

2017 Regular Session

SENATE BILL NO. 205

BY SENATOR MORRELL

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

COMMERCIAL REGULATIONS. Provides relative to boards and commissions and disciplinary adjudications. (gov sig)

1 AN ACT

2 To enact R.S. 37:21.1 and R.S. 49:992.2, and to repeal R.S. 49:992(D)(5), relative to boards

3 and commissions; to provide for powers, duties, and procedures; to provide relative

4 to disciplinary proceedings; to provide for conducting of disciplinary adjudications

5 by administrative law judges; to provide terms, conditions, procedures, and

6 requirements; to provide for award of attorney fees, court costs, and damages; to

7 provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:21.1 is hereby enacted to read as follows:

10 **§21.1. Disciplinary procedure**

11 **A. Beginning January 1, 2018, and thereafter, if a board or commission**

12 **determines after investigation that disciplinary action is appropriate against a**

13 **person or entity subject to its regulation, such board or commission shall refer**

14 **the matter to the division of administrative law for a disciplinary adjudication**

15 **by an administrative law judge in accordance with the Administrative**

16 **Procedure Act, R.S. 49:950 et seq.**

17 **B. The division of administrative law may promulgate rules in**

1 accordance with the Administrative Procedure Act to implement the provisions
 2 of this Section, including uniform procedures and requirements for disciplinary
 3 adjudications conducted pursuant to this Section.

4 C. A regulated person or entity who prevails in a final and definitive
 5 disciplinary adjudication conducted pursuant to this Section shall be entitled to
 6 attorney fees, costs, and damages to be paid by the board or commission.

7 D. For the purposes of this Section, regulated person or entity shall
 8 include a licensee, permit holder, or holder of a certificate issued by a board or
 9 commission, and any other person or entity subject by law to the disciplinary
 10 authority of the board or commission.

11 Section 2. R.S. 49:992.2 is hereby enacted to read as follows:

12 §992.2. Applicability; professional licensing boards and commissions

13 Disciplinary adjudications pursuant to R.S. 37:21.1 shall be conducted
 14 under the provisions of this Chapter and the Administrative Procedure Act.

15 Section 3. R.S. 49:992(D)(5) is hereby repealed.

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

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 205 Original 2017 Regular Session Morrell

Present law provides for powers and duties of licensing boards and commissions.

Present law provides for the disciplinary proceedings conducted by boards and commissions.

Proposed law provides that beginning January 1, 2018, and thereafter, if a board or
 commission determines after investigation that a disciplinary action is appropriate against
 a person or entity subject to its regulation, such board or commission shall refer the matter
 to the division of administrative law for a disciplinary adjudication by an administrative law
 judge in accordance with the Administrative Procedure Act.

Proposed law provides that the division of administrative law may promulgate rules in

accordance with the Administrative Procedure Act to implement the provisions of proposed law, including uniform procedures and requirements for disciplinary adjudications conducted pursuant to proposed law.

Proposed law provides that a regulated person or entity who prevails in a final and definitive disciplinary adjudication conducted pursuant to proposed law shall be entitled to attorney fees, costs, and damages to be paid by the board or commission.

Proposed law provides that a regulated person or entity shall include a licensee, permit holder, or holder of a certificate issued by the board or commission, and any other person or entity subject by law to the disciplinary authority of a board or commission.

Proposed law provides that disciplinary adjudications conducted pursuant to proposed law shall be resolved as required by the provisions of present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 37:21.1 and R.S. 49:992.2; repeals R.S. 49:992(D)(5))