
DIGEST

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Dixon

HB No. 245

Abstract: Authorizes the collection of legal interest on unpaid fines and costs levied by the La. State Board of Dentistry.

Present law creates the La. State Board of Dentistry and provides for the composition of the board, its powers and duties, and required meetings.

Proposed law retains present law.

Present law requires the secretary-treasurer of the board to be the legal custodian of all property, money, minutes, records, proceedings, and seal of the board.

Proposed law repeals present law.

Present law authorizes the board to investigate and hold an administrative hearing when a violation of present law has been committed by a licensee of the board or unlicensed person practicing dentistry in this state. Present law further authorizes the board to impose a fine not less than \$500 nor more than \$5,000 for each offense committed by the licensee or unlicensed person practicing dentistry in this state.

Proposed law retains present law and adds the requirement that, if the fine is not paid in full by the licensee or unlicensed person within 30 days of service of the administrative decision, the board shall be entitled to legal interest on the unpaid portion from the date of imposition of the penalty until paid.

Present law requires the licensee or unlicensed person, after a hearing wherein a charge is proven by clear and convincing evidence, to pay, not later than the 30th day after the decision is made by the committee, all costs from the start of the investigation through an administrative hearing, judicial review, and any appeals, including but not limited to stenographer fees, attorney fees, investigative fees and expenses, witness fees and expenses, and the per diem and expenses of the committee members, as detailed in a recapitulation of the costs provided by the board to the licensee or unlicensed person.

Proposed law retains present law.

Proposed law requires the licensee or unlicensed person to pay legal interest on the costs imposed pursuant to proposed law.

Proposed law provides that the legal interest shall begin 30 days after the written recapitulation, with supporting documentation of those costs, is served on the unlicensed person or licensee and shall continue to accrue until the costs are paid in full.

Present law authorizes the board, if for any reason the money portion of the hearing committee's decision is not paid by the licensee or unlicensed person, to recover any and all reasonable attorney fees in association with the collection of them.

Proposed law retains present law.

Present law requires the disciplinary committee to release to the public the result of any decision rendered by it after it has become final.

Proposed law retains present law.

Present law authorizes the party aggrieved by a board decision in an administrative adjudication, whether through a disciplinary committee or the entire board, to seek judicial review in the civil district court for the parish of Orleans.

Proposed law retains present law.

Present law requires the party seeking judicial review to furnish security from which any judgment by the district court against the party seeking judicial review will be paid.

Proposed law retains present law.

Present law requires any security furnished to be in favor of the board and to be furnished as security for the judicial review of the complaining party in civil district court.

Proposed law retains present law but changes the party of whom the security furnished shall be in the favor from the board to the clerk of court for the judicial district in which the proceeding was brought by the board.

Present law requires board authorization to be obtained when nitrous oxide inhalation analgesia, enteral moderate sedation, parenteral moderate sedation, deep sedation, or general anesthesia are used in a dental practice to ensure that these procedures are performed in a properly staffed, designed, and equipped facility capable of handling the procedures, problems, and emergencies incident thereto for the level of anesthesia administered.

Proposed law retains present law but makes a technical correction.

(Amends R.S. 37:754(B), 780(B)(2)-(4), 786(D)(2), and 793(C)(1); Adds R.S. 37:780(B)(5))