

2024 Regular Session

HOUSE BILL NO. 954

BY REPRESENTATIVE MENA

LICENSING: Provides relative to occupations and professions

1 AN ACT

2 To amend and reenact R.S. 37:698(A)(3), 711.23(A)(3), 846(A)(9), 1061(A)(4), 1241(A)(4),
3 1360.108(A)(2), 1437(B)(1), 1437.1(B)(2), 1450(A)(3), 1526(A)(5), 1554(A)(9),
4 2585(2), 2838(A)(1), 2848(e), 3396(D)(3), 3409(E)(3), 3429(A)(1), 3449(A)(1), and
5 3507(A)(3), to enact R.S. 37:2950(C), and to repeal R.S. 37:921(8), 1360.33(7),
6 1565(A)(2), 2453(1), and 2557(A)(1)(b), relative to licensing boards and
7 occupations; to provide for licenses, certificates, and permits of certain professions;
8 to provide for disciplinary proceedings and disciplinary action; to provide for certain
9 offenses and violations; to remove moral turpitude convictions from occupational
10 licensing disqualifications; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 37:698(A)(3), 711.23(A)(3), 846(A)(9), 1061(A)(4), 1241(A)(4),
13 1360.108(A)(2), 1437(B)(1), 1437.1(B)(2), 1450(A)(3), 1526(A)(5), 1554(A)(9), 2585(2),
14 2838(A)(1), 2848(e), 3396(D)(3), 3409(E)(3), 3429(A)(1), 3449(A)(1), and 3507(A)(3) are
15 hereby amended and reenacted and R.S. 37:2950(C) is hereby enacted to read as follows:

16 §698. Disciplinary proceedings against licensees and certificate holders; procedure

17 A. The board shall have the power to take disciplinary action against any
18 licensee or certificate holder found by the board to be guilty of any of the following
19 acts or offenses:

20 * * *

1 (3) Conviction of a felony ~~or of any crime of moral turpitude~~ or entry of a
2 plea of guilty or nolo contendere to a felony charge ~~or to a crime of moral turpitude~~
3 under the laws of the United States or any state, territory, or district of the United
4 States.

5 * * *

6 §711.23. Disciplinary proceedings against licensees and certificate holders;
7 procedure

8 A. The board shall have the power to take disciplinary action against any
9 licensee or certificate holder found by the board to be guilty of any of the following
10 acts or offenses:

11 * * *

12 (3) Conviction of a felony ~~or of any crime of moral turpitude~~ or entry of a
13 plea of guilty or nolo contendere to a felony charge ~~or to a crime of moral turpitude~~
14 under the laws of the United States or any state, territory, or district of the United
15 States.

16 * * *

17 §846. Refusal to grant or renew licenses; revocation or suspension; grounds;
18 hearings

19 A. The board may refuse to grant, refuse to renew, suspend, or revoke any
20 license, or impose a sanction or fine in keeping with the penalty provision of this Part
21 for any licensee or registrant when he is found guilty of any of the following acts or
22 omissions:

23 * * *

24 (9) Conviction of any felony ~~or of any offense involving moral turpitude.~~

25 * * *

26 §1061. Violations and causes for refusal, suspension, or revocation of certificate

27 A. The board may, after due notice and hearing, assess a fine not to exceed
28 the sum of five thousand dollars for each offense, refuse to license, register, certify,
29 or permit any applicant, refuse to renew the license or permit of any person, or may

1 revoke, summarily suspend, suspend, place on probation, reprimand, issue a warning
2 against the person who was issued the license, registration, certificate, permit, or any
3 other designation deemed necessary to engage in the practice of optometry upon
4 proof that the person:

5 * * *

6 (4) Has been convicted of a felony that the board finds is directly related to
7 the practice of optometry pursuant to R.S. 37:2950 ~~or other public offense involving~~
8 ~~moral turpitude~~ in the courts of any state, territory or country. Conviction, as used
9 in this Paragraph, shall include a finding or verdict of guilty, an admission of guilt,
10 or plea of nolo contendere.

11 * * *

12 §1241. Refusal, restriction, suspension, or revocation of license

13 A. The board may, after due notice and hearing, assess a fine not to exceed
14 the sum of five thousand dollars for each offense, refuse to license, register, certify,
15 or permit any applicant, refuse to renew the license or permit of any person, or may
16 revoke, summarily suspend, suspend, place on probation, reprimand, issue a warning
17 against the person who was issued the license, registration, certificate, permit, or any
18 other designation deemed necessary to engage in the practice of pharmacy upon
19 proof that the person:

20 * * *

21 (4) Has been convicted of a felony that the board finds is directly related to
22 the practice of pharmacy pursuant to R.S. 37:2950 ~~or other public offense involving~~
23 ~~moral turpitude~~ in the courts of any state, territory, or country. Conviction, as used
24 in this Paragraph, shall include a finding or verdict of guilty, an admission of guilt,
25 or a plea of nolo contendere.

26 * * *

27 §1360.108. Improper and unprofessional conduct

28 A. The board may, after a hearing conducted pursuant to the Administrative
29 Procedure Act or by consent of the parties, deny or refuse to issue, revoke, suspend,

1 or cancel a license or place on probation, reprimand, censure, or otherwise discipline
2 a licensee upon proof satisfactory to the board that the person has done or been any
3 of the following:

4 * * *

5 (2) He has been convicted of a felony under state or federal law ~~or~~
6 ~~committed any other offense involving moral turpitude.~~

7 * * *

8 §1437. Application for license

9 * * *

10 B. Licenses shall be granted only to persons, partnerships, limited liability
11 companies, associations, corporations, or other legal entities ~~that bear a good~~
12 ~~reputation for honesty, trustworthiness, integrity, and competence~~ to transact the real
13 estate activities defined in this Chapter, in such a manner as to safeguard the interest
14 of the public, and only after satisfactory proof of such qualifications has been
15 presented to the commission.

16 (1) When an applicant has been convicted of forgery, embezzlement,
17 obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or
18 theft, or has been convicted of a felony that the commission finds is directly related
19 to the practice of real estate pursuant to R.S. 37:2950 ~~or a crime involving moral~~
20 ~~turpitude~~ in any court of competent jurisdiction, ~~such untrustworthiness of the~~
21 ~~applicant, and the conviction, may in itself be sufficient grounds for refusal of a~~
22 ~~license.~~

23 * * *

24 §1437.1. Timeshare registration

25 * * *

26 B. The application for registration shall be in such form as may be required
27 by the commission and in accordance with R.S. 9:1131.9 ~~so that only persons who~~
28 ~~have a good reputation for honesty, trustworthiness, and integrity may be so~~
29 ~~registered.~~

30 * * *

1 §1554. Discipline of CAETS

2 A. After a hearing held in compliance with the Administrative Procedure
3 Act, the board may deny, suspend, or revoke the certificate of approval held by any
4 technician or impose any other penalty authorized by this Chapter, when it finds that
5 the provisions of this Chapter or any of the rules and regulations adopted by the
6 board are not being complied with or upon the grounds that the certified animal
7 euthanasia technician has:

8 * * *

9 (9) Been convicted of or entered a plea of nolo contendere to a felony ~~or~~
10 ~~other offense involving moral turpitude~~ or controlled dangerous substances under
11 state or federal law.

12 * * *

13 §2585. Qualifications for license

14 Upon the filing of the application and the approval of such bond and the
15 payment of the specified fees, if the director shall, upon investigation, find:

16 * * *

17 (2) That the applicant, if an individual, and the members thereof, if the
18 applicant be a partnership or association, and the officers and directors thereof, if the
19 application be a corporation, ~~has not been convicted of any crime involving moral~~
20 ~~turpitude~~, or if such person or persons have not had a record of having defaulted in
21 the payment of money collected for others, including the discharge of such debts
22 through bankruptcy proceedings; the director shall thereupon issue and deliver a
23 license to the applicant to engage in the financial planning and management service
24 business in accordance with the provisions of this Chapter at the location specified
25 in the said application, which license shall remain in full force and effect until it is
26 surrendered by the licensee or revoked by the director as hereinafter provided,
27 however, that each license shall expire by the terms hereof on January 1 next
28 following the issuance thereof unless the same be renewed as hereinafter provided.

29 * * *

1 §2838. Polygraphist's certification qualifications

2 A person shall be qualified to receive a certificate as a polygraphist, upon
3 satisfying the following:

4 (1) Has not been convicted of a felony that the board finds is directly related
5 to the polygraph practice pursuant to R.S. 37:2950 ~~or misdemeanor involving moral~~
6 ~~turpitude.~~

7 * * *

8 §2848. Refusal, suspension, revocation; grounds

9 The board may refuse to issue, or may suspend or revoke a certificate on any
10 one or more of the following grounds:

11 * * *

12 (e) If the holder of any certificate has been adjudged guilty of the
13 commission of a felony that the board finds is directly related to the polygraph
14 practice pursuant to R.S. 37:2950 ~~or misdemeanor involving moral turpitude.~~

15 * * *

16 §2950. Criminal record effect on trade, occupational, and professional licensing

17 * * *

18 C. Licensing boards shall not use vague or generic terms including and
19 without limitation to the phrases "moral turpitude" and "good character".

20 * * *

21 §3396. Applications

22 * * *

23 D.(1) Licenses shall be granted only to persons who have satisfied the
24 minimum education, examination, and experience requirements mandated by the
25 Appraiser Qualifications Board (AQB) of the Appraisal Foundation and published
26 in the most current version of the Real Property Appraiser Qualification Criteria,
27 including any subsequent amendments and regulations issued pursuant thereto.

28 * * *

1 (3) When an applicant has been convicted of forgery, embezzlement,
 2 obtaining money under false pretense, larceny, extortion, conspiracy to defraud, or
 3 theft, or has been convicted of a felony that the board finds is directly related to the
 4 practice of real estate appraisers pursuant to R.S. 37:2950 ~~or a crime of moral~~
 5 ~~turpitude~~ in any court of competent jurisdiction, such untrustworthiness of the
 6 applicant or the conviction itself may be sufficient grounds for refusal to issue a
 7 license.

* * *

9 §3409. Disciplinary proceedings

10 * * *

11 E. It shall be the duty of each registered or licensed real estate appraiser to
 12 notify the board within ten days by registered or certified mail or by hand delivery
 13 of the following actions:

14 * * *

15 (3) Any conviction of the appraiser by a court of competent jurisdiction for
 16 forgery, embezzlement, obtaining money under false pretenses, larceny, extortion,
 17 conspiracy to defraud, theft, or any other felony, ~~or any crime involving moral~~
 18 ~~turpitude~~.

19 * * *

20 §3429. Denial, revocation, or suspension of license

21 A. The board may withhold, suspend, restrict, revoke, or refuse to issue or
 22 renew any license issued or applied for in accordance with this Chapter or otherwise
 23 discipline a licensed clinical exercise physiologist after notice and opportunity for
 24 hearing pursuant to the Administrative Procedure Act, upon proof that the applicant
 25 or licensed clinical exercise physiologist:

26 (1) Has been convicted in a court of competent jurisdiction of a felony that
 27 the board finds is directly related to the practice of clinical exercise physiology
 28 pursuant to R.S. 37:2950 ~~or any offense involving moral turpitude, the record of~~
 29 ~~conviction being conclusive evidence thereof.~~

30 * * *

1 §3449. Denial, revocation, or suspension of license

2 A. The board, by affirmative vote of at least four of its five members, shall
3 withhold, deny, revoke, or suspend any license issued or applied for in accordance
4 with the provisions of this Chapter or otherwise discipline a licensed professional
5 vocational rehabilitation counselor upon proof that the applicant or licensed
6 professional vocational rehabilitation counselor:

7 (1) Has been convicted in a court of competent jurisdiction of a felony that
8 the board finds is directly related to the practice of rehabilitation counseling pursuant
9 to R.S. 37:2950 ~~or any offense involving moral turpitude, the record of conviction~~
10 ~~being conclusive evidence thereof.~~

11 * * *

12 §3507. Qualifications of licensee

13 A. The board shall base the determination of the satisfactory minimum
14 qualifications for licensing on whether or not the applicant satisfies the following
15 criteria:

16 * * *

17 (3) Has not been convicted in any jurisdiction of any felony that the board
18 finds is directly related to the private investigators practice to R.S. 37:2950 ~~or of any~~
19 ~~crime involving moral turpitude.~~

20 * * *

21 Section 2. R.S. 37:921(8), 1360.33(7), 1565(A)(2), 2453(1), and 2557(A)(1)(b) are
22 hereby repealed in their entirety.

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 954 Original 2024 Regular Session Mena

Abstract: Provides for occupations and professions and disqualification from licensure for convictions involving moral turpitude.

Present law provides that each of the following regulatory authorities shall have the power to deny a license, certificate, or permit, or to take disciplinary action, pursuant to the

disciplinary procedures of the respective regulatory authority against any licensee or certificate holder found by the authority to be guilty of any crime or offense of moral turpitude:

- (1) Engineering and Surveying. (R.S. 37:698(A)(3))
- (2) Geoscientists. (R.S. 37:711.23(A)(3))
- (3) Embalming and funeral directors. (R.S. 37:846(A)(9))
- (4) Nursing. (R.S. 37:921(8))
- (5) Optometry. (R.S. 37:1061(A)(4))
- (6) Pharmacy. (R.S. 37:1241(A)(4))
- (7) Physician assistants. (R.S. 37:1360.33(7))
- (8) Genetic counselors. (R.S. 37:1360.108(A)(2))
- (9) Realtors. (R.S. 37:1437(B)(1), 1437.1(B)(2), and 1450(A)(3))
- (10) Veterinarians. (R.S. 37:1526(A)(5))
- (11) Animal euthanasia technicians. (R.S. 37:1554(A)(9))
- (12) Financial planning and management services. (R.S. 37:2585(2))
- (13) Hearing aid dealers. (R.S. 37:2453(1))
- (14) Shorthand reporters. (R.S. 37:2557(A)(1)(b))
- (15) Equine dentists. (R.S. 37:1565(A)(2))
- (16) Polygraphists. (R.S. 37:2838(A)(1) and 2848(e))
- (17) Real estate appraisers. (R.S. 37:3396(D)(3) and 3409(E)(3))
- (18) Clinical exercise physiologists. (R.S. 37:3429(A)(1))
- (19) Rehabilitation counselors. (R.S. 37:3449(A)(1))
- (20) Private investigator. (R.S. 37:3507(A)(3))

Proposed law removes the crime or offense of moral turpitude from the offenses or violations for which the respective regulatory authority shall take disciplinary action or deny licensure or certification for.

Proposed law provides that licenses from the real estate commission shall be granted only to persons, partnerships, limited liability companies, associations, corporations, or other legal entities that bear a good reputation for honesty, trustworthiness, integrity, and competence to transact the real estate activities.

Proposed law removes the requirement that an entity bear a good reputation for honesty, trustworthiness, integrity, and competence.

Present law provides that if an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft,

or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction, such untrustworthiness of the applicant, and the conviction, may in itself be sufficient grounds for refusal of a license.

Proposed law amends present law to remove a crime involving moral turpitude and that such untrustworthiness of the applicant, and the conviction, may in itself be sufficient grounds for refusal of a license.

Present law provides for the criminal record effect on trade, occupational, and professional licensing.

Proposed law provides that licensing boards shall not use vague or generic terms including and without limitation to the phrases "moral turpitude" and "good character".

(Amends R.S. 37:698(A)(3), 711.23(A)(3), 846(A)(9), 1061(A)(4), 1241(A)(4), 1360.108(A)(2), 1437(B)(1), 1437.1(B)(2), 1450(A)(3), 1526(A)(5), 1554(A)(9), 2585(2), 2838(A)(1), 2848(e), 3396(D)(3), 3409(E)(3), 3429(A)(1), 3449(A)(1), and 3507(A)(3); Adds R.S. 37:2950(C); Repeals R.S. 37:921(8), 1360.33(7), 1565(A)(2), 2453(1), and 2557(A)(1)(b))