

2016 Regular Session

HOUSE BILL NO. 918

BY REPRESENTATIVE WILLMOTT

NURSES/PRACTICAL: Provides relative to background checks for persons applying for licensure by the La. State Board of Practical Nurse Examiners

1 AN ACT

2 To amend and reenact R.S. 37:969(B)(introductory paragraph) and (4)(a) and (c) and  
3 969.1(B) through (D) and to enact R.S. 37:21(B)(11) and 969(B)(4)(d), relative to  
4 the Louisiana State Board of Practical Nurse Examiners; to exempt the board from  
5 certain limitations on disciplinary proceedings; to authorize the board to obtain  
6 certain criminal history record information; to provide for methods of obtaining such  
7 information; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:969(B)(introductory paragraph) and (4)(a) and (c) and 969.1(B)  
10 through (D) are hereby amended and reenacted and R.S. 37:21(B)(11) and 969(B)(4)(d) are  
11 hereby enacted to read as follows:

12 §21. Limitations on disciplinary proceedings by professional or occupational boards  
13 and commissions

14 \* \* \*

15 B. The provisions of this Section shall not apply to the following:

16 \* \* \*

17 (11) The Louisiana State Board of Practical Nurse Examiners.

18 \* \* \*

19 §969. Duties and powers of the board

20 \* \* \*

1 B. The board may do all of the following:

2 \* \* \*

3 (4)(a) Request and obtain state and national criminal history record  
4 information on any person applying for the issuance, renewal, or reinstatement of  
5 any license or permit which the board is authorized by law to issue, including  
6 permission to enroll as a student in nurse training courses.

7 \* \* \*

8 (c) Promulgate the rules, regulations, and procedures, in cooperation with the  
9 Louisiana Bureau of Criminal Identification and Information of the office of state  
10 police within the Department of Public Safety and Corrections and the Federal  
11 Bureau of Investigation of the United States Department of Justice, in accordance  
12 with the Administrative Procedure Act, that are necessary to implement the  
13 provisions of this ~~Paragraph~~ Section.

14 (d) Require any applicant requesting the issuance, renewal, or reinstatement  
15 of any license or permit which the board is authorized to issue, including permission  
16 to enroll as a student in any nurse training course, to provide a full set of fingerprints,  
17 in a form and manner prescribed by the board, as a condition of the board's  
18 consideration of his application.

19 \* \* \*

20 §969.1. Louisiana State Board of Practical Nurse Examiners; authorization to obtain  
21 criminal history record information

22 \* \* \*

23 B.~~(1)~~ In addition to any other requirements established by law or board rules,  
24 the board ~~may~~ shall:

25 (a) (1) Require that any person applying for any license or permit which the  
26 board is authorized by law to issue each applicant, as a condition for eligibility for  
27 licensure, to provide all of the following:

1            (a) A full set of fingerprints, in a form and manner prescribed by the board.

2            ~~(b) provide written~~ Written consent to the board to request and obtain for  
3 state and national criminal history record information on such person to be obtained  
4 as a condition for consideration of his application.

5            ~~(b) (2)~~ Charge and collect from the applicant, in addition to all other  
6 applicable fees and costs, such amount as may be incurred by the board in requesting  
7 and obtaining state and national criminal history record information on the applicant.

8            ~~(2) The board shall provide~~ (3) Provide each applicant with a copy of the  
9 written standards specifying the requirements that must be met by an applicant for  
10 licensure and the grounds on which a license may be denied or revoked.

11            C. In accordance with the provisions and procedures prescribed by this  
12 Section, or any other law or board rule, the board ~~may~~ shall request and obtain state  
13 and national criminal history record information from the ~~Louisiana Bureau of~~  
14 ~~Criminal Identification and Information of the office of state police within the~~  
15 ~~Department of Public Safety and Corrections and the Federal Bureau of Investigation~~  
16 ~~of the United States Department of Justice~~ bureau and the FBI relative to any person  
17 applying for a license to ~~determine~~ issuance, renewal, or reinstatement of any license  
18 or permit whose fingerprints the board has obtained pursuant to this Section for the  
19 purpose of determining the applicant's suitability and eligibility for licensure.

20            D. ~~Upon request by the board, the bureau shall conduct a search of its~~  
21 ~~criminal history record information relative to the applicant and report the results of~~  
22 ~~its search to the board within sixty days after receipt of any such request. Upon~~  
23 receiving fingerprints, the bureau shall survey its criminal history records and  
24 identification files and make a simultaneous request of the FBI for like information  
25 from other jurisdictions. The bureau shall provide a report promptly and in writing,  
26 but shall provide only such information as is necessary to specify whether or not the  
27 person has been arrested for or convicted of or pled nolo contendere to any crime or



Proposed law authorizes the board to require any applicant requesting issuance, renewal, or reinstatement of any license or permit from the board, including permission to enroll as a student in any nurse training course, to provide a full set of fingerprints as a condition of the board's consideration of his application.

Present law provides that upon request by the board, the La. Bureau of Criminal Identification and Information of the office of state police, referred to hereafter as the "bureau", shall conduct a search of its criminal history record information relative to the person applying to the board and report the results of its search to the board within 60 days after receipt of the request. Proposed law deletes present law and provides all of the following relative to checking and reporting of criminal history record information of persons applying to the board:

- (1) A requirement that upon receipt by the bureau of fingerprints from the board, the bureau shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions.
- (2) A requirement that the bureau provide a report promptly and in writing, but shall provide only such information as is necessary to specify whether or not the person has been arrested for or convicted of or pled nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred.
- (3) Provisions stipulating that the report shall include arrests, convictions, or other dispositions, including any conviction dismissed pursuant to present law, C.Cr.P. Art. 893 or 894.

(Amends R.S. 37:969(B)(intro. para.) and (4)(a) and (c) and 969.1(B)-(D); Adds R.S. 37:21(B)(11) and 969(B)(4)(d))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Revise proposed law requiring applicants to submit a full set of fingerprints to require instead that applicants provide a full set of fingerprints.
2. Revise present law requiring applicants to provide written consent to the La. State Board of Practical Nurse Examiners to request and obtain state and national criminal history record information to require instead that applicants provide written consent for such criminal history record information to be obtained by an unspecified party.
3. Delete proposed law referring to submission by the La. State Board of Practical Nurse Examiners of an applicant's fingerprints and other identifying information.
4. Delete proposed law providing that if the criminal history record information reported by the La. Bureau of Criminal Identification and Information to the La. State Board of Practical Nurse Examiners does not provide grounds for disqualification of the applicant for licensure, the board may 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.

5. Add proposed law providing all of the following relative to checking and reporting of criminal history record information of persons applying to the La. State Board of Practical Nurse Examiners:
- (a) A requirement that upon receipt by the La. Bureau of Criminal Identification and Information of fingerprints from the board, the bureau shall survey its criminal history records and identification files and make a simultaneous request of the FBI for like information from other jurisdictions.
  - (b) A requirement that the bureau provide a report promptly and in writing, but shall provide only such information as is necessary to specify whether or not the person has been arrested for or convicted of or pled nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred.
  - (c) Provisions stipulating that the report provided pursuant to proposed law shall include arrests, convictions, or other dispositions, including any conviction dismissed pursuant to present law, C.Cr.P. Art. 893 or 894.