

2022 Regular Session

SENATE BILL NO. 106

BY SENATOR LUNEAU

FEES/LICENSES/PERMITS. Provides relative to disciplinary proceedings by a professional or occupational board or commission. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 37:21(A), relative to professional and occupational boards and
3 commissions; to provide for suspension of disciplinary proceedings; to provide for
4 terms, conditions, and procedures; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:21(A) is hereby amended and reenacted to read as follows:

7 §21. Limitations on disciplinary proceedings by professional or occupational boards
8 and commissions

9 A.(1) Unless a special law is applicable, no proceeding of any kind may be
10 initiated by a professional or occupational board or commission as follows:

11 ~~(1)~~(a) If the nature of the complaint is based on negligence or gross
12 negligence, no proceeding may be initiated after two years from discovery by the
13 complainant. However, under no circumstances shall such a proceeding be initiated
14 more than five years from the date of the act or omission.

15 ~~(2)~~(b) If the nature of the complaint is based on an intentional act or
16 omission, no proceeding may be initiated after two years from discovery by the
17 complainant. However, under no circumstances shall such a proceeding be initiated

1 more than five years from the date of the act or omission.

2 ~~(3)~~**(c)** If the nature of the complaint is based on fraud, no proceeding may be
3 initiated after two years from discovery by the complainant.

4 ~~(4)~~**(d)** If the nature of the complaint is based on a license or rules violation,
5 no proceeding may be initiated after five years from the date of the act or omission.

6 ~~(5)~~**(e)** In all cases where a complaint is filed with a professional or
7 occupational board or commission, the board or commission shall notify the licensee
8 who is specifically named in the complaint as the subject of the complaint in writing
9 of the complaint within six months after the filing of the complaint or be barred from
10 further action thereon. The board or commission shall hold any required hearing
11 within six months after the notice of the hearing, but this period may be interrupted
12 by the filing of procedural motions **or suspended as provided in Paragraph (2) of**
13 **this Subsection.**

14 **(2) The time periods provided in this Subsection are suspended during**
15 **the pendency of a legal action involving the licensee as a party or witness if the**
16 **complaint arises from the same facts giving rise to the legal action or arises**
17 **from the licensee's activities in the legal action. For the purposes of this**
18 **Subsection, "legal action" includes litigation, arbitration, mediation,**
19 **administrative proceeding, or other disciplinary proceeding.**

20 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michelle Ridge.

SB 106 Original DIGEST 2022 Regular Session Luneau

Present law provides limitations on the initiation of disciplinary proceedings by professional or occupational boards and commissions. Present law does not apply to the Board of Medical Examiners, Board of Dentistry, Cemetery Board, Board of Embalmers and Funeral Directors, Board of Examiners for Speech-Language Pathology and Audiology, Board of Pharmacy, Board of Nursing, Board of Social Work Examiners, Physical Therapy Board, Board of Practical Nurse Examiners, and certified public accountants.

Proposed law retains present law provisions and suspends the time periods for the initiation of disciplinary proceeding by certain boards and commissions during the pendency of a legal action involving the licensee as a party or witness if the complaint arises from the same facts giving rise to the legal action or arises from the licensee's activities in the legal action.

Proposed law defines "legal action".

Effective August 1, 2022.

(Amends R.S. 37:21(A))