

Regular Session, 2012

SENATE BILL NO. 191

BY SENATOR CLAITOR

HEALTH/HOSPITALS DEPT. Abolishes the Louisiana Board of Massage Therapy and moves its functions to the Louisiana Physical Therapy Board. (1/1/13)

1 AN ACT
2 To amend and reenact the introductory paragraph of R.S. 37:2405(A), and (A)(1) and (6),
3 (B)(1), (2), (9), and (10), R.S. 37:3552(1), and 3562(D), and to repeal R.S.
4 36:259(CC) and 37:3554, relative to the transfer of the powers and duties of the
5 Louisiana Board of Massage Therapy to the Louisiana Physical Therapy Board; to
6 abolish the Louisiana Board of Massage Therapy and transfer the powers and duties
7 of that board to the Louisiana Physical Therapy Board; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. The introductory paragraph of R.S. 37:2405(A), and (A)(1) and (6), (B)(1),
11 (2), (9), and (10), 3552(1), and 3562(D) are hereby amended and reenacted to read as
12 follows:

13 §2405. Powers and duties of the board; limitation

14 A. The responsibility for enforcement of the provisions of this Chapter is and
15 Chapter 57 of this Title are hereby vested in the board, which shall have all the
16 powers, duties, and authority specifically granted by or necessary for the
17 enforcement of this Chapter and Chapter 57 of this Title, including:

1 * * *

2 §3552. Definitions

3 As used in this Chapter:

4 (1) "Board" means the ~~Louisiana Board of Massage Therapy~~ **Louisiana**
5 **Physical Therapy Board.**

6 * * *

7 §3562. Fees

8 * * *

9 D. All monies received by the board under this Chapter shall be paid into the
10 treasury of the ~~Louisiana Board of Massage Therapy~~ **Louisiana Physical Therapy**
11 **Board** and may be deposited into an account maintained by the board without
12 appropriation for costs of administration and other expenses, and any surplus at the
13 end of a fiscal year or a biennium may be retained by the board for future
14 expenditures and the board is not required to pay such surplus into the general fund
15 of the state of Louisiana.

16 * * *

17 Section 2. All books, papers, records, money, equipment, actions, and other property
18 of every kind, movable and immovable, real and personal, heretofore possessed, controlled,
19 or used by the Louisiana Board of Massage Therapy, the provisions for which are enacted,
20 amended, or repealed by this Act, in carrying out functions, duties, and responsibilities
21 granted by this Act are hereby transferred to the Louisiana Physical Therapy Board.

22 Section 3. All rules and regulations adopted or permits, licenses, registrations,
23 variances, or orders issued by the Louisiana Board of Massage Therapy prior to the effective
24 date of this Act, shall continue in full force and effect until and after the effective date of this
25 Act, unless otherwise revoked, repealed, amended, modified, or terminated in accordance
26 with law.

27 Section 4. Any legal proceeding, as defined in R.S. 36:924, to which any agency or
28 office, the statutory provisions for which are amended or repealed by the provisions of this
29 Act, is a party and which is filed, initiated, or otherwise pending before any court on the

1 effective date of this Act and all documents involved in or affected by said legal proceeding,
2 shall retain their effectiveness and shall be continued in the name of the former agency. All
3 further legal proceedings and documents in the continuance, disposition, and enforcement
4 of said legal proceedings shall be in the name of the original party agency, and the Louisiana
5 Physical Therapy Board shall be substituted for the original party agency without the
6 necessity for amendment of any document to substitute the name of the department or the
7 name or title of any subdivision or section of the department. For purposes of this Section,
8 "document" shall be defined as provided in R.S. 36:924.

9 Section 5. All employees heretofore engaged in the performance of functions of the
10 Louisiana Board of Massage Therapy, the provisions for which are abolished, amended, or
11 transferred by this Act, which functions are assigned by this Act to the Louisiana Physical
12 Therapy Board, to the extent the board deems necessary to carry out the functions formerly
13 performed, shall insofar as practicable and necessary, continue to perform the duties
14 heretofore performed, subject to applicable state civil service laws, rules, and regulations.

15 Section 6. This Act is in no way and is to no extent intended to, nor shall it be
16 construed in any manner which will impair the contractual or other obligations of any
17 agency, office, or department, or of the state of Louisiana, the provisions for which are
18 enacted, amended, or repealed by this Act. It is hereby specifically provided that all
19 obligations of any such agency, office, or department hereafter shall be deemed to be
20 obligations of the Louisiana Physical Therapy Board, to the same extent as if originally
21 made by it. In like manner and in order to prevent any violation of the provisions, terms, or
22 conditions of any gift, donation, deed, will, trust, or other instrument or disposition by which
23 property of any kind has been vested in any such agency, office, or department, or division
24 from the purposes for which such property was thus vested in any agency, office, or
25 department, it is hereby specifically provided that such instrument or disposition hereafter
26 shall be deemed to have been vested in the Louisiana Physical Therapy Board in the same
27 manner and to the same extent as if originally so done. The Louisiana Physical Therapy
28 Board shall be the successor in every way to each such agency, including all of the
29 obligations and debts of each such agency.

1 Section 7. This Act shall become effective on January 1, 2013.

2 Section 8. R.S. 36:259(CC) is hereby repealed.

3 Section 9. R.S. 37:3554 is hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Proposed law abolishes the Louisiana State Board of Massage Therapy and moves the functions and powers to the Louisiana Physical Therapy Board.

Effective January 1, 2013.

(Amends R.S. 37:2405(A)(intro para), and (A)(1) and (6), (B)(1), (2), (9), and (10), R.S. 37:3552(1), and 3562(D) and repeals R.S. 36:259(CC) and R.S. 37:3554)