

2017 Regular Session

SENATE BILL NO. 75

BY SENATOR MILLS

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

HEALTH/HOSPITALS DEPT. Provides relative to the health professional licensing boards created within the Louisiana Department of Health. (See Act)

AN ACT

To amend and reenact R.S. 36:259, 801.1(A), the introductory paragraph of 802, and 803, R.S. 37:753(B), (C)(4) and (J), 832(B)(2), 916(B), 962, 1042, 1104(A), (B)(1), and (C), 1174(B), 1263(B), (D) and (E), 1515(A)(2) and (3), (C), (D), (E) and (F), 2102(A), 2353(A)(1), (2) and (3), the introductory paragraph of 2403(B), 2455(B)(1) and (5), 2503(A)(3)(c), 2654(A), (B), (C) and (D), the introductory paragraph of 2704(A), (A)(5), (B) and (C), 2802(A)(1), (C), (D), (E), (F) and (G), 3061(A)(1)(a), the introductory paragraph of 3084(B)(1) and (C), the introductory paragraph of 3201(B)(1) and (B)(1)(c) and (C), the introductory paragraph of 3389(B), 3444(A), (B) and (C), 3463(A), (B) and (E), 3554(A)(1) and (B), 3703(B)(1), and R.S. 49:992(D)(5) and (G), to enact R.S. 36:260, R.S. 37:753(C)(5), 2102(C), 2403(B)(6), 2802(H), 3061(A)(1)(d), 3084(B)(1)(e), 3201(B)(1)(e) and (F), 3389(B)(6), 3554(A)(3), and 3703(B)(8), and to repeal R.S. 37:1263(F) and R.S. 40:5.11(C), (D), (E) and (F), relative to the health profession licensing boards created within the Louisiana Department of Health; to provide for responsibilities of the Louisiana Department of Health; to provide for responsibilities of the health profession licensing boards created within the Louisiana Department of Health; to provide for

1 board membership; to provide for effective dates; and to provide for related matters.

2 Be it enacted by the Legislature of Louisiana:

3 Section 1. R.S. 36:259, 801.1(A), the introductory paragraph of 802, and 803 are
4 hereby amended and reenacted and R.S. 36:260 is hereby enacted to read as follows:

5 §259. Transfer of agencies and functions to Louisiana Department of Health

6 ~~A. Repealed by Acts 2012, No. 811, §17, eff. August 1, 2012.~~

7 ~~B. Repealed by Acts 2016, No. 577, §3, eff. August 1, 2016.~~

8 ~~C. The following agencies, as defined by R.S. 36:3, are transferred to and~~
9 ~~hereafter shall be within the Louisiana Department of Health, as provided in Part II~~
10 ~~of Chapter 22 of this Title:~~

11 ~~(1) Greenwell Springs Hospital (Greenwell Springs)~~

12 ~~(2)-(7) Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

13 ~~(8) Repealed by Acts 1989, No. 344, §4, eff. June 28, 1989.~~

14 ~~(9) Southeast Louisiana State Hospital (Mandeville)~~

15 ~~(10) East Louisiana State Hospital (Jackson)~~

16 ~~(11) Jonesboro Charity Hospital (Jonesboro)~~

17 ~~(12) Central Louisiana State Hospital (Pineville)~~

18 ~~(13) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(3); R.S.~~
19 ~~28:451.4)~~

20 ~~(14) North Lake Supports and Services Center (R.S. 28:22.8(A)(9); R.S.~~
21 ~~28:451.4)~~

22 ~~(15) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~

23 ~~(16) The mental health facilities located in New Orleans, Baton Rouge,~~
24 ~~Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond,~~
25 ~~Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa, Pineville,~~
26 ~~Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine, Raceland,~~
27 ~~Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah, Columbia, Oakdale,~~
28 ~~and any other state owned or operated facilities as may be hereinafter established~~
29 ~~(R.S. 28:22.4-22.5)~~

- 1 ~~(17) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~
- 2 ~~(18) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~
- 3 ~~(19) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~
- 4 ~~(20) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~
- 5 ~~(21) Northwest Supports and Services Center (R.S. 28:22.8(A)(6); R.S.~~
6 ~~28:451.4)~~
- 7 ~~(22) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~
- 8 ~~(23) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S.~~
9 ~~40:2142).~~
- 10 ~~(24) Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.~~
- 11 ~~(25) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~
- 12 ~~(26) Repealed by Acts 2012, No. 232, §3, eff. May 22, 2012.~~
- 13 ~~D. The following agencies, as defined in R.S. 36:3, are placed within the~~
14 ~~Louisiana Department of Health and shall perform and exercise their powers, duties,~~
15 ~~functions, and responsibilities as otherwise provided by law:~~
- 16 ~~(1) Louisiana state office of rural health (R.S. 40:2195.1)~~
- 17 ~~(2) Repealed by Acts 2013, No. 184, §7(B), eff. August 1, 2013.~~
- 18 ~~(3) Louisiana State Child Death Review Panel (R.S. 40:2019)~~
- 19 ~~(4) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)~~
20 ~~(Established by the Louisiana Licensed Professional Counselors Board of~~
21 ~~Examiners).~~
- 22 ~~(5) Nursing Home Emergency Preparedness Review Committee (R.S.~~
23 ~~40:2009.25)~~
- 24 ~~(6) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)~~
- 25 ~~(7) Louisiana Birth Defects Surveillance System Advisory Board (R.S.~~
26 ~~40:31.41 et seq.)~~
- 27 ~~(8) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et seq.)~~
- 28 ~~(9) Health Data Panel (R.S. 40:1173.1 et seq.)~~
- 29 ~~(10) The Louisiana Standards for Water Works Construction, Operation, and~~

1 ~~Maintenance Committee (R.S. 40:4.13).~~

2 E. ~~The following agencies, as defined in R.S. 36:3, are transferred to and~~
3 ~~hereafter shall be within the Louisiana Department of Health, as provided in R.S.~~
4 ~~36:803:~~

- 5 ~~(1) Louisiana State Board of Nursing (R.S. 37:911 et seq.)~~
6 ~~(2) Louisiana State Board of Dentistry (R.S. 37:751 et seq.)~~
7 ~~(3) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et seq.)~~
8 ~~(4) Louisiana State Board of Optometry Examiners (R.S. 37:1041 et seq.)~~
9 ~~(5) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101 et seq.)~~
10 ~~(6) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et seq.)~~
11 ~~(7) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.)~~
12 ~~(8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S. 37:611~~
13 ~~et seq.; R.S. 37:1261 et seq.)~~
14 ~~(9) Louisiana State Board of Embalmers and Funeral Directors (R.S. 37:831~~
15 ~~et seq.)~~
16 ~~(10) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.)~~
17 ~~(11) Louisiana Board of Examiners for Speech-Language Pathology and~~
18 ~~Audiology (R.S. 37:2650 et seq.)~~
19 ~~(12) Louisiana Board of Veterinary Medicine (R.S. 37:1511 et seq.)~~
20 ~~(13) Board of Examiners for Nursing Facility Administrators (R.S. 37:2501~~
21 ~~et seq.)~~
22 ~~(14) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et seq.)~~
23 ~~(16) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.)~~
24 ~~(17) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.)~~
25 ~~(20) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.)~~
26 ~~(21) The Louisiana Licensed Professional Vocational Rehabilitation~~
27 ~~Counselors Board of Examiners (R.S. 37:3441 et seq.)~~
28 ~~(22) Repealed by Acts 2012, No. 811, §1, eff. July 1, 2012.~~
29 ~~(23) The Addictive Disorder Regulatory Authority (R.S. 37:3389).~~

1 ~~(24) Repealed by Acts 2008, No. 534, §4, eff. June 30, 2008.~~

2 ~~(25) Louisiana Behavior Analyst Board (R.S. 37:3701 et seq.)~~

3 ~~F. The following agencies, as defined in R.S. 36:3, previously abolished by~~
 4 ~~the Executive Reorganization Act, and their powers, duties, functions, and~~
 5 ~~responsibilities are transferred to the secretary of the Louisiana Department of Health~~
 6 ~~and shall be exercised and performed as provided in Part IV of Chapter 22 of this~~
 7 ~~Title:~~

8 ~~(1) Louisiana Health and Human Resources Administration (R.S. 46:1751-~~
 9 ~~46:1767, and generally Chapters 1 and 11 of Title 40 and all of Title 46 of the~~
 10 ~~Louisiana Revised Statutes of 1950, except R.S. 46:1601-46:1608) to the extent that~~
 11 ~~the cited provisions provide with respect to agencies or functions placed in or~~
 12 ~~transferred to the Louisiana Department of Health.~~

13 ~~(2), (3) Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

14 ~~(4) Repealed by Acts 1989, No. 662, §8, eff. July 7, 1989.~~

15 ~~(5) Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

16 ~~(6) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

17 ~~(7) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

18 ~~(8) Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.~~

19 ~~(9) Louisiana State Board of Health and the Louisiana Department of Health~~
 20 ~~and all its subsidiary boards (Such provisions of Title 40 of the Louisiana Revised~~
 21 ~~Statutes of 1950 as are applicable to the abolished board and department)~~

22 ~~(10) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et seq.)~~

23 ~~(11) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

24 ~~(12) Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

25 ~~(13) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

26 ~~(14) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

27 ~~(15) Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.~~

28 ~~(16) Anatomical Board (R.S. 17:2271 et seq.)~~

29 ~~(17) Repealed by Acts 2010, No. 861, §22, eff. August 15, 2010.~~

1 ~~(18) Board of Commissioners of the South Louisiana Health Services District~~
 2 ~~(R.S. 28:241 et seq.)~~

3 ~~(19) Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.~~

4 ~~(20) Nursing Home Advisory Committee (R.S. 40:2009.1)~~

5 ~~(21) Hospital Licensing Council (R.S. 40:2108)~~

6 ~~G. The State Board of Electrolysis Examiners (R.S. 37:3051 et seq.) is placed~~
 7 ~~within the Louisiana Department of Health and shall exercise and perform its~~
 8 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~
 9 ~~transferred in accordance with the provisions of R.S. 36:803.~~

10 ~~H. The Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et~~
 11 ~~seq.) is placed within the Louisiana Department of Health and shall exercise and~~
 12 ~~perform its powers, duties, functions, and responsibilities in the manner provided for~~
 13 ~~agencies transferred in accordance with the provisions of R.S. 36:802.~~

14 ~~I. The following agencies, as defined in R.S. 36:3, are placed within the~~
 15 ~~Louisiana Department of Health and shall exercise and perform their powers, duties,~~
 16 ~~functions, and responsibilities in the manner provided for agencies transferred in~~
 17 ~~accordance with the provisions of R.S. 36:802.~~

18 ~~(1) Repealed by Acts 2001, No. 197, §2.~~

19 ~~(2) Acts 2009, No. 438, §8(B), eff. August 15, 2009.~~

20 ~~(3) Commission on Perinatal Care and Prevention of Infant Mortality (R.S.~~
 21 ~~40:2018)~~

22 ~~(4) Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.~~

23 ~~(5) Water Supply and Sewerage Systems Certification Committee (R.S.~~
 24 ~~40:1141 et seq.)~~

25 ~~(6) Repealed by Acts 1995, No. 185, §3.~~

26 ~~(7) Repealed by Acts 1989, No. 662, §12, eff. Aug. 15, 1989.~~

27 ~~(8) Repealed by Acts 1989, No. 352, §3; Acts 1989, No. 662, §8, eff. July 7,~~
 28 ~~1989.~~

29 ~~J.(1) The Louisiana Emergency Response Network Board (R.S. 40:2841 et~~

1 ~~seq.) is placed within the Louisiana Department of Health and shall exercise and~~
2 ~~perform its powers, duties, functions, and responsibilities in the manner provided for~~
3 ~~agencies transferred in accordance with R.S. 36:801.1.~~

4 (2) ~~The Louisiana Emergency Response Network Board shall be a separate~~
5 ~~budget unit within the Louisiana Department of Health.~~

6 ~~K. The Medicaid Pharmaceutical and Therapeutics Committee (R.S.~~
7 ~~46:153.3) is placed within the Louisiana Department of Health and shall perform and~~
8 ~~exercise its powers, duties, functions, and responsibilities as provided by law.~~

9 ~~L.(1) The Louisiana Developmental Disabilities Council (R.S. 28:750 et seq.)~~
10 ~~is placed within the Louisiana Department of Health and shall exercise and perform~~
11 ~~its powers, duties, functions, and responsibilities in the manner provided for agencies~~
12 ~~transferred in accordance with the provisions of R.S. 36:801.1. The council shall~~
13 ~~have full appointing authority for all personnel purposes.~~

14 (2) ~~The regional and state advisory councils for the community and family~~
15 ~~support system (R.S. 28:824(J)) are placed within the Louisiana Department of~~
16 ~~Health and shall exercise and perform their powers, duties, functions, and~~
17 ~~responsibilities as provided by or pursuant to law.~~

18 ~~M. Repealed by Acts 2013, No. 184, §2(B), eff. August 1, 2013.~~

19 ~~N. The advisory council for the program of early identification of hearing~~
20 ~~impaired infants (R.S. 46:2261 et seq.) is placed within the Louisiana Department~~
21 ~~of Health and shall exercise and perform its powers, duties, functions, and~~
22 ~~responsibilities as provided by or pursuant to law.~~

23 ~~O. The Louisiana Commission on Addictive Disorders (R.S. 46:2500 et seq.)~~
24 ~~is placed within the Louisiana Department of Health and shall exercise and perform~~
25 ~~its powers, duties, functions, and responsibilities in the manner provided for agencies~~
26 ~~transferred in accordance with the provisions of R.S. 36:914.~~

27 ~~P. The Physician Assistants Advisory Committee (R.S. 37:1270.1) is placed~~
28 ~~within the Louisiana Department of Health and shall exercise and perform its~~
29 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~

1 ~~transferred in accordance with the provisions of R.S. 36:914.~~

2 ~~Q. The Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.~~
3 ~~37:3081 et seq.) is placed within the Louisiana Department of Health and shall~~
4 ~~exercise and perform its powers, duties, functions, and responsibilities in the manner~~
5 ~~provided for agencies transferred in accordance with R.S. 36:803.~~

6 ~~R. Repealed by Acts 2013, No. 184, §4(B), eff. August 1, 2013.~~

7 ~~S. The Louisiana Commission for the Deaf (R.S. 46:2351 et seq.) is hereby~~
8 ~~placed within the Louisiana Department of Health and shall perform and exercise its~~
9 ~~powers, duties, functions, and responsibilities as provided for agencies transferred~~
10 ~~as provided in R.S. 36:802.~~

11 ~~T. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board~~
12 ~~(R.S. 46:2631 et seq.) is hereby placed within the Louisiana Department of Health~~
13 ~~and shall exercise and perform its powers, duties, functions, and responsibilities in~~
14 ~~the manner provided for agencies transferred in accordance with the provisions of~~
15 ~~R.S. 36:901 et seq.~~

16 ~~U. The Louisiana Access to Better Care Medicaid Insurance Demonstration~~
17 ~~Project Oversight Board (R.S. 46:160.1 et seq.) is placed within the Louisiana~~
18 ~~Department of Health and shall exercise and perform its powers, duties, functions,~~
19 ~~and responsibilities in the manner provided for agencies transferred in accordance~~
20 ~~with the provisions of Part III of Chapter 22 of this Title.~~

21 ~~V. Repealed by Acts 2010, No. 743, §10(B), eff. July 1, 2010~~

22 ~~W. The Louisiana Board of Wholesale Drug Distributors (R.S. 37:3461 et~~
23 ~~seq. shall be placed within the Louisiana Department of Health and shall exercise~~
24 ~~and perform its powers, duties, functions, and responsibilities in the manner provided~~
25 ~~for agencies transferred in accordance with the provisions of R.S. 36:803.~~

26 ~~X. Repealed by Acts 2016, No. 614, §8B, eff. August 1, 2016.~~

27 ~~Y. Repealed by Acts 2015, No. 411, §4, eff. July 1, 2015.~~

28 ~~Z. Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

29 ~~AA. Repealed by Acts 2001, No. 1185, §8, eff. July 1, 2001.~~

1 ~~BB. The following agencies, as defined in R.S. 36:3, are placed within the~~
2 ~~Louisiana Department of Health and shall perform and exercise their powers, duties,~~
3 ~~functions, and responsibilities in the manner provided for agencies transferred in~~
4 ~~accordance with the provisions of R.S. 36:914:~~

5 ~~(1) Respiratory Care Advisory Committee (R.S. 37:3356 et seq.)~~

6 ~~(2) The Louisiana Advisory Committee on Populations and Geographic~~
7 ~~Regions With Excessive Cancer Rates (R.S. 40:1299.90.1):~~

8 ~~(3) The Fluoridation Advisory Board (R.S. 40:5.11(C)-(F)).~~

9 ~~CC. The Louisiana Board of Massage Therapy (R.S. 37:3551 et seq.) is~~
10 ~~placed within the Louisiana Department of Health and shall exercise and perform its~~
11 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~
12 ~~transferred in accordance with R.S. 36:803.~~

13 ~~DD. The Clinical Laboratory Personnel Committee (R.S. 37:1311 et seq.) is~~
14 ~~placed within the Louisiana Department of Health under the jurisdiction of the~~
15 ~~Louisiana State Board of Medical Examiners and shall perform and exercise its~~
16 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~
17 ~~transferred in accordance with R.S. 36:919.2.~~

18 ~~EE. The Louisiana Licensed Professional Counselors Board of Examiners,~~
19 ~~R.S. 37:1101 et seq., is hereby placed within the Louisiana Department of Health and~~
20 ~~shall perform and exercise its powers, duties, functions, and responsibilities in the~~
21 ~~manner provided for agencies transferred in accordance with the provisions of R.S.~~
22 ~~36:803.~~

23 ~~FF. The Medical Education Commission (R.S. 17:1519.8) is placed within~~
24 ~~the Louisiana Department of Health and shall exercise and perform its powers,~~
25 ~~duties, functions, and responsibilities in the manner provided for agencies transferred~~
26 ~~in accordance with the provisions of Part III of Chapter 22 of this Title:~~

27 ~~GG. The Louisiana Emergency Medical Services Certification Commission~~
28 ~~(R.S. 40:1231 et seq.) is placed within the Louisiana Department of Health and shall~~
29 ~~perform and exercise its powers, duties, functions, and responsibilities in the manner~~

1 ~~provided for agencies transferred in accordance with R.S. 36:919.4.~~

2 ~~HH. Repealed by Acts 2006, No. 713, §4, eff. July 1, 2006.~~

3 ~~H. Repealed by Acts 2010, No. 743, §10(B), eff. July 1, 2010~~

4 ~~JJ. Repealed by Acts 2008, No. 815, §5.~~

5 ~~KK. Repealed by Acts 2008, No. 815, §5.~~

6 ~~LL. Repealed by Acts 2005, No. 428, §3, eff. July 1, 2005.~~

7 ~~MM. The Louisiana Medical Disclosure Panel (R.S. 40:1299.39.6) is placed~~
8 ~~within the Louisiana Department of Health and shall exercise and perform its~~
9 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~
10 ~~transferred in accordance with the provisions of R.S. 36:802.~~

11 ~~NN. The Louisiana Sickle Cell Commission (R.S. 40:2018.3) is placed within~~
12 ~~the Louisiana Department of Health and shall exercise and perform its powers,~~
13 ~~duties, functions, and responsibilities as provided by or pursuant to law.~~

14 ~~OO. The Louisiana Obesity Prevention and Management Commission (R.S.~~
15 ~~40:2018.4) is placed within the Louisiana Department of Health and shall exercise~~
16 ~~and perform its powers, duties, functions, and responsibilities as provided by or~~
17 ~~pursuant to law.~~

18 **A. The following agencies, as defined in R.S. 36:3, are transferred to and**
19 **hereafter shall be within the Louisiana Department of Health, as provided in**
20 **R.S. 36:803:**

21 **(1) Louisiana State Board of Dentistry (R.S. 37:751 et seq.)**

22 **(2) Louisiana State Board of Nursing (R.S. 37:911 et seq.)**

23 **(3) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et**
24 **seq.)**

25 **(4) Louisiana State Board of Embalmers and Funeral Directors (R.S.**
26 **37:831 et seq.)**

27 **(5) Louisiana State Board of Optometry Examiners (R.S. 37:1041 et seq.)**

28 **(6) Louisiana Licensed Professional Counselors Board of Examiners**
29 **(R.S. 37:1101 et seq.)**

- 1 (7) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et
2 seq.)
- 3 (8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S.
4 37:611 et seq.; R.S. 37:1261 et seq.)
- 5 (9) Louisiana Board of Veterinary Medicine (R.S. 37:1511 et seq.)
- 6 (10) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101
7 et seq.)
- 8 (11) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.)
- 9 (12) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.)
- 10 (13) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.)
- 11 (14) Board of Examiners for Nursing Facility Administrators (R.S.
12 37:2501 et seq.)
- 13 (15) Louisiana Board of Examiners for Speech-Language Pathology and
14 Audiology (R.S. 37:2650 et seq.)
- 15 (16) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et
16 seq.)
- 17 (17) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.)
- 18 (18) State Board of Electrolysis Examiners (R.S. 37:3051 et seq.)
- 19 (19) Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.
20 37:3081 et seq.)
- 21 (20) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.)
- 22 (21) The Addictive Disorder Regulatory Authority (R.S. 37:3389)
- 23 (22) The Louisiana Licensed Professional Vocational Rehabilitation
24 Counselors Board of Examiners (R.S. 37:3441 et seq.)
- 25 (23) Louisiana Board of Drug and Device Distributors (R.S. 37:3461 et
26 seq.)
- 27 (24) The Louisiana Board of Massage Therapy (R.S. 37:3551 et seq.)
- 28 (25) Louisiana Behavior Analyst Board (R.S. 37:3701 et seq.)
- 29 B. The following agencies, as defined in R.S. 36:3, are placed within the

1 Louisiana Department of Health and shall perform and exercise their powers,
2 duties, functions, and responsibilities as otherwise provided by law:

3 (1) Louisiana state office of rural health (R.S. 40:2195.1)

4 (2) Louisiana State Child Death Review Panel (R.S. 40:2019)

5 (3) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)

6 (Established by the Louisiana Licensed Professional Counselors Board of
7 Examiners)

8 (4) Nursing Home Emergency Preparedness Review Committee (R.S.
9 40:2009.25)

10 (5) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)

11 (6) Louisiana Birth Defects Surveillance System Advisory Board (R.S.
12 40:31.41 et seq.)

13 (7) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et
14 seq.)

15 (8) Health Data Panel (R.S. 40:1173.1 et seq.)

16 (9) The Louisiana Standards for Water Works Construction, Operation,
17 and Maintenance Committee (R.S. 40:4.13)

18 (10) Medicaid Pharmaceutical and Therapeutics Committee (R.S.
19 46:153.3)

20 (11) The advisory council for the program of early identification of
21 hearing impaired infants (R.S. 46:2261 et seq.)

22 (12) Louisiana Obesity Prevention and Management Commission (R.S.
23 40:2018.4)

24 (13) Louisiana Sickle Cell Commission (R.S. 40:2018.3)

25 (14) Physician Assistants Advisory Committee (R.S. 37:1270.1)

26 (15) Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et
27 seq.)

28 (16) Commission on Perinatal Care and Prevention of Infant Mortality
29 (R.S. 40:2018)

1 (17) Water Supply and Sewerage Systems Certification Committee (R.S.
2 40:1281.1 et seq.)

3 (18) Louisiana Commission for the Deaf (R.S. 46:2351 et seq.)

4 (19) Louisiana Medical Disclosure Panel (R.S. 40:1157.2)

5 (20) Respiratory Care Advisory Committee (R.S. 37:3356 et seq.)

6 (21) The Louisiana Advisory Committee on Populations and Geographic
7 Regions With Excessive Cancer Rates (R.S. 40:1105.12)

8 (22) Medical Education Commission (R.S. 17:1519.12)

9 (23) Louisiana Access to Better Care Medicaid Insurance Demonstration
10 Project Oversight Board (R.S. 46:160.1 et seq.)

11 (24)(a) The Louisiana Emergency Response Network Board (R.S.
12 40:2841 et seq.)

13 (b) The Louisiana Emergency Response Network Board shall be a
14 separate budget unit within the Louisiana Department of Health.

15 (25)(a) The Louisiana Developmental Disabilities Council (R.S. 28:750
16 et seq.). The council shall have full appointing authority for all personnel
17 purposes.

18 (b)The regional and state advisory councils for the community and
19 family support system (R.S. 28:824(J))

20 (26) Anatomical Board (R.S. 17:2271 et seq.)

21 (27) Board of Commissioners of the South Louisiana Health Services
22 District (R.S. 28:241 et seq.)

23 (28) Nursing Home Advisory Committee (R.S. 40:2009.1)

24 (29) Hospital Licensing Council (R.S. 40:2108)

25 (30) Traumatic Head and Spinal Cord Injury Trust Fund Advisory
26 Board (R.S. 46:2631 et seq.)

27 (31) Clinical Laboratory Personnel Committee (R.S. 37:1311 et seq.)

28 (32) Louisiana Emergency Medical Services Certification Commission
29 (R.S. 40:1131 et seq.)

1 (33) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et
 2 seq.)

3 (34) Louisiana State Board of Health and the Louisiana Department of
 4 Health and all its subsidiary boards (Such provisions of Title 40 of the
 5 Louisiana Revised Statutes of 1950 as are applicable to the abolished board and
 6 department)

7 C. The following agencies, as defined by R.S. 36:3, are transferred to and
 8 hereafter shall be within the Louisiana Department of Health, as provided in
 9 Part II of Chapter 22 of this Title:

10 (1) East Louisiana State Hospital (Jackson)

11 (2) Central Louisiana State Hospital (Pineville)

12 (3) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(1); R.S.
 13 28:451.4)

14 (4) North Lake Supports and Services Center (R.S. 28:22.8(A)(3); R.S.
 15 28:451.4)

16 (5) The mental health facilities located in New Orleans, Baton Rouge,
 17 Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond,
 18 Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa,
 19 Pineville, Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine,
 20 Raceland, Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah,
 21 Columbia, Oakdale, and any other state-owned or operated facilities as may be
 22 hereinafter established (R.S. 28:22.4-22.5)

23 (6) Northwest Supports and Services Center (R.S. 28:22.8(A)(2); R.S.
 24 28:451.4)

25 (7) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S.
 26 40:2142).

27 §260. Health profession licensing boards; legislative intent; powers; duties;
 28 budget

29 A. The legislature finds and declares that the health profession licensing

1 boards established within the Louisiana Department of Health in R.S. 36:259(A)
2 were created with the mission to ensure the health, safety and welfare of the
3 public receiving health care services from individuals licensed in Louisiana. In
4 order to fulfill their mission, the legislature finds and declares that consumers
5 of this state shall have a more integrated role in the governance of the health
6 profession licensing boards, licensees in this state shall have a fair and impartial
7 adjudicatory hearing before an independent administrative law judge, the
8 public shall have an opportunity to submit complaints with the department
9 against a board, the budgets of the boards shall be more thoroughly assessed by
10 the department, and each board shall sunset concurrently with, but independent
11 of the department. To ensure that the intent of the legislature is met, the
12 department and the health profession licensing boards shall comply with the
13 provisions set forth in this Section.

14 B.(1) Notwithstanding any provision of law to the contrary, effective
15 January 1, 2018, each board shall have a consumer member.

16 (2) The department shall maintain a link on its website with
17 identification of consumer vacancies on boards, information on eligibility
18 criteria to serve as a consumer member of a board, and detailed instructions on
19 how to apply for a board consumer seat. The department shall be the repository
20 of all consumer applications. All consumer applications for board membership
21 received by the department shall be reviewed, and upon determination of
22 eligibility, shall be transmitted to the office of the governor for selection and
23 appointment. All consumer members shall be confirmed by the Senate.

24 C. Notwithstanding any provision of law to the contrary, effective
25 January 1, 2018, all adjudicatory hearing authority shall be transferred to the
26 division of administrative law and shall be conducted in accordance with the
27 Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 49:991 et seq.

28 D. Notwithstanding any provision of law to the contrary, effective
29 January 1, 2018, licensing boards shall conduct investigations in accordance

1 with the following provisions:

2 (1) A board shall consider any signed sworn complaint from any
3 individual concerning a violation within its jurisdiction, or may, by a two-thirds
4 majority vote of its membership, consider any matter which it has reason to
5 believe may be a violation of its practice act.

6 (2)(a) When the board orders an investigation, it shall be the staff of the
7 board that conducts the investigation and completes the investigation report. All
8 investigations shall be private and shall be to elicit evidence upon which the
9 board shall determine whether to initiate disciplinary or adverse action or
10 conclude that a violation has not occurred.

11 (b) During the course of an investigation, subpoena duces tecums and
12 subpoenas may be issued by the board to a licensee or witness at the request of
13 the staff of the investigative division of the board. The subpoena duces tecums
14 and subpoenas shall be issued by the executive director of the board upon
15 presentation of a factual basis alleging a nexus between the object of the
16 subpoena duces tecum and evidence of a possible violation of a law under the
17 jurisdiction of the board.

18 (3)(a) If a board does not issue notice of an adverse or disciplinary action
19 within one year from the date upon which a sworn complaint is received or, if
20 no sworn complaint is received, within one year from the date the board voted
21 to commence an investigation, the matter shall be dismissed and all materials
22 collected during the investigation shall be destroyed. The one-year period shall
23 be prescriptive.

24 (b) The investigation time line established in this Paragraph may only be
25 extended if there is an active federal agency investigation of the licensee and the
26 federal agency requests the board not to take action against the licensee as such
27 would impede a federal case.

28 (4) After an investigation has been completed, an investigative report,
29 including the lead investigator's recommendation, shall be presented to the

1 board for its consideration and deliberation in executive session. In executive
2 session, the board shall receive the presentation of the investigative report by
3 the lead investigator, including his recommendation, and review all relevant
4 information and documents within the board's possession and knowledge and
5 thereafter, take one of the following actions:

6 (a) Order further investigation. However, further investigation of the
7 matter must conclude within the prescriptive period set forth in this Section.

8 (b) Proceed with disciplinary action. If the board determines that the
9 investigation has established enough evidence to prove by a preponderance of
10 the evidence before an administrative law tribunal that a licensee has violated
11 a law or regulation under its jurisdiction, the board shall issue a notice of
12 adverse or disciplinary action. If the board votes to issue notice of adverse or
13 disciplinary action, it shall generate a notice to the licensee within ten days of
14 the vote that shall contain the following:

15 (i) A plain and concise written statement of the facts constituting the
16 alleged violation.

17 (ii) The official citation of the statute or administrative rule which is
18 alleged to have been violated.

19 (iii) The date of the meeting at which the board voted to take the adverse
20 or disciplinary action.

21 (iv) The right of the licensee to request an informal reconsideration by
22 the board. The licensee shall have thirty days to request an informal
23 reconsideration or may immediately file for a hearing with the division of
24 administrative law.

25 (v) The right to enter into a consent decree with the board if both parties
26 can agree on consent terms. If the licensee does not wish to negotiate a consent
27 decree he may immediately file for a hearing with the division of administrative
28 law.

29 (vi) The right to a hearing conducted before an independent third-party

1 adjudicator with the division of administrative law, including informing the
2 licensee that he shall have the right to be represented by an attorney,
3 cross-examine witnesses, call witnesses, and present evidence on his own behalf.
4 The licensee shall have thirty days from the date of receipt of the notice of
5 adverse or disciplinary action by the board to file for a hearing with the division
6 of administrative law. Such appeal shall be suspensive.

7 (c) Close the file on the matter. If a file is closed, the licensee subject to
8 the investigation and the person who initiated the complaint shall both be
9 notified within ten days of the ruling.

10 (5) Boards shall ensure that their rules, regulations, notices and
11 documentation are updated to comply with the provisions of this Subsection.

12 (6) Each board is responsible for payment of costs associated with
13 utilization of the division of administrative law. Each board shall enter into a
14 memorandum of understanding with the division of administrative law to
15 comply with the provisions of this Subsection.

16 E. Notwithstanding any provision of law to the contrary, effective
17 January 1, 2018, the department shall review all public complaints regarding
18 the administration of the boards. The department shall maintain a dedicated
19 link on its website that has information on filing complaints against a board.
20 This review shall include complaints about action or inaction of the board and
21 complaints regarding a board member or board staff member by a member of
22 the public, but shall not include individual complaints and investigations of
23 licensees. The board shall fully cooperate with any review conducted by the
24 department. Upon conclusion of review, the department shall notify the
25 complainant, the board, and the governor of its determination. The board does
26 not have to adhere to the opinion of the department, but all complaint reviews
27 shall be considered by the governor in accordance with his appointment and
28 removal authority and shall be considered by the legislature during the sunset
29 hearings established in this Section.

1 **F. Notwithstanding any provision of law to the contrary, and in**
2 **accordance with the authority in R.S. 36:803(A)(3), the department shall:**

3 **(1) Conduct a thorough and ongoing review of all board budgets. The**
4 **department may work in conjunction with the legislative auditor, legislative**
5 **fiscal office, and division of administration to fulfill their budget review**
6 **responsibility. Budget review shall include all information required in R.S.**
7 **39:1331 through 1342, and shall include a five-year fiscal worksheet that**
8 **provides:**

9 **(a) Expenses.**

10 **(b) Income from fees.**

11 **(c) Revenue from income, including revenue from licenses, permits, and**
12 **finances identified separately.**

13 **(d) Amount generated from fines and penalties.**

14 **(e) All board liabilities.**

15 **(f) All restricted funds and explanation of specific restrictions.**

16 **(g) Where all funds reside, including all banks or financial institutions**
17 **if there is more than one.**

18 **(h) Any other information the department deems relevant to comply with**
19 **its duties of budget review.**

20 **(2) Exercise procurement and contract review for the board. The board**
21 **must obtain approval from the undersecretary of the department for any**
22 **contract for legal services. The undersecretary shall only approve a contract**
23 **with outside counsel if the contracted hourly rate is no more than the boards**
24 **in-house counsel or the hourly rate of a state civil service attorney with**
25 **comparable years of experience, whichever is greater. No board shall bifurcate**
26 **the requirements in this Paragraph by paying for legal fees as consulting or**
27 **other charges in its cost reports.**

28 **(3) Review fees collected by the boards and make a written**
29 **recommendation to the legislature on January first each year regarding board**

1 fees, including bill proposals to reduce fees to licensees if the balance retained
2 by the board is in an amount deemed excessive by the undersecretary in total
3 dollar amount or based on volume of expenditures. The department shall also
4 assess the boards and make recommendations to the legislature on boards that
5 should be consolidated or abolished based on national trends and best practices.

6 G. Notwithstanding any provision of law to the contrary, effective July
7 1, 2018, no board shall issue employee merit increases in any year in which the
8 department of health does not issue employee merit increases.

9 H. All health profession licensing boards identified in R.S. 36:259(A)
10 shall terminate, all legal authority therefore shall cease, and the Chapter
11 establishing the board shall be repealed concurrently with, but independent of
12 the Louisiana Department of Health in accordance with the schedule set forth
13 in R.S. 49:191. Each board shall be responsible for securing its own re-creation
14 and shall not automatically re-create if the department re-creates.

15 I. The full cost to the department for implementing and performing the
16 responsibilities established for the department in this Section shall be the
17 responsibility of the department through a reallocation of existing budget and
18 staff resources and not through additional appropriations. The full cost to the
19 boards for implementing and performing the responsibilities established for the
20 boards in this Section shall be the responsibility of the boards through a
21 reallocation of existing budget and staff resources and not through increases in
22 licensing or other fees.

23 J. Nothing in this Section provides any board with state-action antitrust
24 immunity if the board acts in such a manner that the department did not know
25 or could not have known that the board's anticompetitive action was taking
26 place or that a board was pursuing private interests in restraining trade.

27 K. Nothing in this Section shall be construed to change any of the
28 following provisions and practices of the licensing boards or their licensees:

29 (1) Scope of practice of the individuals licensed by each of the boards.

1 examination, certification, and licensing of persons in this state, and the enforcement
2 of the laws relating thereto, shall continue to be composed and selected as provided
3 by law, and each shall continue to exercise all of the powers, duties, functions, and
4 responsibilities provided or authorized for each by the constitution or laws which are
5 in the nature of policymaking, rulemaking, certification, licensing, regulation,
6 enforcement, or adjudication and also shall continue to exercise all advisory powers,
7 duties, functions, and responsibilities provided by law. Except that the
8 adjudicatory authority previously exercised by the licensing boards in R.S.
9 36:259(A) shall now be the exclusive authority of the division of administrative
10 law pursuant to R.S. 36:260 and R.S. 49:992.

11 (2) In addition, each of those agencies shall continue to impose, collect, and
12 retain license or certification fees as provided by law; issue and renew certificates
13 for qualified applicants, set standards for and approve the preparation, conduct, and
14 administration of its own examinations, and be responsible, as otherwise provided
15 by law, for carrying out the laws relative to its profession or occupation to the extent
16 that such laws provide for rulemaking, certification, licensing, regulations, testing,
17 inspection, enforcement, and adjudication by the agency. Except that the
18 adjudicatory authority previously exercised by the licensing boards in R.S.
19 36:259(A) shall now be the exclusive authority of the division of administrative
20 law pursuant to R.S. 36:260 and R.S. 49:992.

21 (3) Each such agency shall be subject to budget review of the undersecretary
22 and shall be required to comply with all accounting, reporting, audit, and review
23 requirements which are applicable to budget units. The undersecretary of the
24 department to which each such agency is transferred shall, under the supervision and
25 control of the secretary, review procurement and contract management for the
26 agency. In addition, the license fees and any other fees charged by such agencies
27 shall be subject to review by the secretary, and the secretary may make
28 recommendations to the legislature for changes in such fees as he deems necessary.
29 The licensing boards in R.S. 36:259(A) shall also be subject to the specific

1 **budget review provisions of R.S. 36:260(F).**

2 (4) The secretary of the department to which each such agency is transferred
3 shall review the number of employees which the agency may employ; however, the
4 executive head of the agency shall employ, appoint, remove, assign, and promote
5 such personnel, in accordance with applicable civil service laws, rules, and
6 regulations and subject to other applicable laws. **The licensing boards in R.S.**
7 **36:259(A) shall also be subject to the specific budget review provisions of R.S.**
8 **36:260(F).**

9 B. Each of the agencies referred to in Subsection A of this Section shall be
10 required to comply with the provisions of the "Louisiana Licensing Agency Budget
11 Act" as contained in R.S. 39:1331 through 1342.

12 Section 2. R.S. 37:753(B), (C)(4) and (J), 832(B)(2), 916(B), 962, 1042, 1104(A),
13 (B)(1), and (C), 1174(B), 1263(B), (D) and (E), 1515(A)(2) and (3), (C), (D), (E) and (F),
14 2102(A), 2353(A)(1), (2) and (3), the introductory paragraph of 2403(B), 2455(B)(1) and
15 (5), 2503(A)(3)(c), 2654(A), (B), (C) and (D), the introductory paragraph of 2704(A),
16 (A)(5), (B) and (C), 2802(A)(1), (C), (D), (E), (F) and (G), 3061(A)(1)(a), the introductory
17 paragraph of 3084(B)(1) and (C), the introductory paragraph of 3201(B)(1) and (B)(1)(c)
18 and (C), the introductory paragraph of 3389(B), 3444(A), (B) and (C), 3463(A), (B) and (E),
19 3554(A)(1) and (B), 3703(B)(1) are hereby amended and reenacted and R.S. 37:753(C)(5),
20 2102(C), 2403(B)(6), 2802(H), 3061(A)(1)(d), 3084(B)(1)(e), 3201(B)(1)(e) and (F),
21 3389(B)(6), and 3554(A)(3)(a) are hereby enacted to read as follows:

22 §753. Louisiana State Board of Dentistry; appointment of members; term of office;
23 vacancies; nominating meetings; quorum; domicile

24 * * *

25 B. The board shall be composed of ~~such~~ **fifteen members to include one**
26 **consumer, thirteen** qualified and licensed dentists as provided in Subsection C and
27 one qualified and licensed dental hygienist.

28 C. Each member of the board shall be appointed by the governor as follows:

29 * * *

1 at least five years and all of whom shall have had experience in their respective
2 professions for at least five years. Eight members shall be appointed as follows:

3 * * *

4 (2)(a) ~~The board shall also include one member, appointed by the governor,~~
5 ~~who shall be sixty years of age or over and who shall serve as a representative of the~~
6 ~~elderly consumers of Louisiana. The elderly member shall not be actively engaged~~
7 ~~in nor shall he be retired from the occupation, profession, or industry of funeral~~
8 ~~directors or embalmers. The elderly member shall be a full voting member of the~~
9 ~~board, except that the elderly member shall not participate in the grading of~~
10 ~~individual examinations.~~ **consumer member who shall be selected from the state**

11 **at-large and appointed by the governor, subject to confirmation by the Senate.**

12 **The consumer member of the board shall possess all of the following**
13 **qualifications:**

14 **(i) Is a citizen of the United States and has been a resident of Louisiana**
15 **for at least one year immediately prior to appointment.**

16 **(ii) Has attained the age of majority.**

17 **(iii) Shall not have ever been licensed by any of the licensing boards**
18 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**
19 **licensed by a board identified in R.S. 36:259(A).**

20 **(iv) Has never been convicted of a felony.**

21 **(v) Shall not have nor shall ever have had a material financial interest**
22 **in the health care profession.**

23 **(b) The consumer member shall be a full voting member of the board,**
24 **except that the consumer member shall not participate in the grading of**
25 **individual examinations.**

26 * * *

27 §916. Qualifications of board members

28 * * *

29 B.(1) Each consumer member of the board shall possess all of the following

1 qualifications:

2 ~~(1)~~(a) Is a citizen of the United States and has been a resident of Louisiana
3 for at least one year immediately prior to appointment.

4 ~~(2)~~(b) Has attained the age of majority.

5 ~~(3)~~(c) ~~Has never engaged in any activity directly related to the practice of~~
6 ~~professional nursing~~ **Shall not have ever been licensed by any of the licensing**
7 **boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever**
8 **been licensed by a board identified in R.S. 36:259(A).**

9 ~~(4)~~(d) Has never been convicted of a felony.

10 **(e) Shall not have nor shall ever have had a material financial interest in**
11 **the health care profession.**

12 **(2) The consumer member shall be a full voting member of the board**
13 **with all rights and privileges conferred on board members, except that the**
14 **consumer member shall not participate in the grading of individual**
15 **examinations.**

16 * * *

17 §962. Louisiana State Board of Practical Nurse Examiners; method of appointment

18 A. The Louisiana State Board of Practical Nurse Examiners is hereby created
19 within the Louisiana Department of Health and is subject to the provisions of R.S.
20 36:803. The board shall consist of ~~thirteen~~ **fourteen** members appointed by the
21 governor. Each appointment by the governor shall be submitted to the Senate for
22 confirmation.

23 B. Six members of the board shall be practical nurses, two shall be registered
24 nurses, **one shall be a consumer**, and five shall be licensed physicians.

25 C. The appointment of members of the board shall be made from a list,
26 containing twice the number of eligibles to be appointed, submitted to the governor
27 by the Louisiana State Medical Society where the appointee shall be a licensed
28 physician, by the Louisiana Federation of Licensed Practical Nurses, Inc., for one of
29 the practical nurses, by the Licensed Practical Nurses of Louisiana, Inc., for one of

1 the practical nurses, by the Louisiana Nursing Home Association, for one practical
2 nurse, by the Louisiana Hospital Association, for one practical nurse, or by the
3 Louisiana State Nurses Association where the appointee shall be a registered nurse,
4 **and the consumer member shall be selected from the state at-large.**

5 **D.(1) The consumer member shall be selected from the state at-large and**
6 **appointed by the governor, subject to confirmation by the Senate. The**
7 **consumer member of the board shall possess all of the following qualifications:**

8 **(a) Is a citizen of the United States and has been a resident of Louisiana**
9 **for at least one year immediately prior to appointment.**

10 **(b) Has attained the age of majority.**

11 **(c) Shall not have ever been licensed by any of the licensing boards**
12 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**
13 **licensed by a board identified in R.S. 36:259(A).**

14 **(d) Has never been convicted of a felony.**

15 **(e) Shall not have nor shall ever have had a material financial interest in**
16 **the health care profession.**

17 **(2) The consumer member shall be a full voting member of the board**
18 **with all rights and privileges conferred on board members, except that the**
19 **consumer member shall not participate in the grading of individual**
20 **examinations.**

21 * * *

22 §1042. Louisiana State Board of Optometry Examiners; appointment; terms of
23 members; protected action and communication

24 A. The Louisiana State Board of Optometry Examiners is created within the
25 Louisiana Department of Health and is subject to the provisions of R.S. 36:803. This
26 board shall consist of five members who shall be licensed optometrists and shall
27 have practiced optometry in this state for seven years **and one consumer member.**

28 B. Each **licensed optometrist** member of the board shall be appointed by the
29 governor from a list of three names submitted to him by the board. For the purpose

1 of preparing the list of three names, the board shall conduct an annual meeting on a
2 date in June set by the board annually, at which all optometrists licensed under the
3 laws of Louisiana shall have the right to attend, nominate and vote. The board shall
4 have the authority to regulate and prescribe the place and hour of the meeting, the
5 method of nomination, and the manner of voting. Each optometrist in attendance
6 shall have the right to vote for those persons duly nominated and no cumulative or
7 proxy voting shall be permitted. Each optometrist voting must vote for three
8 nominees in order for his ballot to be valid, and any ballot indicating votes for more
9 or less than three nominees shall be null and void. The three persons receiving the
10 greatest number of votes of those in attendance at the meeting shall be the three
11 persons whose names shall be submitted to the governor for appointment to the
12 board. At least thirty days prior to the meeting the board shall mail notices to each
13 optometrist licensed under the laws of Louisiana at the address shown in his current
14 registration notifying each optometrist of the exact date, place and hour of the
15 meeting, the purpose of the meeting and of his right to attend and vote.

16 **C.(1) The consumer member shall be selected from the state at-large and**
17 **appointed by the governor, subject to confirmation by the Senate. The**
18 **consumer member of the board shall possess all of the following qualifications:**

19 **(a) Is a citizen of the United States and has been a resident of Louisiana**
20 **for at least one year immediately prior to appointment.**

21 **(b) Has attained the age of majority.**

22 **(c) Shall not have ever been licensed by any of the licensing boards**
23 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**
24 **licensed by a board identified in R.S. 36:259(A).**

25 **(d) Has never been convicted of a felony.**

26 **(e) Shall not have nor shall ever have had a material financial interest in**
27 **the health care profession.**

28 **(2) The consumer member shall be a full voting member of the board**
29 **with all rights and privileges conferred on board members, except that the**

1 consumer member shall not participate in the grading of individual
2 examinations.

3 ~~C.D.~~ The term of each member shall be five years, but vacancies occurring
4 during the term of a member shall be filled for the unexpired term by an optometrist
5 possessing the qualifications for board membership, nominated by the remaining
6 members of the board and appointed by the governor from that nomination.

7 ~~D.E.~~ There shall be no liability on the part of and no action for damages
8 against **any of the following**:

9 (1) Any member of the board, or its agents or employees, for any action
10 undertaken or performed by such person within the scope of the duties, powers, and
11 functions of the board or such examining committee as provided for in this Chapter
12 when such person is acting without malice and in the reasonable belief that the action
13 taken by him is warranted; ~~or.~~

14 (2) Any person providing information to the board, its agents or employees,
15 whether a witness, or otherwise, unless such information is false and the person
16 providing it knew that such information was false.

17 ~~E.F.~~ In any suit brought against the board, its employees or agents, or any
18 person or entity providing information to the board, when the defendant substantially
19 prevails in such suit, the court shall, at the conclusion of the action, award to the
20 defendant and assess against the claimant the cost of defending the suit attributable
21 to such claim, including reasonable attorney fees, if the claim, or the claimant's
22 conduct during the litigation of the claim, was either frivolous, unreasonable, without
23 foundation, or in bad faith. For the purpose of this Subsection, a defendant shall not
24 be considered to have substantially prevailed when the claimant obtains an award for
25 damages or permanent injunctive or declaratory relief.

26 * * *

27 §1104. Louisiana Licensed Professional Counselors Board of Examiners

28 A. There is hereby created in the Louisiana Department of Health the
29 Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred

1 to as the "board", consisting of eleven members who shall be residents of the state
 2 of Louisiana. Each term shall be for four years. Seven appointments to the board;
 3 ~~including one individual from the public at large~~, shall be made by the governor from
 4 a list of qualified candidates submitted by the executive board of the Louisiana
 5 Counseling Association. Four appointments to the board shall be made by the
 6 governor from a list of qualified candidates submitted by the executive board of the
 7 Louisiana Association for Marriage and Family Therapy. **One consumer member**
 8 **of the board shall be selected from the state at-large.** Each appointment by the
 9 governor shall be submitted to the Senate for confirmation.

10 B.(1)(a) The membership of the board shall consist of three licensed
 11 professional counselors, three educators who are licensed professional counselors
 12 and whose function is the training of mental health counselors in accredited
 13 programs, four licensed marriage and family therapists, and one ~~individual~~
 14 **consumer** from the public ~~at large~~ **at-large**. The professional membership of the
 15 board shall be licensed under this Chapter. The board shall perform such duties and
 16 exercise such powers as this Chapter prescribes and confers upon it. No member of
 17 the board shall be liable in any civil action for any act performed in good faith in the
 18 execution of his duties under this Chapter.

19 **(b)(i) The consumer member shall be appointed from the state at-large**
 20 **and appointed by the governor, subject to confirmation by the Senate. The**
 21 **consumer member of the board shall possess all of the following qualifications:**

22 **(aa) Is a citizen of the United States and has been a resident of Louisiana**
 23 **for at least one year immediately prior to appointment.**

24 **(bb) Has attained the age of majority.**

25 **(cc) Shall not have ever been licensed by any of the licensing boards**
 26 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**
 27 **licensed by a board identified in R.S. 36:259(A).**

28 **(dd) Has never been convicted of a felony.**

29 **(ee) Shall not have nor shall ever have had a material financial interest**

1 in the health care profession.

2 (ii) The consumer member shall be a full voting member of the board
3 with all rights and privileges conferred on board members, except that the
4 consumer member shall not participate in the grading of individual
5 examinations.

6 * * *

7 C. No board member shall serve more than two full consecutive terms. Any
8 board member may be removed by the governor or majority vote of the board, after
9 notice and hearing, for incompetence, neglect of duty, malfeasance in office, or
10 moral turpitude. Any vacancy occurring in board membership for the three licensed
11 professional counselors; or three counselor educators; ~~or one member of the public~~
12 ~~at large~~, other than by expiration of term, shall be appointed for the remainder of the
13 unexpired term by the governor within thirty days from a list of qualified candidates
14 supplied by the executive board of the Louisiana Counseling Association. Any
15 vacancy occurring in board membership for the four licensed marriage and family
16 therapists, other than by expiration of term, shall be appointed for the remainder of
17 the unexpired term by the governor within thirty days from a list of qualified
18 candidates supplied by the executive board of the Louisiana Association for
19 Marriage and Family Therapy. Any consumer vacancy, other than by expiration
20 of term, shall be appointed for the remainder of the unexpired term by the
21 governor within thirty days from a list of qualified candidates supplied by the
22 Louisiana Department of Health after posting such vacancy pursuant to R.S.
23 36:260.

24 * * *

25 §1174. Qualifications

26 * * *

27 B.(1) The consumer member of the board shall be selected from the state
28 at-large and appointed by the governor, subject to confirmation by the Senate
29 ~~a resident of this state who has attained the age of majority and shall not have nor~~

1 shall ever have had material financial interest in the providing of pharmacy services
2 or who has engaged in any activity directly related to the practice of pharmacy. The
3 consumer representative shall not have been convicted of a felony. The consumer
4 member of the board shall possess all of the following qualifications:

5 (a) Is a citizen of the United States and has been a resident of Louisiana
6 for at least one year immediately prior to appointment.

7 (b) Has attained the age of majority.

8 (c) Shall not have ever been licensed by any of the licensing boards
9 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
10 licensed by a board identified in R.S. 36:259(A).

11 (d) Has never been convicted of a felony.

12 (e) Shall not have nor shall ever have had a material financial interest in
13 the health care profession.

14 (2) The consumer member shall be a full voting member of the board
15 with all rights and privileges conferred on board members, except that the
16 consumer member shall not participate in the grading of individual
17 examinations.

18 * * *

19 §1263. Louisiana State Board of Medical Examiners; membership; qualifications;
20 appointment; removal; terms

21 * * *

22 B. Beginning on January 1, ~~2017~~ **2018**, the board shall consist of ~~seven~~ **eight**
23 voting members, all appointed by the governor and subject to Senate confirmation
24 as follows:

25 (1) Two members from a list of names submitted by the Louisiana State
26 Medical Society. One of the members so appointed shall practice in a parish or
27 municipality with a population of less than twenty thousand people.

28 (2) One member from a list of names submitted by the Louisiana State
29 University Health Sciences Center at New Orleans and the Louisiana State

1 University Health Sciences Center at Shreveport.

2 (3) One member from a list of names submitted by the Tulane Medical
3 School.

4 (4) Two members from a list **of names** submitted by the Louisiana Medical
5 Association.

6 (5) One member from a list **of names** submitted by the Louisiana Academy
7 of Family Practice Physicians.

8 **(6) One consumer member selected from the state at-large and appointed**
9 **by the governor, subject to confirmation by the Senate.**

10 * * *

11 **D.(1) The consumer member of the board shall possess all of the**
12 **following qualifications:**

13 **(a) Is a citizen of the United States and has been a resident of Louisiana**
14 **for at least one year immediately prior to appointment.**

15 **(b) Has attained the age of majority.**

16 **(c) Shall not have ever been licensed by any of the licensing boards**
17 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**
18 **licensed by a board identified in R.S. 36:259(A).**

19 **(d) Has never been convicted of a felony.**

20 **(e) Shall not have nor shall ever have had a material financial interest in**
21 **the health care profession.**

22 **(2) The consumer member shall be a full voting member of the board**
23 **with all rights and privileges conferred on board members, except that the**
24 **consumer member shall not participate in the grading of individual**
25 **examinations.**

26 ~~D.E.~~ (1) The governor shall appoint the members of the board in accordance
27 with other provisions of this Section and the state constitution.

28 * * *

29 F. Except as provided in Subsection D of this Section, members of the board

1 **following qualifications:**

2 **(a) Is a citizen of the United States and has been a resident of Louisiana**
3 **for at least one year immediately prior to appointment.**

4 **(b) Has attained the age of majority.**

5 **(c) Shall not have ever been licensed by any of the licensing boards**
6 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**
7 **licensed by a board identified in R.S. 36:259(A).**

8 **(d) Has never been convicted of a felony.**

9 **(e) Shall not have nor shall ever have had a material financial interest in**
10 **the health care profession.**

11 **(2) The consumer member shall be a full voting member of the board**
12 **with all rights and privileges conferred on board members, except that the**
13 **consumer member shall not participate in the grading of individual**
14 **examinations.**

15 ~~C.D.~~ Each member of the board shall be paid seventy-five dollars per day for
16 each day or substantial portion thereof while he is engaged in the work of the board,
17 and may be reimbursed for actual and reasonable expenses approved by the board
18 in connection therewith, the provisions of R.S. 39:231 notwithstanding.

19 ~~D.E.~~ Any member of the board may be removed by the governor after a
20 hearing by the board to determine the cause for removal.

21 ~~E.F.~~ The board shall meet at least once each year at the time and place fixed
22 by rule of the board. Other necessary meetings may be called by the president of the
23 board by giving notice as may be required by rule. Except as may otherwise be
24 provided, a majority of the board constitutes a quorum. Meetings shall be open to
25 the public, except that the board may meet in closed session to prepare, approve,
26 administer or grade examinations, or to deliberate the qualification of an applicant
27 for license or the disposition of a proceeding to discipline a licensed veterinarian.

28 * * *

29 §2102. Board of Examiners; creation; domicile; membership; terms of office

1 Louisiana State Board of Examiners of Psychologists which shall be subject to the
2 provisions of R.S. 36:803. The board shall consist of ~~five~~ six members to be
3 comprised of five psychologists and one consumer who are citizens of the United
4 States, residents of the state of Louisiana, and appointed by the governor.

5 (2) Upon expiration of the three-year terms of the members in office on
6 September 1, 1987, and except for the transition set forth below, the governor shall
7 appoint members for terms of five years. For the two vacancies occurring July 1,
8 1988, one member shall be appointed for a three-year term and one member for a
9 four-year term; for the vacancy occurring July 1, 1989, the member shall be
10 appointed for a four-year term; and for the two vacancies occurring July 1, 1990, one
11 member shall be appointed for a four-year term and one member for a five-year term.

12 A board member shall not be eligible to succeed himself. All psychologist
13 appointments shall be from a list provided by the Louisiana Psychological
14 Association. The list shall report the results of an election in which persons qualified
15 for board membership may nominate themselves and in which licensed members of
16 the Louisiana Psychological Association and other persons licensed under this
17 Chapter are entitled to one vote for each vacancy on the board.

18 (3)(a) Each psychologist board member shall have rendered service,
19 teaching, training, or research in psychology for at least five years, shall have held
20 a doctoral degree in psychology from a school or college as defined in this Chapter
21 for a period of five years, and shall be licensed under this Chapter for a minimum of
22 five years.

23 (b)(i) The consumer member shall be selected from the state at-large and
24 appointed by the governor, subject to confirmation by the Senate. The
25 consumer member of the board shall possess all of the following qualifications:

26 (aa) Is a citizen of the United States and has been a resident of Louisiana
27 for at least one year immediately prior to appointment.

28 (bb) Has attained the age of majority.

29 (cc) Shall not have ever been licensed by any of the licensing boards

1 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
2 licensed by a board identified in R.S. 36:259(A).

3 (dd) Has never been convicted of a felony.

4 (ee) Shall not have nor shall ever have had a material financial interest
5 in the health care profession.

6 (c) The consumer member shall be a full voting member of the board
7 with all rights and privileges conferred on board members, except that the
8 consumer member shall not participate in the grading of individual
9 examinations.

10 * * *

11 §2403. Physical therapy board; composition

12 * * *

13 B. The board shall consist of ~~seven~~ **eight** members who shall be appointed
14 by the governor as follows:

15 * * *

16 (6)(a) One consumer member who shall be selected from the state
17 at-large and appointed by the governor, subject to confirmation by the Senate.
18 The consumer member of the board shall possess all of the following
19 qualifications:

20 (i) Is a citizen of the United States and has been a resident of Louisiana
21 for at least one year immediately prior to appointment.

22 (ii) Has attained the age of majority.

23 (iii) Shall not have ever been licensed by any of the licensing boards
24 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
25 licensed by a board identified in R.S. 36:259(A).

26 (iv) Has never been convicted of a felony.

27 (v) Shall not have nor shall ever have had a material financial interest
28 in the health care profession.

29 (b) The consumer member shall be a full voting member of the board

1 with all rights and privileges conferred on board members, except that the
 2 consumer member shall not participate in the grading of individual
 3 examinations.

4 * * *

5 §2455. Louisiana Board for Hearing Aid Dealers; composition; districts

6 * * *

7 B.(1) The board shall be composed of nine members. Seven members shall
 8 be hearing aid dealers, the eighth shall be the state health officer or his
 9 representative, and the ninth member shall be ~~sixty years of age or over~~ a consumer
 10 and shall serve as a representative of the ~~elderly~~ consumers of Louisiana. The seven
 11 hearing aid dealers shall be appointed in the following manner. The Louisiana
 12 Society of Hearing Aid Specialists, chartered by the state, shall submit to the
 13 governor names of not less than fourteen qualified hearing aid dealers, who shall be
 14 actively engaged in the selling and fitting of hearing aids.

15 * * *

16 ~~(5)(a) The elderly representative shall be appointed by the governor and the~~
 17 ~~appointment shall be subject to Senate confirmation. The elderly representative shall~~
 18 ~~serve at the pleasure of the governor and any vacancy shall be filled by a~~
 19 ~~gubernatorial appointment. The elderly representative shall not be actively engaged~~
 20 ~~in or retired from the occupation, profession, or industry of hearing aids. The elderly~~
 21 ~~member shall be a full voting member of the board, except that the elderly~~
 22 ~~representative shall not participate in the grading of individual examinations. The~~
 23 consumer member shall be selected from the state at-large and appointed by the
 24 governor, subject to confirmation by the Senate. The consumer member of the
 25 board shall possess all of the following qualifications:

26 (i) Is a citizen of the United States and has been a resident of Louisiana
 27 for at least one year immediately prior to appointment.

28 (ii) Has attained the age of majority.

29 (iii) Shall not have ever been licensed by any of the licensing boards

1 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
2 licensed by a board identified in R.S. 36:259(A).

3 (iv) Has never been convicted of a felony.

4 (v) Shall not have nor shall ever have had a material financial interest
5 in the health care profession.

6 (b) The consumer member shall be a full voting member of the board,
7 except that the consumer member shall not participate in the grading of
8 individual examinations.

9 * * *

10 §2503. Board of Examiners for Nursing Facility Administrators

11 A.(1)

12 * * *

13 (3)(a)

14 * * *

15 (c) One member shall be ~~sixty years of age or older and shall serve as a~~
16 ~~representative of the elderly consumers of Louisiana. The elderly member shall not~~
17 ~~be actively engaged in nursing facility administration~~ a consumer member who
18 shall be selected from the state at-large and appointed by the governor, subject
19 to confirmation by the Senate. The consumer member of the board shall possess
20 all of the following qualifications:

21 (i)(aa) Is a citizen of the United States and has been a resident of
22 Louisiana for at least one year immediately prior to appointment.

23 (bb) Has attained the age of majority.

24 (cc) Shall not have ever been licensed by any of the licensing boards
25 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
26 licensed by a board identified in R.S. 36:259(A).

27 (dd) Has never been convicted of a felony.

28 (ee) Shall not have nor shall ever have had a material financial interest
29 in the health care profession.

1 ~~equipment or provides health care services.~~

2 ~~(c) Be an elected official.~~

3 ~~(2) The public member shall be an individual or a family member/spouse of~~
4 ~~an individual who is deaf, hard of hearing or speech impaired or a member of an~~
5 ~~advocacy group committed to the advancement of the well-being of the deaf, hard~~
6 ~~of hearing or speech impaired.~~

7 **(1)(a) The consumer member of the board shall possess all of the**
8 **following qualifications:**

9 **(b) Is a citizen of the United States and has been a resident of Louisiana**
10 **for at least one year immediately prior to appointment.**

11 **(c) Has attained the age of majority.**

12 **(d) Shall not have ever been licensed by any of the licensing boards**
13 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**
14 **licensed by a board identified in R.S. 36:259(A).**

15 **(e) Has never been convicted of a felony.**

16 **(f) Shall not have nor shall ever have had a material financial interest in**
17 **the health care profession.**

18 **(2) The consumer member shall be a full voting member of the board**
19 **with all rights and privileges conferred on board members, except that the**
20 **consumer member shall not participate in the grading of individual**
21 **examinations.**

22 B. Members of the board shall be appointed by the governor for terms of
23 three years each or until their successors have been appointed and take office. ~~The~~
24 ~~public member shall be appointed to the board on or before August 15, 1995.~~

25 C.(1) Appointment to the board shall be made without regard to race, creed,
26 sex, religion, or national origin of the appointee. The Louisiana Speech-Language-
27 Hearing Association, shall within not less than thirty days prior to the expiration of
28 each term of office, submit to the governor a list of at least three names for each
29 respective professional service category of board member, except the physician

1 member and the ~~public~~ **consumer** member, selected by all licensed speech-language
 2 pathologists and audiologists in this state, from which the governor shall make his
 3 appointment to fill the office for the next succeeding term.

4 (2) The Louisiana State Medical Society shall, within not less than thirty days
 5 prior to the expiration of the term of office of the physician member of the board
 6 submit to the governor a list of at least three names of physicians from which the
 7 governor shall make the appointment of the physician member of the board for the
 8 next succeeding term. ~~The Louisiana Speech-Language-Hearing Association shall,~~
 9 ~~within not less than thirty days prior to the expiration of the term of office of the~~
 10 ~~public member, submit to the governor a list of three names selected by all licensed~~
 11 ~~speech-language pathologists and audiologists in this state from which the governor~~
 12 ~~shall make his appointment to fill the office for the next succeeding term. The three~~
 13 ~~names shall be selected from those nominees submitted by any individual or~~
 14 ~~advocacy group which meets the qualifications and requirements listed under~~
 15 ~~Paragraph A(2) of this Section.~~

16 D. Any vacancy on the board occurring for any cause except the expiration
 17 of the term, shall be filled by the governor for the unexpired portion of the term from
 18 a list of names submitted by the board or the Louisiana Medical Society for a
 19 physician vacancy on the board ~~or for the public member from names submitted to~~
 20 ~~the board by an individual or advocacy group which meets the qualifications and~~
 21 ~~requirements of Paragraph A(2) of this Section.~~ **Any consumer vacancy, other than**
 22 **by expiration of term, shall be appointed for the remainder of the unexpired**
 23 **term by the governor within thirty days from a list of qualified candidates**
 24 **supplied by the Louisiana Department of Health after posting such vacancy**
 25 **pursuant to R.S. 36:260.**

26 * * *

27 §2704. Board of Social Work Examiners

28 A. There is hereby created a Louisiana State Board of Social Work
 29 Examiners within the Louisiana Department of Health. The board shall be subject

1 to the provisions of R.S. 36:803. It shall consist of seven members who are citizens
 2 of the United States and residents of the state of Louisiana. The members shall be
 3 appointed by the governor, subject to Senate confirmation. All social worker
 4 appointees shall be selected from one list compiled by all statewide social work
 5 membership organizations that have written bylaws and meet all state and federal
 6 laws, and the Louisiana Chapter of the National Association of Social Workers shall
 7 be responsible for the coordination of this process. **The consumer member shall be**
 8 **selected from the state at-large and appointed by the governor, subject to**
 9 **confirmation by the Senate.** All appointees shall serve no more than two
 10 consecutive full terms. The completion of an unexpired portion of a full term shall
 11 not constitute a full term for purposes of this Section. The board shall consist of the
 12 following members:

13 * * *

14 (5) One ~~public~~ **consumer** member.

15 B. Each board member, with the exception of the ~~public~~ **consumer** member,
 16 shall be a person who holds a current, valid license or registration issued pursuant
 17 to this Chapter. At all times the board shall consist of at least three members who are
 18 engaged primarily in rendering direct services in social work and at least one
 19 member who is engaged primarily in social work education or a practice specialty
 20 other than clinical.

21 ~~C. No public member shall be currently an elected official, and no member~~
 22 ~~shall be or have been any of the following:~~

23 ~~(1) Actively engaged in the practice of social work or be the spouse of a~~
 24 ~~social worker.~~

25 ~~(2) Engaged in the practice of psychology, psychiatry, or a member of a~~
 26 ~~mental health profession, or the spouse of a member of a mental health profession.~~

27 ~~(3) Employed or own an agency or business entity that provides social,~~
 28 ~~health, or mental health care or substance abuse services.~~

29 **C.(1) The consumer member of the board shall possess all of the**

1 **following qualifications:**

2 **(a) Is a citizen of the United States and has been a resident of Louisiana**
3 **for at least one year immediately prior to appointment.**

4 **(b) Has attained the age of majority.**

5 **(c) Shall not have ever been licensed by any of the licensing boards**
6 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**
7 **licensed by a board identified in R.S. 36:259(A).**

8 **(d) Has never been convicted of a felony.**

9 **(e) Shall not have nor shall ever have had a material financial interest in**
10 **the health care profession.**

11 **(f) Shall not be an elected official.**

12 **(2) The consumer member shall be a full voting member of the board**
13 **with all rights and privileges conferred on board members, except that the**
14 **consumer member shall not participate in the grading of individual**
15 **examinations.**

16 * * *

17 §2802. Board of chiropractic examiners

18 A.(1) The Louisiana Board of Chiropractic Examiners is hereby created
19 within the Louisiana Department of Health and is subject to the provisions of R.S.
20 36:803. The board shall be composed of ~~seven~~ **eight** members who shall be
21 appointed by the governor. ~~All seven~~ **Seven** members shall be chiropractors licensed
22 under the provisions of this Chapter, who have been continuously engaged in the
23 practice of chiropractic in this state for at least five years; ~~however, the initial~~
24 ~~members required to be chiropractors shall be persons who are eligible to be licensed~~
25 ~~under the provisions of this Chapter.~~ **One member shall be a consumer selected**
26 **from the state at-large and appointed by the governor, subject to confirmation**
27 **by the Senate.**

28 * * *

29 **C.(1) The consumer member of the board shall possess all of the**

1 following qualifications:

2 (a) Is a citizen of the United States and has been a resident of Louisiana
3 for at least one year immediately prior to appointment.

4 (b) Has attained the age of majority.

5 (c) Shall not have ever been licensed by any of the licensing boards
6 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
7 licensed by a board identified in R.S. 36:259(A).

8 (d) Has never been convicted of a felony.

9 (e) Shall not have nor shall ever have had a material financial interest in
10 the health care profession.

11 (2) The consumer member shall be a full voting member of the board
12 with all rights and privileges conferred on board members, except that the
13 consumer member shall not participate in the grading of individual
14 examinations.

15 ~~C.D.~~ Any vacancy occurring in the membership of the board, except by
16 expiration of the term, shall be filled for the unexpired term in the manner provided
17 in Subsection A of this section. Any consumer vacancy, other than by expiration
18 of term, shall be appointed for the remainder of the unexpired term by the
19 governor within thirty days from a list of qualified candidates supplied by the
20 Louisiana Department of Health after posting such vacancy pursuant to R.S.
21 36:260.

22 ~~D.E.~~ The governor may remove any member for misconduct, incompetence
23 or neglect of duty, after he has given the member a written statement of the charges
24 against him and has afforded him an opportunity to be heard.

25 ~~E.F.~~ The governor shall issue each member a certificate of appointment.
26 Within thirty days after the date of his appointment and before commencing the
27 discharge of his duties, each member shall subscribe to the oath for public officials,
28 which shall be deposited with the secretary of state as provided by law.

29 ~~F.G.~~ Each member of the board shall receive compensation fixed by the

1 board at not more than fifty dollars per day for each day in attendance upon its
 2 sessions. Each member of the board shall be reimbursed for his actual travel, clerical
 3 and incidental expenses necessarily incurred while engaged in the discharge of his
 4 official duties. Such compensation and expenses shall be paid out of the moneys
 5 credited to the board as provided by R.S. 37:2809(B).

6 ~~G.H.~~ A board member's seat shall be recognized as vacant after the member
 7 is absent from three consecutive official board meetings without reason if
 8 recommended to the governor by a vote of two-thirds of the members of the board
 9 to consider the removal of such absent board member from the board.

10 * * *

11 §3061. Board of Electrolysis Examiners

12 A.(1)(a) The State Board of Electrolysis Examiners shall be composed of ~~five~~
 13 **six** members, all to be appointed by the governor to serve at his pleasure.

14 * * *

15 **(d)(i) One member shall be a consumer selected from the state at-large**
 16 **and appointed by the governor, subject to confirmation by the Senate. The**
 17 **consumer member of the board shall possess all of the following qualifications:**

18 **(aa) Is a citizen of the United States and has been a resident of Louisiana**
 19 **for at least one year immediately prior to appointment.**

20 **(bb) Has attained the age of majority.**

21 **(cc) Shall not have ever been licensed by any of the licensing boards**
 22 **identified in R.S. 36:259(A), nor shall he have a spouse who has ever been**
 23 **licensed by a board identified in R.S. 36:259(A).**

24 **(dd) Has never been convicted of a felony.**

25 **(ee) Shall not have nor shall ever have had a material financial interest**
 26 **in the health care profession.**

27 **(ii) The consumer member shall be a full voting member of the board**
 28 **with all rights and privileges conferred on board members, except that the**
 29 **consumer member shall not participate in the grading of individual**

1 examinations.

2 * * *

3 §3084. Louisiana State Board of Examiners in Dietetics and Nutrition; membership,
4 terms, and vacancies; officers; meetings; quorum; compensation

5 * * *

6 B.(1) The board shall be composed of the following ~~seven~~ eight members,
7 all appointed by the governor and subject to Senate confirmation:

8 * * *

9 (e) One shall be a consumer selected from the state at-large and
10 appointed by the governor, subject to confirmation by the Senate.

11 * * *

12 C.(1) Board members, except for the consumer board member, shall be
13 residents of the state who have been actively practicing in the field of
14 dietetics/nutrition or a related field for not less than five years. Board members shall
15 have an unrestricted license to practice their respective professions, where
16 applicable. The registered dietitians/nutritionists initially appointed to the board must
17 be eligible for licensure pursuant to the provisions of this Chapter; thereafter,
18 dietitians/nutritionists appointed to the board must be licensed pursuant to the
19 provisions of this Chapter.

20 (2)(a) The consumer member of the board shall possess all of the
21 following qualifications:

22 (i) Is a citizen of the United States and has been a resident of Louisiana
23 for at least one year immediately prior to appointment.

24 (ii) Has attained the age of majority.

25 (iii) Shall not have ever been licensed by any of the licensing boards
26 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
27 licensed by a board identified in R.S. 36:259(A).

28 (iv) Has never been convicted of a felony.

29 (v) Shall not have nor shall ever have had a material financial interest

1 in the health care profession.

2 (b) The consumer member shall be a full voting member of the board
3 with all rights and privileges conferred on board members, except that the
4 consumer member shall not participate in the grading of individual
5 examinations.

6 * * *

7 §3201. Radiologic Technology Board of Examiners; method of appointment;
8 qualifications of members

9 * * *

10 B.(1) The board shall consist of ~~eleven~~ twelve members appointed by the
11 governor of whom:

12 * * *

13 (c) Three shall be radiologists selected from a list of nine names submitted
14 by the Louisiana State Medical Society; ~~and~~.

15 * * *

16 (e) One shall be a consumer selected from the state at-large and
17 appointed by the governor, subject to confirmation by the Senate.

18 * * *

19 C. Board members, other than the consumer, shall be residents of the state
20 who have been actively practicing in their fields for not less than five years.

21 * * *

22 F.(1)The consumer member of the board shall possess all of the following
23 qualifications:

24 (a) Is a citizen of the United States and has been a resident of Louisiana
25 for at least one year immediately prior to appointment.

26 (b) Has attained the age of majority.

27 (c) Shall not have ever been licensed by any of the licensing boards
28 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
29 licensed by a board identified in R.S. 36:259(A).

1 with all rights and privileges conferred on board members, except that the
 2 consumer member shall not participate in the grading of individual
 3 examinations.

4 * * *

5 §3444. Louisiana Licensed Professional Vocational Rehabilitation Counselors Board
 6 of Examiners

7 A. There is hereby created in the Louisiana Department of Health the
 8 Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of
 9 Examiners, hereafter referred to as the "board", consisting of five members, who
 10 shall be residents of the state of Louisiana. The members shall be appointed by the
 11 governor from a list of qualified candidates supplied by the Louisiana Association
 12 of Rehabilitation Professionals, ~~as specified in this Section within sixty days after~~
 13 ~~July 14, 1988~~ to serve the following terms: one member for a term of two years, two
 14 members for terms of three years, and two members for terms of four years.
 15 Thereafter, each term shall be for four years. Each appointment by the governor shall
 16 be submitted to the Senate for confirmation.

17 B.(1) The membership of the board shall consist of three licensed
 18 professional vocational rehabilitation counselors and two ~~individuals~~ consumers
 19 from the public ~~at large~~ at-large. ~~The original professional membership of the board~~
 20 ~~shall be qualified to be licensed under this Chapter, except that the initial~~
 21 ~~professional members shall be persons who have rendered rehabilitation counseling~~
 22 ~~for at least three years. Within thirty days after July 14, 1988, the executive~~
 23 ~~committee of the Louisiana Association for Rehabilitation Professionals shall submit~~
 24 ~~to the governor a list of qualified candidates for the board.~~ The board shall perform
 25 such duties and exercise such powers as this Chapter prescribes and confers upon it.
 26 No member of the board shall be individually liable for any act or omission resulting
 27 in damage or injury arising out of the exercise of his judgment in the formation and
 28 implementation of policy while acting as a member of the board, provided he was
 29 acting in good faith and within the scope of his official functions and duties, unless

1 the damage or injury was caused by his willful or wanton misconduct.

2 (2)(a) The consumer members shall be selected from the state at-large
3 and appointed by the governor, subject to confirmation by the Senate. The
4 consumer members of the board shall possess all of the following qualifications:

5 (i) Is a citizen of the United States and has been a resident of Louisiana
6 for at least one year immediately prior to appointment.

7 (ii) Has attained the age of majority.

8 (iii) Shall not have ever been licensed by any of the licensing boards
9 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
10 licensed by a board identified in R.S. 36:259(A).

11 (iv) Has never been convicted of a felony.

12 (v) Shall not have nor shall ever have had a material financial interest
13 in the health care profession.

14 (b) The consumer member shall be a full voting member of the board
15 with all rights and privileges conferred on board members, except that the
16 consumer member shall not participate in the grading of individual
17 examinations.

18 C. No board member shall serve more than two full consecutive terms.
19 Subsequent appointments to the board shall be made in the manner of the original
20 appointments, including the submission of a list of qualified candidates by the
21 executive committee of the Louisiana Association for Rehabilitation Professionals.
22 Any board member may be removed by the governor or majority vote of the board,
23 after notice and hearing, for incompetence, neglect of duty, malfeasance in office,
24 or moral turpitude. Any vacancy occurring in board membership, other than by
25 expiration of term, shall be filled for the remainder of the unexpired term by the
26 governor within thirty days from a list of qualified candidates supplied by the
27 Louisiana Association for Rehabilitation Professionals, except for the consumer
28 member who shall be selected at-large from a list of qualified candidates
29 supplied by the Louisiana Department of Health after posting such vacancy

1 **pursuant to R.S. 36:260.**

2 * * *

3 §3463. Board; appointments; terms; removal; compensation; officers

4 A. The Louisiana Board of Drug and Device Distributors is hereby created
5 within the Louisiana Department of Health and is subject to the provisions of R.S.
6 36:803. The board shall administer the provisions of this Chapter. It shall be
7 composed of ~~eight~~ **nine** members, five of whom shall be licensed distributors, two
8 of whom shall be actively engaged in the pharmaceutical manufacturing industry,
9 ~~and~~ one of whom shall be actively engaged in the medical device industry, **and one**
10 **consumer selected from the state at-large.**

11 B.**(1)** The governor shall appoint, subject to Senate confirmation, members
12 to the board from a list containing the names of five persons, submitted by the
13 Louisiana Association of Wholesale Drug Distributors and from a list containing the
14 names of two persons, submitted by the Pharmaceutical Research and Manufacturers
15 of America. In the event of the death or resignation of any member of the board, the
16 governor shall appoint his successor in the manner of the original appointment for
17 the remainder of the unexpired term.

18 **(2)(a) The consumer member shall be selected from the state at-large and**
19 **appointed by the governor, subject to confirmation by the Senate. The**
20 **consumer member of the board shall possess all of the following qualifications:**

21 **(i) Is a citizen of the United States and has been a resident of Louisiana**
22 **for at least one year immediately prior to appointment.**

23 **(ii) Has attained the age of majority.**

24 **(iii) Shall not have ever been licensed by any of the licensing boards**
25 **under the authority of the office, nor shall he have a spouse who has ever been**
26 **licensed by a board under the authority of the office.**

27 **(iv) Has never been convicted of a felony.**

28 **(b) The consumer member shall be a full voting member of the board**
29 **with all rights and privileges conferred on board members, except that the**

1 consumer member shall not participate in the grading of individual
2 examinations.

3 * * *

4 E. The presidents of the Pharmaceutical Research and Manufacturers of
5 America and the Louisiana Association of Wholesale Drug Distributors shall submit
6 the nominations, for members other than the consumer, within sixty days after
7 receipt of notice of death, resignation, or removal of a member of the board and at
8 least thirty days prior to the expiration of the term of a member of the board.

9 * * *

10 §3554. Louisiana Board of Massage Therapy; creation, membership, qualifications,
11 terms, vacancies, officers, meetings, reimbursement, liability

12 A.(1) The Louisiana Board of Massage Therapy is hereby created within the
13 Louisiana Department of Health. It shall be composed of seven members appointed
14 by the governor. Five of the members shall be licensed massage therapists
15 appointed from a list of nominees submitted to the governor by professional massage
16 therapy and bodywork associations. ~~From the list of association nominees, three of~~
17 ~~the persons appointed shall be licensed massage therapists.~~ Two lay consumer
18 members shall be ~~appointed from the list of nominees, both of whom shall be~~
19 ~~consumers who have never been nor are currently a licensed massage therapist in the~~
20 ~~state.)~~ selected from the state at-large. Two additional licensed massage therapists
21 shall be appointed to the board from a general list of names which are submitted for
22 consideration by other interested sources or individuals.

23 * * *

24 (3)(a) The consumer members shall be selected from the state at-large
25 and appointed by the governor, subject to confirmation by the Senate. The
26 consumer members of the board shall possess all of the following qualifications:

27 (i) Is a citizen of the United States and has been a resident of Louisiana
28 for at least one year immediately prior to appointment.

29 (ii) Has attained the age of majority.

1 **licensed by a board under the authority of the office.**

2 **(iv) Has never been convicted of a felony.**

3 **(b) The consumer member shall be a full voting member of the board**
4 **with all rights and privileges conferred on board members, except that the**
5 **consumer member shall not participate in the grading of individual**
6 **examinations.**

7 * * *

8 Section 3. R.S. 49:992(D)(5) and (G) are hereby amended and reenacted to read as
9 follows:

10 §992. Applicability; exemptions; attorney fees; court costs

11 * * *

12 D.(1)

* * *

13 * * *

14 (5) State professional and occupational licensing boards shall be exempt from
15 the provisions of this Chapter. **However, this Chapter shall apply to the**
16 **professional and occupational licensing boards within the Louisiana**
17 **Department of Health as enumerated in R.S. 36:259(A).**

18 * * *

19 G. Any board or commission authorized by law to conduct hearings may
20 continue to hold such hearings. **However, this Subsection shall not apply to the**
21 **professional and occupational licensing boards within the Louisiana**
22 **Department of Health as enumerated in R.S. 36:259(A).**

23 * * *

24 Section 4. R.S. 37:1263(F) and R.S. 40:5.11(C), (D), (E) and (F) are hereby
25 repealed.

26 Section 5. Sections 1, 4, 5, and 6 of this Act shall become effective upon signature
27 by the governor or, if not signed by the governor, upon expiration of the time for bills to
28 become law without signature by the governor, as provided by Article III, Section 18 of the
29 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the

1 legislature, this Act shall become effective on the day following such approval.

2 Section 6. Section 2 and Section 3 of this Act shall become effective on January 1,
3 2018.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

SB 75 Engrossed

2017 Regular Session

Mills

Proposed law updates the transfer of agencies to the Louisiana Department of Health provisions to remove repealed and obsolete cites and references, and categorizes those entities statutorily created within the department.

Present law lists all board members and their qualifications to serve on the board. Proposed law adds at least one consumer member to any board that did not previously have one and provides standardized eligibility criteria of consumers to serve on any board.

Proposed law provides that nothing in proposed law shall be construed to change the scope of practice of the individuals licensed by each of the boards. Proposed law also provides that the boards' ability to develop and administer exams, develop applications, process applications, and issue licenses, conduct investigations, subpoena information, make determinations on complaints, and issue notices regarding disciplinary actions, promulgate rules, negotiate a settlement or consent decree with a licensee, and conduct hearings in matters that are not disciplinary or adverse do not change with proposed law.

Present law provides that agencies statutorily created within the department retain all powers and duties for policymaking, rulemaking, certification, licensing, regulation, enforcement, and adjudication. Proposed law transfers all adjudicatory powers to the division of administrative law.

Present law provides that all of the agencies within the department terminate if the agency terminates. Proposed law establishes that the boards shall terminate concurrently with, but independent of the department, such that they must be specifically re-created in addition to the re-creation of the department.

Present law requires the undersecretary of the department to conduct a budget review of the boards and review procurement and contract management for the boards. Proposed law provides specific deliverables of the undersecretary regarding budget review and procurement and contract management.

Proposed law establishes a mechanism for the public to submit complaints about board action or inaction to the department.

Proposed law provides relative to the transfer of agencies to the Louisiana Department of Health, provisions specific to the health profession licensing boards, and the provision to repeal an inactive council are effective upon signature of the governor or upon lapse of time for gubernatorial action. Proposed law provisions relative to the transfer of adjudicatory proceeding to the division of administrative law and the appointment of the consumer member to each board that do not already have one are effective January 1, 2018.

(Amends R.S. 36:259, 801.1(A), 802 (intro para), and 803, R.S. 37:753(B), (C)(4) and (J), 832(B)(2), 916(B), 962, 1042, 1104(A), (B)(1), and (C), 1174(B), 1263(B), (D) and (E), 1515(A)(2) and (3), (C), (D), (E) and (F), 2102(A), 2353(A)(1), (2) and (3), 2403(B)(intro para), 2455(B)(1) and (5), 2503(A)(3)(c), 2654(A), (B), (C) and (D), 2704(A)(intro para),

(A)(5), (B) and (C), 2802(A)(1), (C), (D), (E), (F) and (G), 3061(A)(1)(a), 3084(B)(1) (intro para) and (C), 3201(B)(1)(intro para) and (B)(1)(c) and (C), 3389(B)(intro para), 3444(A), (B) and (C), 3463(A), (B) and (E), 3554(A)(1) and (B), 3703(B)(1), and R.S. 49:992(D)(5) and (G); adds R.S. 36:260, R.S. 37:753(C)(5), 2102(C), 2403(B)(6), 2802(H), 3061(A)(1)(d), 3084(B)(1)(e), 3201(B)(1)(e) and (F), 3389(B)(6), 3554(A)(3), and 3703(B)(8); repeals R.S. 37:1263(F) and R.S. 40:5.11(C), (D), (E) and (F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Updates the name of the Louisiana Board of Wholesale Drug Distributors to the Louisiana Board of Drug and Device Distributors.
2. Clarifies that the purpose of the bill is to fulfill the mission of the health profession licensing boards.
3. Deletes provisions that required a licensee to get advance notice of an investigation.
4. Clarifies that if the board does not proceed with disciplinary or adverse action after an investigation, the records or materials collected pursuant to the investigation shall be destroyed.
5. Creates an exemption from the one year time line for investigation and conclusion on disciplinary or adverse action determination if there is federal agency involvement and the federal agency requests that the board not take action on the licensee pending their investigation.
6. Establishes time lines that provide the licensee with 30 days from the date he receives notice of the board's intent to take adverse or disciplinary action, to request an informal reconsideration with the board, or request a fair hearing with the division of administrative law.
7. Establishes that proposed law does not change the scope of practice of the individuals licensed by each of the boards and does not impact the board's ability to conduct exams, conduct investigations, promulgate rules, negotiate settlements or enter into consent decrees with a licensee, or conduct hearings in matters that are not disciplinary or adverse.
8. Provides clarification that the consumer member of the board shall not have a material financial interest in the health care profession.