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

DIGEST

Morrell (SB 86)

Present law provides the fee schedule for the Louisiana Licensed Professional Counselors Board of Examiners ("board").

Proposed law provides the maximum amount of each fee the board may collect as follows:

(1)	Application of privilege, credential, or registration	\$200
(2)	Application of licensure	\$325
(3)	Renewal of privilege, credential, registration, or license	\$300
(4)	Examination or reexamination	\$250
(5)	Late fees	\$100
(6)	Failure to update contact information with board	\$100
(7)	Reissuance of privilege, credential, registration, or license	\$50
(8)	Name changes on record	\$50
(9)	Copies of documents in the board's possession	\$50
(10)	Formal verification of status of any privilege, credential, registration, or license	\$25

Proposed law provides that the board shall not increase any fee by more than a total of 15% over a consecutive three year period.

Present law allows the board to assess and collect fines in an amount not to exceed \$500.

Proposed law increases the amount the board may assess and collect in fines from not to exceed \$500 to not to exceed \$1,500.

Proposed law authorizes the board to assess all costs incurred in connection with any disciplinary proceeding, including but not limited to the costs of an investigator, a stenographer, legal fees, or witness fees, and any costs and fees incurred by the board on any judicial review or appeal.

Proposed law provides that all costs and fees shall be paid no later than 90 days after the decision of the board becomes final and delays for seeking judicial review of the decision have expired without action by an aggrieved party.

Proposed law prohibits any license, certificate, or registration from being issued, reinstated, or renewed until such costs and fees have been paid.

Proposed law provides that a person aggrieved by a final decision of the board who prevails upon judicial review may recover reasonable costs, attorney fees, and other expenses incurred as a result of the administrative investigation, adjudication, and judicial review, in addition to other remedies provided by law.

Proposed law provides for the issuance of temporary licenses and registrations effective for a period of 90 calendar days from the date of issuance.

Present law provides for the denial, revocation, or suspension of licenses.

Proposed law maintains present law and provides for the denial, revocation, or suspension of registrations.

Proposed law authorizes the board to require an applicant, as a condition of eligibility for licensure, to do the following:

- (1) Submit a full set of fingerprints, in a form and manner prescribed by the board.
- (2) Permit the board to request and obtain state and national criminal history record information on the applicant.
- (3) Pay the reasonable costs incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

Proposed law provides that the board may request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections ("bureau") and the Federal Bureau of Investigation ("FBI") relative to any applicant for licensure whose fingerprints the board has obtained pursuant to law for the purpose of determining the applicant's suitability and eligibility for licensure.

Proposed law provides that upon request by the board and upon the board's submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within 60 days from receipt of any such request. The bureau may charge the board a reasonable processing fee for conducting and reporting on any such search.

Proposed law provides that if the criminal history record information reported by the bureau to the board does not provide grounds for disqualification of the applicant for licensure under the applicable law administered by the board, the board shall have the authority to forward the applicant's fingerprints and such other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.

Proposed law provides that any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use by the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

Proposed law provides that upon investigation of the application and other evidence submitted, the board shall notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or unsatisfactory and rejected. If an application is rejected, such notice shall state the reasons for such rejection and the applicant's right to a compliance hearing in accordance with the rules and regulations promulgated by the board.

Effective January 1, 2014.

(Amends R.S. 37:1106(A) and (D) and 1110; adds R.S. 37:1107(F), 1116(C), and 1123)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Reduces the amount of fines the board may collect from not to exceed \$5,000 to not to exceed \$1,500.
2. Provides that all costs and fees shall be paid no later than 90 days after the decision of the board becomes final and delays for seeking judicial review of the decision have expired without action by an aggrieved party.
3. Provides that a person aggrieved by a final decision of the board who prevails upon judicial review may recover reasonable costs, attorney fees, and other expenses incurred as a result of the administrative investigation, adjudication, and judicial review, in addition to other remedies provided by law.