
DIGEST

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HB 918 Original

2016 Regular Session

Willmott

Abstract: Exempts the La. State Board of Practical Nurse Examiners from certain limitations on disciplinary proceedings and authorizes the board to obtain certain criminal history record information from its applicants.

Present 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.

Present law exempts certain professional and occupational boards and commissions from the limitations of present law above. Proposed law retains present 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.

Proposed 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

a clinical nursing course, to submit a full set of fingerprints as a condition of the board's consideration of his application.

Present law provides that upon request by the board, the La. Bureau of Criminal Identification and Information of the office of state police shall 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.

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))