LEGISLATION

Senate

Professional and Occupational Study of Law and Rules.Senate Resolution Number 24
1996 Regular Session

To urge and request the Senate Committee on Senate and Governmental Affairs to conduct a comprehensive study of the law and rules regulating trades, occupations, and professions licensed by the state and to urge and request each state department, board, commission, or other agency which issues licenses, permits, or certificates authorizing the practice of a trade, occupation, or profession to fully enforce laws providing for suspension or revocation of trade, occupational, or professional licenses, permits, or certificates due to criminal or fraudulent activity.

WHEREAS: R.S. 37:2952 provides that all trade, occupational, or professional licensees are subject to the provisions of law requiring suspension of license for nonpayment of child support; and

WHEREAS: R.S. 37:2951 provides that default on the repayment of any loan guaranteed by the Louisiana Student Financial Assistance Commission is a ground for denying an application for, or an application for the renewal of, any license, permit, or certificate required by the state, or for the granting of a conditional license, permit, or certificate required by the state, or any of its departments, offices, agencies, and boards in order to practice or engage in trade, occupation, or profession; and

WHEREAS: R.S. 37:2950 provides that a person shall not be disqualified, or held ineligible to practice or engage in any trade, occupation, or profession for which a license, permit, or certificate is required to be issued by the state or any of its agencies or political subdivisions, solely because of a prior criminal record, except in cases in which the person has been convicted of a felony, and such conviction directly relates to the position of employment sought, or to the specific occupation, trade, or profession for which the license, permit, or certificate is sought; and

WHEREAS: R.S. 37:2590 specifically excepts any law enforcement agency, the Louisiana State Board of Medical Examiners, the Louisiana State Board of Dentistry, the Louisiana State Board of Nursing, the Louisiana State Board of Practical Nurse Examiners, State Racing Commission, State Athletic Commission, the Louisiana State Board of Pharmacy, the Louisiana State Bar Association, the Louisiana State Board of Registration for Professional Engineers and Land Surveyors, and the Louisiana State Board of Embalmers and Funeral Directors; however, these agencies, in their discretion, may adopt policy similar to that statute; and

WHEREAS: R.S. 37:2590 also specifically excepts the Office of Alcoholic Beverage Control; and

WHEREAS: R.S. 37:21 provides that unless a special law is applicable, no proceeding of any kind may be initiated by a professional or occupational board or commission as follows:

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

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

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

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

WHEREAS: that law does not apply to a physician licensed to practice medicine, a dentist, a certified public accountant, the Louisiana Cemetery Board, the Louisiana State Board of Embalmers and Funeral Directors, and the Louisiana Board of Examiners for Speech Pathology and Audiology; and

WHEREAS: there is a need to review existing law as to effect, implementation, enforcement and uniformity.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby urges and requests that the Senate Committee on Senate and Governmental Affairs conduct a comprehensive study of the law and rules regulating trades, occupation, and professions licensed by the state.

BE IT FURTHER RESOLVED that the chairman of the Senate Committee on Senate and Governmental Affairs shall call the first meeting before August 15, 1996.

BE IT FURTHER RESOLVED that for purposes of this resolution, the committee shall have all powers of legislative committees otherwise provided by law and by the rules of the Senate and as well as all powers inherent in legislative committees and the members thereof shall receive the per diem and mileage provided for committees by the rules of the Senate.

BE IT FURTHER RESOLVED that all departments and agencies of the executive branch of state government shall cooperate with and assist the committee.

BE IT FURTHER RESOLVED that the committee shall make a written report of its findings to the Senate prior to March 1, 1997, together with any specific proposals for legislation.

BE IT FURTHER RESOLVED that each state department, board, commission, or other agency which issues licenses, permits, or certificates authorizing the practice of a trade, occupation, or profession is hereby urged and requested to fully enforce laws providing for suspension or revocation of trade, occupational, or professional licenses, permits, or certificates due to criminal or fraudulent activity.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the governor and the commissioner of administration, and to the chief executive officer of each department in the executive branch of state government to be distributed to each entity within the respective department which issues licenses, permits, or certificates for trade, occupational, or professional licenses.

BE IT FURTHER RESOLVED that a copy of this resolution shall be submitted to the Department of the State Register for inclusion in the *Louisiana Register*.

Randy L. Ewing
President of the Senate

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