

2022 Regular Session

HOUSE BILL NO. 1066 (Substitute for House Bill No. 711 by Representative Turner)

BY REPRESENTATIVE TURNER

HEALTH CARE/PROVIDERS: Provides relative to clinical laboratory personnel

1 AN ACT

2 To amend and reenact R.S. 37:1316, to enact R.S. 37:1326(A)(10), and to repeal R.S.
3 37:1315(A)(7) and (B)(2), relative to recommendations on discipline by the Clinical
4 Laboratory Personnel Committee; to provide for receipt and disbursement
5 provisions; to provide for additional violations in accordance with the Louisiana
6 Clinical Laboratory Personnel Law; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

10 §1316. Receipts and disbursements

11 All monies collected by the board pursuant to this Part shall be deposited in
12 the treasury of the board ~~in the committee's account for the sole purpose of~~
13 ~~implementation of the provisions of this Part.~~ All committee expenses shall be paid
14 out of such funds only and shall not be charged to or be payable by the state. The
15 financial records of the ~~committee~~ board shall be audited ~~annually~~ in accordance
16 with state law by the legislative auditor or an independent auditor approved by the
17 legislative auditor.

18 * * *

1 §1326. Causes for denial, suspension, probation, restriction, or revocation of a
2 license or certificate or license or certificate renewal

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

8 * * *

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

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

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

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

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

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

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

7 * * *

8 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 1066 Reengrossed

2022 Regular Session

Turner

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.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove requirement for applicants to be eligible for and successfully complete a nationally accredited certification examination.
2. Make technical corrections.