

GREEN SHEET REDIGEST

HB 196

2019 Regular Session

Falconer

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

DIGEST

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. 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 regarding the time of hearing only.

Present law provides that the provisions of the present law do not apply to:

- (1) A physician licensed to practice medicine.
- (2) A dentist, dental hygienist, or any person practicing dentistry or dental hygiene with or without a license.
- (3) A certified public accountant.
- (4) The Louisiana Cemetery Board.
- (5) The Louisiana State Board of Embalmers and Funeral Directors.
- (6) The Louisiana Board of Examiners for Speech-Language Pathology and Audiology.
- (7) The Louisiana Board of Pharmacy.
- (8) The Louisiana State Board of Nursing.
- (9) The Louisiana State Board of Social Work Examiners.
- (10) The Louisiana Physical Therapy Board.
- (11) The Louisiana State Board of Practical Nurse Examiners.

Proposed law deletes (1) and (2) above and substitutes in their place that the provisions of the present law do not apply to the Louisiana State Board of Medical Examiners and the Louisiana State Board of Dentistry.

(Adds R.S. 37:21(B)(1) and (2) and (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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the reengrossed bill

1. Add provisions relative to La. State Board of Medical Examiners and La. State Board of Dentistry.
2. Provide that La. Professional Engineering and Land Surveying Board and the State Board of Architectural Examiners are exempt from time of hearing provisions only.