative to
4 hiring and employment by certain health care facilities, agencies, providers, and
5 programs; to provide for offenses for which conviction thereof bars licensed
6 ambulance personnel and nonlicensed persons from certain employment; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1300.53(A)(1) and (B)(1) are hereby amended and reenacted to
10 read as follows:

11 §1300.53. Refusal to hire or contract; termination of employment; exemption;
12 appeal procedure; waiver

13 A. Except as otherwise provided in R.S. 40:1300.52(C), no employer shall
14 hire any licensed ambulance personnel or nonlicensed person when the results of a
15 criminal history check reveal that the licensed ambulance personnel or nonlicensed
16 person has been convicted of any of the following offenses:

17 (1) R.S. 14:28.1, 30, 30.1, 31, 32.6, 32.7, 32.12, 34, 34.1, 34.7, 35.2, 37,
18 37.1, 37.4, 38.1, 42, 42.1, 43, 43.1, 43.2, 43.3, 43.5, 44, 44.1, 46.2, 51, 60, 62.1, 64,
19 64.1, 64.4, 66, 67.21, 89, 89.1, 93, 93.3, 93.4, 93.5 or distribution or possession with

1 the intent to distribute controlled dangerous substances as listed in Schedules I
2 through V of the Uniform Controlled Dangerous Substances Act.

3 * * *

4 B. Additionally, except as otherwise provided in R.S. 40:1300.52(C), no
5 employer who provides care or services to any person under the age of twenty-one
6 shall hire any licensed ambulance personnel or nonlicensed person when the results
7 of the criminal history check reveal that the licensed ambulance personnel or
8 nonlicensed person has been convicted of any of the following offenses:

9 (1) R.S. 14:44.2, 80, or 81.2, ~~or 93~~.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richard

HB No. 17

Abstract: Amends listing of offenses for which conviction thereof bars licensed ambulance personnel and nonlicensed persons from employment with certain health care providers.

Present law provides that for the purposes of present law, "employer" shall mean any of the following facilities, agencies, providers, or programs:

- (1) A nursing home, as defined in present law (R.S. 40:2009.2).
- (2) An intermediate care facility for people with developmental disabilities.
- (3) An adult residential care home, as defined in present law (R.S. 40:2153).
- (4) A home health agency, as defined in present law (R.S. 40:2116.31).
- (5) A hospice, as defined in present law (R.S. 40:2182).
- (6) An ambulance service as defined in present law (R.S. 40:1299.41(A)).
- (7) A home- and community-based service provider, as defined in present law (R.S. 40:2120.2).
- (8) A nonemergency, nonambulance medical transportation facility or entity.
- (9) A Medicaid Personal Care Services or Section 1915(c) Home and Community-based Services Waiver Program.
- (10) Any other direct service worker as defined in present law (R.S. 40:2179 and 2179.1).

- (11) A pediatric day health care facility, as defined in present law (R.S. 40:2193.1(B)(5)).
- (12) An adult residential care provider, as defined in present law (R.S. 40:2166.3).

Present law provides that an employer shall not hire any licensed ambulance personnel or nonlicensed person if the results of a criminal history check reveal that such person has been convicted of any of the following offenses or the attempt or conspiracy thereof:

- (1) Solicitation for murder
- (2) First degree murder
- (3) Second degree murder
- (4) Manslaughter
- (5) First degree feticide
- (6) Second degree feticide
- (7) Criminal assistance to suicide
- (8) Aggravated battery
- (9) Second degree battery
- (10) Aggravated second degree battery
- (11) Simple battery of the infirm
- (12) Aggravated assault
- (13) Assault by drive-by shooting
- (14) Aggravated assault with a firearm
- (15) Mingling harmful substances
- (16) Aggravated rape
- (17) Forcible rape
- (18) Simple rape
- (19) Sexual battery
- (20) Second degree sexual battery
- (21) Oral sexual battery
- (22) Intentional exposure to AIDS virus
- (23) Aggravated kidnapping
- (24) Second degree kidnapping
- (25) Human trafficking
- (26) Aggravated arson
- (27) Aggravated burglary
- (28) Simple burglary of a pharmacy
- (29) Armed robbery
- (30) First degree robbery
- (31) Second degree robbery
- (32) Extortion
- (33) Theft of the assets of an aged person or disabled person
- (34) Crime against nature
- (35) Aggravated crime against nature
- (36) Cruelty to the infirmed
- (37) Exploitation of the infirmed
- (38) Sexual battery of the infirm
- (39) Distribution or possession with the intent to distribute controlled dangerous substances as listed in Schedules I through V of the Uniform Controlled Dangerous Substances Act.

Present law provides, additionally, that an employer who provides care or services to any person under the age of 21 shall not hire any licensed ambulance personnel or nonlicensed person if the results of a criminal history check reveal that such person has been convicted of any of the following offenses or the attempt or conspiracy thereof:

- (1) Aggravated kidnapping of a child
- (2) Felony carnal knowledge of a juvenile
- (3) Molestation of a juvenile or a person with a physical or mental disability

(4) Cruelty to juveniles

Proposed law adds the crime of cruelty to juveniles to present law which applies to any employer (R.S. 40:1300.53(A)) and deletes such crime from present law which applies only to an employer who provides care or services to any person under the age of 21 (R.S. 40:1300.53(B)).

(Amends R.S. 40:1300.53(A)(1) and (B)(1))