

Regular Session, 2012

ACT No. 460

HOUSE BILL NO. 1113

BY REPRESENTATIVE JOHNSON

1 AN ACT

2 To amend and reenact R.S. 44:9(F) and (G) and to enact R.S. 44:4(45), relative to public
3 records; to provide relative to the exemption of certain records in the possession of
4 the Louisiana Licensed Professional Counselors Board of Examiners; to provide for
5 the continued confidentiality of such records; to provide relative to the disclosure of
6 certain confidential information to the Louisiana Licensed Professional Counselors
7 Board of Examiners; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 44:9(F) and (G) are hereby amended and reenacted and R.S. 44:4(45)
10 is hereby enacted to read as follows:

11 §4. Applicability

12 This Chapter shall not apply:

13 * * *

14 (45) To any records, writings, accounts, recordings, letters, exhibits, pictures,
15 drawings, charts, photographs, or copies thereof, and any report or examinations or
16 evaluations or any other information or data concerning the fitness of any person to
17 receive or continue to hold a license or certificate to practice counseling and therapy
18 in the custody or control of the Louisiana Licensed Professional Counselors Board
19 of Examiners; however, any final action taken by the board, and any legal grounds
20 upon which such action is based, relative to the fitness of any person to receive or

to continue to hold a license or certificate to practice counseling and therapy may be released to the public.

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§9. Records of violations of municipal ordinances and of state statutes classified as
a misdemeanor or felony

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F. For investigative purposes only, the Department of Public Safety and Corrections may maintain a confidential, nonpublic record of the arrest and disposition. Upon specific request therefor and on a confidential basis, the information contained in this record may be released to the following entities who shall maintain the confidentiality of such record: any law enforcement agency, criminal justice agency, the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of Psychologists, the Louisiana State Board of Social Work Examiners, the Emergency Medical Services Certification Commission, Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Licensed Professional Counselors Board of Examiners, or any person or entity requesting a record of all criminal arrests and convictions pursuant to R.S. 15:587.1.

G. "Expungement" means removal of a record from public access but does not mean destruction of the record. An expunged record is confidential, but remains available for use by law enforcement agencies, criminal justice agencies, the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of Psychologists, the Louisiana State Board of Social Work Examiners, the Emergency Medical Services Certification Commission, the Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Licensed Professional Counselors Board of

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PRESIDENT OF THE SENATE

APPROVED: _____