

SENATE BILL NO. 260

BY SENATOR MILKOVICH

1 AN ACT

2 To amend and reenact R.S. 49:992(D)(5) and to enact R.S. 37:21.1, 23.1, and 23.2 and R.S.
3 49:992.2, relative to boards and commissions; to provide relative to disciplinary
4 proceedings of certain boards; to provide for the option to have the adjudication of
5 disciplinary matters of the Louisiana State Board of Dentistry and the Louisiana
6 Auctioneers Licensing Board conducted by an administrative law judge in the
7 division of administrative law; to provide for licensure, permitting, or certification
8 for certain individuals; to provide relative to terms, conditions, and procedures; to
9 require reports to and study by the appropriate legislative oversight committees; to
10 provide for termination of the provisions regarding the option; to require certain
11 reports to the legislature; to require certain notifications; and to provide for related
12 matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 37:21.1, 23.1, and 23.2 are hereby enacted to read as follows:

15 **§21.1. Louisiana State Board of Dentistry; Louisiana Auctioneers Licensing**
16 **Board; licensing disciplinary actions; administrative law judges**

17 **A. Notwithstanding any provision of law to the contrary, a person who**
18 **has a disciplinary action brought against him by the Louisiana State Board of**
19 **Dentistry or the Louisiana Auctioneers Licensing Board may elect to have the**
20 **matter moved to the division of administrative law for a disciplinary**
21 **adjudication by an administrative law judge in accordance with the**
22 **Administrative Procedure Act, R.S. 49:950 et seq.**

23 **B. A notification to a person by a licensing board listed in Subsection A**
24 **of this Section of pending disciplinary action against him shall include language**
25 **advising him that he may elect to have the matter heard by an administrative**

1 law judge. A person who receives such a notification shall have thirty days from
 2 receipt of the notification to advise the board, in writing, that he elects to have
 3 the matter heard by an administrative law judge. The notification from the
 4 board to the person shall also advise the person that he has thirty days from
 5 receipt of the notification to advise the board, in writing, that he elects to have
 6 the matter heard by an administrative law judge.

7 C. Each licensing board listed in Subsection A of this Section and the
 8 division of administrative law may promulgate rules in accordance with the
 9 Administrative Procedure Act to implement the provisions of this Section.

10 D.(1) Each licensing board listed in Subsection A of this Section and the
 11 division of administrative law shall submit quarterly reports to the appropriate
 12 legislative oversight committees regarding the hearings conducted pursuant to
 13 this Section.

14 (2) The appropriate legislative oversight committees shall conduct
 15 regular meetings concerning the reports received pursuant to Paragraph (1) of
 16 this Subsection and concerning the disciplinary actions and hearings by the
 17 Louisiana State Board of Dentistry and the Louisiana Auctioneers Licensing
 18 Board and shall submit a report of findings and recommendations to the
 19 legislature no later than January 1, 2021.

20 E. The provisions of this Section shall terminate on August 1, 2021;
 21 however, any matter which has been moved to the division of administrative law
 22 for adjudication in accordance with this Section prior to August 1, 2021, shall
 23 remain in the division of administrative law until the adjudication is final.

24 * * *

25 §23.1. License, permit, or certificate for an individual with an ADA recognized
 26 disorder

27 Any board or commission within this Title may develop a process to issue
 28 a license, permit, or certificate outside the national examination for those
 29 individuals with an Americans with Disabilities Act recognized disorder.

30 §23.2. Legislative report requirements; notification requirements

1 A.(1) Each board or commission authorized to issue a license, permit,
2 or certificate under this Title shall submit quarterly reports to the appropriate
3 legislative oversight committees and to the House Committee on House and
4 Governmental Affairs and the Senate Committee on Senate and Governmental
5 Affairs. The reports required by this Subsection shall contain:

6 (a) The number of complaints received regarding board actions or
7 procedures.

8 (b) A summary of each such complaint and the disposition of each
9 complaint.

10 (2) If any of the information required to be submitted pursuant to
11 Paragraph (1) of this Subsection contains confidential, personally identifiable,
12 or otherwise sensitive information, the board or commission shall clearly mark
13 such information as confidential, personally identifiable, or sensitive
14 information and the legislative committees, members, and employees having
15 access to the identified information shall not publicly disclose the information
16 and shall protect the information from unauthorized use and disclosure.

17 B.(1) Each board or commission authorized to issue a license, permit, or
18 certificate under this Title shall give notice to each applicant and licensee in or
19 with each correspondence from the board or commission that the applicant or
20 licensee may submit complaints about actions or procedures of the board or
21 commission to the board or commission or directly to the House Committee on
22 House and Governmental Affairs and the Senate Committee on Senate and
23 Governmental Affairs.

24 (2) Each board or commission authorized to issue a license, permit, or
25 certificate under this Title shall post a notice of the ability to submit complaints
26 about the actions or procedures of the board or commission to the board or
27 commission or to the House Committee on House and Governmental Affairs
28 and the Senate Committee on Senate and Governmental Affairs in a
29 conspicuous place on the website of the board or commission.

30 (3) Each notice required by this Subsection shall contain at a minimum

1 the mailing address, email address, and telephone number of the board or
2 commission and the mailing address, email address, and telephone number of
3 each legislative committee listed in Paragraph (2) of this Subsection.

4 Section 2. R.S. 49:992(D)(5) is hereby amended and reenacted and R.S. 49:992.2
5 is hereby enacted to read as follows:

6 §992. Applicability; exemptions; attorney fees; court costs

7 * * *

8 D. * * *

9 (5) ~~State~~ Except as provided in R.S. 37:21.1, state professional and
10 occupational licensing boards shall be exempt from the provisions of this Chapter.

11 * * *

12 §992.2. Applicability; Louisiana State Board of Dentistry; Louisiana
13 Auctioneers Licensing Board

14 A. Pursuant to the provisions of R.S. 37:21.1, a matter referred to the
15 division of administrative law for an adjudication hearing shall be conducted
16 under the provisions of this Chapter and the Administrative Procedure Act.

17 B. The provisions of this Section shall terminate on August 1, 2021;
18 however, any matter which has been moved to the division of administrative law
19 for adjudication in accordance with R.S. 37:21.1 prior to August 1, 2021, shall
20 remain in the division of administrative law until the adjudication is final.

21 Section 3. The provisions of this Act shall not apply to the Louisiana State Bar
22 Association, its members, or any matter initiated by the Louisiana Attorney Disciplinary
23 Board.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____