

2017 Regular Session

SENATE BILL NO. 75

BY SENATOR MILLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/HOSPITALS DEPT. Provides relative to the health professional licensing boards created within the Louisiana Department of Health. (See Act)

1 AN ACT

2 To amend and reenact R.S. 36:259, 801.1(A), the introductory paragraph of 802, and 803,

3 R.S. 37:753(B), (C)(4) and (J), 832(B)(2), 916(B), 962, 1042, 1104(A), (B)(1), and

4 (C), 1174(B), 1263(B), (D) and (E), 1515(A)(2) and (3), (C), (D), and (E), 2102(A),

5 2353(A)(1), (2) and (3), the introductory paragraph of 2403(B), 2455(B)(1) and (5),

6 2503(A)(3)(c), 2654(A), (B), (C) and (D), the introductory paragraph of 2704(A),

7 (A)(5), (B) and (C), 2802(A)(1), (C), (D), (E), (F) and (G), 3061(A)(1)(a), the

8 introductory paragraph of 3084(B)(1) and (C), the introductory paragraph of

9 3201(B)(1) and (B)(1)(c) and (C), the introductory paragraph of 3389(B), 3444(A),

10 (B) and (C), 3463(A), (B) and (E), 3554(A)(1) and (B), 3703(B)(1), and R.S.

11 49:992(D)(5) and (G), to enact R.S. 36:260, R.S. 37:753(C)(5), 1515(F), 2102(C),

12 2403(B)(6), 2802(H), 3061(A)(1)(d), 3084(B)(1)(e), 3201(B)(1)(e) and (F),

13 3389(B)(6), 3554(A)(3), and 3703(B)(8), and to repeal R.S. 37:1263(F) and R.S.

14 40:5.11(C), (D), (E) and (F), relative to the health profession licensing boards created

15 within the Louisiana Department of Health; to provide for responsibilities of the

16 Louisiana Department of Health; to provide for responsibilities of the health

17 profession licensing boards created within the Louisiana Department of Health; to

1 provide for board membership; to provide for effective dates; and to provide for  
2 related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 36:259, 801.1(A), the introductory paragraph of 802, and 803 are  
5 hereby amended and reenacted and R.S. 36:260 is hereby enacted to read as follows:

6 §259. Transfer of agencies and functions to Louisiana Department of Health

7 ~~A. Repealed by Acts 2012, No. 811, §17, eff. August 1, 2012.~~

8 ~~B. Repealed by Acts 2016, No. 577, §3, eff. August 1, 2016.~~

9 ~~C. The following agencies, as defined by R.S. 36:3, are transferred to and~~  
10 ~~hereafter shall be within the Louisiana Department of Health, as provided in Part H~~  
11 ~~of Chapter 22 of this Title:~~

12 ~~(1) Greenwell Springs Hospital (Greenwell Springs)~~

13 ~~(2)-(7) Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

14 ~~(8) Repealed by Acts 1989, No. 344, §4, eff. June 28, 1989.~~

15 ~~(9) Southeast Louisiana State Hospital (Mandeville)~~

16 ~~(10) East Louisiana State Hospital (Jackson)~~

17 ~~(11) Jonesboro Charity Hospital (Jonesboro)~~

18 ~~(12) Central Louisiana State Hospital (Pineville)~~

19 ~~(13) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(3); R.S.~~  
20 ~~28:451.4)~~

21 ~~(14) North Lake Supports and Services Center (R.S. 28:22.8(A)(9); R.S.~~  
22 ~~28:451.4)~~

23 ~~(15) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~

24 ~~(16) The mental health facilities located in New Orleans, Baton Rouge,~~  
25 ~~Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond,~~  
26 ~~Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa, Pineville,~~  
27 ~~Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine, Raceland,~~  
28 ~~Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah, Columbia, Oakdale,~~  
29 ~~and any other state owned or operated facilities as may be hereinafter established~~

1 ~~(R.S. 28:22.4-22.5)~~

2 ~~(17) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~

3 ~~(18) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~

4 ~~(19) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~

5 ~~(20) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~

6 ~~(21) Northwest Supports and Services Center (R.S. 28:22.8(A)(6); R.S.~~  
 7 ~~28:451.4)~~

8 ~~(22) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~

9 ~~(23) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S.~~  
 10 ~~40:2142).~~

11 ~~(24) Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.~~

12 ~~(25) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~

13 ~~(26) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~

14 ~~D. The following agencies, as defined in R.S. 36:3, are placed within the~~  
 15 ~~Louisiana Department of Health and shall perform and exercise their powers, duties,~~  
 16 ~~functions, and responsibilities as otherwise provided by law:~~

17 ~~(1) Louisiana state office of rural health (R.S. 40:2195.1)~~

18 ~~(2) Repealed by Acts 2013, No. 184, §7(B), eff. August 1, 2013.~~

19 ~~(3) Louisiana State Child Death Review Panel (R.S. 40:2019)~~

20 ~~(4) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)~~  
 21 ~~(Established by the Louisiana Licensed Professional Counselors Board of~~  
 22 ~~Examiners):~~

23 ~~(5) Nursing Home Emergency Preparedness Review Committee (R.S.~~  
 24 ~~40:2009.25)~~

25 ~~(6) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)~~

26 ~~(7) Louisiana Birth Defects Surveillance System Advisory Board (R.S.~~  
 27 ~~40:31.41 et seq.)~~

28 ~~(8) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et seq.)~~

29 ~~(9) Health Data Panel (R.S. 40:1173.1 et seq.)~~

1                   ~~(10) The Louisiana Standards for Water Works Construction, Operation, and~~  
 2 ~~Maintenance Committee (R.S. 40:4.13).~~

3                   ~~E. The following agencies, as defined in R.S. 36:3, are transferred to and~~  
 4 ~~hereafter shall be within the Louisiana Department of Health, as provided in R.S.~~  
 5 ~~36:803:~~

- 6                   ~~(1) Louisiana State Board of Nursing (R.S. 37:911 et seq.)~~  
 7                   ~~(2) Louisiana State Board of Dentistry (R.S. 37:751 et seq.)~~  
 8                   ~~(3) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et seq.)~~  
 9                   ~~(4) Louisiana State Board of Optometry Examiners (R.S. 37:1041 et seq.)~~  
 10                  ~~(5) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101 et seq.)~~  
 11                  ~~(6) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et seq.)~~  
 12                  ~~(7) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.)~~  
 13                  ~~(8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S. 37:611~~  
 14 ~~et seq.; R.S. 37:1261 et seq.)~~  
 15                  ~~(9) Louisiana State Board of Embalmers and Funeral Directors (R.S. 37:831~~  
 16 ~~et seq.)~~  
 17                  ~~(10) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.)~~  
 18                  ~~(11) Louisiana Board of Examiners for Speech-Language Pathology and~~  
 19 ~~Audiology (R.S. 37:2650 et seq.)~~  
 20                  ~~(12) Louisiana Board of Veterinary Medicine (R.S. 37:1511 et seq.)~~  
 21                  ~~(13) Board of Examiners for Nursing Facility Administrators (R.S. 37:2501~~  
 22 ~~et seq.)~~  
 23                  ~~(14) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et seq.)~~  
 24                  ~~(16) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.)~~  
 25                  ~~(17) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.)~~  
 26                  ~~(20) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.)~~  
 27                  ~~(21) The Louisiana Licensed Professional Vocational Rehabilitation~~  
 28 ~~Counselors Board of Examiners (R.S. 37:3441 et seq.)~~  
 29                  ~~(22) Repealed by Acts 2012, No. 811, §1, eff. July 1, 2012.~~

1                   ~~(23) The Addictive Disorder Regulatory Authority (R.S. 37:3389).~~

2                   ~~(24) Repealed by Acts 2008, No. 534, §4, eff. June 30, 2008.~~

3                   ~~(25) Louisiana Behavior Analyst Board (R.S. 37:3701 et seq.)~~

4                   F. ~~The following agencies, as defined in R.S. 36:3, previously abolished by~~  
 5 ~~the Executive Reorganization Act, and their powers, duties, functions, and~~  
 6 ~~responsibilities are transferred to the secretary of the Louisiana Department of Health~~  
 7 ~~and shall be exercised and performed as provided in Part IV of Chapter 22 of this~~  
 8 ~~Title:~~

9                   ~~(1) Louisiana Health and Human Resources Administration (R.S. 46:1751-~~  
 10 ~~46:1767, and generally Chapters 1 and 11 of Title 40 and all of Title 46 of the~~  
 11 ~~Louisiana Revised Statutes of 1950, except R.S. 46:1601-46:1608) to the extent that~~  
 12 ~~the cited provisions provide with respect to agencies or functions placed in or~~  
 13 ~~transferred to the Louisiana Department of Health.~~

14                   ~~(2), (3) Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

15                   ~~(4) Repealed by Acts 1989, No. 662, §8, eff. July 7, 1989.~~

16                   ~~(5) Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

17                   ~~(6) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

18                   ~~(7) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

19                   ~~(8) Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.~~

20                   ~~(9) Louisiana State Board of Health and the Louisiana Department of Health~~  
 21 ~~and all its subsidiary boards (Such provisions of Title 40 of the Louisiana Revised~~  
 22 ~~Statutes of 1950 as are applicable to the abolished board and department)~~

23                   ~~(10) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et seq.)~~

24                   ~~(11) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

25                   ~~(12) Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

26                   ~~(13) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

27                   ~~(14) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

28                   ~~(15) Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.~~

29                   ~~(16) Anatomical Board (R.S. 17:2271 et seq.)~~

1 ~~(17) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

2 ~~(18) Board of Commissioners of the South Louisiana Health Services District~~  
3 ~~(R.S. 28:241 et seq.)~~

4 ~~(19) Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.~~

5 ~~(20) Nursing Home Advisory Committee (R.S. 40:2009.1)~~

6 ~~(21) Hospital Licensing Council (R.S. 40:2108)~~

7 ~~G. The State Board of Electrolysis Examiners (R.S. 37:3051 et seq.) is placed~~  
8 ~~within the Louisiana Department of Health and shall exercise and perform its~~  
9 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~  
10 ~~transferred in accordance with the provisions of R.S. 36:803.~~

11 ~~H. The Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et~~  
12 ~~seq.) is placed within the Louisiana Department of Health and shall exercise and~~  
13 ~~perform its powers, duties, functions, and responsibilities in the manner provided for~~  
14 ~~agencies transferred in accordance with the provisions of R.S. 36:802.~~

15 ~~I. The following agencies, as defined in R.S. 36:3, are placed within the~~  
16 ~~Louisiana Department of Health and shall exercise and perform their powers, duties,~~  
17 ~~functions, and responsibilities in the manner provided for agencies transferred in~~  
18 ~~accordance with the provisions of R.S. 36:802:~~

19 ~~(1) Repealed by Acts 2001, No. 197, §2.~~

20 ~~(2) Acts 2009, No. 438, §8(B), eff. August 15, 2009.~~

21 ~~(3) Commission on Perinatal Care and Prevention of Infant Mortality (R.S.~~  
22 ~~40:2018)~~

23 ~~(4) Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.~~

24 ~~(5) Water Supply and Sewerage Systems Certification Committee (R.S.~~  
25 ~~40:1141 et seq.)~~

26 ~~(6) Repealed by Acts 1995, No. 185, §3.~~

27 ~~(7) Repealed by Acts 1989, No. 662, §12, eff. Aug. 15, 1989.~~

28 ~~(8) Repealed by Acts 1989, No. 352, §3; Acts 1989, No. 662, §8, eff. July 7,~~  
29 ~~1989.~~

1           ~~J.(1) The Louisiana Emergency Response Network Board (R.S. 40:2841 et~~  
2           ~~seq.) is placed within the Louisiana Department of Health and shall exercise and~~  
3           ~~perform its powers, duties, functions, and responsibilities in the manner provided for~~  
4           ~~agencies transferred in accordance with R.S. 36:801.1.~~

5           ~~(2) The Louisiana Emergency Response Network Board shall be a separate~~  
6           ~~budget unit within the Louisiana Department of Health.~~

7           ~~K. The Medicaid Pharmaceutical and Therapeutics Committee (R.S.~~  
8           ~~46:153.3) is placed within the Louisiana Department of Health and shall perform and~~  
9           ~~exercise its powers, duties, functions, and responsibilities as provided by law.~~

10          ~~L.(1) The Louisiana Developmental Disabilities Council (R.S. 28:750 et seq.)~~  
11          ~~is placed within the Louisiana Department of Health and shall exercise and perform~~  
12          ~~its powers, duties, functions, and responsibilities in the manner provided for agencies~~  
13          ~~transferred in accordance with the provisions of R.S. 36:801.1. The council shall~~  
14          ~~have full appointing authority for all personnel purposes.~~

15          ~~(2) The regional and state advisory councils for the community and family~~  
16          ~~support system (R.S. 28:824(J)) are placed within the Louisiana Department of~~  
17          ~~Health and shall exercise and perform their powers, duties, functions, and~~  
18          ~~responsibilities as provided by or pursuant to law.~~

19          ~~M. Repealed by Acts 2013, No. 184, §2(B), eff. August 1, 2013.~~

20          ~~N. The advisory council for the program of early identification of hearing~~  
21          ~~impaired infants (R.S. 46:2261 et seq.) is placed within the Louisiana Department~~  
22          ~~of Health and shall exercise and perform its powers, duties, functions, and~~  
23          ~~responsibilities as provided by or pursuant to law.~~

24          ~~O. The Louisiana Commission on Addictive Disorders (R.S. 46:2500 et seq.)~~  
25          ~~is placed within the Louisiana Department of Health and shall exercise and perform~~  
26          ~~its powers, duties, functions, and responsibilities in the manner provided for agencies~~  
27          ~~transferred in accordance with the provisions of R.S. 36:914.~~

28          ~~P. The Physician Assistants Advisory Committee (R.S. 37:1270.1) is placed~~  
29          ~~within the Louisiana Department of Health and shall exercise and perform its~~

1 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~  
2 ~~transferred in accordance with the provisions of R.S. 36:914.~~

3 Q. ~~The Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.~~  
4 ~~37:3081 et seq.) is placed within the Louisiana Department of Health and shall~~  
5 ~~exercise and perform its powers, duties, functions, and responsibilities in the manner~~  
6 ~~provided for agencies transferred in accordance with R.S. 36:803.~~

7 R. ~~Repealed by Acts 2013, No. 184, §4(B), eff. August 1, 2013.~~

8 S. ~~The Louisiana Commission for the Deaf (R.S. 46:2351 et seq.) is hereby~~  
9 ~~placed within the Louisiana Department of Health and shall perform and exercise its~~  
10 ~~powers, duties, functions, and responsibilities as provided for agencies transferred~~  
11 ~~as provided in R.S. 36:802.~~

12 T. ~~The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board~~  
13 ~~(R.S. 46:2631 et seq.) is hereby placed within the Louisiana Department of Health~~  
14 ~~and shall exercise and perform its powers, duties, functions, and responsibilities in~~  
15 ~~the manner provided for agencies transferred in accordance with the provisions of~~  
16 ~~R.S. 36:901 et seq.~~

17 U. ~~The Louisiana Access to Better Care Medicaid Insurance Demonstration~~  
18 ~~Project Oversight Board ( R.S. 46:160.1 et seq.) is placed within the Louisiana~~  
19 ~~Department of Health and shall exercise and perform its powers, duties, functions,~~  
20 ~~and responsibilities in the manner provided for agencies transferred in accordance~~  
21 ~~with the provisions of Part III of Chapter 22 of this Title.~~

22 V. ~~Repealed by Acts 2010, No. 743, §10(B), eff. July 1, 2010~~

23 W. ~~The Louisiana Board of Wholesale Drug Distributors (R.S. 37:3461 et~~  
24 ~~seq. shall be placed within the Louisiana Department of Health and shall exercise~~  
25 ~~and perform its powers, duties, functions, and responsibilities in the manner provided~~  
26 ~~for agencies transferred in accordance with the provisions of R.S. 36:803.~~

27 X. ~~Repealed by Acts 2016, No. 614, §8B, eff. August 1, 2016.~~

28 Y. ~~Repealed by Acts 2015, No. 411, §4, eff. July 1, 2015.~~

29 Z. ~~Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~



1           AA. ~~Repealed by Acts 2001, No. 1185, §8, eff. July 1, 2001.~~

2           BB. ~~The following agencies, as defined in R.S. 36:3, are placed within the~~  
3 ~~Louisiana Department of Health and shall perform and exercise their powers, duties,~~  
4 ~~functions, and responsibilities in the manner provided for agencies transferred in~~  
5 ~~accordance with the provisions of R.S. 36:914:~~

6           (1) ~~Respiratory Care Advisory Committee (R.S. 37:3356 et seq.)~~

7           (2) ~~The Louisiana Advisory Committee on Populations and Geographic~~  
8 ~~Regions With Excessive Cancer Rates (R.S. 40:1299.90.1).~~

9           (3) ~~The Fluoridation Advisory Board (R.S. 40:5.11(C)-(F)).~~

10          CC. ~~The Louisiana Board of Massage Therapy (R.S. 37:3551 et seq.) is~~  
11 ~~placed within the Louisiana Department of Health and shall exercise and perform its~~  
12 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~  
13 ~~transferred in accordance with R.S. 36:803.~~

14          DD. ~~The Clinical Laboratory Personnel Committee (R.S. 37:1311 et seq.) is~~  
15 ~~placed within the Louisiana Department of Health under the jurisdiction of the~~  
16 ~~Louisiana State Board of Medical Examiners and shall perform and exercise its~~  
17 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~  
18 ~~transferred in accordance with R.S. 36:919.2.~~

19          EE. ~~The Louisiana Licensed Professional Counselors Board of Examiners,~~  
20 ~~R.S. 37:1101 et seq., is hereby placed within the Louisiana Department of Health and~~  
21 ~~shall perform and exercise its powers, duties, functions, and responsibilities in the~~  
22 ~~manner provided for agencies transferred in accordance with the provisions of R.S.~~  
23 ~~36:803.~~

24          FF. ~~The Medical Education Commission (R.S. 17:1519.8) is placed within~~  
25 ~~the Louisiana Department of Health and shall exercise and perform its powers,~~  
26 ~~duties, functions, and responsibilities in the manner provided for agencies transferred~~  
27 ~~in accordance with the provisions of Part III of Chapter 22 of this Title.~~

28          GG. ~~The Louisiana Emergency Medical Services Certification Commission~~  
29 ~~(R.S. 40:1231 et seq.) is placed within the Louisiana Department of Health and shall~~

1 ~~perform and exercise its powers, duties, functions, and responsibilities in the manner~~  
 2 ~~provided for agencies transferred in accordance with R.S. 36:919.4.~~

3 ~~HH. Repealed by Acts 2006, No. 713, §4, eff. July 1, 2006.~~

4 ~~H. Repealed by Acts 2010, No. 743, §10(B), eff. July 1, 2010~~

5 ~~JJ. Repealed by Acts 2008, No. 815, §5.~~

6 ~~KK. Repealed by Acts 2008, No. 815, §5.~~

7 ~~LL. Repealed by Acts 2005, No. 428, §3, eff. July 1, 2005.~~

8 ~~MM. The Louisiana Medical Disclosure Panel (R.S. 40:1299.39.6) is placed~~  
 9 ~~within the Louisiana Department of Health and shall exercise and perform its~~  
 10 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~  
 11 ~~transferred in accordance with the provisions of R.S. 36:802.~~

12 ~~NN. The Louisiana Sickle Cell Commission (R.S. 40:2018.3) is placed within~~  
 13 ~~the Louisiana Department of Health and shall exercise and perform its powers,~~  
 14 ~~duties, functions, and responsibilities as provided by or pursuant to law.~~

15 ~~OO. The Louisiana Obesity Prevention and Management Commission (R.S.~~  
 16 ~~40:2018.4) is placed within the Louisiana Department of Health and shall exercise~~  
 17 ~~and perform its powers, duties, functions, and responsibilities as provided by or~~  
 18 ~~pursuant to law.~~

19 **A. The following agencies, as defined in R.S. 36:3, are transferred to and**  
 20 **hereafter shall be within the Louisiana Department of Health, as provided in**  
 21 **R.S. 36:803:**

22 **(1) Louisiana State Board of Dentistry (R.S. 37:751 et seq.)**

23 **(2) Louisiana State Board of Nursing (R.S. 37:911 et seq.)**

24 **(3) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et**  
 25 **seq.)**

26 **(4) Louisiana State Board of Embalmers and Funeral Directors (R.S.**  
 27 **37:831 et seq.)**

28 **(5) Louisiana State Board of Optometry Examiners (R.S. 37:1041 et seq.)**

29 **(6) Louisiana Licensed Professional Counselors Board of Examiners**

- 1           **(R.S. 37:1101 et seq.)**
- 2                   **(7) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et**
- 3           **seq.)**
- 4                   **(8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S.**
- 5           **37:611 et seq.; R.S. 37:1261 et seq.)**
- 6                   **(9) Louisiana Board of Veterinary Medicine (R.S. 37:1511 et seq.)**
- 7                   **(10) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101**
- 8           **et seq.)**
- 9                   **(11) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.)**
- 10                  **(12) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.)**
- 11                  **(13) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.)**
- 12                  **(14) Board of Examiners for Nursing Facility Administrators (R.S.**
- 13           **37:2501 et seq.)**
- 14                  **(15) Louisiana Board of Examiners for Speech-Language Pathology and**
- 15           **Audiology (R.S. 37:2650 et seq.)**
- 16                  **(16) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et**
- 17           **seq.)**
- 18                  **(17) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.)**
- 19                  **(18) State Board of Electrolysis Examiners (R.S. 37:3051 et seq.)**
- 20                  **(19) Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.**
- 21           **37:3081 et seq.)**
- 22                  **(20) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.)**
- 23                  **(21) The Addictive Disorder Regulatory Authority (R.S. 37:3389)**
- 24                  **(22) The Louisiana Licensed Professional Vocational Rehabilitation**
- 25           **Counselors Board of Examiners (R.S. 37:3441 et seq.)**
- 26                  **(23) Louisiana Board of Drug and Device Distributors (R.S. 37:3461 et**
- 27           **seq.)**
- 28                  **(24) The Louisiana Board of Massage Therapy (R.S. 37:3551 et seq.)**
- 29                  **(25) Louisiana Behavior Analyst Board (R.S. 37:3701 et seq.)**

1                    **B. The following agencies, as defined in R.S. 36:3, are placed within the**  
2                    **Louisiana Department of Health and shall perform and exercise their powers,**  
3                    **duties, functions, and responsibilities as otherwise provided by law:**

4                    **(1) Louisiana state office of rural health (R.S. 40:2195.1)**

5                    **(2) Louisiana State Child Death Review Panel (R.S. 40:2019)**

6                    **(3) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)**

7                    **(Established by the Louisiana Licensed Professional Counselors Board of**  
8                    **Examiners)**

9                    **(4) Nursing Home Emergency Preparedness Review Committee (R.S.**  
10                   **40:2009.25)**

11                   **(5) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)**

12                   **(6) Louisiana Birth Defects Surveillance System Advisory Board (R.S.**  
13                   **40:31.41 et seq.)**

14                   **(7) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et**  
15                   **seq.)**

16                   **(8) Health Data Panel (R.S. 40:1173.1 et seq.)**

17                   **(9) The Louisiana Standards for Water Works Construction, Operation,**  
18                   **and Maintenance Committee (R.S. 40:4.13)**

19                   **(10) Medicaid Pharmaceutical and Therapeutics Committee (R.S.**  
20                   **46:153.3)**

21                   **(11) The advisory council for the program of early identification of**  
22                   **hearing impaired infants (R.S. 46:2261 et seq.)**

23                   **(12) Louisiana Obesity Prevention and Management Commission (R.S.**  
24                   **40:2018.4)**

25                   **(13) Louisiana Sickle Cell Commission (R.S. 40:2018.3)**

26                   **(14) Physician Assistants Advisory Committee (R.S. 37:1270.1)**

27                   **(15) Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et**  
28                   **seq.)**

29                   **(16) Commission on Perinatal Care and Prevention of Infant Mortality**

1           **(R.S. 40:2018)**

2                   **(17) Water Supply and Sewerage Systems Certification Committee (R.S.**  
3           **40:1281.1 et seq.)**

4                   **(18) Louisiana Commission for the Deaf (R.S. 46:2351 et seq.)**

5                   **(19) Louisiana Medical Disclosure Panel (R.S. 40:1157.2)**

6                   **(20) Respiratory Care Advisory Committee (R.S. 37:3356 et seq.)**

7                   **(21) The Louisiana Advisory Committee on Populations and Geographic**  
8           **Regions With Excessive Cancer Rates (R.S. 40:1105.12)**

9                   **(22) Medical Education Commission (R.S. 17:1519.12)**

10                   **(23) Louisiana Access to Better Care Medicaid Insurance Demonstration**  
11           **Project Oversight Board (R.S. 46:160.1 et seq.)**

12                   **(24)(a) The Louisiana Emergency Response Network Board (R.S.**  
13           **40:2841 et seq.)**

14                   **(b) The Louisiana Emergency Response Network Board shall be a**  
15           **separate budget unit within the Louisiana Department of Health.**

16                   **(25)(a) The Louisiana Developmental Disabilities Council (R.S. 28:750**  
17           **et seq.). The council shall have full appointing authority for all personnel**  
18           **purposes.**

19                   **(b)The regional and state advisory councils for the Community and**  
20           **Family Support System (R.S. 28:824(J))**

21                   **(26) Anatomical Board (R.S. 17:2271 et seq.)**

22                   **(27) Board of Commissioners of the South Louisiana Health Services**  
23           **District (R.S. 28:241 et seq.)**

24                   **(28) Nursing Home Advisory Committee (R.S. 40:2009.1)**

25                   **(29) Hospital Licensing Council (R.S. 40:2108)**

26                   **(30) Traumatic Head and Spinal Cord Injury Trust Fund Advisory**  
27           **Board (R.S. 46:2631 et seq.)**

28                   **(31) Clinical Laboratory Personnel Committee (R.S. 37:1311 et seq.)**

29                   **(32) Louisiana Emergency Medical Services Certification Commission**

1 (R.S. 40:1131 et seq.)

2 (33) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et  
3 seq.)

4 (34) Louisiana State Board of Health and the Louisiana Department of  
5 Health and all its subsidiary boards (Such provisions of Title 40 of the  
6 Louisiana Revised Statutes of 1950 as are applicable to the abolished board and  
7 department)

8 C. The following agencies, as defined by R.S. 36:3, are transferred to and  
9 hereafter shall be within the Louisiana Department of Health, as provided in  
10 Part II of Chapter 22 of this Title:

11 (1) East Louisiana State Hospital (Jackson)

12 (2) Central Louisiana State Hospital (Pineville)

13 (3) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(1); R.S.  
14 28:451.4)

15 (4) North Lake Supports and Services Center (R.S. 28:22.8(A)(3); R.S.  
16 28:451.4)

17 (5) The mental health facilities located in New Orleans, Baton Rouge,  
18 Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond,  
19 Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa,  
20 Pineville, Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine,  
21 Raceland, Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah,  
22 Columbia, Oakdale, and any other state-owned or operated facilities as may be  
23 hereinafter established (R.S. 28:22.4-22.5)

24 (6) Northwest Supports and Services Center (R.S. 28:22.8(A)(2); R.S.  
25 28:451.4)

26 (7) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S.  
27 40:2142)

28 §260. Health profession licensing boards; legislative intent; powers; duties;

29 budget

1           A. The legislature finds and declares that the health profession licensing  
2           boards established within the Louisiana Department of Health in R.S. 36:259(A)  
3           were created with the mission to ensure the health, safety and welfare of the  
4           public receiving health care services from individuals licensed in Louisiana. In  
5           order for them to fulfill their mission, the legislature finds and declares that  
6           consumers of this state shall have a more integrated role in the governance of  
7           the health profession licensing boards, licensees in this state shall have a fair  
8           and impartial adjudicatory hearing before an independent administrative law  
9           judge, the public shall have an opportunity to submit complaints with the  
10           department against a board, the budgets of the boards shall be more thoroughly  
11           assessed by the department, and each board shall sunset concurrently with, but  
12           independent of, the department. To ensure that the intent of the legislature is  
13           met, the department and the health profession licensing boards shall comply  
14           with the provisions set forth in this Section.

15           B.(1) Notwithstanding any provision of law to the contrary, effective  
16           January 1, 2018, each board shall have a consumer member.

17           (2) The department shall maintain a link on its website with  
18           identification of consumer vacancies on boards, information on eligibility  
19           criteria to serve as a consumer member of a board, and detailed instructions on  
20           how to apply for a board consumer seat. The department shall be the repository  
21           of all consumer applications. All consumer applications for board membership  
22           received by the department shall be reviewed, and upon determination of  
23           eligibility, shall be transmitted to the office of the governor for selection and  
24           appointment. All consumer members shall be confirmed by the Senate.

25           C.(1) Notwithstanding any provision of law to the contrary, effective  
26           January 1, 2018, all final adjudicatory hearing authority shall be transferred  
27           to the division of administrative law and shall be conducted in accordance with  
28           the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 49:991 et seq.

29           (2) Hearings shall be held at a location made available by the division of

1 administrative law at the closest location in proximity to the license holder and  
2 not at licensing board offices.

3 (3) A licensee that does not prevail may seek judicial review. The venue  
4 of judicial review shall be the district court of the parish in which the licensee  
5 is domiciled.

6 D.(1) Notwithstanding any provision of law to the contrary, effective  
7 January 1, 2018, licensing boards shall conduct investigations in accordance  
8 with their respective practice act provisions regarding investigatory procedures.  
9 If a board determines, upon conclusion of an investigation, to proceed with  
10 adverse or disciplinary action against a licensee, notice to the licensee shall  
11 include:

12 (a) A plain and concise written statement of the facts constituting the  
13 alleged violation.

14 (b) The official citation of the statute or administrative rule which is  
15 alleged to have been violated.

16 (c) The right of the licensee to request an informal reconsideration by the  
17 board. The licensee shall have thirty days to request an informal  
18 reconsideration or may immediately file for a hearing with the division of  
19 administrative law.

20 (d) The right to enter into a consent decree with the board if both parties  
21 can agree on consent terms. The consent decree shall not require approval of an  
22 administrative law judge. If the licensee does not wish to negotiate a consent  
23 decree he may immediately file for a hearing with the division of administrative  
24 law.

25 (e) The right to a hearing conducted before an independent third-party  
26 adjudicator with the division of administrative law, including informing the  
27 licensee that he shall have the right to be represented by an attorney,  
28 cross-examine witnesses, call witnesses, and present evidence on his own behalf.

29 The licensee shall have thirty days from the date of receipt of the notice of



1 adverse or disciplinary action by the board to file for a hearing with the division  
2 of administrative law. Such appeal shall be suspensive.

3 (2) Boards shall ensure that their rules, regulations, notices and  
4 documentation are updated to comply with the provisions of this Subsection.

5 (3) Each board is responsible for payment of costs associated with  
6 utilization of the division of administrative law. Each board shall enter into a  
7 memorandum of understanding with the division of administrative law to  
8 comply with the provisions of this Subsection.

9 E. Notwithstanding any provision of law to the contrary, effective  
10 January 1, 2018, the department shall review all public complaints regarding  
11 the administration of the boards. The department shall maintain a dedicated  
12 link on its website that has information on filing complaints against a board.  
13 This review shall include complaints about action or inaction of the board and  
14 complaints regarding a board member or board staff member by a member of  
15 the public, but shall not include individual complaints and investigations of  
16 licensees. The board shall fully cooperate with any review conducted by the  
17 department. Upon conclusion of review, the department shall notify the  
18 complainant, the board, and the governor of its determination. The board does  
19 not have to adhere to the opinion of the department, but all complaint reviews  
20 shall be considered by the governor in accordance with his appointment and  
21 removal authority and shall be considered by the legislature during the sunset  
22 hearings established in this Section.

23 F. Notwithstanding any provision of law to the contrary, and in  
24 accordance with the authority in R.S. 36:803(A)(3), the department shall:

25 (1) Conduct a thorough and ongoing review of all board budgets. The  
26 department may work in conjunction with the legislative auditor, legislative  
27 fiscal office, and division of administration to fulfill their budget review  
28 responsibility. Budget review shall include all information required in R.S.  
29 39:1331 through 1342, and shall include a five-year fiscal worksheet that

- 1           **provides:**
- 2                   **(a) Expenses.**
- 3                   **(b) Income from fees.**
- 4                   **(c) Revenue from income, including revenue from licenses, permits, and**  
5 **finances identified separately.**
- 6                   **(d) Amount generated from fines and penalties.**
- 7                   **(e) All board liabilities.**
- 8                   **(f) All restricted funds and explanation of specific restrictions.**
- 9                   **(g) Where all funds reside, including all banks or financial institutions**  
10 **if there is more than one.**
- 11                   **(h) Any other information the department deems relevant to comply with**  
12 **its duties of budget review.**
- 13                   **(2) Review fees collected by the boards and make a written**  
14 **recommendation to the legislature on January first each year regarding board**  
15 **fees, including bill proposals to reduce fees to licensees if the balance retained**  
16 **by the board is in an amount deemed excessive by the undersecretary in total**  
17 **dollar amount or based on volume of expenditures. The department shall also**  
18 **assess the boards and make recommendations to the legislature on boards that**  
19 **should be consolidated or abolished based on national trends and best practices.**
- 20                   **G. Notwithstanding any provision of law to the contrary, effective July 1,**  
21 **2018, no board shall issue employee merit increases in any year in which the**  
22 **department of health does not issue employee merit increases.**
- 23                   **H. All health profession licensing boards identified in R.S. 36:259(A)**  
24 **shall terminate, all legal authority therefore shall cease, and the Chapter**  
25 **establishing the board shall be repealed concurrently with, but independent of**  
26 **the Louisiana Department of Health in accordance with the schedule set forth**  
27 **in R.S. 49:191. Each board shall be responsible for securing its own re-creation**  
28 **and shall not automatically re-create if the department re-creates.**
- 29                   **I. The full cost to the department for implementing and performing the**

1 responsibilities established for the department in this Section shall be the  
 2 responsibility of the department through a reallocation of existing budget and  
 3 staff resources and not through additional appropriations. The full cost to the  
 4 boards for implementing and performing the responsibilities established for the  
 5 boards in this Section shall be the responsibility of the boards through a  
 6 reallocation of existing budget and staff resources and not through increases in  
 7 licensing or other fees.

8 J. Nothing in this Section provides any board with state-action antitrust  
 9 immunity if the board acts in such a manner that the department did not know  
 10 or could not have known that the board's anticompetitive action was taking  
 11 place or that a board was pursuing private interests in restraining trade.

12 K. Nothing in this Section shall be construed to change any of the  
 13 following provisions and practices of the licensing boards or their licensees:

14 (1) Scope of practice of the individuals licensed by each of the boards.

15 (2) Ability to develop and administer exams, develop applications,  
 16 process applications, and issue licenses.

17 (3) Ability to conduct investigations, subpoena information, make  
 18 determinations on complaints, and issue notices regarding disciplinary actions.

19 (4) Ability to promulgate rules.

20 (5) Ability to negotiate a settlement or consent decree with a licensee.

21 (6) Ability to conduct hearings in matters that are not disciplinary or  
 22 adverse.

23 L. Notwithstanding any provision of law to the contrary, effective  
 24 January 1, 2018, no contract for legal services with an attorney or law firm by  
 25 a board for outside counsel services shall be approved if the contracted hourly  
 26 rate is more than the board's in-house counsel or more than a state civil service  
 27 attorney with comparable years of experience, whichever is greater.

28 \* \* \*

29 §801.1. Transfer; retention of all functions



1           (2) In addition, each of those agencies shall continue to impose, collect, and  
2 retain license or certification fees as provided by law; issue and renew certificates  
3 for qualified applicants, set standards for and approve the preparation, conduct, and  
4 administration of its own examinations, and be responsible, as otherwise provided  
5 by law, for carrying out the laws relative to its profession or occupation to the extent  
6 that such laws provide for rulemaking, certification, licensing, regulations, testing,  
7 inspection, enforcement, and adjudication by the agency, except that the  
8 adjudicatory authority previously exercised by the licensing boards in R.S.  
9 36:259(A) shall now be the exclusive authority of the division of administrative  
10 law pursuant to R.S. 36:260 and R.S. 49:992.

11           (3) Each such agency shall be subject to budget review of the undersecretary  
12 and shall be required to comply with all accounting, reporting, audit, and review  
13 requirements which are applicable to budget units. The undersecretary of the  
14 department to which each such agency is transferred shall, under the supervision and  
15 control of the secretary, review procurement and contract management for the  
16 agency. In addition, the license fees and any other fees charged by such agencies  
17 shall be subject to review by the secretary, and the secretary may make  
18 recommendations to the legislature for changes in such fees as he deems necessary.  
19 The licensing boards in R.S. 36:259(A) shall also be subject to the specific  
20 budget review provisions of R.S. 36:260(F).

21           (4) The secretary of the department to which each such agency is transferred  
22 shall review the number of employees which the agency may employ; however, the  
23 executive head of the agency shall employ, appoint, remove, assign, and promote  
24 such personnel, in accordance with applicable civil service laws, rules, and  
25 regulations and subject to other applicable laws. The licensing boards in R.S.  
26 36:259(A) shall also be subject to the specific budget review provisions of R.S.  
27 36:260(F).

28           B. Each of the agencies referred to in Subsection A of this Section shall be  
29 required to comply with the provisions of the "Louisiana Licensing Agency Budget

1 Act" as contained in R.S. 39:1331 through 1342.

2 Section 2. R.S. 37:753(B), (C)(4) and (J), 832(B)(2), 916(B), 962, 1042, 1104(A),  
 3 (B)(1), and (C), 1174(B), 1263(B), (D) and (E), 1515(A)(2) and (3), (C), (D), (E) and (F),  
 4 2102(A), 2353(A)(1), (2) and (3), the introductory paragraph of 2403(B), 2455(B)(1) and  
 5 (5), 2503(A)(3)(c), 2654(A), (B), (C) and (D), the introductory paragraph of 2704(A),  
 6 (A)(5), (B) and (C), 2802(A)(1), (C), (D), (E), (F) and (G), 3061(A)(1)(a), the introductory  
 7 paragraph of 3084(B)(1) and (C), the introductory paragraph of 3201(B)(1) and (B)(1)(c)  
 8 and (C), the introductory paragraph of 3389(B), 3444(A), (B) and (C), 3463(A), (B) and (E),  
 9 3554(A)(1) and (B), 3703(B)(1) are hereby amended and reenacted and R.S. 37:753(C)(5),  
 10 2102(C), 2403(B)(6), 2802(H), 3061(A)(1)(d), 3084(B)(1)(e), 3201(B)(1)(e) and (F),  
 11 3389(B)(6), 3554(A)(3)(a), and 3703(B)(8) are hereby enacted to read as follows:

12 §753. Louisiana State Board of Dentistry; appointment of members; term of office;  
 13 vacancies; nominating meetings; quorum; domicile

14 \* \* \*

15 B. The board shall be composed of ~~such~~ **fifteen members to include one**  
 16 **consumer, thirteen** qualified and licensed dentists as provided in Subsection C **of**  
 17 **this Section** and one qualified and licensed dental hygienist.

18 C. Each member of the board shall be appointed by the governor as follows:

19 \* \* \*

20 **(4)(a) One consumer member shall be selected from the state at-large**  
 21 **and appointed by the governor. The consumer member of the board shall**  
 22 **possess all of the following qualifications:**

23 **(i) Is a citizen of the United States and has been a resident of Louisiana**  
 24 **for at least one year immediately prior to appointment.**

25 **(ii) Has attained the age of majority.**

26 **(iii) Shall not have ever been licensed by any of the licensing boards**  
 27 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
 28 **licensed by a board identified in R.S. 36:259(A).**

29 **(iv) Has never been convicted of a felony.**



1 at-large and appointed by the governor, subject to confirmation by the Senate.

2 The consumer member of the board shall possess all of the following  
3 qualifications:

4 (i) Is a citizen of the United States and has been a resident of Louisiana  
5 for at least one year immediately prior to appointment.

6 (ii) Has attained the age of majority.

7 (iii) Shall not have ever been licensed by any of the licensing boards  
8 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been  
9 licensed by a board identified in R.S. 36:259(A).

10 (iv) Has never been convicted of a felony.

11 (v) Shall not have nor shall ever have had a material financial interest  
12 in the healthcare profession.

13 (b) The consumer member shall be a full voting member of the board,  
14 except that the consumer member shall not participate in the grading of  
15 individual examinations.

16 \* \* \*

17 §916. Qualifications of board members

18 \* \* \*

19 B.(1) Each consumer member of the board shall possess all of the following  
20 qualifications:

21 ~~(1)~~(a) Is a citizen of the United States and has been a resident of Louisiana  
22 for at least one year immediately prior to appointment.

23 ~~(2)~~(b) Has attained the age of majority.

24 ~~(3)~~(c) Has never engaged in any activity directly related to the practice of  
25 professional nursing Shall not have ever been licensed by any of the licensing  
26 boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever  
27 been licensed by a board identified in R.S. 36:259(A).

28 ~~(4)~~(d) Has never been convicted of a felony.

29 (e) Shall not have nor shall ever have had a material financial interest in



1 the healthcare profession.

2 (2) The consumer member shall be a full voting member of the board  
 3 with all rights and privileges conferred on board members, except that the  
 4 consumer member shall not participate in the grading of individual  
 5 examinations.

6 \* \* \*

7 §962. Louisiana State Board of Practical Nurse Examiners; method of appointment

8 A. The Louisiana State Board of Practical Nurse Examiners is hereby created  
 9 within the Louisiana Department of Health and is subject to the provisions of R.S.  
 10 36:803. The board shall consist of ~~thirteen~~ **fourteen** members appointed by the  
 11 governor. Each appointment by the governor shall be submitted to the Senate for  
 12 confirmation.

13 B. Six members of the board shall be practical nurses, two shall be registered  
 14 nurses, **one shall be a consumer**, and five shall be licensed physicians.

15 C. The appointment of members of the board shall be made from a list,  
 16 containing twice the number of eligibles to be appointed, submitted to the governor  
 17 by the Louisiana State Medical Society where the appointee shall be a licensed  
 18 physician, by the Louisiana Federation of Licensed Practical Nurses, Inc., for one of  
 19 the practical nurses, by the Licensed Practical Nurses of Louisiana, Inc., for one of  
 20 the practical nurses, by the Louisiana Nursing Home Association, for one practical  
 21 nurse, by the Louisiana Hospital Association, for one practical nurse, or by the  
 22 Louisiana State Nurses Association where the appointee shall be a registered nurse,  
 23 **and the consumer member shall be selected from the state at-large.**

24 **D.(1) The consumer member shall be selected from the state at-large and**  
 25 **appointed by the governor, subject to confirmation by the Senate. The**  
 26 **consumer member of the board shall possess all of the following qualifications:**

27 **(a) Is a citizen of the United States and has been a resident of Louisiana**  
 28 **for at least one year immediately prior to appointment.**

29 **(b) Has attained the age of majority.**



1 persons whose names shall be submitted to the governor for appointment to the  
2 board. At least thirty days prior to the meeting the board shall mail notices to each  
3 optometrist licensed under the laws of Louisiana at the address shown in his current  
4 registration notifying each optometrist of the exact date, place and hour of the  
5 meeting, the purpose of the meeting and of his right to attend and vote.

6 **C.(1) The consumer member shall be selected from the state at-large and**  
7 **appointed by the governor, subject to confirmation by the Senate. The**  
8 **consumer member of the board shall possess all of the following qualifications:**

9 **(a) Is a citizen of the United States and has been a resident of Louisiana**  
10 **for at least one year immediately prior to appointment.**

11 **(b) Has attained the age of majority.**

12 **(c) Shall not have ever been licensed by any of the licensing boards**  
13 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
14 **licensed by a board identified in R.S. 36:259(A).**

15 **(d) Has never been convicted of a felony.**

16 **(e) Shall not have nor shall ever have had a material financial interest in**  
17 **the healthcare profession.**

18 **(2) The consumer member shall be a full voting member of the board**  
19 **with all rights and privileges conferred on board members, except that the**  
20 **consumer member shall not participate in the grading of individual**  
21 **examinations.**

22 ~~C.D.~~ The term of each member shall be five years, but vacancies occurring  
23 during the term of a member shall be filled for the unexpired term by an optometrist  
24 possessing the qualifications for board membership, nominated by the remaining  
25 members of the board and appointed by the governor from that nomination.

26 ~~D.E.~~ There shall be no liability on the part of and no action for damages  
27 against **any of the following:**

28 (1) Any member of the board, or its agents or employees, for any action  
29 undertaken or performed by such person within the scope of the duties, powers, and

1 functions of the board or such examining committee as provided for in this Chapter  
 2 when such person is acting without malice and in the reasonable belief that the action  
 3 taken by him is warranted;~~or.~~

4 (2) Any person providing information to the board, its agents or employees,  
 5 whether a witness, or otherwise, unless such information is false and the person  
 6 providing it knew that such information was false.

7 E.F. In any suit brought against the board, its employees or agents, or any  
 8 person or entity providing information to the board, when the defendant substantially  
 9 prevails in such suit, the court shall, at the conclusion of the action, award to the  
 10 defendant and assess against the claimant the cost of defending the suit attributable  
 11 to such claim, including reasonable attorney fees, if the claim, or the claimant's  
 12 conduct during the litigation of the claim, was either frivolous, unreasonable, without  
 13 foundation, or in bad faith. For the purpose of this Subsection, a defendant shall not  
 14 be considered to have substantially prevailed when the claimant obtains an award for  
 15 damages or permanent injunctive or declaratory relief.

16 \* \* \*

17 §1104. Louisiana Licensed Professional Counselors Board of Examiners

18 A. There is hereby created in the Louisiana Department of Health the  
 19 Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred  
 20 to as the "board", consisting of eleven members who shall be residents of the state  
 21 of Louisiana. Each term shall be for four years. Seven appointments to the board;  
 22 ~~including one individual from the public at large~~, shall be made by the governor from  
 23 a list of qualified candidates submitted by the executive board of the Louisiana  
 24 Counseling Association. Four appointments to the board shall be made by the  
 25 governor from a list of qualified candidates submitted by the executive board of the  
 26 Louisiana Association for Marriage and Family Therapy. **One consumer member**  
 27 **of the board shall be selected from the state at-large.** Each appointment by the  
 28 governor shall be submitted to the Senate for confirmation.

29 B.(1)(a) The membership of the board shall consist of three licensed

1 professional counselors, three educators who are licensed professional counselors  
 2 and whose function is the training of mental health counselors in accredited  
 3 programs, four licensed marriage and family therapists, and one ~~individual~~  
 4 **consumer** from the public ~~at large~~ **at-large**. The professional membership of the  
 5 board shall be licensed under this Chapter. The board shall perform such duties and  
 6 exercise such powers as this Chapter prescribes and confers upon it. No member of  
 7 the board shall be liable in any civil action for any act performed in good faith in the  
 8 execution of his duties under this Chapter.

9 **(b)(i) The consumer member shall be appointed from the state at-large**  
 10 **and appointed by the governor, subject to confirmation by the Senate. The**  
 11 **consumer member of the board shall possess all of the following qualifications:**

12 **(aa) Is a citizen of the United States and has been a resident of Louisiana**  
 13 **for at least one year immediately prior to appointment.**

14 **(bb) Has attained the age of majority.**

15 **(cc) Shall not have ever been licensed by any of the licensing boards**  
 16 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
 17 **licensed by a board identified in R.S. 36:259(A).**

18 **(dd) Has never been convicted of a felony.**

19 **(ee) Shall not have nor shall ever have had a material financial interest**  
 20 **in the healthcare profession.**

21 **(ii) The consumer member shall be a full voting member of the board**  
 22 **with all rights and privileges conferred on board members, except that the**  
 23 **consumer member shall not participate in the grading of individual**  
 24 **examinations.**

25 \* \* \*

26 C. No board member shall serve more than two full consecutive terms. Any  
 27 board member may be removed by the governor or majority vote of the board, after  
 28 notice and hearing, for incompetence, neglect of duty, malfeasance in office, or  
 29 moral turpitude. Any vacancy occurring in board membership for the three licensed

1 professional counselors; ~~or~~ three counselor educators, ~~or one member of the public~~  
 2 ~~at large~~, other than by expiration of term, shall be appointed for the remainder of the  
 3 unexpired term by the governor within thirty days from a list of qualified candidates  
 4 supplied by the executive board of the Louisiana Counseling Association. Any  
 5 vacancy occurring in board membership for the four licensed marriage and family  
 6 therapists, other than by expiration of term, shall be appointed for the remainder of  
 7 the unexpired term by the governor within thirty days from a list of qualified  
 8 candidates supplied by the executive board of the Louisiana Association for  
 9 Marriage and Family Therapy. Any consumer vacancy, other than by expiration  
 10 of term, shall be appointed for the remainder of the unexpired term by the  
 11 governor within thirty days from a list of qualified candidates supplied by the  
 12 Louisiana Department of Health after posting such vacancy pursuant to R.S.  
 13 36:260.

\* \* \*

15 §1174. Qualifications

\* \* \*

17 B.(1) The consumer member of the board shall be selected from the state  
 18 at-large and appointed by the governor, subject to confirmation by the Senate  
 19 ~~a resident of this state who has attained the age of majority and shall not have nor~~  
 20 ~~shall ever have had material financial interest in the providing of pharmacy services~~  
 21 ~~or who has engaged in any activity directly related to the practice of pharmacy. The~~  
 22 ~~consumer representative shall not have been convicted of a felony. The consumer~~  
 23 member of the board shall possess all of the following qualifications:

24 (a) Is a citizen of the United States and has been a resident of Louisiana  
 25 for at least one year immediately prior to appointment.

26 (b) Has attained the age of majority.

27 (c) Shall not have ever been licensed by any of the licensing boards  
 28 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been  
 29 licensed by a board identified in R.S. 36:259(A).



1                    **D.(1) The consumer member of the board shall possess all of the**  
2                    **following qualifications:**

3                    **(a) Is a citizen of the United States and has been a resident of Louisiana**  
4                    **for at least one year immediately prior to appointment.**

5                    **(b) Has attained the age of majority.**

6                    **(c) Shall not have ever been licensed by any of the licensing boards**  
7                    **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
8                    **licensed by a board identified in R.S. 36:259(A).**

9                    **(d) Has never been convicted of a felony.**

10                   **(e) Shall not have nor shall ever have had a material financial interest in**  
11                   **the healthcare profession.**

12                   **(2) The consumer member shall be a full voting member of the board**  
13                   **with all rights and privileges conferred on board members, except that the**  
14                   **consumer member shall not participate in the grading of individual**  
15                   **examinations.**

16                   ~~D.E.~~(1) The governor shall appoint the members of the board in accordance  
17 with other provisions of this Section and the state constitution.

18                   (2) When a vacancy occurs in the membership of the board for any reason,  
19 including expiration of term, removal, resignation, death, disability, or  
20 disqualification, the vacancy shall be filled in the same manner as the original  
21 appointment.

22                   (3) Each member of the board appointed to fill a vacancy occurring by death,  
23 resignation, inability to act, or other cause, shall serve for the remainder of the term  
24 of his predecessor.

25                   \*           \*           \*

26                   ~~F. Except as provided in Subsection D of this Section, members of the board~~  
27 ~~shall be appointed for a term of four years, beginning on July first of the year in~~  
28 ~~which the appointment is made.~~

29                   \*           \*           \*



1 §1515. Board of Veterinary Medicine; terms; compensation; removal

2 A. \* \* \*

3 \* \* \*

4 (2) The board shall be composed of ~~five~~ six members appointed by the  
 5 governor, each appointed for a term of five years or until his successor is appointed,  
 6 except that, as provided by rule, the terms of the initial and subsequent members  
 7 shall be staggered terms of five years. Terms shall begin on August first and  
 8 terminate on July thirtieth of the fifth year of the term. Should the signing of an  
 9 appointment by the governor be delayed for any reason, the term itself shall not be  
 10 changed but shall begin on August first and end on July thirtieth. The outgoing  
 11 member shall remain on the board until such time as the incoming member's  
 12 appointment has been effected.

13 (3) Whenever a vacancy occurs under this Section, except for the consumer  
 14 member, the State Louisiana Veterinary Medical Association shall nominate three  
 15 or more qualified persons for each vacancy and forward the nominations to the  
 16 governor at least thirty days before the date set for the appointment. The governor  
 17 shall appoint one of the persons so nominated to fill the vacancy. Vacancies due to  
 18 death, resignation, or removal shall be filled for the remainder of the unexpired term  
 19 in the same manner as regular appointments. Any consumer vacancy, other than  
 20 by expiration of term, shall be appointed for the remainder of the unexpired  
 21 term by the governor within thirty days from a list of qualified candidates  
 22 supplied by the Louisiana Department of Health after posting such vacancy  
 23 pursuant to R.S. 36:260.

24 \* \* \*

25 C.(1) The consumer member of the board shall be appointed by the  
 26 governor, subject to confirmation by the Senate and shall possess all of the  
 27 following qualifications:

28 (a) Is a citizen of the United States and has been a resident of Louisiana  
 29 for at least one year immediately prior to appointment.



1 consist of ~~seven~~ **eight** members, three of whom shall be respectively the dean of the  
 2 College of Arts and Sciences of Louisiana State University and Agricultural and  
 3 Mechanical College; the dean of the College of Arts and Sciences of Tulane  
 4 University of Louisiana; ~~and~~ the assistant secretary, office of public health of the  
 5 Louisiana Department of Health, **one consumer member**; and four of whom shall  
 6 be duly recognized practicing sanitarians appointed by the governor.

7 \* \* \*

8 **C.(1) The consumer member shall be selected from the state at-large and**  
 9 **appointed by the governor, subject to confirmation by the Senate. The**  
 10 **consumer member of the board shall possess all of the following qualifications:**

11 **(a) Is a citizen of the United States and has been a resident of Louisiana**  
 12 **for at least one year immediately prior to appointment.**

13 **(b) Has attained the age of majority.**

14 **(c) Shall not have ever been licensed by any of the licensing boards**  
 15 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
 16 **licensed by a board identified in R.S. 36:259(A).**

17 **(d) Has never been convicted of a felony.**

18 **(e) Shall not have nor shall ever have had a material financial interest in**  
 19 **the healthcare profession.**

20 **(2) The consumer member shall be a full voting member of the board**  
 21 **with all rights and privileges conferred on board members, except that the**  
 22 **consumer member shall not participate in the grading of individual**  
 23 **examinations.**

24 \* \* \*

25 §2353. State board of examiners; organization; duties; meetings; fees

26 A.(1) There is hereby created within the Louisiana Department of Health a  
 27 Louisiana State Board of Examiners of Psychologists which shall be subject to the  
 28 provisions of R.S. 36:803. The board shall consist of ~~five~~ **six** members **to be**  
 29 **comprised of five psychologists and one consumer** who are citizens of the United

1 States, residents of the state of Louisiana, and appointed by the governor.

2 (2) Upon expiration of the three-year terms of the members in office on  
3 September 1, 1987, and except for the transition set forth below, the governor shall  
4 appoint members for terms of five years. For the two vacancies occurring July 1,  
5 1988, one member shall be appointed for a three-year term and one member for a  
6 four-year term; for the vacancy occurring July 1, 1989, the member shall be  
7 appointed for a four-year term; and for the two vacancies occurring July 1, 1990, one  
8 member shall be appointed for a four-year term and one member for a five-year term.  
9 A board member shall not be eligible to succeed himself. All **psychologist**  
10 appointments shall be from a list provided by the Louisiana Psychological  
11 Association. The list shall report the results of an election in which persons qualified  
12 for board membership may nominate themselves and in which licensed members of  
13 the Louisiana Psychological Association and other persons licensed under this  
14 Chapter are entitled to one vote for each vacancy on the board.

15 (3)(a) Each **psychologist** board member shall have rendered service,  
16 teaching, training, or research in psychology for at least five years, shall have held  
17 a doctoral degree in psychology from a school or college as defined in this Chapter  
18 for a period of five years, and shall be licensed under this Chapter for a minimum of  
19 five years.

20 **(b)(i) The consumer member shall be selected from the state at-large and**  
21 **appointed by the governor, subject to confirmation by the Senate. The**  
22 **consumer member of the board shall possess all of the following qualifications:**

23 **(aa) Is a citizen of the United States and has been a resident of Louisiana**  
24 **for at least one year immediately prior to appointment.**

25 **(bb) Has attained the age of majority.**

26 **(cc) Shall not have ever been licensed by any of the licensing boards**  
27 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
28 **licensed by a board identified in R.S. 36:259(A).**

29 **(dd) Has never been convicted of a felony.**



1 \* \* \*

2 §2455. Louisiana Board for Hearing Aid Dealers; composition; districts

3 \* \* \*

4 B.(1) The board shall be composed of nine members. Seven members shall  
5 be hearing aid dealers, the eighth shall be the state health officer or his  
6 representative, and the ninth member shall be ~~sixty years of age or over~~ **a consumer**  
7 and shall serve as a representative of the ~~elderly~~ consumers of Louisiana. The seven  
8 hearing aid dealers shall be appointed in the following manner. The Louisiana  
9 Society of Hearing Aid Specialists, chartered by the state, shall submit to the  
10 governor names of not less than fourteen qualified hearing aid dealers, who shall be  
11 actively engaged in the selling and fitting of hearing aids.

12 \* \* \*

13 ~~(5)(a) The elderly representative shall be appointed by the governor and the~~  
14 ~~appointment shall be subject to Senate confirmation. The elderly representative shall~~  
15 ~~serve at the pleasure of the governor and any vacancy shall be filled by a~~  
16 ~~gubernatorial appointment. The elderly representative shall not be actively engaged~~  
17 ~~in or retired from the occupation, profession, or industry of hearing aids. The elderly~~  
18 ~~member shall be a full voting member of the board, except that the elderly~~  
19 ~~representative shall not participate in the grading of individual examinations. The~~  
20 ~~consumer member shall be selected from the state at-large and appointed by the~~  
21 ~~governor, subject to confirmation by the Senate. The consumer member of the~~  
22 ~~board shall possess all of the following qualifications:~~

23 **(i) Is a citizen of the United States and has been a resident of Louisiana**  
24 **for at least one year immediately prior to appointment.**

25 **(ii) Has attained the age of majority.**

26 **(iii) Shall not have ever been licensed by any of the licensing boards**  
27 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
28 **licensed by a board identified in R.S. 36:259(A).**

29 **(iv) Has never been convicted of a felony.**



examinations.

\* \* \*

§2654. Board of examiners; creation; membership; appointment; terms; chair;  
quorum

A. The Louisiana Board of Examiners for Speech-Language Pathology and Audiology is hereby created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803. The board shall consist of seven persons who are residents of this state, and who, except for the public and physician member, have been engaged in providing service, or in teaching, or research in speech-language pathology or audiology for at least five years prior to appointment and who are licensed speech-language pathologists or audiologists under this Chapter. At least two of the members shall be practicing audiologists, one of whom shall be a dispensing audiologist, at least two shall be practicing speech-language pathologists, one of whom shall be currently certified by the State Board of Elementary and Secondary Education as a specialist of speech-language pathology and currently employed in a school setting, one shall be either a practicing speech-language pathologist or a practicing audiologist, one shall be a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners who shall serve in an advisory capacity only and shall not be a voting member of the board, and one shall be a ~~public~~ **consumer** member **selected from the state at-large and appointed by the governor, subject to confirmation by the Senate.**

~~(1) No public member shall:~~

~~(a) Have ever actively engaged in the practice of speech-language pathology or audiology.~~

~~(b) Be employed by, own, or participate in the management of an agency or business entity that sells, manufactures, or distributes health care supplies or equipment or provides health care services.~~

~~(c) Be an elected official.~~

~~(2) The public member shall be an individual or a family member/spouse of~~



1 an individual who is deaf, hard of hearing or speech impaired or a member of an  
2 advocacy group committed to the advancement of the well-being of the deaf, hard  
3 of hearing or speech impaired.

4 **(1)(a) The consumer member of the board shall possess all of the**  
5 **following qualifications:**

6 **(b) Is a citizen of the United States and has been a resident of Louisiana**  
7 **for at least one year immediately prior to appointment.**

8 **(c) Has attained the age of majority.**

9 **(d) Shall not have ever been licensed by any of the licensing boards**  
10 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
11 **licensed by a board identified in R.S. 36:259(A).**

12 **(e) Has never been convicted of a felony.**

13 **(f) Shall not have nor shall ever have had a material financial interest in**  
14 **the healthcare profession.**

15 **(2) The consumer member shall be a full voting member of the board**  
16 **with all rights and privileges conferred on board members, except that the**  
17 **consumer member shall not participate in the grading of individual**  
18 **examinations.**

19 B. Members of the board shall be appointed by the governor for terms of  
20 three years each or until their successors have been appointed and take office. ~~The~~  
21 ~~public member shall be appointed to the board on or before August 15, 1995.~~

22 C.(1) Appointment to the board shall be made without regard to race, creed,  
23 sex, religion, or national origin of the appointee. The Louisiana Speech-Language-  
24 Hearing Association, shall within not less than thirty days prior to the expiration of  
25 each term of office, submit to the governor a list of at least three names for each  
26 respective professional service category of board member, except the physician  
27 member and the ~~public~~ **consumer** member, selected by all licensed speech-language  
28 pathologists and audiologists in this state, from which the governor shall make his  
29 appointment to fill the office for the next succeeding term.

1 (2) The Louisiana State Medical Society shall, within not less than thirty days  
 2 prior to the expiration of the term of office of the physician member of the board  
 3 submit to the governor a list of at least three names of physicians from which the  
 4 governor shall make the appointment of the physician member of the board for the  
 5 next succeeding term. ~~The Louisiana Speech-Language-Hearing Association shall,  
 6 within not less than thirty days prior to the expiration of the term of office of the  
 7 public member, submit to the governor a list of three names selected by all licensed  
 8 speech-language pathologists and audiologists in this state from which the governor  
 9 shall make his appointment to fill the office for the next succeeding term. The three  
 10 names shall be selected from those nominees submitted by any individual or  
 11 advocacy group which meets the qualifications and requirements listed under  
 12 Paragraph A(2) of this Section.~~

13 D. Any vacancy on the board occurring for any cause except the expiration  
 14 of the term, shall be filled by the governor for the unexpired portion of the term from  
 15 a list of names submitted by the board or the Louisiana Medical Society for a  
 16 physician vacancy on the board ~~or for the public member from names submitted to  
 17 the board by an individual or advocacy group which meets the qualifications and  
 18 requirements of Paragraph A(2) of this Section.~~ **Any consumer vacancy, other than  
 19 by expiration of term, shall be appointed for the remainder of the unexpired  
 20 term by the governor within thirty days from a list of qualified candidates  
 21 supplied by the Louisiana Department of Health after posting such vacancy  
 22 pursuant to R.S. 36:260.**

23 \* \* \*

24 §2704. Board of Social Work Examiners

25 A. There is hereby created a Louisiana State Board of Social Work  
 26 Examiners within the Louisiana Department of Health. The board shall be subject  
 27 to the provisions of R.S. 36:803. It shall consist of seven members who are citizens  
 28 of the United States and residents of the state of Louisiana. The members shall be  
 29 appointed by the governor, subject to Senate confirmation. All **social worker**

1 appointees shall be selected from one list compiled by all statewide social work  
 2 membership organizations that have written bylaws and meet all state and federal  
 3 laws, and the Louisiana Chapter of the National Association of Social Workers shall  
 4 be responsible for the coordination of this process. **The consumer member shall be**  
 5 **selected from the state at-large and appointed by the governor, subject to**  
 6 **confirmation by the Senate.** All appointees shall serve no more than two  
 7 consecutive full terms. The completion of an unexpired portion of a full term shall  
 8 not constitute a full term for purposes of this Section. The board shall consist of the  
 9 following members:

10 \* \* \*

11 (5) One ~~public~~ **consumer** member.

12 B. Each board member, with the exception of the ~~public~~ **consumer** member,  
 13 shall be a person who holds a current, valid license or registration issued pursuant  
 14 to this Chapter. At all times the board shall consist of at least three members who are  
 15 engaged primarily in rendering direct services in social work and at least one  
 16 member who is engaged primarily in social work education or a practice specialty  
 17 other than clinical.

18 ~~C. No public member shall be currently an elected official, and no member~~  
 19 ~~shall be or have been any of the following:~~

20 ~~(1) Actively engaged in the practice of social work or be the spouse of a~~  
 21 ~~social worker.~~

22 ~~(2) Engaged in the practice of psychology, psychiatry, or a member of a~~  
 23 ~~mental health profession, or the spouse of a member of a mental health profession.~~

24 ~~(3) Employed or own an agency or business entity that provides social,~~  
 25 ~~health, or mental health care or substance abuse services.~~

26 **C.(1) The consumer member of the board shall possess all of the**  
 27 **following qualifications:**

28 **(a) Is a citizen of the United States and has been a resident of Louisiana**  
 29 **for at least one year immediately prior to appointment.**



1                   **(b) Has attained the age of majority.**

2                   **(c) Shall not have ever been licensed by any of the licensing boards**  
 3 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
 4 **licensed by a board identified in R.S. 36:259(A).**

5                   **(d) Has never been convicted of a felony.**

6                   **(e) Shall not have nor shall ever have had a material financial interest in**  
 7 **the healthcare profession.**

8                   **(2) The consumer member shall be a full voting member of the board**  
 9 **with all rights and privileges conferred on board members, except that the**  
 10 **consumer member shall not participate in the grading of individual**  
 11 **examinations.**

12                   ~~C.D.~~ Any vacancy occurring in the membership of the board, except by  
 13 expiration of the term, shall be filled for the unexpired term in the manner provided  
 14 in Subsection A of this section. **Any consumer vacancy, other than by expiration**  
 15 **of term, shall be appointed for the remainder of the unexpired term by the**  
 16 **governor within thirty days from a list of qualified candidates supplied by the**  
 17 **Louisiana Department of Health after posting such vacancy pursuant to R.S.**  
 18 **36:260.**

19                   ~~D.E.~~ The governor may remove any member for misconduct, incompetence  
 20 or neglect of duty, after he has given the member a written statement of the charges  
 21 against him and has afforded him an opportunity to be heard.

22                   ~~E.F.~~ The governor shall issue each member a certificate of appointment.  
 23 Within thirty days after the date of his appointment and before commencing the  
 24 discharge of his duties, each member shall subscribe to the oath for public officials,  
 25 which shall be deposited with the secretary of state as provided by law.

26                   ~~F.G.~~ Each member of the board shall receive compensation fixed by the  
 27 board at not more than fifty dollars per day for each day in attendance upon its  
 28 sessions. Each member of the board shall be reimbursed for his actual travel, clerical  
 29 and incidental expenses necessarily incurred while engaged in the discharge of his

1 official duties. Such compensation and expenses shall be paid out of the ~~moneys~~  
 2 moneys credited to the board as provided by R.S. 37:2809(B).

3 ~~G.H.~~ A board member's seat shall be recognized as vacant after the member  
 4 is absent from three consecutive official board meetings without reason if  
 5 recommended to the governor by a vote of two-thirds of the members of the board  
 6 to consider the removal of such absent board member from the board.

7 \* \* \*

8 §3061. Board of Electrolysis Examiners

9 A.(1)(a) The State Board of Electrolysis Examiners shall be composed of ~~five~~  
 10 six members, all to be appointed by the governor to serve at his pleasure.

11 \* \* \*

12 (d)(i) One member shall be a consumer selected from the state at-large  
 13 and appointed by the governor, subject to confirmation by the Senate. The  
 14 consumer member of the board shall possess all of the following qualifications:

15 (aa) Is a citizen of the United States and has been a resident of Louisiana  
 16 for at least one year immediately prior to appointment.

17 (bb) Has attained the age of majority.

18 (cc) Shall not have ever been licensed by any of the licensing boards  
 19 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been  
 20 licensed by a board identified in R.S. 36:259(A).

21 (dd) Has never been convicted of a felony.

22 (ee) Shall not have nor shall ever have had a material financial interest  
 23 in the healthcare profession.

24 (ii) The consumer member shall be a full voting member of the board  
 25 with all rights and privileges conferred on board members, except that the  
 26 consumer member shall not participate in the grading of individual  
 27 examinations.

28 \* \* \*

29 §3084. Louisiana State Board of Examiners in Dietetics and Nutrition; membership,

1 terms, and vacancies; officers; meetings; quorum; compensation

2 \* \* \*

3 B.(1) The board shall be composed of the following ~~seven~~ **eight** members,  
4 all appointed by the governor and subject to Senate confirmation:

5 \* \* \*

6 **(e) One shall be a consumer selected from the state at-large and**  
7 **appointed by the governor, subject to confirmation by the Senate.**

8 \* \* \*

9 C.(1) Board members, **except for the consumer board member**, shall be  
10 residents of the state who have been actively practicing in the field of  
11 dietetics/nutrition or a related field for not less than five years. Board members shall  
12 have an unrestricted license to practice their respective professions, where  
13 applicable. The registered dietitians/nutritionists initially appointed to the board must  
14 be eligible for licensure pursuant to the provisions of this Chapter; thereafter,  
15 dietitians/nutritionists appointed to the board must be licensed pursuant to the  
16 provisions of this Chapter.

17 **(2)(a) The consumer member of the board shall possess all of the**  
18 **following qualifications:**

19 **(i) Is a citizen of the United States and has been a resident of Louisiana**  
20 **for at least one year immediately prior to appointment.**

21 **(ii) Has attained the age of majority.**

22 **(iii) Shall not have ever been licensed by any of the licensing boards**  
23 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
24 **licensed by a board identified in R.S. 36:259(A).**

25 **(iv) Has never been convicted of a felony.**

26 **(v) Shall not have nor shall ever have had a material financial interest**  
27 **in the healthcare profession.**

28 **(b) The consumer member shall be a full voting member of the board**  
29 **with all rights and privileges conferred on board members, except that the**

1 consumer member shall not participate in the grading of individual  
2 examinations.

3 \* \* \*

4 §3201. Radiologic Technology Board of Examiners; method of appointment;  
5 qualifications of members

6 \* \* \*

7 B.(1) The board shall consist of ~~eleven~~ twelve members appointed by the  
8 governor of whom:

9 \* \* \*

10 (c) Three shall be radiologists selected from a list of nine names submitted  
11 by the Louisiana State Medical Society; ~~and,~~

12 \* \* \*

13 (e) One shall be a consumer selected from the state at-large and  
14 appointed by the governor, subject to confirmation by the Senate.

15 \* \* \*

16 C. Board members, other than the consumer, shall be residents of the state  
17 who have been actively practicing in their fields for not less than five years.

18 \* \* \*

19 F.(1)The consumer member of the board shall possess all of the following  
20 qualifications:

21 (a) Is a citizen of the United States and has been a resident of Louisiana  
22 for at least one year immediately prior to appointment.

23 (b) Has attained the age of majority.

24 (c) Shall not have ever been licensed by any of the licensing boards  
25 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been  
26 licensed by a board identified in R.S. 36:259(A).

27 (d) Has never been convicted of a felony.

28 (e) Shall not have nor shall ever have had a material financial interest in  
29 the healthcare profession.



1                   **(2) The consumer member shall be a full voting member of the board**  
 2                   **with all rights and privileges conferred on board members, except that the**  
 3                   **consumer member shall not participate in the grading of individual**  
 4                   **examinations.**

\* \* \*

§3389. Transition; Addictive Disorder Regulatory Authority

\* \* \*

8                   B. The Addictive Disorder Regulatory Authority (ADRA) is hereby created  
 9                   within the Louisiana Department of Health. The ADRA shall be governed by a board  
 10                  of directors, hereinafter referred to as the "board", consisting of ~~seven~~ **eight** voting  
 11                  members and one nonvoting member, all of whom shall be appointed by the  
 12                  governor, subject to Senate confirmation, as follows:

\* \* \*

14                  **(6)(a) One consumer who shall be selected from the state at-large and**  
 15                  **appointed by the governor, subject to confirmation by the Senate. The**  
 16                  **consumer member of the board shall possess all of the following qualifications:**

17                  **(i) Is a citizen of the United States and has been a resident of Louisiana**  
 18                  **for at least one year immediately prior to appointment.**

19                  **(ii) Has attained the age of majority.**

20                  **(iii) Shall not have ever been licensed by any of the licensing boards**  
 21                  **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
 22                  **licensed by a board identified in R.S. 36:259(A).**

23                  **(iv) Has never been convicted of a felony.**

24                  **(v) Shall not have nor shall ever have had a material financial interest**  
 25                  **in the healthcare profession.**

26                  **(b) The consumer member shall be a full voting member of the board**  
 27                  **with all rights and privileges conferred on board members, except that the**  
 28                  **consumer member shall not participate in the grading of individual**  
 29                  **examinations.**

\* \* \*

§3444. Louisiana Licensed Professional Vocational Rehabilitation Counselors Board  
of Examiners

A. There is hereby created in the Louisiana Department of Health the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, hereafter referred to as the "board", consisting of five members, who shall be residents of the state of Louisiana. The members shall be appointed by the governor from a list of qualified candidates supplied by the Louisiana Association of Rehabilitation Professionals, ~~as specified in this Section within sixty days after July 14, 1988~~ to serve the following terms: one member for a term of two years, two members for terms of three years, and two members for terms of four years. Thereafter, each term shall be for four years. Each appointment by the governor shall be submitted to the Senate for confirmation.

B.(1) The membership of the board shall consist of three licensed professional vocational rehabilitation counselors and two ~~individuals~~ consumers from the public ~~at large~~ at-large. ~~The original professional membership of the board shall be qualified to be licensed under this Chapter, except that the initial professional members shall be persons who have rendered rehabilitation counseling for at least three years. Within thirty days after July 14, 1988, the executive committee of the Louisiana Association for Rehabilitation Professionals shall submit to the governor a list of qualified candidates for the board.~~ The board shall perform such duties and exercise such powers as this Chapter prescribes and confers upon it. No member of the board shall be individually liable for any act or omission resulting in damage or injury arising out of the exercise of his judgment in the formation and implementation of policy while acting as a member of the board, provided he was acting in good faith and within the scope of his official functions and duties, unless the damage or injury was caused by his willful or wanton misconduct.

**(2)(a) The consumer members shall be selected from the state at-large and appointed by the governor, subject to confirmation by the Senate. The**

1 consumer members of the board shall possess all of the following qualifications:

2 (i) Is a citizen of the United States and has been a resident of Louisiana  
3 for at least one year immediately prior to appointment.

4 (ii) Has attained the age of majority.

5 (iii) Shall not have ever been licensed by any of the licensing boards  
6 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been  
7 licensed by a board identified in R.S. 36:259(A).

8 (iv) Has never been convicted of a felony.

9 (v) Shall not have nor shall ever have had a material financial interest  
10 in the healthcare profession.

11 (b) The consumer member shall be a full voting member of the board  
12 with all rights and privileges conferred on board members, except that the  
13 consumer member shall not participate in the grading of individual  
14 examinations.

15 C. No board member shall serve more than two full consecutive terms.  
16 Subsequent appointments to the board shall be made in the manner of the original  
17 appointments, including the submission of a list of qualified candidates by the  
18 executive committee of the Louisiana Association for Rehabilitation Professionals.  
19 Any board member may be removed by the governor or majority vote of the board,  
20 after notice and hearing, for incompetence, neglect of duty, malfeasance in office,  
21 or moral turpitude. Any vacancy occurring in board membership, other than by  
22 expiration of term, shall be filled for the remainder of the unexpired term by the  
23 governor within thirty days from a list of qualified candidates supplied by the  
24 Louisiana Association for Rehabilitation Professionals, except for the consumer  
25 member who shall be selected at-large from a list of qualified candidates  
26 supplied by the Louisiana Department of Health after posting such vacancy  
27 pursuant to R.S. 36:260.

28 \* \* \*

29 §3463. Board; appointments; terms; removal; compensation; officers

1           A. The Louisiana Board of Drug and Device Distributors is hereby created  
2 within the Louisiana Department of Health and is subject to the provisions of R.S.  
3 36:803. The board shall administer the provisions of this Chapter. It shall be  
4 composed of ~~eight~~ **nine** members, five of whom shall be licensed distributors, two  
5 of whom shall be actively engaged in the pharmaceutical manufacturing industry,  
6 ~~and~~ one of whom shall be actively engaged in the medical device industry, **and one**  
7 **consumer selected from the state at-large.**

8           B.**(1)** The governor shall appoint, subject to Senate confirmation, members  
9 to the board from a list containing the names of five persons, submitted by the  
10 Louisiana Association of Wholesale Drug Distributors and from a list containing the  
11 names of two persons, submitted by the Pharmaceutical Research and Manufacturers  
12 of America. In the event of the death or resignation of any member of the board, the  
13 governor shall appoint his successor in the manner of the original appointment for  
14 the remainder of the unexpired term.

15           **(2)(a) The consumer member shall be selected from the state at-large and**  
16 **appointed by the governor, subject to confirmation by the Senate. The**  
17 **consumer member of the board shall possess all of the following qualifications:**

18           **(i) Is a citizen of the United States and has been a resident of Louisiana**  
19 **for at least one year immediately prior to appointment.**

20           **(ii) Has attained the age of majority.**

21           **(iii) Shall not have ever been licensed by any of the licensing boards**  
22 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**  
23 **licensed by a board identified in R.S. 36:259(A).**

24           **(iv) Has never been convicted of a felony.**

25           **(v) Shall not have nor shall ever have had a material financial interest**  
26 **in the healthcare profession.**

27           **(b) The consumer member shall be a full voting member of the board**  
28 **with all rights and privileges conferred on board members, except that the**  
29 **consumer member shall not participate in the grading of individual**

examinations.

\* \* \*

E. The presidents of the Pharmaceutical Research and Manufacturers of America and the Louisiana Association of Wholesale Drug Distributors shall submit the nominations, for members other than the consumer, within sixty days after receipt of notice of death, resignation, or removal of a member of the board and at least thirty days prior to the expiration of the term of a member of the board.

\* \* \*

§3554. Louisiana Board of Massage Therapy; creation, membership, qualifications, terms, vacancies, officers, meetings, reimbursement, liability

A.(1) The Louisiana Board of Massage Therapy is hereby created within the Louisiana Department of Health. It shall be composed of seven members appointed by the governor. Five of the members shall be licensed massage therapists appointed from a list of nominees submitted to the governor by professional massage therapy and bodywork associations. ~~From the list of association nominees, three of the persons appointed shall be licensed massage therapists. Two lay consumer members shall be appointed from the list of nominees, both of whom shall be consumers who have never been nor are currently a licensed massage therapist in the state.)~~ selected from the state at-large. Two additional licensed massage therapists shall be appointed to the board from a general list of names which are submitted for consideration by other interested sources or individuals.

\* \* \*

(3)(a) The consumer members shall be selected from the state at-large and appointed by the governor, subject to confirmation by the Senate. The consumer members of the board shall possess all of the following qualifications:

(i) Is a citizen of the United States and has been a resident of Louisiana for at least one year immediately prior to appointment.

(ii) Has attained the age of majority.

(iii) Shall not have ever been licensed by any of the licensing boards

1 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been  
2 licensed by a board identified in R.S. 36:259(A).

3 (iv) Has never been convicted of a felony.

4 (v) Shall not have nor shall ever have had a material financial interest  
5 in the healthcare profession.

6 (b) The consumer member shall be a full voting member of the board  
7 with all rights and privileges conferred on board members, except that the  
8 consumer member shall not participate in the grading of individual  
9 examinations.

10 B. All members of the board shall serve two-year terms. No member shall  
11 serve more than three consecutive terms. For the purposes of staggering the board  
12 member terms, the governor shall appoint to the board three massage therapists and  
13 one ~~lay~~ **consumer** member in odd-numbered years and two massage therapists and  
14 one ~~lay~~ **consumer** member in even-numbered years.

15 \* \* \*

16 §3703. Louisiana Behavior Analyst Board

17 \* \* \*

18 B.(1) The board shall consist of five behavior analysts who shall be appointed  
19 by the governor from a list of nominees submitted by the Louisiana Behavior  
20 Analysis Association, and who shall be confirmed by the Senate **and one consumer**  
21 **member selected from the state at-large and appointed by the governor, subject**  
22 **to confirmation by the Senate.**

23 \* \* \*

24 **(8)(a) The consumer member of the board shall possess all of the**  
25 **following qualifications:**

26 **(i) Is a citizen of the United States and has been a resident of Louisiana**  
27 **for at least one year immediately prior to appointment.**

28 **(ii) Has attained the age of majority.**

29 **(iii) Shall not have ever been licensed by any of the licensing boards**

1 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been  
2 licensed by a board identified in R.S. 36:259(A).

3 (iv) Has never been convicted of a felony.

4 (v) Shall not have nor shall ever have had a material financial interest  
5 in the healthcare profession.

6 (b) The consumer member shall be a full voting member of the board  
7 with all rights and privileges conferred on board members, except that the  
8 consumer member shall not participate in the grading of individual  
9 examinations.

10 \* \* \*

11 Section 3. R.S. 49:992(D)(5) and (G) are hereby amended and reenacted to read as  
12 follows:

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

14 \* \* \*

15 D.(1)

\* \* \*

16 \* \* \*

17 (5) State professional and occupational licensing boards shall be exempt from  
18 the provisions of this Chapter. However, this Chapter shall apply to the  
19 professional and occupational licensing boards within the Louisiana  
20 Department of Health as enumerated in R.S. 36:259(A).

21 \* \* \*

22 G. Any board or commission authorized by law to conduct hearings may  
23 continue to hold such hearings. However, this Subsection shall not apply to the  
24 professional and occupational licensing boards within the Louisiana  
25 Department of Health as enumerated in R.S. 36:259(A).

26 \* \* \*

27 Section 4. R.S. 37:1263(F) and R.S. 40:5.11(C), (D), (E) and (F) are hereby  
28 repealed.

29 Section 5. Sections 1, 4, 5, and 6 of this Act shall become effective upon signature

1 by the governor or, if not signed by the governor, upon expiration of the time for bills to  
 2 become law without signature by the governor, as provided by Article III, Section 18 of the  
 3 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the  
 4 legislature, this Act shall become effective on the day following such approval.

5 Section 6. Section 2 and Section 3 of this Act shall become effective on January 1,  
 6 2018.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Christine Arbo Peck.

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## DIGEST

SB 75 Reengrossed

2017 Regular Session

Mills

Proposed law updates the transfer of agencies to the Louisiana Department of Health provisions to remove repealed and obsolete cites and references, and categorizes those entities statutorily created within the department.

Present law lists all board members and their qualifications to serve on the board. Proposed law adds at least one consumer member to any board that did not previously have one and provides standardized eligibility criteria of consumers to serve on any board.

Proposed law provides that nothing in proposed law shall be construed to change the scope of practice of the individuals licensed by each of the boards. Proposed law also provides that the boards' ability to develop and administer exams, develop applications, process applications, and issue licenses, conduct investigations, subpoena information, make determinations on complaints, and issue notices regarding disciplinary actions, promulgate rules, negotiate a settlement or consent decree with a licensee, and conduct hearings in matters that are not disciplinary or adverse do not change with proposed law.

Present law provides that agencies statutorily created within the department retain all powers and duties for investigation, policymaking, rulemaking, certification, licensing, regulation, enforcement, and adjudication. Proposed law transfers all adjudicatory powers to the division of administrative law.

Present law provides that all of the agencies within the department terminate if the agency terminates. Proposed law establishes that the boards shall terminate concurrently with, but independent of the department, such that they must be specifically re-created in addition to the re-creation of the department.

Present law requires the undersecretary of the department to conduct a budget review of the boards. Proposed law provides specific deliverables of the undersecretary regarding budget review.

Proposed law establishes a mechanism for the public to submit complaints about board action or inaction to the department.

Proposed law provides that only final adjudicatory proceedings shall be transferred to the division of administrative law, that administrative hearings shall be held in the administrative law location closest in proximity to the licensee, and that venue for appeal of the administrative law judge's ruling shall be the district court for the parish in which the licensee is domiciled.



Proposed law provides that no contract for legal services with an attorney or law firm shall be approved if the contracted hourly rate is more than that of the board's in-house counsel or the hourly rate for a state civil service attorney with comparable years of experience.

Proposed law provides relative to the transfer of agencies to the Louisiana Department of Health, provisions specific to the health profession licensing boards, and the provision to repeal an inactive council are effective upon signature of the governor or upon lapse of time for gubernatorial action. Proposed law provisions relative to the transfer of adjudicatory proceeding to the division of administrative law and the appointment of the consumer member to each board that do not already have one are effective January 1, 2018.

(Amends R.S. 36:259, 801.1(A), 802 (intro para), and 803, R.S. 37:753(B), (C)(4) and (J), 832(B)(2), 916(B), 962, 1042, 1104(A), (B)(1), and (C), 1174(B), 1263(B), (D) and (E), 1515(A)(2) and (3), (C), (D), and (E), 2102(A), 2353(A)(1), (2) and (3), 2403(B)(intro para), 2455(B)(1) and (5), 2503(A)(3)(c), 2654(A), (B), (C) and (D), 2704(A)(intro para), (A)(5), (B) and (C), 2802(A)(1), (C), (D), (E), (F) and (G), 3061(A)(1)(a), 3084(B)(1) (intro para) and (C), 3201(B)(1)(intro para) and (B)(1)(c) and (C), 3389(B)(intro para), 3444(A), (B) and (C), 3463(A), (B) and (E), 3554(A)(1) and (B), 3703(B)(1), and R.S. 49:992(D)(5) and (G); adds R.S. 36:260, R.S. 37:753(C)(5), 1515(F), 2102(C), 2403(B)(6), 2802(H), 3061(A)(1)(d), 3084(B)(1)(e), 3201(B)(1)(e) and (F), 3389(B)(6), 3554(A)(3), and 3703(B)(8); repeals R.S. 37:1263(F) and R.S. 40:5.11(C), (D), (E) and (F))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Updates the name of the Louisiana Board of Wholesale Drug Distributors to the Louisiana Board of Drug and Device Distributors.
2. Clarifies that the purpose of the bill is to fulfill the mission of the health profession licensing boards.
3. Deletes provisions that required a licensee to get advance notice of an investigation.
4. Clarifies that if the board does not proceed with disciplinary or adverse action after an investigation, the records or materials collected pursuant to the investigation shall be destroyed.
5. Creates an exemption from the one year time line for investigation and conclusion on disciplinary or adverse action determination if there is federal agency involvement and the federal agency requests that the board not take action on the licensee pending their investigation.
6. Establishes time lines that provide the licensee with 30 days from the date he receives notice of the board's intent to take adverse or disciplinary action, to request an informal reconsideration with the board, or request a fair hearing with the division of administrative law.
7. Establishes that proposed law does not change the scope of practice of the individuals licensed by each of the boards and does not impact the board's ability to conduct exams, conduct investigations, promulgate rules, negotiate settlements or enter into consent decrees with a licensee, or conduct hearings in matters that are not disciplinary or adverse.
8. Provides clarification that the consumer member of the board shall not have

a material financial interest in the health care profession.

Senate Floor Amendments to engrossed bill

1. Clarifies that the division of administrative law will only preside over hearings in which final action of the licensee is being pursued by the board, that the hearing will be held in a location in closest proximity to the licensee, and the licensee can appeal the decision of the administrative law judge to the district court in the parish of his domicile.
2. Removes all provisions in proposed law regarding investigations and reverts to the current practices of the boards regarding investigations.
3. Clarifies that a consent decree entered into between the board and the licensee does not need to be approved by the administrative law judge.
4. Clarifies that the approval of attorney contracts is not the responsibility of the Louisiana Department of Health, but rather a condition of contract approval in accordance with state procurement protocol.
5. Provides clarification that the consumer member of the Louisiana Behavior Analyst Board shall not have a material financial interest in the healthcare profession.