SLS 12RS-69 ORIGINAL

Regular Session, 2012

SENATE BILL NO. 191

BY SENATOR CLAITOR

1

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

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	(1) Establishing rules and procedures for granting licenses, and the
2	requirements therefor, to persons governed by this Chapter and Chapter 57 of this
3	<u>Title</u> , including imposing limitations as to the number of times an examination may
4	be taken and the conditions upon which reexamination may be had, which conditions
5	shall be determined by the board.
6	* * *
7	(6) Publishing and making available a register of all persons licensed under
8	this Chapter and Chapter 57 of this Title, including the name and current address
9	of each licensee.
10	* * *
11	B. The board may:
12	(1) Authorize any member of the board to make any affidavit necessary for
13	the issuance of any injunction or other legal process authorized under this Chapter
14	and Chapter 57 of this Title.
15	(2) Employ counsel to carry out the provisions of this Chapter and Chapter
16	57 of this Title, if the fees of the counsel and the costs of all proceedings, except
17	criminal prosecutions, are paid by the board out of its own funds.
18	* * *
19	(9) Issue cease and desist orders to licensees and other persons or entities
20	who are engaged in any activity, conduct, or practice constituting a violation of any
21	provision of this Chapter and Chapter 57 of this Title or board rule. As to licensees,
22	in addition to the injunctive relief provided for in this Chapter and Chapter 57 of
23	this Title, the failure to comply with a cease and desist order may also be made the
24	basis of disciplinary action.
25	(10) Conduct disciplinary proceedings pursuant to the provisions of the
26	Administrative Procedure Act and impose sanctions on the practice of licensees who
27	have violated this Chapter or Chapter 57 of this Title, the rules of the board, or
28	standards of practice. Sanctions may be imposed by means of voluntary consent

orders or by decisions of the board.

29

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

Act, is a party and which is filed, initiated, or otherwise pending before any court on the

29

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

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

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

- 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

<u>Proposed law</u> 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)