

2018 Regular Session

SENATE BILL NO. 40

BY SENATOR MILLS

HEALTH CARE. Provides relative to health profession licensing board membership.
(8/1/18)

1 AN ACT

2 To amend and reenact R.S. 36:259, 801.1(A), the introductory paragraph of 802, and

3 803(A)(1), R.S. 37:753(B), (C)(4) and (J), 832(B)(2), 914(B)(1) and (C)(6), 915,

4 916(B), 962(B) and (C), 1042, 1104(A), (B)(1) and (2)(a), and (C), 1174(B), 1263(B)

5 and (C), 1515(A)(2) and (3), and (B), 2102, 2353(A)(1), (2) and (3), 2403(B),

6 2455(B)(1), (3), (4) and (5), 2503(A)(1), (2) and (3), 2654(A), the introductory

7 paragraph of 2704(A), (A)(5), (B), (C) and (G), 2802, 3061(A)(1) and (2), 3084,

8 3201, 3389, 3444(A), (B) and (C), 3463(A), (B) and (E), 3554(A) and (B), and

9 3703(B), (C) and (D), to enact R.S. 37:753(C)(5), 914(B)(3) and 962(D), and to

10 repeal R.S. 37:3061(A)(3) and (4) and R.S. 40:5.11(C), (D), (E) and (F), relative to

11 the health profession licensing boards created within the Louisiana Department of

12 Health; to provide for consumer membership on each of the boards; to provide for

13 consumer member qualifications; to provide for the rights of the consumer member;

14 to provide for board member nominations; to provide for notice by the boards to their

15 licensees; to provide for technical corrections; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 36:259, 801.1(A), the introductory paragraph of 802, and 803(A)(1)

1 are hereby amended and reenacted to read as follows:

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

3 ~~A. Repealed by Acts 2012, No. 811, §17, eff.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

4 ~~B. Repealed by Acts 2016, No. 577, §3, eff.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

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

8 ~~(1) Greenwell Springs Hospital (Greenwell Springs)~~

9 ~~(2)-(7) Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

10 ~~(8) Repealed by Acts 1989, No. 344, §4, eff.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

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

12 ~~(10) Eastern Louisiana Mental Health System (Jackson)~~

13 ~~(11) Jonesboro Charity Hospital (Jonesboro)~~

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

15 ~~(13) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(1); R.S.~~
16 ~~28:451.4)~~

17 ~~(14) North Lake Supports and Services Center (R.S. 28:22.8(A)(9))~~

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

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

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

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

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

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

1 ~~(21) Northwest Supports and Services Center (R.S. 28:22.8(A)(6))~~

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

3 ~~(23) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S.~~
4 ~~40:2142).~~

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

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

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

8 ~~D. The following agencies, as defined in R.S. 36:3, are placed within the~~
9 ~~Louisiana Department of Health and shall perform and exercise their powers, duties,~~
10 ~~functions, and responsibilities as otherwise provided by law:~~

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

12 ~~(2) Repealed by Acts 2013, No. 184, §7(B), eff. August 1, 2013.~~

13 ~~(3) Louisiana State Child Death Review Panel (R.S. 40:2019)~~

14 ~~(4) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)~~
15 ~~(Established by the Louisiana Licensed Professional Counselors Board of~~
16 ~~Examiners).~~

17 ~~(5) Nursing Home Emergency Preparedness Review Committee (R.S.~~
18 ~~40:2009.25)~~

19 ~~(6) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)~~

20 ~~(7) Louisiana Birth Defects Surveillance System Advisory Board (R.S.~~
21 ~~40:31.41 et seq.)~~

22 ~~(8) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et seq.)~~

23 ~~(9) Health Data Panel (R.S. 40:1173.1 et seq.)~~

24 ~~(10) The Louisiana Standards for Water Works Construction, Operation, and~~
25 ~~Maintenance Committee (R.S. 40:4.13).~~

26 ~~E. The following agencies, as defined in R.S. 36:3, are transferred to and~~
27 ~~hereafter shall be within the Louisiana Department of Health, as provided in R.S.~~
28 ~~36:803:~~

29 ~~(1) Louisiana State Board of Nursing (R.S. 37:911 et seq.)~~

- 1 ~~(2) Louisiana State Board of Dentistry (R.S. 37:751 et seq.)~~
- 2 ~~(3) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et seq.)~~
- 3 ~~(4) Louisiana State Board of Optometry Examiners (R.S. 37:1041 et seq.)~~
- 4 ~~(5) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101 et seq.)~~
- 5 ~~(6) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et seq.)~~
- 6 ~~(7) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.)~~
- 7 ~~(8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S. 37:611~~
- 8 ~~et seq.; R.S. 37:1261 et seq.)~~
- 9 ~~(9) Louisiana State Board of Embalmers and Funeral Directors (R.S. 37:831~~
- 10 ~~et seq.)~~
- 11 ~~(10) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.)~~
- 12 ~~(11) Louisiana Board of Examiners for Speech-Language Pathology and~~
- 13 ~~Audiology (R.S. 37:2650 et seq.)~~
- 14 ~~(12) Louisiana Board of Veterinary Medicine (R.S. 37:1511 et seq.)~~
- 15 ~~(13) Board of Examiners for Nursing Facility Administrators (R.S. 37:2501~~
- 16 ~~et seq.)~~
- 17 ~~(14) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et seq.)~~
- 18 ~~(16) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.)~~
- 19 ~~(17) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.)~~
- 20 ~~(20) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.)~~
- 21 ~~(21) The Louisiana Licensed Professional Vocational Rehabilitation~~
- 22 ~~Counselors Board of Examiners (R.S. 37:3441 et seq.)~~
- 23 ~~(22) Repealed by Acts 2012, No. 811, §1, eff. July 1, 2012.~~
- 24 ~~(23) The Addictive Disorder Regulatory Authority (R.S. 37:3389).~~
- 25 ~~(24) Repealed by Acts 2008, No. 534, §4, eff. June 30, 2008.~~
- 26 ~~(25) Louisiana Behavior Analyst Board (R.S. 37:3701 et seq.)~~
- 27 F. ~~The following agencies, as defined in R.S. 36:3, previously abolished by~~
- 28 ~~the Executive Reorganization Act, and their powers, duties, functions, and~~
- 29 ~~responsibilities are transferred to the secretary of the Louisiana Department of Health~~

1 and shall be exercised and performed as provided in Part IV of Chapter 22 of this
2 Title:

3 (1) ~~Louisiana Health and Human Resources Administration (R.S. 46:1751-~~
4 ~~46:1767, and generally Chapters 1 and 11 of Title 40 and all of Title 46 of the~~
5 ~~Louisiana Revised Statutes of 1950, except R.S. 46:1601-46:1608) to the extent that~~
6 ~~the cited provisions provide with respect to agencies or functions placed in or~~
7 ~~transferred to the Louisiana Department of Health.~~

8 (2), (3) ~~Repealed by Acts 1991, No. 390, §6, eff. Jan. 1, 1992.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (3) ~~Commission on Perinatal Care and Prevention of Infant Mortality (R.S.~~
16 ~~40:2018)~~

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

18 (5) ~~Water Supply and Sewerage Systems Certification Committee (R.S.~~
19 ~~40:1281.1 et seq.)~~

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

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

22 (8) ~~Repealed by Acts 1989, No. 352, §3; Acts 1989, No. 662, §8, eff. July 7,~~
23 ~~1989.~~

24 J.(1) ~~The Louisiana Emergency Response Network Board (R.S. 40:2841 et~~
25 ~~seq.) is placed within the Louisiana Department of Health and shall exercise and~~
26 ~~perform its powers, duties, functions, and responsibilities in the manner provided for~~
27 ~~agencies transferred in accordance with R.S. 36:801.1.~~

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

1 ~~K. The Medicaid Pharmaceutical and Therapeutics Committee (R.S.~~
2 ~~46:153.3) is placed within the Louisiana Department of Health and shall perform and~~
3 ~~exercise its powers, duties, functions, and responsibilities as provided by law.~~

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

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

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

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

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

22 ~~P. The Physician Assistants Advisory Committee (R.S. 37:1270.1) is placed~~
23 ~~within the Louisiana Department of Health and shall exercise and perform its~~
24 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~
25 ~~transferred in accordance with the provisions of R.S. 36:914.~~

26 ~~Q. The Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.~~
27 ~~37:3081 et seq.) is placed within the Louisiana Department of Health and shall~~
28 ~~exercise and perform its powers, duties, functions, and responsibilities in the manner~~
29 ~~provided for agencies transferred in accordance with R.S. 36:803.~~

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(2) The Louisiana Advisory Committee on Populations and Geographic~~
2 ~~Regions With Excessive Cancer Rates (R.S. 40:1105.12).~~

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

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

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

13 ~~EE. The Louisiana Licensed Professional Counselors Board of Examiners~~
14 ~~(R.S. 37:1101 et seq.) is hereby placed within the Louisiana Department of Health~~
15 ~~and shall perform and exercise its powers, duties, functions, and responsibilities in~~
16 ~~the manner provided for agencies transferred in accordance with the provisions of~~
17 ~~R.S. 36:803.~~

18 ~~FF. The Medical Education Commission (R.S. 17:1519.12) is placed within~~
19 ~~the Louisiana Department of Health and shall exercise and perform its powers,~~
20 ~~duties, functions, and responsibilities in the manner provided for agencies transferred~~
21 ~~in accordance with the provisions of Part III of Chapter 22 of this Title.~~

22 ~~GG. The Louisiana Emergency Medical Services Certification Commission~~
23 ~~(R.S. 40:1131 et seq.) is placed within the Louisiana Department of Health and shall~~
24 ~~perform and exercise its powers, duties, functions, and responsibilities in the manner~~
25 ~~provided for agencies transferred in accordance with R.S. 36:919.4.~~

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

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

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

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

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

2 ~~MM. The Louisiana Medical Disclosure Panel (R.S. 40:1157.2) is placed~~
3 ~~within the Louisiana Department of Health and shall exercise and perform its~~
4 ~~powers, duties, functions, and responsibilities in the manner provided for agencies~~
5 ~~transferred in accordance with the provisions of R.S. 36:802.~~

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

9 ~~OO. The Louisiana Obesity Prevention and Management Commission (R.S.~~
10 ~~40:2018.4) is placed within the Louisiana Department of Health and shall exercise~~
11 ~~and perform its powers, duties, functions, and responsibilities as provided by or~~
12 ~~pursuant to law.~~

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

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

17 **(2) Louisiana State Board of Embalmers and Funeral Directors (R.S.**
18 **37:831 et seq.).**

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

20 **(4) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et**
21 **seq.).**

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

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

26 **(7) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et**
27 **seq.).**

28 **(8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S.**
29 **37:611 et seq.; R.S. 37:1261 et seq.).**

1 (9) Louisiana Board of Veterinary Medicine (R.S. 37:1511 et seq.).

2 (10) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101
3 et seq.).

4 (11) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.).

5 (12) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.).

6 (13) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.).

7 (14) Board of Examiners for Nursing Facility Administrators (R.S.
8 37:2501 et seq.).

9 (15) Louisiana Board of Examiners for Speech-Language Pathology and
10 Audiology (R.S. 37:2650 et seq.).

11 (16) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et
12 seq.).

13 (17) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.).

14 (18) State Board of Electrolysis Examiners (R.S. 37:3051 et seq.).

15 (19) Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.
16 37:3081 et seq.).

17 (20) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.).

18 (21) The Addictive Disorder Regulatory Authority (R.S. 37:3389).

19 (22) The Louisiana Licensed Professional Vocational Rehabilitation
20 Counselors Board of Examiners (R.S. 37:3441 et seq.).

21 (23) Louisiana Board of Drug and Device Distributors (R.S. 37:3461 et
22 seq.).

23 (24) The Louisiana Board of Massage Therapy (R.S. 37:3551 et seq.).

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

25 B. The following agencies, as defined in R.S. 36:3, are placed within the
26 Louisiana Department of Health and shall perform and exercise their powers,
27 duties, functions, and responsibilities as otherwise provided by law:

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

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

- 1 **(3) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)**
2 **(Established by the Louisiana Licensed Professional Counselors Board of**
3 **Examiners).**
- 4 **(4) Nursing Home Emergency Preparedness Review Committee (R.S.**
5 **40:2009.25).**
- 6 **(5) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.).**
- 7 **(6) Louisiana Birth Defects Surveillance System Advisory Board (R.S.**
8 **40:31.41 et seq.).**
- 9 **(7) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et**
10 **seq.).**
- 11 **(8) Health Data Panel (R.S. 40:1173.1 et seq.).**
- 12 **(9) The Louisiana Standards for Water Works Construction, Operation,**
13 **and Maintenance Committee (R.S. 40:4.13).**
- 14 **(10) Medicaid Pharmaceutical and Therapeutics Committee (R.S.**
15 **46:153.3).**
- 16 **(11) The advisory council for the program of early identification of deaf**
17 **or hard of hearing infants (R.S. 46:2261 et seq.).**
- 18 **(12) Louisiana Obesity Prevention and Management Commission (R.S.**
19 **40:2018.4).**
- 20 **(13) Louisiana Sickle Cell Commission (R.S. 40:2018.3).**
- 21 **(14) Physician Assistants Advisory Committee (R.S. 37:1270.1).**
- 22 **(15) Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et**
23 **seq.).**
- 24 **(16) Commission on Perinatal Care and Prevention of Infant Mortality**
25 **(R.S. 40:2018).**
- 26 **(17) Water Supply and Sewerage Systems Certification Committee (R.S.**
27 **40:1281.1 et seq.).**
- 28 **(18) Louisiana Commission for the Deaf (R.S. 46:2351 et seq.).**
- 29 **(19) Louisiana Medical Disclosure Panel (R.S. 40:1157.2).**

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

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

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

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

7 (24)(a) The Louisiana Emergency Response Network Board (R.S.
8 40:2841 et seq.).

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

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

14 (b)The regional and state advisory councils for the Community and
15 Family Support System (R.S. 28:824(J)).

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

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

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

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

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

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

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

26 (33) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et
27 seq.).

28 (34) Louisiana State Board of Health and the Louisiana Department of
29 Health and all its subsidiary boards (Such provisions of Title 40 of the

1 Louisiana Revised Statutes of 1950 as are applicable to the abolished board and
2 department).

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

6 (1) Eastern Louisiana Mental Health System (Jackson).

7 (2) Central Louisiana State Hospital (Pineville).

8 (3) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(1); R.S.
9 28:451.4).

10 (4) North Lake Supports and Services Center (R.S. 28:22.8(A)(3); R.S.
11 28:451.4).

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

19 (6) Northwest Supports and Services Center (R.S. 28:22.8(A)(2); R.S.
20 28:451.4).

21 (7) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S.
22 40:2142).

23 * * *

24 §801.1. Transfer; retention of all functions

25 A. The agencies transferred by the provisions of R.S. 36:4(B)(1)(dd) and (18)
26 and (D), 4.1(C) and (G), 53(H) and (J), 209(R), 259(~~F~~)(**B**)(**24**), 409(N), 509(O),
27 651(D), and 725(A) shall continue to be comprised and selected as provided by law.

28 * * *

29 §802. Transfer; retention of policymaking and rulemaking functions

1 The agencies transferred by the provisions of R.S. 36:209(Q) and (Y),
2 259~~(MM)~~**(B)(19)**, 309(B), 409(C), 459(B), 610(B), 629(I), and 769(C) shall continue
3 to be composed and selected as provided by law, and each shall continue to exercise
4 all of the powers, duties, functions, and responsibilities provided or authorized for
5 each by the constitution or laws which are in the nature of policymaking,
6 rulemaking, licensing, regulation, enforcement, or adjudication and also shall
7 continue to exercise all advisory powers, duties, functions, and responsibilities
8 provided by law. Such powers, duties, functions, and responsibilities shall be
9 exercised independently of the secretary and any assistant secretary, except that:

10 * * *

11 §803. Transfer; licensing agencies

12 A.(1) Each of the agencies transferred by the provisions of R.S. 36:4.1(D),
13 R.S. 36:209(D), R.S. 36:259~~(E)~~**(A)**, R.S. 36:309(D), R.S. 36:409(D), and R.S.
14 36:509(C), all of which are charged by law with the responsibility for the regulation,
15 examination, certification, and licensing of persons in this state, and the enforcement
16 of the laws relating thereto, shall continue to be composed and selected as provided
17 by law, and each shall continue to exercise all of the powers, duties, functions, and
18 responsibilities provided or authorized for each by the constitution or laws which are
19 in the nature of policymaking, rulemaking, certification, licensing, regulation,
20 enforcement, or adjudication and also shall continue to exercise all advisory powers,
21 duties, functions, and responsibilities provided by law.

22 * * *

23 Section 2. R.S. 37:753(B), (C)(4) and (J), 832(B)(2), 914(B)(1) and (C)(6), 915,
24 916(B), 962(B) and (C), 1042, 1104(A), (B)(1) and (2)(a), and (C), 1174(B), 1263(B) and
25 (C), 1515(A)(2) and (3), and (B), 2102, 2353(A)(1), (2) and (3), 2403(B), 2455(B)(1), (3),
26 (4) and (5), 2503(A)(1), (2) and (3), 2654(A), the introductory paragraph of 2704(A), (A)(5),
27 (B), (C) and (G), 2802, 3061(A)(1) and (2), 3084, 3201, 3389, 3444(A), (B) and (C),
28 3463(A), (B) and (E), 3554(A) and (B), and 3703(B), (C) and (D) are hereby amended and
29 reenacted and R.S. 37:753(C)(5), 914(B)(3) and 962(D) are hereby enacted to read as

1 follows:

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

4 * * *

5 B. The board shall be composed of ~~such~~ **fifteen members to include one**
6 **consumer, thirteen** qualified and licensed dentists as provided in Subsection C of
7 **this Section** and one qualified and licensed dental hygienist.

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

9 * * *

10 **(4)(a) The consumer member shall be selected from the state at-large and**
11 **appointed by the governor. The consumer member of the board shall possess all**
12 **of the following qualifications:**

13 **(i) 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 **(ii) Has attained the age of majority.**

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

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

22 **(b) 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 **(5)** In the event the governor declares a state of emergency, all nominating
27 procedures may be delayed for a period of not longer than one hundred eighty days
28 from the date the emergency was first declared by the governor.

29 * * *

1 J. Each member of the board shall be actively engaged in the practice of
2 dentistry or the practice of dental hygiene at the time of appointment, **except for the**
3 **consumer member.**

4 * * *

5 §832. Louisiana State Board of Embalmers and Funeral Directors; appointments;
6 terms of office

7 * * *

8 B.(1) * * *

9 * * *

10 (2)(a) ~~The board shall also include one member, appointed by the governor,~~
11 ~~who shall be sixty years of age or over and who shall serve as a representative of the~~
12 ~~elderly consumers of Louisiana. The elderly member shall not be actively engaged~~
13 ~~in nor shall he be retired from the occupation, profession, or industry of funeral~~
14 ~~directors or embalmers. The elderly member shall be a full voting member of the~~
15 ~~board, except that the elderly member shall not participate in the grading of~~
16 ~~individual examinations.~~ **consumer member who shall be selected from the state**
17 **at-large and appointed by the governor. The consumer member of the board**
18 **shall possess all of the following qualifications:**

19 **(i) 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 **(ii) Has attained the age of majority.**

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

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

28 **(b) The consumer member shall be a full voting member of the board,**
29 **except that the consumer member shall not participate in the grading of**

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individual examinations.

* * *

§914. Louisiana State Board of Nursing; appointment of members; term of office; vacancy; officers; compensation

* * *

B.(1) The board shall be composed of eight registered nurses ~~appointed by the governor from a list of names submitted by the Louisiana State Nurses Association,~~ one certified registered nurse anesthetist ~~appointed by the governor from a list of names submitted by the Louisiana Association of Nurse Anesthetists, Ltd.,~~ and two representatives of the consumers of Louisiana from the state at-large appointed by the governor, ~~neither of whom shall be a nurse.~~ Each board member shall possess all of the applicable qualifications provided in R.S. 37:916.

* * *

(3) Within not less than thirty days prior to the expiration of each member's term, the board shall submit to the governor a list of the names of interested and qualified individuals for each respective category of board member identified through notice to all individuals licensed by the board, from which the governor shall make his appointment. The consumer member may also apply directly to the office of the governor.

C.

* * *

(6) Upon the expiration of the term of any member or in the event of a vacancy for any reason, the ~~appropriate nominating organization~~ **board** shall submit to the governor the names of two **interested and** qualified persons for each vacancy to be filled.

* * *

§915. Removal of board members

Any member may be removed from the board by the governor or a majority vote of the board after notice and a hearing by the board wherein grounds for

1 removal have been established, ~~and the removal is recommended by the Louisiana~~
2 ~~State Nurses Association.~~ Grounds for removal shall include but not be limited to
3 incompetence, neglect of duty, or unprofessional or dishonorable conduct.

4 §916. Qualifications of board members

5 * * *

6 B.(1) Each consumer member of the board shall possess all of the following
7 qualifications:

8 ~~(1)~~(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 ~~(2)~~(b) Has attained the age of majority.

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

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

16 (e) Shall not have nor shall ever have had a material financial interest in
17 the healthcare 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 * * *

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

24 * * *

25 B. Six members of the board shall be practical nurses, two shall be registered
26 nurses, one shall be a consumer, and ~~five~~ four shall be licensed physicians.

27 C.(1) The appointment of members of the board shall be made from a list,
28 containing twice the number of eligibles to be appointed, submitted to the governor
29 by the ~~Louisiana State Medical Society where the appointee shall be a licensed~~

1 ~~physician, by the Louisiana Federation of Licensed Practical Nurses, Inc., for one of~~
2 ~~the practical nurses, by the Licensed Practical Nurses of Louisiana, Inc., for one of~~
3 ~~the practical nurses, by the Louisiana Nursing Home Association, for one practical~~
4 ~~nurse, by the Louisiana Hospital Association, for one practical nurse, or by the~~
5 ~~Louisiana State Nurses Association where the appointee shall be a registered nurse~~
6 ~~**board.**~~

7 **(2) Within not less than thirty days prior to the expiration of each**
8 **member's term, the board shall submit to the governor a list of the names of**
9 **interested and qualified individuals for each respective category of board**
10 **member identified through notice to all individuals licensed by the board, from**
11 **which the governor shall make his appointment. The consumer member may**
12 **also apply directly to the office of the governor.**

13 **D.(1) The consumer member shall be selected from the state at-large and**
14 **appointed by the governor. The consumer member of the board shall possess all**
15 **of the following qualifications:**

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

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

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

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

23 **(e) Shall not have nor shall ever have had a material financial interest in**
24 **the healthcare profession.**

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

29 * * *

1 §1042. Louisiana State Board of Optometry Examiners; appointment; terms of
2 members; protected action and communication

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

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

24 **C.(1) The consumer member shall be selected from the state at-large and**
25 **appointed by the governor. The consumer member of the board shall possess all**
26 **of the following qualifications:**

27 **(a) 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 **(b) Has attained the age of majority.**

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

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

5 (e) Shall not have nor shall ever have had a material financial interest in
 6 the healthcare profession.

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

11 C.D. Each appointment by the governor shall be subject to Senate
 12 confirmation. The term of each member shall be five years, but vacancies occurring
 13 during the term of a member shall be filled for the unexpired term by an optometrist
 14 possessing the qualifications for board membership, nominated by the remaining
 15 members of the board and appointed by the governor from that nomination.

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

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

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

26 ~~E.F.~~ In any suit brought against the board, its employees or agents, or any
 27 person or entity providing information to the board, when the defendant substantially
 28 prevails in such suit, the court shall, at the conclusion of the action, award to the
 29 defendant and assess against the claimant the cost of defending the suit attributable

1 to such claim, including reasonable attorney fees, if the claim, or the claimant's
 2 conduct during the litigation of the claim, was either frivolous, unreasonable, without
 3 foundation, or in bad faith. For the purpose of this Subsection, a defendant shall not
 4 be considered to have substantially prevailed when the claimant obtains an award for
 5 damages or permanent injunctive or declaratory relief.

6 * * *

7 §1104. Louisiana Licensed Professional Counselors Board of Examiners

8 A. There is hereby created in the Louisiana Department of Health the
 9 Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred
 10 to as the "board", consisting of eleven members who shall be residents of the state
 11 of Louisiana. Each term shall be for four years. ~~Seven appointments to the board,~~
 12 ~~including one individual from the public at large, shall be made by the governor from~~
 13 ~~a list of qualified candidates submitted by the executive board of the Louisiana~~
 14 ~~Counseling Association. Four appointments to the board shall be made by the~~
 15 ~~governor from a list of qualified candidates submitted by the executive board of the~~
 16 ~~Louisiana Association for Marriage and Family Therapy.~~ Each appointment by the
 17 governor shall be submitted to the Senate for confirmation.

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

27 (b) Within not less than thirty days prior to the expiration of each
 28 member's term, the board shall submit to the governor a list of the names of
 29 interested and qualified individuals for each respective category of board

1 member identified through notice to all individuals licensed by the board, from
 2 which the governor shall make his appointment. The consumer member may
 3 also apply directly to the office of the governor.

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

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

9 (bb) Has attained the age of majority.

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

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

14 (ee) Shall not have nor shall ever have had a material financial interest
 15 in the healthcare profession.

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

20 (2)(a) The board shall establish a Marriage and Family Therapy Advisory
 21 Committee, which shall consist of the four licensed marriage and family therapist
 22 board members appointed by the governor from a list of names submitted by the
 23 executive board of the Louisiana Association for Marriage and Family Therapy.

24 * * *

25 C. No board member shall serve more than two full consecutive terms. Any
 26 board member may be removed by the governor or majority vote of the board, after
 27 notice and hearing, for incompetence, neglect of duty, malfeasance in office, or
 28 moral turpitude. Any vacancy occurring in board membership for the three licensed
 29 professional counselors, three counselor educators, or one **consumer** member of the

1 public ~~at large~~ **at-large**, other than by expiration of term, shall be appointed for the
 2 remainder of the unexpired term by the governor within thirty days from a list of
 3 qualified candidates ~~supplied~~ **provided** by the ~~executive board of the Louisiana~~
 4 ~~Counseling Association~~. Any vacancy occurring in board membership for the four
 5 licensed marriage and family therapists, other than by expiration of term, shall be
 6 appointed for the remainder of the unexpired term by the governor within thirty days
 7 from a list of qualified candidates ~~supplied~~ **provided** by the ~~executive board of the~~
 8 ~~Louisiana Association for Marriage and Family Therapy~~.

9 * * *

10 §1174. Qualifications

11 * * *

12 B.(1) The consumer member of the board shall **possess all of the following**
 13 **qualifications:** ~~be a resident of this state who has attained the age of majority and~~
 14 ~~shall not have nor shall ever have had material financial interest in the providing of~~
 15 ~~pharmacy services or who has engaged in any activity directly related to the practice~~
 16 ~~of pharmacy. The consumer representative shall not have been convicted of a felony.~~

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

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

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

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

24 **(e) Shall not have nor shall ever have had a material financial interest in**
 25 **the healthcare profession.**

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

* * *

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

* * *

B. ~~Beginning on January 1, 2017, the~~ **The** board shall consist of seven voting members **comprised of six physicians and one consumer member from the state at-large**, all appointed by the governor and subject to Senate confirmation, as follows: **Within not less than thirty days prior to the expiration of each member's term, the board shall submit to the governor a list of the names of interested and qualified individuals for each respective category of board member identified through notice to all individuals licensed by the board, from which the governor shall make his appointment. The consumer member may also apply directly to the office of the governor.**

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

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

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

~~(4) Two members from a list submitted by the Louisiana Medical Association.~~

~~(5) One member from a list submitted by the Louisiana Academy of Family Practice Physicians.~~

C. **(1)** Each physician member of the board shall at the time of appointment:

~~(1)~~ **(a)** Be a resident of this state for not less than six months.

~~(2)~~ **(b)** Be currently licensed and in good standing to engage in the practice of medicine in this state.

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~~(3)(c)~~ Be actively engaged in the practice of medicine in this state.

~~(4)(d)~~ Have five years of experience in the practice of medicine in this state after licensure.

~~(5)(e)~~ Have not been convicted of a felony.

~~(6)(f)~~ Have not been placed on probation by the board.

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

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

(ii) Has attained the age of majority.

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

(iv) Has never been convicted of a felony.

(v) Shall not have nor shall ever have had a material financial interest in the healthcare profession.

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

* * *

§1515. Board of Veterinary Medicine; terms; compensation; removal

A. * * *

* * *

(2) The board shall be composed of five members **to include four veterinarians and one consumer**, appointed by the governor **subject to confirmation by the Senate**, each appointed for a term of five years or until his successor is appointed, ~~except that, as provided by rule, the terms of the initial and subsequent members shall be staggered terms of five years.~~ Terms shall begin on

1 August first and terminate on July thirtieth of the fifth year of the term. Should the
2 signing of an appointment by the governor be delayed for any reason, the term itself
3 shall not be changed but shall begin on August first and end on July thirtieth. The
4 outgoing member shall remain on the board until such time as the incoming
5 member's appointment has been effected.

6 ~~(3) Whenever a vacancy occurs under this Section, the State Veterinary~~
7 ~~Medical Association shall nominate three or more qualified persons for each vacancy~~
8 ~~and forward the nominations to the governor at least thirty days before the date set~~
9 ~~for the appointment. The governor shall appoint one of the persons so nominated to~~
10 ~~fill the vacancy. Vacancies due to death, resignation, or removal shall be filled for~~
11 ~~the remainder of the unexpired term in the same manner as regular appointments.~~

12 **Within not less than thirty days prior to the expiration of each member's term,**
13 **the board shall submit to the governor a list of the names of interested and**
14 **qualified individuals for each respective category of board member identified**
15 **through notice to all individuals licensed by the board, from which the governor**
16 **shall make his appointment. The consumer member may also apply directly to**
17 **the office of the governor.**

18 * * *

19 B.(1) A person shall be qualified to serve as a **veterinarian** member of the
20 board if he is a graduate of a veterinary school, a resident of this state, and has been
21 licensed to practice veterinary medicine in this state for the five years immediately
22 preceding the time of his appointment. No person may serve on the board who is or
23 was during the two years immediately preceding his appointment, a member of the
24 faculty, trustee or advisory board of a veterinary school.

25 **(2)(a) The consumer member of the board shall possess all of the**
26 **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 (iii) Shall not have ever been licensed by any of the licensing boards
2 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
3 licensed by a board identified in R.S. 36:259(A).

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

5 (v) Shall not have nor shall ever have had a material financial interest
6 in the healthcare profession.

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

11 * * *

12 §2102. Board of Examiners; creation; domicile; membership; terms of office

13 A.(1) The Louisiana State Board of Examiners for Sanitarians is hereby
14 created within the Louisiana Department of Health and is subject to the provisions
15 of R.S. 36:803. Its domicile shall be in the city of New Orleans, Louisiana. The
16 board shall consist of seven members, ~~three of whom shall be respectively the dean~~
17 ~~of the College of Arts and Sciences of Louisiana State University and Agricultural~~
18 ~~and Mechanical College; the dean of the College of Arts and Sciences of Tulane~~
19 ~~University of Louisiana; and the assistant secretary, office of public health of the~~
20 ~~Louisiana Department of Health; and four~~ six of whom shall be duly recognized
21 licensed practicing sanitarians and one consumer member, all who shall be
22 appointed by the governor and confirmed by the Senate.

23 (2) Within not less than thirty days prior to the expiration of each
24 member's term, the board shall submit to the governor a list of the names of
25 interested and qualified individuals for each respective category of board
26 member identified through notice to all individuals licensed by the board, from
27 which the governor shall make his appointment. The consumer member may
28 also apply directly to the office of the governor.

29 (3)(a) The consumer member shall be selected from the state at-large and

1 appointed by the governor. The consumer member of the board shall possess all
2 of the following qualifications:

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

5 (ii) Has attained the age of majority.

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

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

10 (v) Shall not have nor shall ever have had a material financial interest
11 in the healthcare profession.

12 (b) 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 ~~B. The four sanitarians of the original board shall be appointed to terms~~
17 ~~beginning with the effective date of this Chapter, as follows: one member for one~~
18 ~~year, one member for two years, one member for three years, and one member for~~
19 ~~four years. Thereafter each sanitarian~~ **Each member** ~~appointed to the board shall be~~
20 ~~appointed and~~ serve for a term of four years.

21 * * *

22 §2353. State board of examiners; organization; duties; meetings; fees

23 A.(1) There is hereby created within the Louisiana Department of Health a
24 Louisiana State Board of Examiners of Psychologists which shall be subject to the
25 provisions of R.S. 36:803. The board shall consist of five members ~~who are citizens~~
26 ~~of the United States, residents of the state of Louisiana, and appointed by the~~
27 ~~governor~~ **to be comprised of five psychologists and one consumer.**

28 (2) ~~Upon expiration of the three-year terms of the members in office on~~
29 ~~September 1, 1987, and except for the transition set forth below, the~~ **The** governor

1 shall appoint members for terms of five years. **Each appointment by the governor**
 2 **shall be subject to Senate confirmation.** ~~For the two vacancies occurring July 1,~~
 3 ~~1988, one member shall be appointed for a three-year term and one member for a~~
 4 ~~four-year term; for the vacancy occurring July 1, 1989, the member shall be~~
 5 ~~appointed for a four-year term; and for the two vacancies occurring July 1, 1990, one~~
 6 ~~member shall be appointed for a four-year term and one member for a five-year term.~~

7 A board member shall not be eligible to succeed himself. All **psychologist**
 8 appointments shall be from a list provided by the ~~Louisiana Psychological~~
 9 ~~Association~~ **board. Within not less than thirty days prior to the expiration of**
 10 **each member's term, the board shall submit to the governor a list of the names**
 11 **of interested and qualified individuals for each respective category of board**
 12 **member identified through notice to all individuals licensed by the board, from**
 13 **which the governor shall make his appointment. The consumer member may**
 14 **also apply directly to the office of the governor.** The list shall report the results of
 15 an election in which persons qualified for board membership may nominate
 16 themselves and in which licensed ~~members of the Louisiana Psychological~~
 17 ~~Association and other persons licensed under this Chapter~~ **psychologists** are entitled
 18 to one vote for each vacancy on the board.

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

24 **(b)(i) The consumer member shall be selected from the state at-large and**
 25 **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 healthcare profession.

6 (ii) 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.(1) The board shall consist of seven members ~~who shall be appointed by~~
14 ~~the governor as follows:~~ to include four physical therapists, one physical
15 therapist assistant, one physician, and one consumer member. Within not less
16 than thirty days prior to the expiration of each member's term, the board shall
17 submit to the governor a list of the names of interested and qualified individuals
18 for each respective category of board member identified through notice to all
19 individuals licensed by the board, from which the governor shall make his
20 appointment. The consumer member may also apply directly to the office of the
21 governor.

22 ~~(1) Two members shall be physical therapists who possess an unrestricted~~
23 ~~license to practice physical therapy and who have been practicing in the state for no~~
24 ~~less than three years:~~

25 ~~(2) One member shall be a physical therapist who possesses an unrestricted~~
26 ~~license to practice physical therapy and has been practicing in the state for no less~~
27 ~~than three years and shall be appointed from a list of names submitted by the~~
28 ~~Louisiana Hospital Association:~~

29 ~~(3) Two members shall be physical therapists who possess an unrestricted~~

1 ~~license to practice physical therapy and have been practicing in the state for no less~~
2 ~~than three years and shall be appointed from a list of names submitted by the~~
3 ~~Louisiana Physical Therapy Association.~~

4 ~~(4) One member shall be a physical therapist assistant who possesses an~~
5 ~~unrestricted license to assist in the practice of physical therapy as a physical therapist~~
6 ~~assistant and who has been practicing in the state for no less than three years.~~

7 ~~(5) One member shall be a physician who possesses an unrestricted license~~
8 ~~to practice medicine in the state and who specializes in the practice of orthopedic~~
9 ~~surgery or the practice of physiatry and shall be appointed from a list of names~~
10 ~~submitted by the Louisiana State Medical Society.~~

11 **(2) The physical therapist and physical therapist assistant shall possess**
12 **an unrestricted license to practice physical therapy or to assist in the practice**
13 **of physical therapy and shall have been practicing in the state for no less than**
14 **three years.**

15 **(3)(a) The consumer member shall be selected from the state at-large and**
16 **possess all of the following qualifications:**

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

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

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

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

24 **(v) Shall not have nor shall ever have had a material financial interest**
25 **in the healthcare profession.**

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

* * *

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

* * *

B.(1) The board shall be composed of nine members to include eight licensed hearing aid dealers and one consumer member, each appointed by the governor and confirmed by the Senate. ~~Seven members shall be hearing aid dealers, the eighth shall be the state health officer or his representative, and the ninth member shall be sixty years of age or over and shall serve as a representative of the elderly consumers of Louisiana. The seven hearing aid dealers shall be appointed in the following manner. The Louisiana Society of Hearing Aid Specialists, chartered by the state, shall submit to the governor names of not less than fourteen qualified hearing aid dealers, who shall be actively engaged in the selling and fitting of hearing aids.~~ Within not less than thirty days prior to the expiration of each member's term, the board shall submit to the governor a list of the names of interested and qualified individuals for each respective category of board member identified through notice to all individuals licensed by the board, from which the governor shall make his appointment. The consumer member may also apply directly to the office of the governor.

* * *

(3) ~~Out of the fourteen qualified hearing aid dealers to be submitted to the governor, four are to be domiciled and work in District I and two are to be domiciled and work in each of the other districts.~~ The board shall include in their submission to the governor interested and qualified hearing aid dealers who are domiciled and work in each of the six districts unless there were no interested and qualified individuals in a particular district.

(4) ~~From this list the governor shall appoint seven members of the board, two from District I, and one from each of the other five districts. Of the seven hearing aid dealer members of the board, one shall be appointed to serve a term of four years, two shall be appointed to serve for a term of three years, two shall be appointed to~~

1 ~~serve for a term of two years, and two shall be appointed to serve for a term of one~~
 2 ~~year. Each member so appointed shall serve for the term of his appointment, and~~
 3 ~~thereafter until his successor has been appointed by the governor. After the original~~
 4 ~~board member has been appointed by the governor, as hereinabove set forth, each of~~
 5 ~~the successor hearing aid dealer board members~~ **Each member** shall be appointed
 6 for a term of four years. ~~All terms provided in this Paragraph shall begin on January~~
 7 ~~1, 1969.~~ In the event of a vacancy on the board, the governor shall appoint a new
 8 ~~hearing aid dealer board member to serve out the unexpired term. The members of~~
 9 ~~the board shall annually designate one such member to serve as chairman and~~
 10 ~~another member to serve as secretary-treasurer. No hearing aid dealer member of the~~
 11 ~~board may be reappointed to the board until at least one year after the expiration of~~
 12 ~~his second term of office.~~

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

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

5 * * *

6 §2503. Board of Examiners for Nursing Facility Administrators

7 A.(1) There is hereby created within the Louisiana Department of Health the
8 Board of Examiners of Nursing Facility Administrators. The board shall be subject
9 to the provisions of R.S. 36:803. The board shall be composed of ~~thirteen~~ nine
10 ~~members, ten of whom shall be ex-officio members and three of whom~~ who shall be
11 appointed by the governor and confirmed by the Senate as hereinafter provided.

12 (2) The ~~ex-officio~~ members of the board shall be:

13 (a) ~~The president of the Louisiana Nursing Home Association, Inc. or his~~
14 ~~designee.~~

15 (b) ~~The president of the Louisiana Medical Society or his designee.~~

16 (c) ~~The secretary of the Louisiana Department of Health or his designee.~~

17 (d) ~~(b)~~ The director of the Bureau of Health Services Financing of the
18 Louisiana Department of Health or his designee.

19 (e) ~~(c)~~ The president of Louisiana State University or his designee.

20 (f) ~~(d)~~ The president of Tulane University or his designee.

21 (g) ~~(e)~~ The president of Dillard University or his designee.

22 (h) ~~The president of the Louisiana Hospital Association or his designee.~~

23 (i) ~~The president of the Louisiana Association of Homes for the Aging or his~~
24 ~~designee.~~

25 (j) ~~The president of the Louisiana State Nurses Association or his designee.~~

26 (3) ~~(a)~~ (f) ~~Three additional members~~ Three licensed facility administrators
27 ~~shall be appointed by the governor from a list of names submitted to him by the~~
28 ~~board of directors of the Louisiana Nursing Home Association, Inc. or its successor.~~

29 ~~The association shall submit three names for each vacant position. Each appointment~~

1 ~~by the governor shall be submitted to the Senate for confirmation. The three~~
2 ~~members appointed by the governor shall serve three-year terms each.~~

3 (b) ~~Two members shall be licensed nursing facility administrators.~~

4 (e)(g) One **consumer** member shall be sixty years of age or older and shall
5 serve as a representative of the elderly consumers of Louisiana. The elderly member
6 shall not be actively engaged in nursing facility administration **who shall be selected**
7 **from the state at-large and shall possess all of the following qualifications:**

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

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

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

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

17 (ii) **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 (3) **The nursing facility administrator and consumer members of the**
22 **board shall serve three-year terms each.**

23 * * *

24 §2654. Board of examiners; creation; membership; appointment; terms; chair;
25 quorum

26 A. The Louisiana Board of Examiners for Speech-Language Pathology and
27 Audiology is hereby created within the Louisiana Department of Health and is
28 subject to the provisions of R.S. 36:803. The board shall consist of seven persons
29 who are residents of this state, and who, except for the ~~public~~ **consumer** member,

1 have been engaged in providing service, or in teaching, or research in speech-
 2 language pathology or audiology for at least five years prior to appointment and who
 3 are licensed speech-language pathologists or audiologists under this Chapter. At least
 4 three of the members shall be practicing audiologists, one of whom shall be a
 5 dispensing audiologist, at least three shall be practicing speech-language
 6 pathologists, one of whom shall be currently employed in a public school setting, and
 7 one shall be a ~~public~~ **consumer** member.

8 (1) ~~No public member shall:~~

9 (a) ~~Have ever actively engaged in the practice of speech-language pathology~~
 10 ~~or audiology.~~

11 (b) ~~Be employed by, own, or participate in the management of an agency or~~
 12 ~~business entity that sells, manufactures, or distributes health care supplies or~~
 13 ~~equipment or provides health care services.~~

14 (c) ~~Have a financial interest in the practice or business of speech-language~~
 15 ~~pathology or audiology.~~

16 (d) ~~Be an elected official.~~

17 (e) ~~Be a family member or spouse of a licensed speech-language pathologist~~
 18 ~~or audiologist.~~

19 (2) ~~The public member shall be an individual or a family member or spouse~~
 20 ~~of an individual with a communication disorder.~~

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

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

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

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

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

1 (v) Shall not have nor shall ever have had a material financial interest
2 in the healthcare profession.

3 (vi) Be an individual or a family member or spouse of an individual with
4 a communication disorder.

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

9 * * *

10 §2704. Board of Social Work Examiners

11 A. There is hereby created a Louisiana State Board of Social Work
12 Examiners within the Louisiana Department of Health. The board shall be subject
13 to the provisions of R.S. 36:803. It shall consist of seven members **to include six**
14 **social workers and one consumer member** ~~who are citizens of the United States~~
15 ~~and residents of the state of Louisiana.~~ The members shall be appointed by the
16 governor, subject to Senate confirmation. ~~All appointees shall be selected from one~~
17 ~~list compiled by all statewide social work membership organizations that have~~
18 ~~written bylaws and meet all state and federal laws, and the Louisiana Chapter of the~~
19 ~~National Association of Social Workers shall be responsible for the coordination of~~
20 ~~this process.~~ **Within not less than thirty days prior to the expiration of each**
21 **member's term, the board shall submit to the governor a list of the names of**
22 **interested and qualified individuals for each respective category of board**
23 **member identified through notice to all individuals licensed by the board, from**
24 **which the governor shall make his appointment. The consumer member may**
25 **also apply directly to the office of the governor.** All appointees shall serve no
26 more than two consecutive full terms. The completion of an unexpired portion of a
27 full term shall not constitute a full term for purposes of this Section. The board shall
28 consist of the following members:

29 * * *

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

2 B. Each board member, with the exception of the ~~public~~ **consumer** member,
3 shall be a person who holds a current, valid license or registration issued pursuant
4 to this Chapter **and shall be a citizen of the United States and resident of the state**
5 **of Louisiana**. At all times the board shall consist of at least three members who are
6 engaged primarily in rendering direct services in social work and at least one
7 member who is engaged primarily in social work education or a practice specialty
8 other than clinical.

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

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

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

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

17 **(1) The consumer member of the board shall be selected from the state**
18 **at-large and 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 healthcare profession.**

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

29 **(2) 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 G. The board shall notify all social workers of vacancies on the board, the
6 qualifications for service, and that interested social workers may submit a letter of
7 interest and resume' to ~~qualified social work membership organizations~~ the board.

8 * * *

9 §2802. Board of chiropractic examiners

10 A.(1) The Louisiana Board of Chiropractic Examiners is hereby created
11 within the Louisiana Department of Health and is subject to the provisions of R.S.
12 36:803. The board shall be composed of seven members ~~who shall be appointed by~~
13 ~~the governor~~ to include six licensed chiropractors and one consumer member
14 and confirmed by the Senate. Each member shall be appointed by the governor
15 subject to Senate confirmation. Within not less than thirty days prior to the
16 expiration of each member's term, the board shall submit to the governor a list
17 of the names of interested and qualified individuals for each respective category
18 of board member identified through notice to all individuals licensed by the
19 board, from which the governor shall make his appointment. The consumer
20 member may also apply directly to the office of the governor. Terms of
21 members shall be four years each or until the successor of each member takes
22 office. ~~All seven members shall be chiropractors licensed under the provisions of this~~
23 ~~Chapter, who have been continuously engaged in the practice of chiropractic in this~~
24 ~~state for at least five years; however, the initial members required to be chiropractors~~
25 ~~shall be persons who are eligible to be licensed under the provisions of this Chapter.~~

26 (2) ~~The initial members shall be appointed within thirty days after July 31,~~
27 ~~1974, to serve for terms of one, two, three, and four years, as designated by the~~
28 ~~governor at the time of appointment. Thereafter, the terms of members shall be four~~
29 ~~years each or until the successor of each member takes office.~~ Chiropractor

1 members of the board shall be licensed under the provisions of this Chapter and
 2 shall have been continuously engaged in the practice of chiropractic in this state
 3 for at least five years.

4 (3)(a) The consumer member of the board shall be selected from the state
 5 at-large and shall possess all of the following qualifications:

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

8 (ii) Has attained the age of majority.

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

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

13 (v) Shall not have nor shall ever have had a material financial interest
 14 in the healthcare profession.

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

19 ~~B. Every chiropractor appointed to the board after the initial appointments~~
 20 ~~shall be a licensed chiropractor under the provisions of this Chapter.~~

21 ~~C.~~ Any vacancy occurring in the membership of the board, except by
 22 expiration of the term, shall be filled for the unexpired term in the manner provided
 23 in Subsection A of this section.

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

27 ~~E.D.~~ The governor shall issue each member a certificate of appointment.
 28 Within thirty days after the date of his appointment and before commencing the
 29 discharge of his duties, each member shall subscribe to the oath for public officials,

1 which shall be deposited with the secretary of state as provided by law.

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

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

12 * * *

13 §3061. Board of Electrolysis Examiners

14 A.(1)(a) The State Board of Electrolysis Examiners shall be composed of five
15 members **to include three licensed electrologists, one licensed physician, and one**
16 **consumer member**, all to be appointed by the governor to serve at his pleasure.

17 ~~(b) Four members shall be licensed electrologists who have been engaged in~~
18 ~~the practice of electrology for at least five years prior to their appointment and shall~~
19 ~~be appointed from a list of names as follows:~~

20 ~~(i) Two shall be appointed from a list of four names submitted by the~~
21 ~~Louisiana Electrologist Association.~~

22 ~~(ii) Two shall be appointed from a list of four names submitted by the~~
23 ~~Regional Electrologists Association of Louisiana.~~

24 ~~(c) One member shall be appointed from a list of three physicians licensed~~
25 ~~to practice medicine in this state recommended by the Louisiana State Medical~~
26 ~~Society, subject to the provisions of Subparagraph (2)(b) of this Subsection.~~

27 **(b) The electrologist members shall be licensed under the provisions of**
28 **this Chapter and shall have been engaged in the practice of electrology for at**
29 **least five years prior to appointment and shall be a resident of this state.**

1 (c)(i) The consumer member shall be selected from the state at-large. The
2 consumer member of the board shall possess all of the following qualifications:

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

5 (bb) Has attained the age of majority.

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

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

10 (ee) Shall not have nor shall ever have had a material financial interest
11 in the healthcare profession.

12 (ii) 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 (2)(a) Within not less than thirty days prior to the expiration of each
17 member's term, the board shall submit to the governor a list of the names of
18 interested and qualified individuals for each respective category of board
19 member identified through notice to all individuals licensed by the board, from
20 which the governor shall make his appointment. The consumer member may
21 also apply directly to the office of the governor. If the governor determines that
22 the nominees of the Louisiana Electrologist Association, the Regional Electrologists
23 Association of Louisiana, or of the Louisiana State Medical Society are not suitable,
24 he may decline to appoint from the list submitted and shall call upon the association
25 or the society to nominate an additional list of persons.

26 (b) He may repeat such call until a list containing a qualified person or
27 persons meeting his approval is submitted. If the Louisiana State Medical Society
28 does not submit a list of physicians to the governor within thirty days of any such
29 request, the governor may appoint an additional nominee of either the Louisiana

1 ~~Electrologist Association or the Regional Electrologists Association of Louisiana in~~
2 ~~lieu of the licensed physician.~~

3 (c) Each appointment by the governor shall be submitted to the Senate for
4 confirmation.

5 ~~(3) Members serving on the board shall remain in office until their successors~~
6 ~~are appointed and take office.~~

7 ~~(4) Members of the board shall be residents of this state.~~

8 * * *

9 §3084. Louisiana State Board of Examiners in Dietetics and Nutrition; membership,
10 terms, and vacancies; officers; meetings; quorum; compensation

11 A. The Louisiana State Board of Examiners in Dietetics and Nutrition,
12 hereinafter referred to as the "board", is hereby created within the Louisiana
13 Department of Health, **subject to the provisions of R.S. 36:803.**

14 B.(1) The board shall be composed of ~~the following~~ seven members **to**
15 **include four licensed dietitians or nutritionists, one licensed registered nurse,**
16 **one licensed physician, and one consumer member,** all appointed by the governor
17 and subject to Senate confirmation.

18 ~~(a) Four shall be licensed dietitians/nutritionists selected from a list submitted~~
19 ~~by the Louisiana Dietetic Association.~~

20 ~~(b) One shall be a licensed registered nurse selected from a list of names~~
21 ~~submitted by the Louisiana State Nurses Association.~~

22 ~~(c) One shall be a person with a baccalaureate or higher degree from a~~
23 ~~regionally accredited college or university with a major course of study in human~~
24 ~~nutrition, food and nutrition, dietetics, or food systems management selected from~~
25 ~~a list of names submitted by the Louisiana Commissioner of Agriculture and~~
26 ~~Forestry.~~

27 ~~(d) One shall be a licensed physician selected from a list of names submitted~~
28 ~~by the Louisiana State Medical Society.~~

29 (2) The initial members of the board shall be appointed by the governor not

1 later than sixty days after the effective date of this Chapter from lists of names
 2 submitted by the designated associations not later than thirty days after the effective
 3 date of this Chapter. Within not less than thirty days prior to the expiration of
 4 each member's term, the board shall submit to the governor a list of the names
 5 of interested and qualified individuals for each respective category of board
 6 member identified through notice to all individuals licensed by the board, from
 7 which the governor shall make his appointment. The consumer member may
 8 also apply directly to the office of the governor.

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

18 (2)(a) The consumer member of the board shall possess all of the
 19 following 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 healthcare 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 ~~D. Two of the dietitian/nutritionist members of the board shall be appointed~~
5 ~~for initial terms of two years and two of the dietitian/nutritionist members for three~~
6 ~~years, as designated by the governor at the time of the appointment. The nursing~~
7 ~~member, the member appointed from names submitted by the commissioner of~~
8 ~~Agriculture and Forestry, and the physician each shall be appointed for an initial~~
9 ~~term of one year. Thereafter, each **Each** member shall be appointed for a term of~~
10 ~~three years.~~

11 E. A vacancy in the membership of the board shall be filled for the unexpired
12 term in the same manner as the original appointment.

13 F. ~~Repealed by Acts 2016, No. 636, §2, eff. August 1, 2016.~~

14 G. ~~Within thirty days after the appointment of its initial members, the board~~
15 ~~shall hold a meeting for the purpose of organization and shall elect from its~~
16 ~~membership a chairman, a vice chairman, and a secretary-treasurer. Officers **A**~~
17 ~~**chairman, vice chairman, and secretary-treasurer** shall be elected **annually** for~~
18 ~~terms of one year, or until the successor of each is elected. Thereafter, the board shall~~
19 ~~annually and in like manner elect its officers.~~

20 H.G. The board shall hold regular meetings at least twice in each year for the
21 purpose of considering applicants and at any other time the board or its chairman
22 deems necessary, at a time and place designated by the chairman. Special meetings
23 may be called by the chairman upon giving at least seventy-two hours' notice thereof
24 by registered or certified mail to the post office address of each member of the board
25 and of persons who previously have indicated that they have business before the
26 board.

27 I.H. Four members of the board shall constitute a quorum for the transaction
28 of any and all business at any regular or special meeting.

29 J.I. Members of the board shall serve in their capacity as board members

1 without compensation but shall be reimbursed for necessary expenses incurred while
2 engaged on board business. Reimbursement for expenses shall be paid out of the
3 monies credited the board as provided by R.S. 37:3089.

4 ~~K.J.~~ This board shall be financially self-sufficient. It shall receive no state
5 funds through appropriation or otherwise and shall not expend any such state funds.
6 No state funds shall be expended or committed to expenditure for the group benefits
7 program or any other health insurance or employee benefit program, for any
8 retirement system, for any salary, per diem payment, travel or expenses, office
9 supplies and materials, rent, purchase of any product or service, or for any other
10 purpose.

11 * * *

12 §3201. Radiologic Technology Board of Examiners; method of appointment;
13 qualifications of members

14 A. There is hereby created within the Louisiana Department of Health the
15 Radiologic Technology Board of Examiners which shall carry out the purposes and
16 enforce the provisions of this Chapter, subject to the provisions of R.S. 36:803.

17 B.(1) The board shall consist of eleven members **to include four radiologic**
18 **technologists, three radiologists, one radiological physicist, two hospital**
19 **administrators, and one consumer member, to be** appointed by the governor of
20 ~~whom:~~ **and confirmed by the Senate. Within not less than thirty days prior to**
21 **the expiration of each member's term, the board shall submit to the governor**
22 **a list of the names of interested and qualified individuals for each respective**
23 **category of board member identified through notice to all individuals licensed**
24 **by the board, from which the governor shall make his appointment. The**
25 **consumer member may also apply directly to the office of the governor.**

26 (a) ~~Four shall be radiologic technologists selected from a list submitted by~~
27 ~~the Louisiana Society of Radiologic Technologists.~~

28 (b) ~~Three shall be hospital administrators, each of whom shall be currently~~
29 ~~employed by a hospital, selected from a list of nine names submitted by the~~

1 Louisiana Hospital Association.

2 ~~(c) Three shall be radiologists selected from a list of nine names submitted~~
3 ~~by the Louisiana State Medical Society, and~~

4 ~~(d) One shall be a radiological physicist.~~

5 ~~(2) Each appointment by the governor shall be submitted to the Senate for~~
6 ~~confirmation.~~

7 ~~C. Board Radiological members of the board shall be licensed pursuant~~
8 ~~to the provisions of this Chapter and shall be residents of the state who have been~~
9 ~~actively practicing in their fields for not less than five years.~~

10 ~~(3)(a) The consumer member of the board shall possess all of the~~
11 ~~following qualifications:~~

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

14 ~~(ii) Has attained the age of majority.~~

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

18 ~~(iv) Has never been convicted of a felony.~~

19 ~~(v) Shall not have nor shall ever have had a material financial interest~~
20 ~~in the healthcare profession.~~

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

25 ~~D. The radiologic technologists initially appointed to the board must be~~
26 ~~eligible for licensure pursuant to the provisions of this Chapter; thereafter, radiologic~~
27 ~~technologists appointed to the board must be licensed pursuant to the provisions of~~
28 ~~this Chapter.~~

29 ~~E.C.~~ Each hospital administrator appointed to the board pursuant to

1 Subsection B of this Section shall remain employed by a hospital for the duration of
 2 his membership on the board. Any hospital administrator who ceases to be employed
 3 by a hospital shall be ineligible to serve on the board and shall immediately resign
 4 therefrom. If such member fails to resign, the board shall, at its next meeting, remove
 5 such member by a vote of a majority of its members.

6 * * *

7 §3389. Transition; Addictive Disorder Regulatory Authority

8 ~~A.(1) The regulation of addictive disorder treatment and prevention~~
 9 ~~professionals has been undertaken both through a board appointed by the governor~~
 10 ~~and through an office within the Louisiana Department of Health. In Louisiana, the~~
 11 ~~practice of most health care professions is licensed and regulated by appointed~~
 12 ~~boards placed within the Louisiana Department of Health. Therefore, the legislature~~
 13 ~~hereby finds it appropriate that the responsibility and authority to regulate the~~
 14 ~~practice of addictive disorder treatment and prevention be exercised by a licensing~~
 15 ~~board created for that purpose.~~

16 B: The Addictive Disorder Regulatory Authority (ADRA) is hereby created
 17 within the Louisiana Department of Health to exercise all regulatory jurisdiction
 18 over the credentialing and practice of addiction counselors and prevention
 19 professionals, persons holding specialty certifications issued by the board,
 20 paraprofessionals authorized by this Chapter, and those in training to become
 21 addiction counselors and prevention professionals. The ADRA shall be governed
 22 by a board of directors, hereinafter referred to as the "board", consisting of seven
 23 voting members and one nonvoting member, all of whom shall be appointed by the
 24 governor, subject to Senate confirmation, as follows: Board members shall include
 25 three addiction counselors, two prevention professionals, one compulsive
 26 gambling counselor, and one consumer member.

27 (2) Within not less than thirty days prior to the expiration of each
 28 member's term, the board shall submit to the governor a list of the names of
 29 interested and qualified individuals for each respective category of board

1 member identified through notice to all individuals licensed by the board, from
2 which the governor shall make his appointment. The consumer member may
3 also apply directly to the office of the governor.

4 (3)(a) The consumer member shall be selected from the state at-large.
5 The consumer member of the board shall possess all of the following
6 qualifications:

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

9 (ii) Has attained the age of majority.

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

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

14 (v) Shall not have nor shall ever have had a material financial interest
15 in the healthcare profession.

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

20 ~~(1) One nonvoting member who possesses significant knowledge in the area~~
21 ~~of addiction from a list of three names submitted by the Louisiana State Medical~~
22 ~~Society.~~

23 ~~(2) One voting member who possesses significant experience and knowledge~~
24 ~~in the area of compulsive gambling from a list of three names submitted by the~~
25 ~~Louisiana Association of Substance Abuse Counselors and Trainers, Inc.~~

26 ~~(3) One voting member who possesses significant experience and knowledge~~
27 ~~in the area of prevention from a list of three names submitted by the Louisiana~~
28 ~~Association of Substance Abuse Counselors and Trainers, Inc.~~

29 ~~(4) One voting member who possesses significant experience and knowledge~~

1 in the area of opiate replacement therapy from a list of three names submitted by the
2 Louisiana Association of Substance Abuse Counselors and Trainers, Inc.

3 (5) Four voting members from a list of twelve names divided into four groups
4 of three names each submitted by the Louisiana Association of Substance Abuse
5 Counselors and Trainers, Inc.

6 C.B. Members of the board shall serve three-year terms ~~except that in making~~
7 ~~the initial appointments, the governor shall appoint two voting members for a one-~~
8 ~~year term, three voting members for a two-year term, and two voting members for~~
9 ~~a three-year term. The nonvoting member shall serve an initial term of three years.~~

10 Members appointed to fill vacancies caused by death, resignation, or removal shall
11 serve the unexpired terms of their predecessors.

12 ~~D. The nominees shall be submitted to the governor on or before September~~
13 ~~1, 2006. The governor shall select the individuals to serve on the board on or before~~
14 ~~October 15, 2006. The individuals so selected shall serve as the advisory committee~~
15 ~~for the ADRA until July 1, 2007, at which time they shall begin to serve and function~~
16 ~~as the board of directors for the ADRA. The terms of office described in this~~
17 ~~Subsection shall commence on July 1, 2007.~~

18 E.C. Members of the board shall elect a chairman and such other officers as
19 it deems necessary to carry out the duties and functions of the board. The ADRA
20 may employ persons necessary to carry out the provisions of this Chapter and may
21 fix their compensation. The ADRA shall employ at least three persons: an executive
22 director, an assistant director, and an administrative assistant. ~~The Louisiana~~
23 ~~Department of Health, office of behavioral health, shall be responsible for providing~~
24 ~~staff for the ADRA until June 30, 2009. From July 1, 2009, and thereafter the board~~
25 ~~of the ADRA shall resume full responsibility for providing staff for the ADRA.~~
26 Employees of the board shall be eligible to participate in the state group benefits plan
27 and in the state retirement system.

28 F.D. A majority of the voting members of the board shall constitute a quorum
29 for the transaction of all business.

1 G. It is the ~~intent of the legislature that the board exercise all regulatory~~
2 ~~jurisdiction over the credentialing and practice of addiction counselors and~~
3 ~~prevention professionals, persons holding specialty certifications issued by the board,~~
4 ~~paraprofessionals authorized by this Chapter, and those in training to become~~
5 ~~addiction counselors and prevention professionals.~~

6 * * *

7 §3444. Louisiana Licensed Professional Vocational Rehabilitation Counselors Board
8 of Examiners

9 A.(1) There is hereby created in the Louisiana Department of Health the
10 Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of
11 Examiners, ~~hereafter referred to as the "board"~~, consisting of five members; who
12 shall be residents of the state of Louisiana. The members shall be appointed by the
13 governor from a list of qualified candidates supplied by the ~~Louisiana Association~~
14 ~~of Rehabilitation Professionals~~, as specified in this Section ~~within sixty days after~~
15 ~~July 14, 1988 to serve the following terms: one member for a term of two years, two~~
16 ~~members for terms of three years, and two members for terms of four years~~ **board.**
17 ~~Thereafter, each~~ **Each** term shall be for four years. Each appointment by the
18 governor shall be submitted to the Senate for confirmation.

19 **(2) Within not less than thirty days prior to the expiration of each**
20 **member's term, the board shall submit to the governor a list of the names of**
21 **interested and qualified individuals for each respective category of board**
22 **member identified through notice to all individuals licensed by the board, from**
23 **which the governor shall make his appointment. The consumer member may**
24 **also apply directly to the office of the governor.**

25 B.(1) The membership of the board shall consist of three licensed
26 professional vocational rehabilitation counselors and two ~~individuals~~ **consumers**
27 from the public ~~at large~~ **at-large**. ~~The original professional membership of the board~~
28 ~~shall be qualified to be licensed under this Chapter, except that the initial~~
29 ~~professional members shall be persons who have rendered rehabilitation counseling~~

1 ~~for at least three years. Within thirty days after July 14, 1988, the executive~~
2 ~~committee of the Louisiana Association for Rehabilitation Professionals shall submit~~
3 ~~to the governor a list of qualified candidates for the board. The board shall perform~~
4 ~~such duties and exercise such powers as this Chapter prescribes and confers upon it.~~
5 ~~No member of the board shall be individually liable for any act or omission resulting~~
6 ~~in damage or injury arising out of the exercise of his judgment in the formation and~~
7 ~~implementation of policy while acting as a member of the board, provided he was~~
8 ~~acting in good faith and within the scope of his official functions and duties, unless~~
9 ~~the damage or injury was caused by his willful or wanton misconduct.~~

10 **(2)(a) The consumer members shall be selected from the state at-large**
11 **and shall possess all of the following qualifications:**

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

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

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

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

19 **(v) Shall not have nor shall ever have had a material financial interest**
20 **in the healthcare profession.**

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

25 C. No board member shall serve more than two full consecutive terms.
26 Subsequent appointments to the board shall be made in the manner of the original
27 appointments, including the submission of a list of qualified candidates by the
28 ~~executive committee of the Louisiana Association for Rehabilitation Professionals~~
29 **board**. Any board member may be removed by the governor or majority vote of the

1 board, after notice and hearing, for incompetence, neglect of duty, malfeasance in
 2 office, or moral turpitude. Any vacancy occurring in board membership, other than
 3 by expiration of term, shall be filled for the remainder of the unexpired term by the
 4 governor within thirty days from a list of qualified candidates supplied by the
 5 ~~Louisiana Association for Rehabilitation Professionals~~ **board**.

6 * * *

7 §3463. Board; appointments; terms; removal; compensation; officers

8 A. The Louisiana Board of Drug and Device Distributors is hereby created
 9 within the Louisiana Department of Health and is subject to the provisions of R.S.
 10 36:803. The board shall administer the provisions of this Chapter. It shall be
 11 composed of eight members, ~~five~~ **four** of whom shall be licensed distributors, two
 12 of whom shall be actively engaged in the pharmaceutical manufacturing industry,
 13 ~~and~~ one of whom shall be actively engaged in the medical device industry, **and one**
 14 **consumer. Each member shall be appointed by the governor, subject to Senate**
 15 **confirmation.**

16 **B.(1) Within not less than thirty days prior to the expiration of each**
 17 **member's term, the board shall submit to the governor a list of the names of**
 18 **interested and qualified individuals for each respective category of board**
 19 **member identified through notice to all individuals licensed by the board, from**
 20 **which the governor shall make his appointment. The consumer member may**
 21 **also apply directly to the office of the governor.** ~~The governor shall appoint,~~
 22 ~~subject to Senate confirmation, members to the board from a list containing the~~
 23 ~~names of five persons, submitted by the Louisiana Association of Wholesale Drug~~
 24 ~~Distributors and from a list containing the names of two persons, submitted by the~~
 25 ~~Pharmaceutical Research and Manufacturers of America. In the event of the death~~
 26 ~~or resignation of any member of the board, the governor shall appoint his successor~~
 27 ~~in the manner of the original appointment for the remainder of the unexpired term.~~

28 **(2)(a) The consumer member shall be selected from the state at-large and**
 29 **appointed by the governor, subject to confirmation by the Senate. The**

1 consumer member of the board shall possess all of the following qualifications:

2 (i) 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 (ii) Has attained the age of majority.

5 (iii) 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 (iv) Has never been convicted of a felony.

9 (v) Shall not have nor shall ever have had a material financial interest
10 in the healthcare profession.

11 (b) 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 * * *

16 E. The ~~presidents of the Pharmaceutical Research and Manufacturers of~~
17 ~~America and the Louisiana Association of Wholesale Drug Distributors~~ **board** shall
18 submit the nominations within sixty days after receipt of notice of death, resignation,
19 or removal of a member of the board and at least thirty days prior to the expiration
20 of the term of a member of the board.

21 * * *

22 §3554. Louisiana Board of Massage Therapy; creation, membership, qualifications,
23 terms, vacancies, officers, meetings, reimbursement, liability

24 A.(1) The Louisiana Board of Massage Therapy is hereby created within the
25 Louisiana Department of Health **subject to the provisions of R.S. 36:803**. It shall
26 be composed of seven members ~~appointed by the governor. Five of the members~~
27 ~~shall be appointed from a list of nominees submitted to the governor by professional~~
28 ~~massage therapy and bodywork associations. From the list of association nominees,~~
29 ~~three of the persons appointed shall be licensed massage therapists. Two lay~~

1 ~~members shall be appointed from the list of nominees, both of whom shall be~~
2 ~~consumers who have never been nor are currently a licensed massage therapist in the~~
3 ~~state.) Two additional licensed massage therapists shall be appointed to the board~~
4 ~~from a general list of names which are submitted for consideration by other~~
5 ~~interested sources or individuals.~~ **to include five licensed massage therapists and**
6 **two consumers. Appointments shall be made by the governor, subject to Senate**
7 **confirmation.**

8 **(2) Within not less than thirty days prior to the expiration of each**
9 **member's term, the board shall submit to the governor a list of the names of**
10 **interested and qualified individuals for each respective category of board**
11 **member identified through notice to all individuals licensed by the board, from**
12 **which the governor shall make his appointment. The consumer member may**
13 **also apply directly to the office of the governor.**

14 ~~(2)~~ **(3)(a)** All massage therapists appointed to the board by the governor shall
15 be licensed and in good standing under this Chapter. The appointees shall have
16 practiced massage therapy for at least three years.

17 **(b)(i) The consumer members shall be selected from the state at-large.**
18 **The consumer members of the board shall possess all of the following**
19 **qualifications:**

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

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

27 **(ee) Shall not have nor shall ever have had a material financial interest**
28 **in the healthcare profession.**

29 **(ii) 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 B. All members of the board shall serve two-year terms. No member shall
5 serve more than three consecutive terms. ~~For the purposes of staggering the board~~
6 ~~member terms, the governor shall appoint to the board three massage therapists and~~
7 ~~one lay member in odd-numbered years and two massage therapists and one lay~~
8 ~~member in even-numbered years.~~

9 * * *

10 §3703. Louisiana Behavior Analyst Board

11 * * *

12 B.(1) The board shall **be comprised of five members to include** ~~consist of~~
13 ~~five~~ **four** behavior analysts **and one consumer member** who shall be appointed by
14 the governor from a list of nominees submitted by the Louisiana Behavior Analysis
15 Association **board**, and who shall be confirmed by the Senate.

16 (2) ~~The five behavior analysts shall become licensed once this Chapter~~
17 ~~becomes effective.~~ **(a) The consumer member of the board shall possess all of the**
18 **following qualifications:**

19 **(i) 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 **(ii) Has attained the age of majority.**

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

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

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 (3) Within not less than thirty days prior to the expiration of each
4 member's term, the board shall submit to the governor a list of the names of
5 interested and qualified individuals for each respective category of board
6 member identified through notice to all individuals licensed by the board, from
7 which the governor shall make his appointment. The consumer member may
8 also apply directly to the office of the governor. Members of the board shall serve
9 at the pleasure of the governor. A vacancy in an unexpired term shall be filled in the
10 manner of the original appointment.

11 (4)(a) ~~The first two appointments to the initial board shall each serve a term~~
12 ~~of four years, and such positions on the board shall be four-year terms.~~

13 (b) ~~The third and fourth appointments to the initial board shall each serve a~~
14 ~~term of three years, and such positions on the board shall be three-year terms.~~

15 (c) ~~The fifth appointment to the initial board shall serve a term of five years,~~
16 ~~and such position on the board shall be a five-year term.~~

17 (5) ~~If there is a vacancy, the appointment to complete the term shall follow~~
18 ~~the same process to appoint members to the board.~~

19 (6) ~~No member of the board shall serve more than two consecutive complete~~
20 ~~terms on the board.~~

21 (7) ~~The State Board of Examiners of Psychologists shall appoint a member~~
22 ~~to serve as an ex officio, nonvoting member of the board.~~

23 C. ~~The board shall convene its first meeting no later than October 1, 2013.~~
24 ~~At this meeting~~ **Annually**, the board shall elect from among its membership a
25 chairman and vice chairman.

26 D. A majority of the members of the board shall constitute a quorum for the
27 transaction of all business. ~~The ex officio member shall not be considered for the~~
28 ~~purpose of establishing a quorum.~~

29 * * *

1 Section 3. R.S. 37:3061(A)(3) and (4) and R.S. 40:5.11(C), (D), (E) and (F) are
2 hereby repealed.

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

DIGEST

SB 40 Original

2018 Regular Session

Mills

Proposed law updates the transfer of agencies to the Louisiana Department of Health (LDH) 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 boards of agencies within LDH. 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.

Present law provides for professional trade associations and other entities to select and submit nominees to the governor for board appointment. Proposed law opens board nomination eligibility to any member licensed by the board who is interested and eligible. Proposed law requires the board to send notice to its licensees to fill board positions and submit the names of those interested and eligible to serve to the governor for board appointment.

Effective August 1, 2018.

(Amends R.S. 36:259, 801.1(A), 802(intro para), and 803(A)(1), R.S. 37:753(B), (C)(4) and (J), 832(B)(2), 914(B)(1) and (C)(6), 915, 916(B), 962(B) and (C), 1042, 1104(A), (B)(1) and (2)(a), and (C), 1174(B), 1263(B) and (C), 1515(A)(2) and (3), and (B), 2102, 2353(A)(1), (2) and (3), 2403(B), 2455(B)(1), (3), (4) and (5), 2503(A)(1), (2) and (3), 2654(A), 2704(A)(intro para), (A)(5), (B), (C) and (G), 2802, 3061(A)(1) and (2), 3084, 3201, 3389, 3444(A), (B) and (C), 3463(A), (B) and (E), 3554(A) and (B) and 3703(B), (C) and (D); adds R.S. 37:753(C)(5), 914(B)(3) and 962(D); repeals R.S. 37:3061(A)(3) and (4) and R.S. 40:5.11(C), (D), (E) and (F))