

RÉSUMÉ DIGEST

ACT 229 (HB 682)

2025 Regular Session

Ventrella

Existing law (Administrative Procedure Act) provides for executive branch agencies to conduct adjudications for the formulation of a decision or order. Provides that adjudication proceedings are instituted by the agency and that informal disposition of such proceedings may be made by stipulation, agreed settlement, consent order, or default. Provides that adjudications may be conducted by the division of administrative law.

Existing law (Title 37 of the La. Revised Statutes of 1950) provides for regulation of various professions and occupations, including the La. Board of Pharmacy.

New law authorizes a person who holds or has held an occupational license issued by a professional occupational licensing board created under existing law to request board action rescission and expungement of adjudication proceeding records relative to a board action resulting in an adverse report to the National Practitioner Data Bank if the attorney general issues a written opinion that the interpretation of law relied upon by the board and which resulted in the adverse action was erroneous.

New law authorizes a pharmacist or person permitted to operate a pharmacy to request La. Board of Pharmacy 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 action or stipulation, agreed settlement, consent order, or default was erroneous.

New law authorizes a person permitted by the La. Board of Pharmacy to operate a pharmacy to request board action rescission and expungement of adjudication proceeding records relative to a stipulation, agreed settlement, or consent order under certain specified circumstances where 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.

New law authorizes a person who holds or has held an occupational license issued by a professional occupational licensing board, a pharmacist, or person permitted to operate a pharmacy to request board action rescission or expungement of adjudication proceeding records relative to board adjudication proceedings against the person in which it is alleged that the person violated the law if at the conclusion of adjudication proceedings there is no finding that the person violated the law.

New law provides that a person who seeks board action rescission or expungement shall file with the respective board a written request for board action rescission and expungement setting forth the facts that demonstrate that the grounds for such action are satisfied.

New law provides that if the facts stated in the request demonstrate that the grounds for board action rescission or expungement are satisfied, the board shall order rescission of the board action and expungement of the adjudication proceeding records relative to the adverse action.

New law provides that the board may enter into a non-disciplinary stipulated order with the person agreeing to rescind board action and expunge the related board records, which shall state the provisions that authorize the board action rescission and expungement.

New law provides that 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.

New law requires the board to remove from public access all stipulations, agreed settlements, consent orders, board orders, and adjudication proceeding records that are ordered to be expunged; however, the records shall not be destroyed.

New law provides that an expunged adjudication proceeding record shall be privileged, confidential, no longer be considered a public record, and not be made available to any person or entity other than the board.

New law provides that all records concerning a request to rescind a board action and for expungement 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.

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

Effective August 1, 2025.

(Amends R.S. 44:4.1(B)(24) and (35); Adds R.S. 37:1249.1 and R.S. 49:980.1)