
DIGEST

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HB 918 Reengrossed

2016 Regular Session

Willmott

Abstract: Exempts the La. State Board of Practical Nurse Examiners from certain limitations on disciplinary proceedings and authorizes the board to obtain certain criminal history record information from its applicants.

Present law provides that unless a special law is applicable, no proceeding of any kind may be initiated by a professional or occupational board or commission as follows:

- (1) If the nature of the complaint is based on negligence or gross negligence, no proceeding may be initiated after two years from discovery by the complainant. However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act or omission.
- (2) If the nature of the complaint is based on an intentional act or omission, no proceeding may be initiated after two years from discovery by the complainant. However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act or omission.
- (3) If the nature of the complaint is based on fraud, no proceeding may be initiated after two years from discovery by the complainant.
- (4) If the nature of the complaint is based on a license or rules violation, no proceeding may be initiated after five years from the date of the act or omission.
- (5) In all cases where a complaint is filed with a professional or occupational board or commission, the board or commission shall notify the licensee in writing of the complaint within six months after the filing of the complaint or be barred from further action thereon. The board or commission shall hold any required hearing within six months after the notice of the hearing, but this period may be interrupted by the filing of procedural motions.

Present law exempts certain professional and occupational boards and commissions from the limitations of present law above. Proposed law retains present law and adds the La. State Board of Practical Nurse Examiners, referred to hereafter as the "board", as a board which is exempt from the above limitations.

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.

Proposed law deletes present law authorizing the board to charge and collect from applicants such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information.

(Amends R.S. 37:969(B)(intro. para.), (1)-(3), 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.

The House Floor Amendments to the engrossed bill:

1. Delete present law authorizing the La. State Board of Practical Nurse Examiners to charge and collect from applicants such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information.
2. Make technical changes.