

2016 Regular Session

SENATE BILL NO. 223

BY SENATOR CLAITOR

SPEECH/PATH/AUDIO. Requires the Louisiana Board of Examiners for Speech-Language Pathology and Audiology to obtain criminal background checks on potential licensees. (8/1/16)

1 AN ACT

2 To enact R.S. 37:2659.1, relative to the Louisiana Board of Examiners for Speech-Language
3 Pathology and Audiology; to provide for the powers and duties of the board; to
4 provide definitions; to require the board to request and obtain certain state and
5 national criminal history record information for eligibility determination; to provide
6 for confidentiality of certain information; to provide for a compliance hearing; to
7 provide terms, conditions, requirements, and procedures; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:2659.1 is hereby enacted to read as follows:

11 **§2659.1. Authorization to obtain criminal history record information**

12 **A. As used in this Section, the following terms shall have the following**
13 **meanings:**

14 **(1) "Applicant" means an individual who has made application to the**
15 **board for the issuance, renewal, or reinstatement of any form of licensure or**
16 **registration which the board is authorized by law to issue.**

17 **(2) "Board" means the Louisiana Board of Examiners for**

1 Speech-Language Pathology and Audiology.

2 (3) "Bureau" means the Louisiana Bureau of Criminal Identification and
3 Information of the office of state police within the Department of Public Safety
4 and Corrections.

5 (4) "Criminal history record information" means information collected
6 by state and federal criminal justice agencies on individuals consisting of
7 identifiable descriptions and notations of arrests, detentions, indictments, bills
8 of information, or any formal criminal charges, and any disposition arising
9 therefrom, including sentencing, criminal correctional supervision, and release.
10 It shall not include intelligence information gathered for investigatory purposes
11 or any identification information which does not indicate involvement of the
12 individual in the criminal justice system.

13 (5) "FBI" means the Federal Bureau of Investigation of the United States
14 Department of Justice.

15 (6) "Licensure" means any license, provisional license, certification, or
16 registration that the board is authorized to issue.

17 B. In addition to any other requirements established by board rules, the
18 board shall require an applicant, as a condition of eligibility for licensure:

19 (1) To submit a full set of fingerprints, in a form and manner prescribed
20 by the board.

21 (2) To permit the board to request and obtain state and national criminal
22 history record information on the applicant.

23 (3) To pay the reasonable costs to be incurred by the board in requesting
24 and obtaining state and national criminal history record information on the
25 applicant.

26 C. In accordance with the provisions and procedure prescribed by this
27 Section, the board shall request and obtain state and national criminal history
28 record information from the bureau and the FBI relative to any applicant for
29 licensure or registration whose fingerprints the board has obtained pursuant to

1 this Section for the purpose of determining the applicant's suitability and
2 eligibility for licensure.

3 D. Upon request by the board and upon the board's submission of an
4 applicant's fingerprints, and such other identifying information as may be
5 required, the bureau shall survey its criminal history records and identification
6 files and make a simultaneous request of the FBI for like information from
7 other jurisdictions. The bureau may charge the board a reasonable processing
8 fee for conducting and reporting on any such search.

9 E. Any and all state or national criminal history record information
10 obtained by the board from the bureau or FBI which is not already a matter of
11 public record shall be deemed nonpublic and confidential information restricted
12 to the exclusive use by the board, its members, officers, investigators, agents,
13 and attorneys in evaluating the applicant's eligibility or disqualification for
14 licensure. No such information or records related thereto shall, except with the
15 written consent of the applicant or by order of a court of competent jurisdiction,
16 be released or otherwise disclosed by the board to any other person or agency.

17 F. Upon investigation of the application and other evidence submitted,
18 the board shall notify each applicant that the application and evidence
19 submitted for consideration is satisfactory and accepted, or is unsatisfactory
20 and rejected. If an application is rejected, such notice shall state the reasons for
21 the rejection and the applicant's right to a compliance hearing in accordance
22 with the rules and regulations promulgated by the board.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by J. W. Wiley.

SB 223 Original

DIGEST
2016 Regular Session

Claitor

Present law provides the powers and duties of the La. Board of Examiners for
Speech-Language Pathology and Audiology.

Proposed law retains present law and adds additional powers.

Proposed law provides certain definitions.

Proposed law authorizes the board to require an applicant, as a condition of eligibility for licensure, to do the following:

- (1) To submit a full set of fingerprints, in a form and manner prescribed by the board.
- (2) To permit the board to request and obtain state and national criminal history record information on the applicant.
- (3) To pay the reasonable costs to be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

Proposed law requires the board to request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections ("bureau") and the Federal Bureau of Investigation ("FBI") relative to any applicant for licensure whose fingerprints the board has obtained pursuant to law for the purpose of determining the applicant's suitability and eligibility for licensure.

Proposed law provides that upon request by the board and upon the board's submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau must survey its criminal history records and identification files and make a simultaneous request of the FBI for like information from other jurisdictions. The bureau may charge the board a reasonable processing fee for conducting and reporting on any such search.

Proposed law provides that any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record will be deemed nonpublic and confidential information restricted to the exclusive use by the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto will, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

Proposed law provides that upon investigation of the application and other evidence submitted, the board will notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or unsatisfactory and rejected. If an application is rejected, such notice will state the reasons for such rejection and the applicant's right to a compliance hearing in accordance with the rules and regulations promulgated by the board.

Effective August 1, 2016.

(Adds R.S. 37:2659.1)