

ACT No. 368

2016 Regular Session

HOUSE BILL NO. 918

BY REPRESENTATIVE WILLMOTT

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AN ACT

To amend and reenact R.S. 37:969(B)(introductory paragraph), (1) through (3), and (4)(a) and (c) and 969.1(B) through (D) and to enact R.S. 37:21(B)(11) and 969(B)(4)(d), relative to the Louisiana State Board of Practical Nurse Examiners; to exempt the board from certain limitations on disciplinary proceedings; to authorize the board to obtain certain criminal history record information; to provide for methods of obtaining such information; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:969(B)(introductory paragraph), (1) through (3), and (4)(a) and (c) and 969.1(B) through (D) are hereby amended and reenacted and R.S. 37:21(B)(11) and 969(B)(4)(d) are hereby enacted to read as follows:

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

* * *

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

* * *

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

* * *

§969. Duties and powers of the board

* * *

B. The board may do all of the following:

(1) Issue subpoenas and administer oaths to persons giving testimony at hearings;

1 (2) Employ and fix compensations of persons necessary to carry on the work
2 of the board;

3 (3) Appoint an attorney to represent the board in all matters pertaining to the
4 administration of this Part and fix his compensation and define his duties;

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

9 * * *

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

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

21 * * *

22 §969.1. Louisiana State Board of Practical Nurse Examiners; authorization to obtain
23 criminal history record information

24 * * *

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

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

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

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

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

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

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

19 D. ~~Upon request by the board, the bureau shall conduct a search of its~~
 20 ~~criminal history record information relative to the applicant and report the results of~~
 21 ~~its search to the board within sixty days after receipt of any such request. Upon~~
 22 ~~receiving fingerprints, the bureau shall survey its criminal history records and~~
 23 ~~identification files and make a simultaneous request of the FBI for like information~~
 24 ~~from other jurisdictions. The bureau shall provide a report promptly and in writing,~~
 25 ~~but shall provide only such information as is necessary to specify whether or not the~~
 26 ~~person has been arrested for or convicted of or pled nolo contendere to any crime or~~
 27 ~~crimes, the crime or crimes of which he has been arrested for or convicted or to~~
 28 ~~which he has pled nolo contendere, and the date or dates on which they occurred.~~
 29 The report provided pursuant to the provisions of this Subsection shall include
 30 arrests, convictions, or other dispositions, including any conviction dismissed

1 pursuant to Code of Criminal Procedure Article 893 or 894. The bureau may charge
2 the board a reasonable processing fee for conducting and reporting on any such
3 search.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____