

2018 Regular Session

SENATE BILL NO. 260

BY SENATOR MILKOVICH

STATE AGENCIES. Provides relative to disciplinary hearings by professional and occupational licensing boards and commissions. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 49:992(D)(5) and to enact R.S. 37:21.1 and R.S. 49:992.2,
3 relative to boards and commissions; to provide relative to disciplinary proceedings;
4 to provide for the option to refer disciplinary matters to the division of administrative
5 law; to provide relative to terms, conditions, and procedures; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 **§21.1. Licensing disciplinary actions; administrative law judges**

10 **A. Notwithstanding any provision of law to the contrary, a person who**
11 **has a disciplinary action brought against him by a professional or occupational**
12 **licensing board or commission may elect to have the matter moved to the**
13 **division of administrative law for a disciplinary adjudication by an**
14 **administrative law judge in accordance with the Administrative Procedure Act,**
15 **R.S. 49:950 et seq.**

16 **B. A notification to a person by a board or commission of pending**
17 **disciplinary action against him shall include language advising him that he may**

1 elect to have the matter heard by an administrative law judge. The notice from
 2 the board to the person shall also advise the person that he has thirty days from
 3 receipt of the notice to advise the board, in writing, whether or not he elects to
 4 have the matter heard by an administrative law judge.

5 C. Professional and occupational licensing boards and commissions and
 6 the division of administrative law may promulgate rules in accordance with the
 7 Administrative Procedure Act to implement the provisions of this Section.

8 Section 2. R.S. 49:992(D)(5) is hereby amended and reenacted and R.S. 49:992.2
 9 is here by enacted to read as follows:

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

11 * * *

12 D. * * *

13 (5) ~~State~~ **Except as provided in R.S. 37:21.1, state** professional and
 14 occupational licensing boards shall be exempt from the provisions of this Chapter.

15 * * *

16 **§992.2. Applicability; professional licensing boards and commission**

17 **Pursuant to the provisions of R.S. 37:21.1, a matter referred to the**
 18 **division of administrative law for an adjudication hearing shall be conducted**
 19 **under the provisions of this Chapter and the Administrative Procedure Act.**

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

DIGEST

SB 260 Original 2018 Regular Session Milkovich

Present law provides relative to powers and duties of professional licensing boards and commissions.

Present law provides relative to disciplinary actions by boards and commissions.

Proposed law allows a person who has a disciplinary action brought against him by a professional licensing board or commission may elect to have the matter moved to the division of administrative law for a disciplinary adjudication by an administrative law judge.

Proposed law requires that the notification to a person by a board or commission of pending disciplinary action against him shall include language advising him that he may elect to have the matter heard by an administrative law judge.

Proposed law provides that the notice from the board to the person shall also advise the person that he has 30 days from receipt of the notice to advise the board, in writing, whether or not he elects to have the matter heard by an administrative law judge (alj).

Proposed law provides that professional licensing boards and commissions and the division of administrative law may promulgate rules in accordance with the Administrative Procedure Act to implement proposed law.

Present law provides that state professional and occupational licensing boards shall be exempt from laws relating to the division of administrative law.

Proposed law provides that if a person elects to have his disciplinary hearing before an administrative law judge, he will be subject to the provisions of law pertaining to alj proceedings.

Effective August 1, 2018.

(Amends R.S. 49:992(D)(5); adds R.S. 37:21.1 and R.S. 49:992.2)