

HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Substitute for Original House Bill No. 711 by Representative Turner as proposed by the House Committee on Health and Welfare

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 37:1315(A)(11) and 1316, to enact R.S. 37:1326(A)(10), and to repeal R.S. 37:1315(A)(7) and (B)(2), relative to recommendations on discipline by the Clinical Laboratory Personnel Committee; to provide for receipt and disbursement provisions; to provide for additional violations in accordance with the Louisiana Clinical Laboratory Personnel Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1315(A)(11) and 1316 are hereby amended and reenacted and R.S. 37:1326(A)(10) is hereby enacted to read as follows:

§1315. Powers and duties of the committee

A. The committee shall:

* * *

(11) Recommend criteria for applicants who must complete employment requirements as in-training licensees to practice clinical laboratory science under supervision to be eligible for and successfully complete a nationally ~~recognized~~ accredited certification examination as approved by the board upon recommendation of the committee.

* * *

§1316. Receipts and disbursements

All monies collected by the board pursuant to this Part shall be deposited in the treasury of the board ~~in the committee's account for the sole purpose of implementation of the provisions of this Part~~. All committee expenses shall be paid out of such funds only and shall not be charged to or be payable by the state. The financial records of the ~~committee~~ board shall be audited ~~annually~~ in accordance

with state law by the legislative auditor or an independent auditor approved by the legislative auditor.

* * *

§1326. Causes for denial, suspension, probation, restriction, or revocation of a license or certificate or license or certificate renewal

A. The board, upon the recommendation of the committee, may deny, suspend, probate, restrict, or revoke the issuance or renewal of a license or certificate, after notice and an opportunity for a hearing pursuant to the Administrative Procedure Act, upon a preponderance of evidence showing any of the following when such activity is not authorized by the provisions of this Part:

* * *

(10) Unprofessional conduct, which may be further defined and promulgated by the board in accordance with the Administrative Procedure Act, includes but is not limited to the following:

(a) Sexual or disruptive misconduct which manifests as aberrant behavior, harassment, or both, through personal interaction with physicians, employees, coworkers, hospital personnel, healthcare professionals, patients, family members, or others, or which interferes with or could reasonably be expected to interfere with the work of clinical laboratory personnel.

(b) Failing to abide by any ethics code provisions established by the board for clinical laboratory personnel in accordance with the committee's recommendation and promulgated in accordance with the Administrative Procedure Act.

(c) Conviction of a crime, entry of a guilty plea, or entry of a plea of nolo contendere to a state or federal criminal charge constituting either a felony or a crime of sexual violence in accordance with any state or federal law.

(d) Failing to cooperate with the board, the committee, or both, providing false testimony before the board or the committee, or providing false sworn information to the board or the committee.

(e) Habitual or recurring abuse of drugs, alcohol, or mood-altering substances or those which affect the central nervous system or which are capable of inducing physiological or psychological dependence.

(f) An inability to practice within the licensee's respective scope of practice in accordance with this Part, with reasonable skill or safety due to mental illness or deficiency, including but not limited to deterioration through the aging process, the loss of motor skills, or excessive use or abuse of drugs, alcohol, or mood-altering substances or those which affect the central nervous system or which are capable of inducing physiological or psychological dependence.

* * *

Section 2. R.S. 37:1315(A)(7) and (B)(2) are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB Draft

2022 Regular Session

Abstract: Provides recommendations on discipline by the Clinical Laboratory Personnel Committee, receipt and disbursement provisions, and additional violations with regard to unprofessional conduct.

Present law requires applicants to be eligible for and successfully complete a nationally recognized certification examination.

Proposed law changes the certification examination requirement from nationally recognized to nationally accredited and otherwise retains present law.

Present law provides that all monies collected by the board in accordance with present law shall be deposited in the treasury of the board in the committee's account.

Proposed law removes the provision that requires money to be deposited into the committee's account and otherwise retains present law.

Present law requires that the financial records of the committee be audited annually.

Proposed law provides that the financial records of the board shall be audited in accordance with state law.

Proposed law adds unprofessional conduct to the list of violations provided for in present law and an illustrative listing of behaviors indicative of unprofessional conduct.

Present law provides that the Clinical Laboratory Personnel Committee shall have authority to examine and recommend to the board its approval, denial, suspension, probation, restriction, or revocation of a license or certificate of any clinical laboratory personnel after conducting a disciplinary hearing.

Proposed law repeals present law.

Present law states that the committee may recommend to the board that it employ an executive director and legal counsel as needed to carry out the provisions of present law.

Proposed law repeals present law.

(Amends R.S. 37:1315(A)(11) and 1316; Adds R.S. 37:1326(A)(10); Repeals R.S. 37:1315(A)(7) and (B)(2))