

SENATE BILL NO. 106

BY SENATOR LUNEAU

1 AN ACT

2 To amend and reenact R.S. 37:21(A) and the introductory paragraph of 21(C), relative to
3 professional and occupational boards and commissions; to provide for suspension of
4 disciplinary proceedings; to provide for terms, conditions, and procedures; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:21(A) and the introductory paragraph of 21(C) are hereby
8 amended and reenacted to read as follows:

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

11 A.(1) Unless a special law is applicable, no proceeding of any kind may be
12 initiated by a professional or occupational board or commission as follows:

13 ~~(1)~~(a) If the nature of the complaint is based on negligence or gross
14 negligence, no proceeding may be initiated after two years from discovery by the
15 complainant. However, under no circumstances shall such a proceeding be initiated
16 more than five years from the date of the act or omission.

17 ~~(2)~~(b) If the nature of the complaint is based on an intentional act or
18 omission, no proceeding may be initiated after two years from discovery by the
19 complainant. However, under no circumstances shall such a proceeding be initiated
20 more than five years from the date of the act or omission.

21 ~~(3)~~(c) If the nature of the complaint is based on fraud, no proceeding may be
22 initiated after two years from discovery by the complainant.

23 ~~(4)~~(d) If the nature of the complaint is based on a license or rules violation,
24 no proceeding may be initiated after five years from the date of the act or omission.

1 ~~(5)(2)~~ In all cases where a complaint is filed with a professional or
2 occupational board or commission, the board or commission shall notify the licensee
3 who is specifically named in the complaint as the subject of the complaint in writing
4 of the complaint within six months after the filing of the complaint or be barred from
5 further action thereon. The board or commission shall hold any required hearing
6 within six months after the notice of the hearing, but this period may be interrupted
7 by the filing of procedural motions or suspended as provided in Paragraph (3) of
8 this Subsection.

9 **(3) The time periods provided in this Subsection are suspended during**
10 **the pendency of a legal action involving the licensee as a party or witness if the**
11 **complaint arises from the same facts giving rise to the legal action or arises**
12 **from the licensee's activities in the legal action. For the purposes of this**
13 **Subsection, "legal action" includes litigation, arbitration, mediation,**
14 **administrative proceeding, or other disciplinary proceeding.**

15 * * *

16 C. The provisions of Paragraph (A)~~(5)(2)~~ of this Section with respect to the
17 time of hearing only shall not apply to the following:

18 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____