

**ACT No. 369**

2016 Regular Session

HOUSE BILL NO. 934

BY REPRESENTATIVE HOFFMANN

1 AN ACT

2 To amend and reenact R.S. 37:786(D)(1) and (2) and 788(B)(1), relative to administrative  
3 decisions of the Louisiana State Board of Dentistry; to provide for procedures and  
4 amounts furnished as security in judicial review of board decisions; to provide  
5 relative to the subpoena authority of the board; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:786(D)(1) and (2) and 788(B)(1) are hereby amended and  
8 reenacted to read as follows:

9 §786. Judicial review of adjudication

10 \* \* \*

11 D.(1) In any case appealed to the civil district court under the provisions of  
12 this Section, the party seeking judicial review shall furnish security in accordance  
13 ~~with the following rules:~~ the amount of any fine set forth in the decision being  
14 appealed.

15 ~~(a) For that portion of a decision issued under R.S. 37:780 pertaining to~~  
16 ~~payment of a sum of money, the amount of security shall exceed by one-half the~~  
17 ~~amount of the money portion of the decision.~~

18 ~~(b) In all other respects, the security shall be fixed by the court at an amount~~  
19 ~~sufficient to assure satisfaction of the decision rendered by the board.~~

20 (2) Any security furnished under the provisions of this Section shall be in  
21 favor of the ~~board~~ clerk of the trial court in which the proceeding was brought, and  
22 shall be furnished as security for the judicial review of the complaining party in civil

1 district court and any judgment by the district court against him shall be paid or  
 2 satisfied from the proceeds of the sale of his property, or from the security posted  
 3 under the provisions of this Section. Mortgages on immovable property are adequate  
 4 security, but only where the mortgage is applied to unencumbered immovables;  
 5 mortgages in other than a first position are unacceptable as security under this  
 6 Section. The security furnished shall meet the requirements for bonds in judicial  
 7 proceedings set forth in Code of Civil Procedure Article 5121 et seq., and shall  
 8 become available to satisfy any portion of the judgment once the judgment becomes  
 9 final and has not been satisfied within thirty days of becoming final.

\* \* \*

§788. Violations

\* \* \*

13 B.(1) ~~In addition to any other civil remedy or criminal penalty provided for~~  
 14 ~~in this Chapter, the~~ The board may issue a subpoena to any person or persons who  
 15 the board has probable cause to believe has engaged in the practice of dentistry or  
 16 dental hygiene without a currently valid license or permit.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_