

2022 Regular Session

HOUSE BILL NO. 334

BY REPRESENTATIVES DUPLESSIS, ADAMS, HUGHES, TRAVIS JOHNSON,
LARVADAIN, MCMAHEN, AND SELDERS

HEALTH/BEHAVIORAL: Provides relative to employment with behavioral health services providers of peer support specialists

1 AN ACT

2 To amend and reenact R.S. 40:1203.3(A)(introductory paragraph) and to enact R.S.
3 40:1203.3(E), relative to employment of nonlicensed persons with certain healthcare
4 providers; to define and provide with respect to the role of peer support specialists
5 in behavioral health settings; to authorize the employment by licensed behavioral
6 health services providers of peer support specialists who have been convicted of
7 certain offenses; to provide conditions for the employment of such persons; to
8 provide for administrative rulemaking by the Louisiana Department of Health; and
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1203.3(A)(introductory paragraph) is hereby amended and
12 reenacted and R.S. 40:1203.3(E) is hereby enacted to read as follows:

13 §1203.3. Refusal to hire or contract; termination of employment; ~~exemption~~
14 exceptions to hiring prohibition; appeal procedure; waiver

15 A. Except as otherwise provided in R.S. 40:1203.2(C) and Subsection E of
16 this Section, no employer shall hire any licensed ambulance personnel or nonlicensed
17 person when the results of a criminal history check reveal that the licensed

1 ambulance personnel or nonlicensed person has been convicted of any of the
2 following offenses:

3 * * *

4 E.(1) For purposes of this Subsection, "peer support specialist" means a
5 behavioral health staff member who possesses lived experience with his own
6 behavioral health condition and with navigating the behavioral health services
7 network who seeks employment with a behavioral healthcare facility or program
8 serving people with behavioral health conditions.

9 (2) The provisions of this Subsection shall apply exclusively to peer support
10 specialists employed or contracted with a behavioral health services provider
11 licensed by the department, and shall not be construed to apply to any other person
12 or any licensed personnel.

13 (3) Notwithstanding any other provision of law, a person shall not be
14 prohibited or disqualified from employment as a peer support specialist with a
15 licensed behavioral health services provider if the person's criminal background
16 check reveals he has been convicted of an offense provided for in R.S. 14:38.1 or
17 14:67, or convicted of distribution or possession with the intent to distribute
18 controlled dangerous substances listed in Schedules I through V of the Uniform
19 Controlled Dangerous Substances Law, R.S. 40:961 et seq., if that person meets all
20 of the following requirements:

21 (a) No less than three years prior to being hired as a peer support specialist,
22 the person satisfactorily completed his sentence or was lawfully released from
23 confinement, supervision, or probation imposed by a court for the person's most
24 recent conviction for an offense listed in this Paragraph.

25 (b) After satisfactorily completing his sentence or after being lawfully
26 released from confinement, supervision, or probation for his most recent conviction
27 for an offense listed in this Paragraph, the person successfully completed all training
28 and requirements established by the office of behavioral health of the department for

1 a peer support specialist as evidenced by a Notice of Completion of Training and
 2 Requirements issued by the office of behavioral health or its designee.

3 (4) Nothing in this Subsection shall be construed as creating an obligation
 4 upon an employer to offer employment to a person.

5 (5) The department shall promulgate rules in accordance with the
 6 Administrative Procedure Act relating to the training and requirements of peer
 7 support specialists for purposes of implementing this Subsection.

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)]

HB 334 Engrossed

2022 Regular Session

Duplessis

Abstract: Provides relative to the role of peer support specialists in behavioral healthcare and authorizes hiring by behavioral healthcare providers of such personnel who have been convicted of certain offenses.

Proposed law provides that, for its purposes, "peer support specialist" means a behavioral health staff member who possesses lived experience with his own behavioral health condition and with navigating the behavioral health services network who seeks employment with a behavioral healthcare facility or program serving people with behavioral health conditions.

Proposed law stipulates that its provisions shall apply exclusively to peer support specialists employed or contracted with a behavioral health services provider licensed by the La. Department of Health, and shall not be construed to apply to any other person or any licensed personnel.

Proposed law provides that a person shall not be prohibited or disqualified from employment as a peer support specialist with a licensed behavioral health services provider if the person's criminal background check reveals he has been convicted of one of the following offenses and he meets other requirements specified in proposed law:

- (1) Mingling harmful substances (R.S. 14:38.1).
- (2) Theft (R.S. 14:67).
- (3) Distribution or possession with the intent to distribute controlled dangerous substances (R.S. 40:961 et seq.).

Proposed law provides further that if a person has been convicted of an offense listed above, he may not be employed as a peer support specialist with a behavioral health services provider unless he meets all of the following requirements:

- (1) No less than three years prior to being hired as a peer support specialist, the person satisfactorily completed his sentence or was lawfully released from confinement, supervision, or probation imposed by a court for the person's most recent conviction for an offense listed in proposed law.

- (2) After satisfactorily completing his sentence or after being lawfully released from confinement, supervision, or probation for his most recent conviction for an offense listed in proposed law, the person successfully completed all training and requirements established by the La. Department of Health for a peer support specialist.

Proposed law stipulates that nothing therein shall be construed as creating an obligation upon an employer to offer employment to a person.

(Amends R.S. 40:1203.3(A)(intro. para.); Adds R.S. 40:1203.3(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Change from five years to three years the amount of time that shall have passed since the completion of a person's sentence before that person may be hired as a peer support specialist.