



- (2) "Executive director" means the chief executive staff member of a board.
- (3) "Licensee" means a person holding a license, permit, or certificate issued by a board.

Provides for notice of complaints within 10 days of receipt by the board, including the name of the person making the complaint and identification of the board staff member making the complaint if it originated with the board staff member. Proposed law requires the notice to the licensee to include a detailed description of the complaint.

Proposed law provides an opportunity for the executive director to remove any investigator alleged to be biased, hostile, or unfair to the licensee from an investigation upon request of the licensee.

Proposed law prohibits the board investigator from having communications with the board or executive director unless the licensee subject to the complaint is present.

Proposed law requires the board investigator to make a written recommendation to the executive director regarding the outcome of the investigation. Requires the recommendation to be presented only to the executive director and not to any member of the board.

Proposed law provides that a case against a licensee shall be dismissed if the investigator, witness, prosecutor, or executive director discusses the case with any board member regarding the facts of the case prior to or during a hearing.

Proposed law provides that all files of the board regarding the complaint and investigation shall be available to the licensee that is subject to the complaint through full discovery and that all relevant facts of the case shall be included in the record.

Proposed law prevents the use of anonymous hearsay testimony during a hearing and grants the licensee the right to confront witnesses.

Proposed law requires the board to give 10 days notice to any licensee before suspending or terminating his license. Allows the board to seek a temporary restraining order to terminate the licensee's license, permit, or certificate sooner than the 10 days if the board believes the 10 days will be a threat to the public.

Proposed law requires the board to conclude all investigations within 30 days or give notice to the licensee that the investigation is ongoing.

Proposed law requires that a board decision to revoke or suspend a license, permit, or certificate shall be supported by clear and convincing evidence presented at the hearing.

Proposed law grants a licensee the right to an attorney, right to a prompt hearing on the matter, and right to a de novo review in district court of any action taken by the board. If the district court reverses the decision of the board on the basis that the board denied the licensee due process provided by the federal or state constitution or proposed law, the board shall pay the licensee, legal

fees and other costs incurred by the licensee and no presumption in favor of the board shall be applicable.

Proposed law prohibits the board from having a rule, regulation, or any contract that requires the licensee to waive any legal or constitutional rights to have access to the courts, due process, discovery, evidence, or any other right established pursuant to proposed law.

Proposed law allows a licensee to have his case transferred to the division of administrative law or an independent administrative law judge.

Proposed law is applicable to any investigation that has commenced after June 30, 2019.

Present law requires that each board or commission authorized to issue a license, permit, or certificate under Title 37 of the LRS submit quarterly reports to the appropriate legislative oversight committees and to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs containing the number of complaints received regarding board actions or procedures and a summary of each such complaint and the disposition of each complaint.

Provides that if any of the information required to be submitted contains confidential, personally identifiable, or otherwise sensitive information, the board or commission shall clearly mark such information as confidential, personally identifiable, or sensitive information and the legislative committees, members, and employees having access to the identified information shall not publicly disclose the information and shall protect the information from unauthorized use and disclosure.

Proposed law retains present law.

Present law requires that each board or commission authorized to issue a license, permit, or certificate under Title 37 of the LRS give notice to each applicant and licensee in or with each correspondence from the board or commission that the applicant or licensee may submit complaints about actions or procedures of the board or commission to the board or commission or directly to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

Present law requires that each board or commission authorized to issue a license, permit, or certificate under this Title shall post a notice of the ability to submit complaints about the actions or procedures of the board or commission to the board or commission or to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs in a conspicuous place on the website of the board or commission.

Requires that the notice contain at a minimum the mailing address, email address, and telephone number of the board or commission and the mailing address, email address, and telephone number of each listed legislative committee.

Proposed law removes reference to and involvement of the legislative committees and adds the executive head and chief administrative officer of the department in which the board or commission

is placed. Otherwise retains present law.

Present law provides that pursuant to R.S. 37:21.1, a matter referred to the DAL for an adjudication hearing shall be conducted under the APA. Present law is to terminate on August 1, 2021; however, any matter which has been moved to the DAL prior to August 1, 2021, shall remain in the DAL until the adjudication is final. Proposed law removes the termination of present law; otherwise retains present law.

Proposed law, relative to the statutory re-creation of a board or commission authorized to issue a license, permit, or certificate under Title 37 of the Louisiana Revised Statutes of 1950, requires that after receipt of the notice of termination and evaluation from the appropriate standing committees as provided in present law (R.S. 49:193(B)), the board or commission provide the committees with the following information by November 15th:

- (1) All powers, functions, and duties currently performed by the board or commission under evaluation.
- (2) All constitutional, statutory, or other authority under which said powers, functions, and duties of the board or commission under evaluation are performed and carried out.
- (3) Any powers, functions, or duties which, in the opinion of the board or commission under evaluation, are being performed and duplicated by another statutory entity or political subdivision within the state including the manner in which, and the extent to which, this duplication of efforts is occurring and any recommendations as to eliminating the duplication.
- (4) Any powers, functions, or duties which, in the opinion of the board or commission under evaluation, are inconsistent with current and projected public needs and which should be terminated or altered.
- (5) The identity of any problems or any programs of the board or commission to which, in the opinion of the board or commission, the committees should give particular study.
- (6) All strategic plans, master plans, operating plans, and other planning documents including performance measures.
- (7) All performance audits or studies performed by the legislative auditor within the last five years and a description of board or commission actions in response to the findings of such audits or studies.
- (8) The identity, amount, and description of each professional, personal, or consulting service contract entered into by the board or commission under evaluation.
- (9) Any other information which a standing committee in its discretion feels is necessary and proper in performing its review and evaluation duties.

Proposed law provides that Section 3 of Act 655 of the 2018 RS provides that Act 655 shall not apply to the La. State Bar Association, its members, or any matter initiated by the La. Attorney Disciplinary Board. Provides that this Act shall not be deemed to amend, repeal, or otherwise affect Section 3 of Act 655.

Proposed law applies to an investigation that is commenced on and after July 1, 2019.

Effective June 30, 2019.

(Amends R.S. 37:21.1 and 23.2(B) and R.S. 49:992.2; adds R.S. 37:21.2 and R.S. 49:193(C))