

2019 Regular Session

HOUSE BILL NO. 196

BY REPRESENTATIVE FALCONER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BOARDS/COMMISSIONS: Exempts the Louisiana Professional Engineering and Land Surveying Board and the State Board of Architectural Examiners from time limitations for disciplinary proceedings by professional and occupational boards and commissions

1 AN ACT

2 To enact R.S. 37:21(C), relative to professions and occupations; to provide for exceptions
3 to time limitations after which disciplinary proceedings shall not be instituted by
4 professional or occupational boards and commissions; to provide with respect to
5 complaint notification and hearing time limitations; to provide with respect to the
6 Louisiana Professional Engineering and Land Surveying Board; to provide with
7 respect to the State Board of Architectural Examiners; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:21(C) is hereby enacted to read as follows:

11 §21. Limitations on disciplinary proceedings by professional or occupational boards
12 and commissions

13 * * *

14 C. The provisions of Paragraph (A)(5) shall not apply to the following:

15 (1) The Louisiana Professional Engineering and Land Surveying Board.

16 (2) The State Board of Architectural Examiners.

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 196 Engrossed

2019 Regular Session

Falconer

Abstract: Provides that the La. Professional Engineering and Land Surveying Board and the State Board of Architectural Examiners shall not be subject to certain time limitations after which disciplinary proceedings shall be initiated by a professional board or commission pursuant to a complaint.

Present law provides that no proceeding by a professional or occupational board shall be brought after two years from discovery of the complaint or after five years in any circumstance for any complaint based on negligence, gross negligence, or intentional acts or omissions. Proposed law retains present law.

Present law provides that no proceeding by a professional or occupational board shall be brought after two years from discovery if the complaint is based on fraud. Proposed law retains present law.

Present law provides that no proceeding by a professional or occupational board shall be brought after five years after the date of a license or rules violation. Proposed law retains present law.

Present law requires that when a complaint is filed with a professional or occupational board or commission, the board or commission shall notify the licensee in writing within six months or be barred from further action on the complaint. Proposed law exempts the La. Professional Engineering and Land Surveying Board and the State Board of Architectural Examiners from present law.

Present law further requires that when a complaint is filed with an occupational or professional board, a hearing shall be held within six months of the notice of the hearing, barring any interruption by the filing of any motion. Proposed law exempts the La. Professional Engineering and Land Surveying Board and the State Board of Architectural Examiners from present law.

(Adds R.S. 37:21(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Remove the La. Professional Engineering and Land Surveying Board and the State Board of Architectural Examiners from the list of professional and occupational boards exempt from the time limits to initiate disciplinary proceedings based on negligence, an intentional act or omission, or a rules violation in present law.
2. Remove the La. Professional Engineering and Land Surveying Board and the State Board of Architectural Examiners from the requirement that a licensee be notified within six months of a complaint being filed with a professional or occupational board or commission or be barred from further action on the complaint.

3. Exempt the La. Professional Engineering and Land Surveying Board and the State Board of Architectural Examiners from the requirement that when a complaint is filed with an occupational or professional board, a hearing shall be held within six months of the notice of the hearing, barring any interruption by the filing of a motion.
4. Make technical changes.