



**Louisiana Department of Health  
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**Act 151: Legislation to Allow for Exceptions for Limited Criminal Offenses in Medicaid Peer Support**

Louisiana R.S. 40:1203.3, which was enacted in 1993, requires an employer to obtain a criminal background check before hiring a person for a non-licensed position in Louisiana Department of Health (LDH) licensed programs. R.S. 40:1203.3 also prohibits an employer from hiring a person who has been convicted of any of the several crimes specified in the statute to work as a non-licensed worker.

A non-licensed person is defined as any person who is paid for providing nursing care or other health-related services directly related to patient care to residents in or patients of a behavioral health services provider, nursing facility, independent care facility for the developmentally disabled, adult day health care center, psychiatric residential treatment facility, end stage renal disease facility, home health management clinic, rural health clinic, ambulatory surgical center, therapeutic group home, forensic residential and aftercare facilities, case management provider, home and community based services (HCBS) provider, and any person who is not a licensed health provider. A non-licensed person also refers to any person who provides nursing services to individuals in their homes as an employee or contract provider of a home health agency, hospice, or HCBS provider. It also refers to a direct service worker (DSW) and student or trainee applying for enrollment in a clinical preceptor training program or in a nurse aid training program. In accordance with R.S. 40:1203.3, before making an offer to employ a non-licensed person, the employer must request a criminal history and security check from the Louisiana State Police or other authorized law enforcement agency.

During the 2022 Regular Legislative Session, House Bill 334 was submitted to allow exceptions for limited criminal offenses for peer support specialists employed in behavioral health settings. Peer support specialists are non-licensed persons. This legislation was passed by the Louisiana Legislature with full support from the House, Senate and Governor's Office to become Act 151. Governor John Bel Edwards signed Act 151, which became effective on August 1, 2022.

Act 151 amends R.S. 40:1203.3 to allow some exceptions for peer support specialists working in a behavioral health setting who would otherwise be prohibited from employment because of a

prior conviction of certain crimes. This legislation assists with alleviating some of the barriers to employment for peer support specialists in Louisiana.

Act 151 amends R.S. 40:1203.3 to allow limited exceptions to the general prohibition of employing individuals with a positive background check. Peer support specialists who have been convicted of the following crimes may be employed with an LDH licensed behavioral health program when specific conditions are met:

- R.S. 14:38.1 – Mingling of Harmful Substances;
- R.S. 14:67 – Theft; and/or
- Distribution or possession with the intent to distribute controlled dangerous substances as listed in Schedules I through V of the Uniform Controlled Dangerous Substance Act

The following conditions must be met to allow for the exception by an employer:

- 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.

Please see links below for this legislation.

HB334 link: <https://legis.la.gov/legis/BillInfo.aspx?s=22RS&b=HB334&sbi=y>

Act 151 can be located at the following link:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1286088>