SENATE BILL NO. 106

BY SENATOR LUNEAU

1	AN ACT
2	To amend and reenact R.S. 37:21(A) and the introductory paragraph of 21(C), relative to
3	professional and occupational boards and commissions; to provide for suspension of
4	disciplinary proceedings; to provide for terms, conditions, and procedures; and to
5	provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 37:21(A) and the introductory paragraph of 21(C) are hereby
8	amended and reenacted to read as follows:
9	§21. Limitations on disciplinary proceedings by professional or occupational boards
10	and commissions
11	A.(1) Unless a special law is applicable, no proceeding of any kind may be
12	initiated by a professional or occupational board or commission as follows:
13	(1)(a) If the nature of the complaint is based on negligence or gross
14	negligence, no proceeding may be initiated after two years from discovery by the
15	complainant. However, under no circumstances shall such a proceeding be initiated
16	more than five years from the date of the act or omission.
17	(2)(b) If the nature of the complaint is based on an intentional act or
18	omission, no proceeding may be initiated after two years from discovery by the
19	complainant. However, under no circumstances shall such a proceeding be initiated
20	more than five years from the date of the act or omission.
21	(3)(c) If the nature of the complaint is based on fraud, no proceeding may be
22	initiated after two years from discovery by the complainant.
23	(4)(d) If the nature of the complaint is based on a license or rules violation,
24	no proceeding may be initiated after five years from the date of the act or omission.

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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ENROLLED

1	(5)(2) In all cases where a complaint is filed with a professional or
2	occupational board or commission, the board or commission shall notify the licensee
3	who is specifically named in the complaint as the subject of the complaint in writing
4	of the complaint within six months after the filing of the complaint or be barred from
5	further action thereon. The board or commission shall hold any required hearing
6	within six months after the notice of the hearing, but this period may be interrupted
7	by the filing of procedural motions or suspended as provided in Paragraph (3) of
8	this Subsection.
9	(3) The time periods provided in this Subsection are suspended during
10	the pendency of a legal action involving the licensee as a party or witness if the
10 11	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
11	complaint arises from the same facts giving rise to the legal action or arises
11 12	complaint arises from the same facts giving rise to the legal action or arises from the licensee's activities in the legal action. For the purposes of this
11 12 13	complaint arises from the same facts giving rise to the legal action or arises from the licensee's activities in the legal action. For the purposes of this Subsection, "legal action" includes litigation, arbitration, mediation,
11 12 13 14	complaint arises from the same facts giving rise to the legal action or arises from the licensee's activities in the legal action. For the purposes of this Subsection, "legal action" includes litigation, arbitration, mediation, administrative proceeding, or other disciplinary proceeding.
 11 12 13 14 15 	complaint arises from the same facts giving rise to the legal action or arisesfrom the licensee's activities in the legal action. For the purposes of thisSubsection, "legal action" includes litigation, arbitration, mediation,administrative proceeding, or other disciplinary proceeding.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____