

2018 Regular Session

SENATE BILL NO. 483

BY SENATOR MIZELL

EVIDENCE. To provide for the confidentiality of certain risk management information in early learning centers. (8/1/18)

1 AN ACT  
2 To enact R.S. 13:3715.4.1, relative to evidence; to provide relative to early learning centers;  
3 to provide relative to confidentiality of certain information; to provide for legislative  
4 findings; to provide certain terms, conditions, procedures, exceptions, and  
5 requirements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:3715.4.1 is hereby enacted to read as follows:

8 **§3715.4.1. Confidentiality of risk management information related to early**  
9 **learning centers**

10 **A.(1) The legislature finds and declares that early learning centers**  
11 **licensed pursuant to R.S. 17:407.34 and their liability insurers may have video**  
12 **recordings which would facilitate risk management through the identification**  
13 **and reduction of potential risks, reduction of potentially adverse outcomes, and**  
14 **the reduction of liability losses.**

15 **(2) The purpose of this Section is to encourage owners of early learning**  
16 **centers to use video recordings to conduct studies, review data, train staff, and**  
17 **promote practical changes for the purpose of improving early learning centers,**

1 promoting staffing excellence, and reducing professional liability claims.

2 B. Information in the form of video recordings created, generated, or  
3 compiled by an early learning center to be used as a management tool to  
4 identify and remedy potential problems, facilitate staff training, or for  
5 utilization in risk management, shall be deemed confidential and shall be  
6 produced or released only in either of the following circumstances:

7 (1) Released to the parent of a child who requests the information  
8 contained in the video recordings.

9 (2) Released pursuant to a search warrant or court order in connection  
10 with a lawsuit or other judicial proceeding.

11 C. Except as provided in Subsection B of this Section, any department,  
12 office, division, agency, commission, board, committee, or other organizational  
13 unit of the state or local government requiring production or admissibility of  
14 any video recordings shall be deemed to cause irreparable injury by deterring  
15 the future use of video recordings at the early learning center and at all other  
16 early learning centers across Louisiana.

17 D. When a department, office, division, agency, commission, board,  
18 committee, or other organizational unit of the state or local government issues  
19 any directive or requirement that any early learning center produce a video  
20 recording, except as provided in Subsection B of this Section, the early learning  
21 center may obtain a protective order to enforce the provisions of this Section in  
22 a court of competent jurisdiction. Venue shall be in the judicial district where  
23 the early learning center is located or domiciled or where the defendant is  
24 domiciled.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Carla S. Roberts.

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unanticipated, adverse patient outcome or a professional liability insurance loss. Present law provides that the purpose of present law is to encourage the use of risk management information to conduct studies, review data, and promote practice changes for the purpose of improving patient health care quality or reducing professional liability insurance claims.

Proposed law provides that the legislature finds and declares that early learning centers and their liability insurers may have video recordings which would facilitate risk management through the identification and reduction of potential risks, reduction of potentially adverse outcomes, and the reduction of liability losses.

Proposed law provides that the purpose of proposed law is to encourage owners of early learning centers to use video recordings to conduct studies, review data, train staff, and promote practical changes for the purpose of improving early learning centers, promoting staffing excellence, and reducing professional liability claims.

Proposed law provides that information in the form of video recordings created, generated, or compiled by an early learning center to be used as a management tool to identify and remedy potential problems, to facilitate staff training, or for utilization in risk management will be deemed confidential and will only be produced or released in either of the following circumstances:

- (1) Released to the parent of a child who requests the information contained in the video recordings.
- (2) Released pursuant to a search warrant or court order in connection with a lawsuit or other judicial proceeding.

Proposed law provides that, except in cases where a court order or search warrant is obtained, any department, office, division, agency, commission, board, committee, or other organizational unit of the state or local government requiring production or admissibility of any video recordings will be deemed to cause irreparable injury by deterring the future use of video recordings at the early learning center and at all other early learning centers across La.

Proposed law provides that when a department, office, division, agency, commission, board, committee, or other organizational unit of the state or local government issues any directive or requirement that any early learning center produce a video recording, except when a court order or search warrant has been obtained, the early learning center may obtain a protective order to enforce the provisions of proposed law in a court of competent jurisdiction. Venue will be in the judicial district where the early learning center is located or domiciled or where the defendant is domiciled.

Effective August 1, 2018.

(Adds R.S. 13:3715.4.1)