

2017 Regular Session

HOUSE BILL NO. 521

BY REPRESENTATIVES JOHNSON AND HOFFMANN

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

DENTISTRY: Establishes the domicile of the Louisiana State Board of Dentistry

1 AN ACT

2 To amend and reenact Section 1 of Act No. 866 of the 2014 Regular Session of the
3 Legislature of Louisiana, relative to the Louisiana State Board of Dentistry; to
4 establish the domicile of the board; to require public notice of a change of domicile;
5 to provide for the location of certain judicial proceedings; to provide for an effective
6 date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Section 1 of Act No. 866 of the 2014 Regular Session of the Legislature
9 of Louisiana is hereby amended and reenacted to read as follows:

10 Section 1. R.S. 37:753(E) and (I) and 786(A)(1) and (C) are hereby amended
11 and reenacted to read as follows:

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

14 * * *

15 E.(1)(a) Each person appointed to the board shall serve a term of five
16 years. ~~Any board member serving on August 15, 1993, shall thereafter be~~
17 ~~appointed for no more than two consecutive five-year terms.~~

18 (b) ~~On or after August 15, 1993, no person shall be appointed to~~
19 ~~serve more than two consecutive five-year terms. Regardless of a board~~
20 ~~member's dates of service, including past service, no person shall serve more~~

1 than a total of ten years on the board, whether such service consists of full or
2 partial terms, or is consecutive or not.

3 (c) The provisions of Subparagraph (b) of this Paragraph shall not
4 prevent a board member serving on August 1, 2014, from completing his
5 term of service, but shall thereafter apply.

6 * * *

7 I. The domicile of the Louisiana State Board of Dentistry shall be ~~the~~
8 ~~city of New Orleans parish of East Baton Rouge.~~ either the parish of Orleans
9 or the parish of Jefferson as designated by the board. The board shall
10 promulgate notice of any change in its domicile in accordance with the
11 Administrative Procedure Act, R.S. 49:950 et seq.

12 * * *

13 §786. Judicial review of adjudication

14 A.(1) Where the board, whether through a disciplinary committee or
15 the entire board, renders a decision in an administrative adjudication, the
16 party aggrieved by it may resort to the ~~civil district court for the parish of~~
17 ~~Orleans Nineteenth Judicial District in the parish of East Baton Rouge~~ civil
18 district court for the parish in which the board is domiciled for judicial
19 review. Any such appeals shall be filed in the court in the same manner as
20 original suits are instituted therein. A preliminary, procedural, or
21 intermediate agency action or ruling is immediately reviewable if review of
22 the final agency decision would not provide an adequate remedy and would
23 inflict irreparable injury.

24 * * *

25 C. All proceedings in the ~~civil district court for the parish of Orleans~~
26 ~~Nineteenth Judicial District in the parish of East Baton Rouge~~ civil district
27 court for the parish in which the board is domiciled and appellate courts
28 arising under this Section are civil in nature and shall be heard summarily by

1 the court without a jury, shall take precedence over other civil cases, and
2 shall be tried in chambers or in open court, in and out of term.

3 * * *

4 Section 2. In accordance with Act 491 of the 2016 Regular Session of the
5 Legislature of Louisiana, the provisions of R.S. 37:753(I) and 786(A)(1) and (C) as amended
6 by Section 1 of this Act shall become effective January 1, 2018.

7 Section 3. Except as provided in Section 2 of this Act, this Act shall become
8 effective upon signature by the governor or, if not signed by the governor, upon expiration
9 of the time for bills to become law without signature by the governor, as provided by Article
10 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
11 approved by the legislature, this Act shall become effective on the day following such
12 approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 521 Original 2017 Regular Session Johnson

Abstract: Establishes the domicile of the La. State Board of Dentistry as Orleans Parish or Jefferson Parish as designated by the board.

Present law establishes the domicile of the La. State Board of Dentistry as the city of New Orleans.

Proposed law changes the board's domicile to either the parish of Orleans or the parish of Jefferson as designated by the board. Further requires the board to promulgate notice of any change in its domicile.

Present law provides that judicial review of a decision of the board shall be in the civil district court for the parish of Orleans.

Proposed law changes the venue for judicial review of a decision of the board to the civil district court for the parish in which the board is domiciled.

Per Act 491 of the 2016 Regular Session, proposed law is effective January 1, 2018.

(Amends Section 1 of Act No. 866 of the 2014 R.S.)