

HOUSE BILL NO. 1066 (Substitute for House Bill No. 711 by Representative Turner)

BY REPRESENTATIVE TURNER

| 1 | AN ACT |
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| 2 | To amend and reenact R.S. 37:1316, to enact R.S. 37:1326(A)(10), and to repeal R.S. |
| 3 | 37:1315(A)(7) and (B)(2), relative to recommendations on discipline by the Clinical |
| 4 | Laboratory Personnel Committee; to provide for receipt and disbursement |
| 5 | provisions; to provide for additional violations in accordance with the Louisiana |
| 6 | Clinical Laboratory Personnel Law; and to provide for related matters. |
| 7 | Be it enacted by the Legislature of Louisiana: |
| 8 | Section 1. R.S. 37:1316 is hereby amended and reenacted and R.S. 37:1326(A)(10) |
| 9 | is hereby enacted to read as follows: |
| 10 | §1316. Receipts and disbursements |
| 11 | All monies collected by the board pursuant to this Part shall be deposited in |
| 12 | the treasury of the board in the committee's account for the sole purpose of |
| 13 | implementation of the provisions of this Part. All committee expenses shall be paid |
| 14 | out of such funds only and shall not be charged to or be payable by the state. The |
| 15 | financial records of the committee board shall be audited annually in accordance |
| 16 | with state law by the legislative auditor or an independent auditor approved by the |
| 17 | legislative auditor. |
| 18 | * * * |

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

| 1 | §1326. Causes for denial, suspension, probation, restriction, or revocation of a |
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| 2 | license or certificate or license or certificate renewal |
| 3 | A. The board, upon the recommendation of the committee, may deny, |
| 4 | suspend, probate, restrict, or revoke the issuance or renewal of a license or |
| 5 | certificate, after notice and an opportunity for a hearing pursuant to the |
| 6 | Administrative Procedure Act, upon a preponderance of evidence showing any of the |
| 7 | following when such activity is not authorized by the provisions of this Part: |
| 8 | * * * |
| 9 | (10) Unprofessional conduct, which may be further defined and promulgated |
| 10 | by the board in accordance with the Administrative Procedure Act, includes but is |
| 11 | not limited to the following: |
| 12 | (a) Sexual or disruptive misconduct which manifests as aberrant behavior, |
| 13 | harassment, or both, through personal interaction with physicians, employees, |
| 14 | coworkers, hospital personnel, healthcare professionals, patients, family members, |
| 15 | or others, or which interferes with or could reasonably be expected to interfere with |
| 16 | the work of clinical laboratory personnel. |
| 17 | (b) Failing to abide by any ethics code provisions established by the board |
| 18 | for clinical laboratory personnel in accordance with the committee's recommendation |
| 19 | and promulgated in accordance with the Administrative Procedure Act. |
| 20 | (c) Conviction of a crime, entry of a guilty plea, or entry of a plea of nolo |
| 21 | contendere to a state or federal criminal charge constituting either a felony or a crime |
| 22 | of sexual violence in accordance with any state or federal law. |
| 23 | (d) Failing to cooperate with the board, the committee, or both, providing |
| 24 | false testimony before the board or the committee, or providing false sworn |
| 25 | information to the board or the committee. |
| 26 | (e) Habitual or recurring abuse of drugs, alcohol, or mood-altering |
| 27 | substances or those which affect the central nervous system or which are capable of |
| 28 | inducing physiological or psychological dependence. |
| 29 | (f) An inability to practice within the licensee's respective scope of practice |
| 30 | in accordance with this Part, with reasonable skill or safety due to mental illness or |

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| | HB NO. 1066 ENROLLED |
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| 1 | deficiency, including but not limited to deterioration through the aging process, the |
| 2 | loss of motor skills, or excessive use or abuse of drugs, alcohol, or mood-altering |
| 3 | substances or those which affect the central nervous system or which are capable of |
| 4 | inducing physiological or psychological dependence. |
| 5 | * * * |
| 6 | Section 2. R.S. 37:1315(A)(7) and (B)(2) are hereby repealed in their entirety. |

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____