
SENATE FLOOR AMENDMENTS

2025 Regular Session

Amendments proposed by Senator Boudreaux to Engrossed House Bill No. 682 by Representative Ventrella

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 44:4.1(B)(35)" to "R.S. 44:4.1(B)(24) and (35)" and after "to enact" insert "R.S. 37:1249.1 and"

AMENDMENT NO. 2

On page 1, line 3, after "Act;" insert "to provide for rescission of board action and expungement of board records by the Louisiana Board of Pharmacy;"

AMENDMENT NO. 3

On page 1, line 6, after "records;" insert "to provide for void reports issued to third-party data banks;"

AMENDMENT NO. 4

On page 1, between lines 8 and 9, insert the following:

"Section 1. R.S. 37:1249.1 is hereby enacted to read as follows:

§1249.1. Board action and expungement of adjudication records; procedure; confidentiality

A.(1) Notwithstanding any provision of law to the contrary, a pharmacist or person permitted to operate a pharmacy may request board action rescission and expungement of adjudication proceeding records relative to a board stipulation, agreed settlement, consent order, or default if the attorney general issues a written opinion that the interpretation of law relied upon by the board and which resulted in the stipulation, agreed settlement, consent order, or default was erroneous.

(2) Notwithstanding any provision of law to the contrary, a person permitted by the board to operate a pharmacy may request board action rescission and expungement of adjudication proceeding records relative to a stipulation, agreed settlement, or consent order if all of the following apply:

(a) The person permitted to operate a pharmacy employed a pharmacist licensed by the board and the pharmacist committed a regulatory violation or criminal act while in the course and scope of his employment without the knowledge or consent of the person who holds the pharmacy permit.

(b) Upon learning of the regulatory violation or criminal act of the pharmacist, the person who holds the pharmacy permit terminated the pharmacist and reported the regulatory violation or criminal act to the board or any other appropriate state or federal regulatory or law enforcement agency.

(c) No other state or federal agency with regulatory or law enforcement jurisdiction took adverse action against the person who holds the pharmacy permit.

(d) The person permitted to operate a pharmacy entered into a stipulation, agreed settlement, or consent order with the board as a result of the pharmacists' regulatory violation or criminal act and the stipulation, agreed settlement, or consent order was reported to a third-party databank.

(3) Notwithstanding any provision of law to the contrary, a pharmacist or person permitted to operate a pharmacy may request expungement of adjudication proceeding records relative to board adjudication proceedings filed against the pharmacist or person permitted to operate a pharmacy in which it is alleged that the pharmacist or person permitted to operate a pharmacy violated one or more provisions of law if at the conclusion of the adjudication proceedings there is no finding that the pharmacist or person permitted to operate a pharmacy violated the law.

B.(1) A pharmacist or person permitted to operate a pharmacy who seeks board action rescission and expungement pursuant to this Section shall file with the board a written request for board action rescission and expungement setting forth the facts that demonstrate that the applicable requirements of Subsection A of this Section are satisfied.

(2)(a) The board shall consider the request and if the facts stated in the request demonstrate that the applicable requirements of Subsection A of this Section are satisfied, the board shall enter into an order rescinding the applicable board action and expunging the adjudication proceeding records relative to the board stipulation, agreed settlement, consent order, default, or proceedings. The board may enter into a non-disciplinary stipulated order with the pharmacist or person permitted to operate a pharmacy agreeing to rescind board action and expunge the related board records, which shall state the provisions of Subsection A of this Section that authorize the board action rescission and expungement.

(b) If the order of expungement involves records of the division of administrative law, the board shall ensure that the order of expungement is served on the director of the division of administrative law as soon as practicable after issuance.

C.(1) Upon rescission of board action and expungement of related records, the board shall remove from public access all stipulations, agreed settlements, consent orders, or adjudication proceeding records that are ordered to be expunged; however, the records shall not be destroyed.

(2)(a) Expunged stipulations, agreed settlements, consent orders, and adjudication proceeding records shall be privileged, confidential, are no longer considered public records, and shall not be made available to any person or entity other than the board.

(b) All records concerning a request to rescind board action and expunge board records shall be confidential and shall not be made available to any person or other entity, except that such record shall be available to the board.

D. The board shall submit a void report to any third-party data bank to which the board action had been reported to stating that the action of the board has been fully and unequivocally rescinded and that no record of violation exists for the pharmacist or person permitted to operate a pharmacy as it relates to the board stipulation, agreed settlement, or consent order for the specific matter that was the subject of the rescission."

AMENDMENT NO. 5

On page 1, line 9, change "Section 1." to "Section 2."

AMENDMENT NO. 6

On page 2, line 21, change "Section 2. R.S. 44:4.1(B)(35) is" to "Section 3. R.S. 44:4.1(B)(24) and (35) are"

AMENDMENT NO. 7

On page 2, after line 29, insert the following:

"(24) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 920.1, 969.1, 1123(E), 1249.1,1277, 1278, 1285, 1326, 1338.1, 1360.53.1, 1360.104.1, 1518, 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 2863.1, 3276.2, 3481, 3507.1
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