

2016 Regular Session

HOUSE BILL NO. 918

BY REPRESENTATIVE WILLMOTT

NURSES/PRACTICAL: Provides relative to background checks for persons applying for licensure by the La. State Board of Practical Nurse Examiners

1 AN ACT

2 To amend and reenact R.S. 37:969(B)(introductory paragraph) and (4)(a) and (c) and
3 969.1(B) through (D) and to enact R.S. 37:21(B)(11) and 969(B)(4)(d), relative to
4 the Louisiana State Board of Practical Nurse Examiners; to exempt the board from
5 certain limitations on disciplinary proceedings; to authorize the board to obtain
6 certain criminal history record information; to provide for methods of obtaining such
7 information; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:969(B)(introductory paragraph) and (4)(a) and (c) and 969.1(B)
10 through (D) are hereby amended and reenacted and R.S. 37:21(B)(11) and 969(B)(4)(d) are
11 hereby enacted to read as follows:

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

14 * * *

15 B. The provisions of this Section shall not apply to the following:

16 * * *

17 (11) The Louisiana State Board of Practical Nurse Examiners.

18 * * *

19 §969. Duties and powers of the board

20 * * *

1 B. The board may do all of the following:

2 * * *

3 (4)(a) Request and obtain state and national criminal history record
4 information on any person applying for the issuance, renewal, or reinstatement of
5 any license or permit which the board is authorized by law to issue, including
6 permission to enroll as a student in nurse training courses.

7 * * *

8 (c) Promulgate the rules, regulations, and procedures, in cooperation with the
9 Louisiana Bureau of Criminal Identification and Information of the office of state
10 police within the Department of Public Safety and Corrections and the Federal
11 Bureau of Investigation of the United States Department of Justice, in accordance
12 with the Administrative Procedure Act, that are necessary to implement the
13 provisions of this ~~Paragraph~~ Section.

14 (d) Require any applicant requesting the issuance, renewal, or reinstatement
15 of any license or permit which the board is authorized to issue, including permission
16 to enroll as a student in a clinical nursing course, to submit a full set of fingerprints,
17 in a form and manner prescribed by the board, as a condition of the board's
18 consideration of his application.

19 * * *

20 §969.1. Louisiana State Board of Practical Nurse Examiners; authorization to obtain
21 criminal history record information

22 * * *

23 B.~~(1)~~ In addition to any other requirements established by law or board rules,
24 the board ~~may~~ shall:

25 (a) (1) Require that any person applying for any license or permit which the
26 board is authorized by law to issue each applicant, as a condition for eligibility for
27 licensure, to provide all of the following:

28 (a) A full set of fingerprints, in a form and manner prescribed by the board.

1 ~~(b) provide written~~ Written consent to the board to request and obtain state
2 and national criminal history record information on such person as a condition for
3 consideration of his application.

4 ~~(b) (2)~~ Charge and collect from the applicant, in addition to all other
5 applicable fees and costs, such amount as may be incurred by the board in requesting
6 and obtaining state and national criminal history record information on the applicant.

7 ~~(2) The board shall provide~~ (3) Provide each applicant with a copy of the
8 written standards specifying the requirements that must be met by an applicant for
9 licensure and the grounds on which a license may be denied or revoked.

10 C. In accordance with the provisions and procedures prescribed by this
11 Section, or any other law or board rule, the board ~~may~~ shall request and obtain state
12 and national criminal history record information from the ~~Louisiana Bureau of~~
13 ~~Criminal Identification and Information of the office of state police within the~~
14 ~~Department of Public Safety and Corrections and the Federal Bureau of Investigation~~
15 ~~of the United States Department of Justice~~ bureau and the FBI relative to any person
16 applying for a license to ~~determine~~ issuance, renewal, or reinstatement of any license
17 or permit whose fingerprints the board has obtained pursuant to this Section for the
18 purpose of determining the applicant's suitability and eligibility for licensure.

19 D.(1) Upon request by the board, and upon the board's submission of an
20 applicant's fingerprints and such other identifying information as may be required,
21 the bureau shall conduct a search of its criminal history record information relative
22 to the applicant and report the results of its search to the board within sixty days after
23 receipt of any such request. The bureau may charge the board a reasonable
24 processing fee for conducting and reporting on any such search.

25 (2) If the criminal history record information reported by the bureau to the
26 board does not provide grounds for disqualification of the applicant for licensure
27 under the applicable law administered by the board, the board may forward the
28 applicant's fingerprints and such other identifying information as may be required to

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.

Proposed law retains present law and provides that if the criminal history record information reported by the La. Bureau of Criminal Identification and Information does not provide grounds for disqualification of the applicant for licensure under the applicable law administered by the board, the board shall have the authority to forward the applicant's fingerprints and such other identifying information as may be required to the Federal Bureau of Investigation with a request for a search of national criminal history record information relative to the applicant.

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