

2022 Regular Session

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

BY REPRESENTATIVE TURNER

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.

29 (f) An inability to practice within the licensee's respective scope of practice
30 in accordance with this Part, with reasonable skill or safety due to mental illness or

1 deficiency, including but not limited to deterioration through the aging process, the
 2 loss of motor skills, or excessive use or abuse of drugs, alcohol, or mood-altering
 3 substances or those which affect the central nervous system or which are capable of
 4 inducing physiological or psychological dependence.

5 * * *

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 R.S. 37:1315(A)(7) and (B)(2) are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____