

RÉSUMÉ DIGEST

ACT 368 (HB 918)

2016 Regular Session

Willmott

Existing law provides that unless a special law is applicable, no proceeding of any kind may be initiated by a professional or occupational board or commission as follows:

- (1) If the nature of the complaint is based on negligence or gross negligence, no proceeding may be initiated after two years from discovery by the complainant. However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act or omission.
- (2) If the nature of the complaint is based on an intentional act or omission, no proceeding may be initiated after two years from discovery by the complainant. However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act or omission.
- (3) If the nature of the complaint is based on fraud, no proceeding may be initiated after two years from discovery by the complainant.
- (4) If the nature of the complaint is based on a license or rules violation, no proceeding may be initiated after five years from the date of the act or omission.
- (5) In all cases where a complaint is filed with a professional or occupational board or commission, the board or commission shall notify the licensee in writing of the complaint within six months after the filing of the complaint or be barred from further action thereon. The board or commission shall hold any required hearing within six months after the notice of the hearing, but this period may be interrupted by the filing of procedural motions.

Existing law exempts certain professional and occupational boards and commissions from the limitations of existing law above. New law retains existing law and adds the La. State Board of Practical Nurse Examiners, referred to hereafter as the "board", as a board which is exempt from the above limitations.

New law authorizes the board to require any applicant requesting issuance, renewal, or reinstatement of any license or permit from the board, including permission to enroll as a student in any nurse training course, to provide a full set of fingerprints as a condition of the board's consideration of his application.

Prior law required that upon request by the board, the La. Bureau of Criminal Identification and Information of the office of state police, referred to hereafter as the "bureau", conduct a search of its criminal history record information relative to the person applying to the board and report the results of its search to the board within 60 days after receipt of the request. New law provides in lieu of prior law all of the following relative to checking and reporting of criminal history record information of persons applying to the board:

- (1) A requirement that upon receipt by the bureau of fingerprints from the board, the bureau shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions.
- (2) A requirement that the bureau provide a report promptly and in writing, but shall provide only such information as is necessary to specify whether or not the person has been arrested for or convicted of or pled nolo contendere to any crime or crimes; the crime or crimes of which he has been arrested for or convicted of or to which he has pled nolo contendere; and the date or dates on which they occurred.
- (3) Provisions stipulating that the report shall include arrests, convictions, or other dispositions, including any conviction dismissed pursuant to existing law, C.Cr.P. Art. 893 or 894.

New law deletes prior law which authorized the board to charge and collect from applicants such amounts as may be incurred by the board in requesting and obtaining state and national criminal history record information.

Effective August 1, 2016.

(Amends R.S. 37:969(B)(intro. para.), (1)-(3), and (4)(a) and (c) and 969.1(B)-(D); Adds R.S. 37:21(B)(11) and 969(B)(4)(d))