

ACT No. 369

2016 Regular Session

HOUSE BILL NO. 934

BY REPRESENTATIVE HOFFMANN

1 AN ACT

2 To amend and reenact R.S. 37:786(D)(1) and (2) and 788(B)(1), relative to administrative
3 decisions of the Louisiana State Board of Dentistry; to provide for procedures and
4 amounts furnished as security in judicial review of board decisions; to provide
5 relative to the subpoena authority of the board; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:786(D)(1) and (2) and 788(B)(1) are hereby amended and
8 reenacted to read as follows:

9 §786. Judicial review of adjudication

10 * * *

11 D.(1) In any case appealed to the civil district court under the provisions of
12 this Section, the party seeking judicial review shall furnish security in accordance
13 ~~with the following rules:~~ the amount of any fine set forth in the decision being
14 appealed.

15 ~~(a) For that portion of a decision issued under R.S. 37:780 pertaining to~~
16 ~~payment of a sum of money, the amount of security shall exceed by one-half the~~
17 ~~amount of the money portion of the decision.~~

18 ~~(b) In all other respects, the security shall be fixed by the court at an amount~~
19 ~~sufficient to assure satisfaction of the decision rendered by the board.~~

20 (2) Any security furnished under the provisions of this Section shall be in
21 favor of the ~~board~~ clerk of the trial court in which the proceeding was brought, and
22 shall be furnished as security for the judicial review of the complaining party in civil

1 district court and any judgment by the district court against him shall be paid or
 2 satisfied from the proceeds of the sale of his property, or from the security posted
 3 under the provisions of this Section. Mortgages on immovable property are adequate
 4 security, but only where the mortgage is applied to unencumbered immovables;
 5 mortgages in other than a first position are unacceptable as security under this
 6 Section. The security furnished shall meet the requirements for bonds in judicial
 7 proceedings set forth in Code of Civil Procedure Article 5121 et seq., and shall
 8 become available to satisfy any portion of the judgment once the judgment becomes
 9 final and has not been satisfied within thirty days of becoming final.

* * *

§788. Violations

* * *

13 B.(1) ~~In addition to any other civil remedy or criminal penalty provided for~~
 14 ~~in this Chapter, the~~ The board may issue a subpoena to any person or persons who
 15 the board has probable cause to believe has engaged in the practice of dentistry or
 16 dental hygiene without a currently valid license or permit.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____