

2016 Regular Session

HOUSE RESOLUTION NO. 222

BY REPRESENTATIVE HOFFMANN

A RESOLUTION

To urge and request the Department of Health and Hospitals to evaluate and report on the economic impact of prospective employee criminal background check costs on licensed healthcare agencies.

WHEREAS, the use of criminal background checks in employment helps ensure greater public safety and health; and

WHEREAS, the use of criminal background checks assists employers in making more informed and more appropriate hiring and employment decisions; and

WHEREAS, criminal background checks on job applicants are a common and increasing practice by employers to protect their employees, their customers, and the public, to minimize their exposure to potential legal liability, and to protect their assets; and

WHEREAS, R.S. 40:1203.2 requires a healthcare agency licensed by the Department of Health and Hospitals to request that a criminal history and security check be conducted prior to making an offer to employ or to contract with a nonlicensed person or licensed ambulance personnel to provide nursing care, health-related services, medic services, or supportive assistance to any individual; and

WHEREAS, licensed healthcare agencies are authorized to obtain the criminal history record maintained by the Louisiana Bureau of Criminal Identification and Information of a nonlicensed person or any licensed ambulance personnel offering to provide nursing care, health-related services, or supportive services to any individual; and

WHEREAS, pursuant to R.S. 15:587, a licensed healthcare agency must pay a separate fee of twenty-six dollars for each state criminal history check performed by the Louisiana Bureau of Criminal Identification and Information; and

WHEREAS, pursuant to R.S. 23:897, employers are prohibited from requiring an applicant for employment to pay the cost of fingerprinting, a medical examination, or a drug test or the cost of furnishing any records available to the employer or required by the employer as a condition of employment; and

WHEREAS, high turnover rates in some healthcare industries can greatly impact licensed healthcare agencies who may find themselves repeatedly paying for a pre-employment criminal background check for the same positions; and

WHEREAS, reasonable and responsible attempts to protect at-risk populations such as youth, the elderly, persons with a disability, and those receiving other services from licensed healthcare agencies are appropriate and necessary, and reliable criminal background checks can be a critically important safeguard in this regard.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Department of Health and Hospitals to evaluate and report on the economic impact of prospective employee criminal background check costs on licensed healthcare agencies.

BE IT FURTHER RESOLVED that the report shall include detailed recommendations for policy changes and legislation that can be implemented to address the economic impact of prospective employee criminal background check costs on licensed healthcare agencies.

BE IT FURTHER RESOLVED that the department shall submit a report of its findings and recommendations to the House of Representatives no later than February 1, 2017.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Department of Health and Hospitals.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES