AN ACT

To amend and reenact R.S. 44:4.1(B)(23) and to enact R.S. 37:1338.1, 1360.53.1, 1360.104.1, and 2863.1, relative to the authority of the Louisiana State Board of Medical Examiners to request and obtain state and national criminal history record information from certain state and federal agencies on any person applying for a license, registration, certificate, or permit to practice as a perfusionist, medical psychologist, genetic counselor, or polysomnographic health professional in this state; to provide for authority to collect fees and costs from an applicant for requesting and obtaining any criminal history record information; to provide for definitions; to provide for confidentiality of information; to provide for the release of such information upon written consent of the applicant or by court order; to provide for rulemaking authority; to provide for an exception to the Public Records Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1338.1, 1360.53.1, 1360.104.1, and 2863.1 are hereby enacted to read as follows:

§1338.1. Authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following meaning:

(1) "Applicant" means an individual who has made application to the board for the issuance or reinstatement of any license, registration, certificate, permit, or any other designation considered necessary to practice as a perfusionist in this state that the board is authorized by law to issue.

(2) "Bureau" means the Louisiana Bureau of Criminal Identification and
Information of the office of state police within the Department of Public Safety and Corrections.

(3) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, or any formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision, and release, but does not include intelligence for investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.

(4) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

(5) "Licensure" means the granting of any license, permit, certification, or registration that the board is authorized to issue pursuant to this Part.

B. In addition to any other requirements established by regulation, the board shall require an applicant, as a condition of licensure:

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

(2) To permit the board to request and obtain state and national criminal history record information on the applicant.

(3) To pay, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedures prescribed by this Section, the board shall request and obtain state and national criminal history record information from the bureau and the FBI relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

D. 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 and make a simultaneous request of the FBI relative to the
applicant and report the results of its search to the board within sixty days from
receipt of any such request. The bureau may charge the board a processing fee
for conducting and reporting on any such search.

E. 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 considered nonpublic and confidential information
restricted to the exclusive use of the board, its members, officers, investigators,
agents, and attorneys for the purpose of 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.

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§1360.53.1. Authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following
meaning:

(1) "Applicant" means an individual who has made application to the
board for the issuance or reinstatement of any license, registration, certificate,
permit, or any other designation considered necessary to practice as a medical
psychologist in this state that the board is authorized by law to issue.

(2) "Bureau" means the Louisiana Bureau of Criminal Identification and
Information of the office of state police within the Department of Public Safety
and Corrections.

(3) "Criminal history record information" means information collected
by state and federal criminal justice agencies on individuals consisting of
identifiable descriptions and notations of arrests, detentions, or any formal
criminal charges, and any disposition arising therefrom, including sentencing.
criminal correctional supervision, and release, but does not include intelligence
for investigatory purposes, nor does it include any identification information
which does not indicate involvement of the individual in the criminal justice
system.

(4) "FBI" means the Federal Bureau of Investigation of the United States
Department of Justice.

(5) "Licensure" means the granting of any license, permit, certification,
or registration that the board is authorized to issue pursuant to this Part.

B. In addition to any other requirements established by regulation, the
board shall require an applicant, as a condition of licensure:

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

(2) To permit the board to request and obtain state and national criminal
history record information on the applicant.

(3) To pay, in addition to all other applicable fees and costs, such amount
as may be incurred by the board in requesting and obtaining state and national
criminal history record information on the applicant.

C. In accordance with the provisions and procedures prescribed by this
Section, the board shall request and obtain state and national criminal history
record information from the bureau and the FBI relative to any applicant for
licensure whose fingerprints the board has obtained pursuant to this Section for
the purpose of determining the applicant's suitability and eligibility for
licensure.

D. 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 and make a simultaneous request of the FBI relative to the
applicant and report the results of its search to the board within sixty days from
receipt of any such request. The bureau may charge the board a processing fee
for conducting and reporting on any such search.
E. 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 considered nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys for the purpose of 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.

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§1360.104.1. Authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following meaning:

(1) "Applicant" means an individual who has made application to the board for the issuance or reinstatement of any license, registration, certificate, permit, or any other designation considered necessary to engage in the practice of genetic counseling in this state that the board is authorized by law to issue.

(2) "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

(3) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, or any formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision, and release, but does not include intelligence for investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.

(4) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.
(5) "Licensure" means the granting of any license, permit, certification, or registration that the board is authorized to issue pursuant to this Part.

B. In addition to any other requirements established by regulation, the board shall require an applicant, as a condition of licensure:

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

(2) To permit the board to request and obtain state and national criminal history record information on the applicant.

(3) To pay, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedures prescribed by this Section, the board shall request and obtain state and national criminal history record information from the bureau and the FBI relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

D. 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 and make a simultaneous request of the FBI relative to the applicant and report the results of its search to the board within sixty days from receipt of any such request. The bureau may charge the board a processing fee for conducting and reporting on any such search.

E. 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 considered nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys for the purpose of 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.

§2863.1. Authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following
meaning:

(1) "Applicant" means an individual who has made application to the
board for the issuance or reinstatement of any license, registration, certificate,
permit, or any other designation considered necessary to engage in the practice
of polysomnography in this state that the board is authorized by law to issue.

(2) "Bureau" means the Louisiana Bureau of Criminal Identification and
Information of the office of state police within the Department of Public Safety
and Corrections.

(3) "Criminal history record information" means information collected
by state and federal criminal justice agencies on individuals consisting of
identifiable descriptions and notations of arrests, detentions, or any formal
criminal charges, and any disposition arising therefrom, including sentencing,
criminal correctional supervision, and release, but does not include intelligence
for investigatory purposes, nor does it include any identification information
which does not indicate involvement of the individual in the criminal justice
system.

(4) "FBI" means the Federal Bureau of Investigation of the United States
Department of Justice.

(5) "Licensure" means the granting of any license, permit, certification,
or registration that the board is authorized to issue pursuant to this Chapter.

B. In addition to any other requirements established by regulation, the
board shall require an applicant, as a condition of licensure:

(1) To submit a full set of fingerprints, in a form and manner prescribed
by the board.
(2) To permit the board to request and obtain state and national criminal history record information on the applicant.

(3) To pay, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedures prescribed by this Section, the board shall request and obtain state and national criminal history record information from the bureau and the FBI relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

D. 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 and make a simultaneous request of the FBI relative to the applicant and report the results of its search to the board within sixty days from receipt of any such request. The bureau may charge the board a processing fee for conducting and reporting on any such search.

E. 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 considered nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys for the purpose of 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.

Section 2. R.S. 44:4.1(B)(23) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.
B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

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(23) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 920.1, 969.1, 1123(E), 1277, 1278, 1285, 1326, 1338.1, 1360.53.1, 1360.104.1, 1518, 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 2863.1, 3481, 3507.1

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____________