

HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Health and Welfare to Reengrossed Senate Bill No. 40 by Senator Mills

1 AMENDMENT NO. 1

2 On page 1, delete lines 3 through 10 in their entirety and insert in lieu thereof the following:

3 "803(A)(1), R.S. 37:753(B), (C)(4), and (J), 832(A)(2) and (B)(2), 915, 916(B), 962(B) and
 4 (C), 1042, 1104(A) and (B)(1), 1172(A), 1174(B), 1263(C), 1515(A)(1), 2102, 2353(A)(1),
 5 (2), and (3), the introductory paragraph of 2359(B), the introductory paragraph of 2403(B),
 6 2455(B)(1), (4), and (5), 2654(A), the introductory paragraph of 2704(A), (A)(5), (B), and
 7 (C), 2802, 3061(A)(1)(a) and (2)(c), 3084(A), the introductory paragraph of (B)(1), (B)(2),
 8 (C), (D), and (G), 3201(B)(1)(d) and (2), (C), and (D), the introductory paragraph of
 9 3389(B), (B)(5), (C), (E), and (G), 3444(A) and (B), 3463(A) and (B), 3554(A) and (B), and
 10 3703(B), (C), and (D), and the heading of R.S. 40:5.11, to enact R.S. 37:753(C)(5),
 11 914(B)(3), 962(D), 2403(B)(6), (G), and (H), 3061(A)(1)(d) and (D), 3084(B)(1)(e), and
 12 3389(B)(6), and to repeal R.S. 37:3389(A) and (D) and R.S. 40:5.11(C) through (F),"

13 AMENDMENT NO. 2

14 On page 1, at the beginning of line 11, delete "(D), (E) and (F),"

15 AMENDMENT NO. 3

16 On page 1, line 14, after "consumer member;" delete the remainder of the line and at the
 17 beginning of line 15 delete "notice by the boards to their licensees;"

18 AMENDMENT NO. 4

19 On page 10, line 1, delete "**The**"

20 AMENDMENT NO. 5

21 On page 10, line 2, delete "**The**"

22 AMENDMENT NO. 6

23 On page 10, line 6, delete "**The**"

24 AMENDMENT NO. 7

25 On page 10, line 24, delete "**The**"

26 AMENDMENT NO. 8

27 On page 11, line 14, delete "**The**"

28 AMENDMENT NO. 9

29 On page 11, line 19, delete "**The**"

30 AMENDMENT NO. 10

31 On page 11, line 23, delete "**The**"

1 AMENDMENT NO. 11

2 On page 13, line 11, after "transferred" and before "and" insert "to"

3 AMENDMENT NO. 12

4 On page 14, after line 12, delete the remainder of the page and delete pages 15 through 56
5 in their entirety and insert in lieu thereof the following:

6 "Section 2. R.S. 37:753(B), (C)(4), and (J), 832(A)(2) and (B)(2), 915, 916(B),
7 962(B) and (C), 1042, 1104(A) and (B)(1), 1172(A), 1174(B), 1263(C), 1515(A)(1), 2102,
8 2353(A)(1), (2), and (3), the introductory paragraph of 2359(B), the introductory paragraph
9 of 2403(B), 2455(B)(1), (4), and (5), 2654(A), the introductory paragraph of 2704(A),
10 (A)(5), (B), and (C), 2802, 3061(A)(1)(a) and (2)(c), 3084(A), the introductory paragraph
11 of (B)(1), (B)(2), (C), (D), and (G), 3201(B)(1)(d) and (2), (C), and (D), the introductory
12 paragraph of 3389(B), (B)(5), (C), (E), and (G), 3444(A) and (B), 3463(A) and (B), 3554(A)
13 and (B), and 3703(B), (C), and (D) are hereby amended and reenacted and R.S.
14 37:753(C)(5), 914(B)(3), 962(D), 2403(B)(6), (G), and (H), 3061(A)(1)(d) and (D),
15 3084(B)(1)(e), and 3389(B)(6) are hereby enacted to read as follows:

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

18 * * *

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

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

23 * * *

24 **(4)(a) 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 **(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.**

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

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

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

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

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

43 * * *

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

47 * * *

48 §832. Louisiana State Board of Embalmers and Funeral Directors; appointments;
49 terms of office

50 A. * * *

51 (2) The board shall consist of nine members to be appointed by the governor,
52 subject to Senate confirmation, as further provided in Subsection B of this Section.
53 All members of the board shall serve at the pleasure of the governor for terms of four

1 years. The governor shall ensure that his appointments demonstrate race,
2 gender, ethnic, and geographical diversity.

3 B. * * *
4 * * *

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

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

16 (ii) Has attained the age of majority.

17 (iii) Has never been licensed by any of the licensing boards identified in
18 R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a
19 board identified in R.S. 36:259(A).

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

21 (v) Does not have and has never had a material financial interest in the
22 healthcare profession.

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

26 * * *

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

29 * * *

30 B. * * *
31 * * *

32 (3) The governor shall ensure that his appointments demonstrate race,
33 gender, ethnic, and geographical diversity.

34 * * *

35 §915. Removal of board members

36 Any member may be removed from the board by the governor or a majority
37 vote of the board after notice and a hearing by the board wherein grounds for
38 removal have been established, ~~and the removal is recommended by the Louisiana~~
39 ~~State Nurses Association.~~ Grounds for removal shall include but not be limited to
40 incompetence, neglect of duty, or unprofessional or dishonorable conduct.

41 §916. Qualifications of board members

42 * * *

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

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

47 (2)(b) Has attained the age of majority.

48 (3)(c) Has never engaged in any activity directly related to the practice of
49 professional nursing **Has never been licensed by any of the licensing boards**
50 identified in R.S. 36:259(A), nor shall he have a spouse who has ever been
51 licensed by a board identified in R.S. 36:259(A).

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

53 (e) Does not have and has never had a material financial interest in the
54 healthcare profession.

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

59 * * *

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

2 * * *

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

5 C. The appointment of members of the board shall be made from a list,
6 containing twice the number of eligibles to be appointed, submitted to the governor
7 by the Louisiana State Medical Society where the appointee shall be a licensed
8 physician, by the Louisiana Federation of Licensed Practical Nurses, Inc., for one of
9 the practical nurses, by the Licensed Practical Nurses of Louisiana, Inc., for one of
10 the practical nurses, by the Louisiana Nursing Home Association, for one practical
11 nurse, by the Louisiana Hospital Association, for one practical nurse, or by the
12 Louisiana State Nurses Association where the appointee shall be a registered nurse.
13 The consumer member may apply directly to the office of the governor. The
14 governor shall ensure that his appointments demonstrate race, gender, ethnic,
15 and geographical diversity.

16 D.(1) The consumer member shall be selected from the state at large and
17 appointed by the governor. The consumer member of the board shall possess all
18 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) Has never been licensed by any of the licensing boards identified in
23 R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a
24 board identified in R.S. 36:259(A).

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

26 (e) Does not have and has never had a material financial interest in the
27 healthcare profession.

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

32 * * *

33 §1042. Louisiana State Board of Optometry Examiners; appointment; terms of
34 members; protected action and communication

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

39 B. Each licensed optometrist member of the board shall be appointed by the
40 governor from a list of three names submitted to him by the board. The governor
41 shall ensure that his appointments demonstrate race, gender, ethnic, and
42 geographical diversity. For the purpose of preparing the list of three names, the
43 board shall conduct an annual meeting on a date in June set by the board annually,
44 at which all optometrists licensed under the laws of Louisiana shall have the right to
45 attend, nominate and vote. The board shall have the authority to regulate and
46 prescribe the place and hour of the meeting, the method of nomination, and the
47 manner of voting. Each optometrist in attendance shall have the right to vote for
48 those persons duly nominated and no cumulative or proxy voting shall be permitted.
49 Each optometrist voting must vote for three nominees in order for his ballot to be
50 valid, and any ballot indicating votes for more or less than three nominees shall be
51 null and void. The three persons receiving the greatest number of votes of those in
52 attendance at the meeting shall be the three persons whose names shall be submitted
53 to the governor for appointment to the board. At least thirty days prior to the meeting
54 the board shall mail notices to each optometrist licensed under the laws of Louisiana
55 at the address shown in his current registration notifying each optometrist of the
56 exact date, place and hour of the meeting, the purpose of the meeting and of his right
57 to attend and vote. The consumer member may apply directly to the office of the
58 governor.

1 C.(1) The consumer member shall be selected from the state at large and
 2 appointed by the governor. The consumer member of the board shall possess all
 3 of the following qualifications:

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

6 (b) Has attained the age of majority.

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

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

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

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

17 C.D. Each appointment by the governor shall be subject to Senate
 18 confirmation. The term of each member shall be five years, but vacancies occurring
 19 during the term of a member shall be filled for the unexpired term by an optometrist
 20 possessing the qualifications for board membership, nominated by the remaining
 21 members of the board and appointed by the governor from that nomination. A
 22 **vacancy in the consumer position shall be filled with another consumer.**

23 D.E. There shall be no liability on the part of and no action for damages
 24 against any of the following persons:

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

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

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

42 * * *

43 §1104. Louisiana Licensed Professional Counselors Board of Examiners

44 A. There is hereby created in the Louisiana Department of Health the
 45 Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred
 46 to as the "board", consisting of eleven members who shall be residents of the state
 47 of Louisiana. Each term shall be for four years. Seven appointments to the board,
 48 including one ~~individual~~ **consumer** from the public at large, shall be made by the
 49 governor from a list of qualified candidates submitted by the executive board of the
 50 Louisiana Counseling Association. **The consumer member may also apply**
 51 **directly to the office of the governor.** Four appointments to the board shall be made
 52 by the governor from a list of qualified candidates submitted by the executive board
 53 of the Louisiana Association for Marriage and Family Therapy. Each appointment
 54 by the governor shall be submitted to the Senate for confirmation. **The governor**
 55 **shall ensure that his appointments demonstrate race, gender, ethnic, and**
 56 **geographical diversity.**

57 B.(1)(a) The membership of the board shall consist of three licensed
 58 professional counselors, three educators who are licensed professional counselors
 59 and whose function is the training of mental health counselors in accredited

1 programs, four licensed marriage and family therapists, and one ~~individual~~
2 **consumer** from the public at large. The professional membership of the board shall
3 be licensed under this Chapter. The board shall perform such duties and exercise
4 such powers as this Chapter prescribes and confers upon it. No member of the board
5 shall be liable in any civil action for any act performed in good faith in the execution
6 of his duties under this Chapter.

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

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

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

13 **(cc) Has never been licensed by any of the licensing boards identified in**
14 **R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a**
15 **board identified in R.S. 36:259(A).**

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

17 **(ee) Does not have and has never had a material financial interest in the**
18 **healthcare profession.**

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

23 * * *

24 §1172. Membership

25 A. The board shall consist of seventeen members appointed by the governor,
26 including two licensed pharmacists from each of the pharmacy districts as provided
27 in R.S. 37:1173 and one representative of the consumers of Louisiana from the state
28 at-large who possess the qualifications specified in R.S. 37:1174. **The governor**
29 **shall ensure that his appointments demonstrate race, gender, ethnic, and**
30 **geographical diversity.**

31 * * *

32 §1174. Qualifications

33 * * *

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

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

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

42 **(c) Has never been licensed by any of the licensing boards identified in**
43 **R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a**
44 **board identified in R.S. 36:259(A).**

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

46 **(e) Does not have and has never had a material financial interest in the**
47 **healthcare profession.**

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

52 * * *

53 §1263. Louisiana State Board of Medical Examiners; membership; qualifications;
54 appointment; removal; terms

55 * * *

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

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

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

1 ~~(3)(c)~~ Be actively engaged in the practice of medicine in this state.
 2 ~~(4)(d)~~ Have five years of experience in the practice of medicine in this state
 3 after licensure.

4 ~~(5)(e)~~ Have not been convicted of a felony.
 5 ~~(6)(f)~~ Have not been placed on probation by the board.

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

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

11 **(iii) Has never been licensed by any of the licensing boards identified in**
 12 **R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a**
 13 **board identified in R.S. 36:259(A).**

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

15 **(v) Does not have and has never had a material financial interest in the**
 16 **healthcare profession.**

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

21 * * *

22 §1515. Board of Veterinary Medicine; terms; compensation; removal

23 A.(1) There is created within the Louisiana Department of Health
 24 **Agriculture and Forestry** a board to be known as the Louisiana Board of Veterinary
 25 Medicine which is subject to the provisions of R.S. 36:803.

26 * * *

27 §2102. Board of Examiners; creation; domicile; membership; terms of office

28 A.(1) The Louisiana State Board of Examiners for Sanitarians is hereby
 29 created within the Louisiana Department of Health and is subject to the provisions
 30 of R.S. 36:803. Its domicile shall be in the city of New Orleans, Louisiana. The
 31 board shall consist of seven members, three of whom shall be respectively the dean
 32 of the College of Arts and Sciences of Louisiana State University and Agricultural
 33 and Mechanical College; the dean of the College of Arts and Sciences of Tulane
 34 University of Louisiana; and the assistant secretary, office of public health of the
 35 Louisiana Department of Health; ~~and four,~~ **three** of whom shall be ~~duly recognized~~
 36 **licensed practicing sanitarians, and one consumer member, all of whom shall be**
 37 **appointed by the governor and confirmed by the Senate. The consumer member**
 38 **may also apply directly to the office of the governor.**

39 **(2) The governor shall ensure that his appointments demonstrate race,**
 40 **gender, ethnic, and geographical diversity.**

41 **(3)(a) The consumer member shall be selected from the state at large.**
 42 **The consumer member of the board shall possess all of the following**
 43 **qualifications:**

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

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

47 **(iii) Has never been licensed by any of the licensing boards identified in**
 48 **R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a**
 49 **board identified in R.S. 36:259(A).**

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

51 **(v) Does not have and has never had a material financial interest in the**
 52 **healthcare profession.**

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

57 B. ~~The four sanitarians of the original board shall be appointed to terms~~
 58 ~~beginning with the effective date of this Chapter, as follows: one member for one~~
 59 ~~year, one member for two years, one member for three years, and one member for~~

1 four years. Thereafter each ~~sanitarian~~ **Each member** appointed to the board shall be
 2 appointed and serve for a term of four years.

3 * * *

4 §2353. State board of examiners; organization; duties; meetings; fees

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

10 (2) ~~Upon expiration of the three-year terms of the members in office on~~
 11 ~~September 1, 1987, and except for the transition set forth below, the~~ **The** governor
 12 shall appoint members for terms of five years. **Each appointment by the governor**
 13 **shall be subject to Senate confirmation.** For the two vacancies occurring July 1,
 14 1988, one member shall be appointed for a three-year term and one member for a
 15 four-year term; for the vacancy occurring July 1, 1989, the member shall be
 16 appointed for a four-year term; and for the two vacancies occurring July 1, 1990, one
 17 member shall be appointed for a four-year term and one member for a five-year term.
 18 A board member shall not be eligible to succeed himself. All **psychologist**
 19 appointments shall be from a list provided by the Louisiana Psychological
 20 Association. The list shall report the results of an election in which persons qualified
 21 for board membership may nominate themselves and in which licensed members of
 22 the Louisiana Psychological Association and other persons licensed under this
 23 Chapter are entitled to one vote for each vacancy on the board. **The consumer**
 24 **member may apply directly to the office of the governor. The governor shall**
 25 **ensure that his appointments demonstrate race, gender, ethnic, and**
 26 **geographical diversity.**

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

32 (b)(i) **The consumer member shall be selected from the state at large and**
 33 **shall possess all of the following qualifications:**

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

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

37 (cc) **Has never been licensed by any of the licensing boards identified in**
 38 **R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a**
 39 **board identified in R.S. 36:259(A).**

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

41 (ee) **Does not have and has never had a material financial interest in the**
 42 **healthcare profession.**

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

47 * * *

48 §2359. Denial, revocation, or suspension of license; psychologist; provisional
 49 license; specialist in school psychology

50 * * *

51 B. The board shall have the power and duty to suspend, place on probation,
 52 require remediation for a specified time, revoke any license to practice psychology,
 53 any provisional license to practice psychology, or any license to practice as a
 54 specialist in school psychology issued by the board, or take any other action
 55 specified in the rules and regulations whenever the board, by affirmative vote of at
 56 least four ~~members~~ **of its five members a five-member hearing panel**, shall find
 57 by a preponderance of the evidence that a psychologist, provisional licensed
 58 psychologist, or specialist in school psychology has engaged in any of the following
 59 acts or offenses:

1 * * *
2 §2403. Physical therapy board; composition
3 * * *

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

6 * * *
7 (6) One member shall be a consumer selected from the state at large. The
8 consumer member may also apply directly to the office of the governor.
9 * * *

10 G.(1) The consumer member shall be selected from the state at large and
11 possess all of the following qualifications:

12 (a) 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 (b) Has attained the age of majority.

15 (c) Has never been licensed by any of the licensing boards identified in
16 R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a
17 board identified in R.S. 36:259(A).

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

19 (e) Does not have and has never had a material financial interest in the
20 healthcare profession.

21 (2) 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 H. The governor shall ensure that his appointments demonstrate race,
26 gender, ethnic, and geographical diversity.

27 * * *
28 §2455. Louisiana Board for Hearing Aid Dealers; composition; districts
29 * * *

30 B.(1) The board shall be composed of nine members. Seven members shall
31 be hearing aid dealers, the eighth shall be the state health officer or his
32 representative, and the ninth member shall be sixty years of age or over and shall
33 serve as a representative of the elderly consumers of Louisiana. The seven hearing
34 aid dealers shall be appointed in the following manner. The Louisiana Society of
35 Hearing Aid Specialists, chartered by the state, shall submit to the governor names
36 of not less than fourteen qualified hearing aid dealers, who shall be actively engaged
37 in the selling and fitting of hearing aids. The governor shall ensure that his
38 appointments demonstrate race, gender, ethnic, and geographical diversity.
39 * * *

40 (4) From this list the governor shall appoint seven members of the board, two
41 from District I, and one from each of the other five districts. Of the seven hearing aid
42 dealer members of the board, one shall be appointed to serve a term of four years,
43 two shall be appointed to serve for a term of three years, two shall be appointed to
44 serve for a term of two years, and two shall be appointed to serve for a term of one
45 year. Each member so appointed shall serve for the term of his appointment, and
46 thereafter until his successor has been appointed by the governor. ~~After the original~~
47 ~~board member has been appointed by the governor, as hereinabove set forth, each of~~
48 ~~the successor hearing aid dealer board members~~ Each member shall be appointed
49 for a term of four years. ~~All terms provided in this Paragraph shall begin on January~~
50 ~~1, 1969.~~ In the event of a vacancy on the board, the governor shall appoint a new
51 hearing aid dealer board member to serve out the unexpired term. The members of
52 the board shall annually designate one such member to serve as chairman and
53 another member to serve as secretary-treasurer. No hearing aid dealer member of the
54 board may be reappointed to the board until at least one year after the expiration of
55 his second term of office.

56 (5)(a) The elderly consumer representative shall be appointed by the
57 governor and the appointment shall be subject to Senate confirmation. The elderly
58 consumer representative shall serve at the pleasure of the governor and any vacancy
59 shall be filled by a gubernatorial appointment. ~~The elderly representative shall not~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 be actively engaged in or retired from the occupation, profession, or industry of
 2 hearing aids. The elderly member shall be a full voting member of the board, except
 3 that the elderly representative shall not participate in the grading of individual
 4 examinations. The elderly consumer member shall be selected from the state at
 5 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) Has never been licensed by any of the licensing boards identified in
 10 R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a
 11 board identified in R.S. 36:259(A).

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

13 (v) Does not have and has never had a material financial interest in the
 14 healthcare profession.

15 (b) The elderly consumer member shall be a full voting member of the
 16 board, except that the consumer member shall not participate in the grading of
 17 individual examinations.

18 * * *

19 §2654. Board of examiners; creation; membership; appointment; terms; chair;
 20 quorum; domicile

21 A.(1) The Louisiana Board of Examiners for Speech-Language Pathology
 22 and Audiology is hereby created within the Louisiana Department of Health and is
 23 subject to the provisions of R.S. 36:803. The board shall consist of seven persons
 24 who are residents of this state, and who, except for the ~~public~~ consumer member,
 25 have been engaged in providing service, or in teaching, or research in speech-
 26 language pathology or audiology for at least five years prior to appointment and who
 27 are licensed speech-language pathologists or audiologists under this Chapter. At least
 28 three of the members shall be practicing audiologists, one of whom shall be a
 29 dispensing audiologist, at least three shall be practicing speech-language
 30 pathologists, one of whom shall be currently employed in a public school setting, and
 31 one shall be a ~~public~~ consumer member.

32 (1) No public member shall:

33 (a) Have ever actively engaged in the practice of speech-language pathology
 34 or audiology.

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

38 (c) Have a financial interest in the practice or business of speech-language
 39 pathology or audiology.

40 (d) Be an elected official.

41 (e) Be a family member or spouse of a licensed speech-language pathologist
 42 or audiologist.

43 (2) The public member shall be an individual or a family member or spouse
 44 of an individual with a communication disorder.

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

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

49 (ii) Has attained the age of majority.

50 (iii) Has never been licensed by any of the licensing boards identified in
 51 R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a
 52 board identified in R.S. 36:259(A).

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

54 (v) Does not have and has never had a material financial interest in the
 55 healthcare profession.

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

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

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

* * *

§2704. Board of Social Work Examiners

A. There is hereby created a Louisiana State Board of Social Work Examiners within the Louisiana Department of Health. The board shall be subject to the provisions of R.S. 36:803. It shall consist of seven members to include six social workers and one consumer member ~~who are citizens of the United States and residents of the state of Louisiana.~~ The members shall be appointed by the governor, subject to Senate confirmation. All appointees shall be selected from one list compiled by all statewide social work membership organizations that have written bylaws and meet all state and federal laws, and the Louisiana Chapter of the National Association of Social Workers shall be responsible for the coordination of this process. The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity. All appointees shall serve no more than two consecutive full terms. The completion of an unexpired portion of a full term shall not constitute a full term for purposes of this Section. The board shall consist of the following members:

* * *

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

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

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

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

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

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

(1) The consumer member of the board shall be selected from the state at large and shall possess all of the following qualifications:

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

(b) Has attained the age of majority.

(c) Has never 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).

(d) Has never been convicted of a felony.

(e) Does not have and has never had a material financial interest in the healthcare profession.

(f) Shall not be an elected official.

(2) 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.

* * *

§2802. Board of chiropractic examiners

A.(1) The Louisiana Board of Chiropractic Examiners is hereby created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803. The board shall be composed of seven members who shall be appointed by the governor, subject to confirmation by the Senate. ~~All seven~~ Six members shall be chiropractors licensed under the provisions of this Chapter, who have been

1 continuously engaged in the practice of chiropractic in this state for at least five
2 years, **and one member shall be a consumer**; however, the initial members required
3 to be chiropractors shall be persons who are eligible to be licensed under the
4 provisions of this Chapter.

5 (2) The initial members shall be appointed within thirty days after July 31,
6 1974, to serve for terms of one, two, three, and four years, as designated by the
7 governor at the time of appointment. Thereafter, the terms of members shall be four
8 years each or until the successor of each member takes office.

9 **The consumer member of the board shall be selected from the state at**
10 **large and shall possess all of the following qualifications:**

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

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

14 **(c) Has never been licensed by any of the licensing boards identified in**
15 **R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a**
16 **board identified in R.S. 36:259(A).**

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

18 **(e) Does not have and has never had a material financial interest in the**
19 **healthcare profession.**

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

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

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

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

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

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

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

46 * * *

47 §3061. Board of Electrolysis Examiners

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

50 * * *

51 **(d) One consumer who shall be selected from the state at-large. The**
52 **consumer member may apply directly to the office of the governor.**

53 (2) * * *

54 (c) Each appointment by the governor shall be submitted to the Senate for
55 confirmation. **The governor shall ensure that his appointments demonstrate**
56 **race, gender, ethnic, and geographical diversity.**

57 * * *

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

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

3 (b) Has attained the age of majority.

4 (c) Has never been licensed by any of the licensing boards identified in
5 R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a
6 board identified in R.S. 36:259(A).

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

8 (e) Does not have and has never had a material financial interest in the
9 healthcare profession.

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

14 * * *

15 §3084. Louisiana State Board of Examiners in Dietetics and Nutrition; membership,
16 terms, and vacancies; officers; meetings; quorum; compensation

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

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

22 * * *

23 (e) One consumer who shall be selected from the state at-large. The
24 consumer member may apply directly to the office of the governor.

25 (2) The initial members of the board shall be appointed by the governor not
26 later than sixty days after the effective date of this Chapter from lists of names
27 submitted by the designated associations not later than thirty days after the effective
28 date of this Chapter. **The governor shall ensure that his appointments**
29 **demonstrate race, gender, ethnic, and geographical diversity.**

30 C.(1) Board members who are dietitians or nutritionists shall be residents
31 of the state who have been actively practicing **an unrestricted license to practice**
32 in the field of dietetics/nutrition **dietetics or nutrition** or a related field for not less
33 than five years. ~~Board~~ **The registered nurse and physician board** members shall
34 have an unrestricted license to practice their respective professions, ~~where~~
35 applicable. The registered dietitians/nutritionists initially appointed to the board must
36 be eligible for licensure pursuant to the provisions of this Chapter; thereafter,
37 dietitians/nutritionists appointed to the board must be licensed pursuant to the
38 provisions of this Chapter.

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

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

43 (ii) Has attained the age of majority.

44 (iii) Has never been licensed by any of the licensing boards identified in
45 R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a
46 board identified in R.S. 36:259(A).

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

48 (v) Does not have and has never had a material financial interest in the
49 healthcare profession.

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

54 D. Two of the dietitian/nutritionist members of the board shall be appointed
55 for initial terms of two years and two of the dietitian/nutritionist members for three
56 years, as designated by the governor at the time of the appointment. The nursing
57 member, the member appointed from names submitted by the commissioner of
58 Agriculture and Forestry, and the physician each shall be appointed for an initial

1 term of one year. Thereafter, each Each member shall be appointed for a term of
2 three years.

3 * * *

4 G. Within thirty days after the appointment of its initial members, the board
5 shall hold a meeting for the purpose of organization and shall elect from its
6 membership a chairman, a vice chairman, and a secretary-treasurer. Officers The
7 board shall annually elect a chairman, a vice chairman, and a secretary-
8 treasurer who shall be elected each serve for terms of one year, or until the
9 successor of each is elected. Thereafter, the board shall annually and in like manner
10 elect its officers.

11 * * *

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

14 * * *

15 B.(1)

16 * * *

17 (d) One shall be a radiological physicist consumer member selected from
18 the state at-large.

19 (2) Each appointment by the governor shall be submitted to the Senate for
20 confirmation. The governor shall ensure that his appointments demonstrate
21 race, gender, ethnic, and geographical diversity.

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

25 D.(1) 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. The consumer member of the board shall possess all of the
29 following qualifications:

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

32 (b) Has attained the age of majority.

33 (c) Has never been licensed by any of the licensing boards identified in
34 R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a
35 board identified in R.S. 36:259(A).

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

37 (e) Does not have and has never had a material financial interest in the
38 healthcare profession.

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

43 * * *

44 §3389. Transition; Addictive Disorder Regulatory Authority

45 B. The Addictive Disorder Regulatory Authority (ADRA) is hereby created
46 within the Louisiana Department of Health to exercise all regulatory jurisdiction
47 over the credentialing and practice of addiction counselors and prevention
48 professionals, persons holding specialty certifications issued by the board,
49 paraprofessionals authorized by this Chapter, and those in training to become
50 addiction counselors and prevention professionals. The ADRA shall be governed
51 by a board of directors, hereinafter referred to as the "board", consisting of seven
52 voting members and one nonvoting member, all of whom shall be appointed by the
53 governor, subject to Senate confirmation, as follows:

54 * * *

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

58 (6) One voting member who is a consumer selected from the state at-
large.

1 C. The governor shall ensure that his appointments demonstrate race,
2 gender, ethnic, and geographical diversity. Members of the board shall serve
3 three-year terms ~~except that in making the initial appointments, the governor shall~~
4 ~~appoint two voting members for a one-year term, three voting members for a two-~~
5 ~~year term, and two voting members for a three-year term. The nonvoting member~~
6 ~~shall serve an initial term of three years. Members appointed to fill vacancies caused~~
7 ~~by death, resignation, or removal shall serve the unexpired terms of their~~
8 ~~predecessors.~~

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

19 * * *

20 G. ~~(1) It is the intent of the legislature that the board exercise all regulatory~~
21 ~~jurisdiction over the credentialing and practice of addiction counselors and~~
22 ~~prevention professionals, persons holding specialty certifications issued by the board,~~
23 ~~paraprofessionals authorized by this Chapter, and those in training to become~~
24 ~~addiction counselors and prevention professionals.~~

25 The consumer member of the board shall possess all of the following
26 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.

30 (c) Has never been licensed by any of the licensing boards identified in
31 R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a
32 board identified in R.S. 36:259(A).

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

34 (e) Does not have and has never had a material financial interest in the
35 healthcare profession.

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

40 * * *

41 §3444. Louisiana Licensed Professional Vocational Rehabilitation Counselors Board
42 of Examiners

43 A. There is hereby created in the Louisiana Department of Health the
44 Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of
45 Examiners, referred to hereafter ~~referred to~~ in this Chapter as the "board",
46 consisting of five members; who shall be residents of the state of Louisiana. The
47 members shall be appointed by the governor from a list of qualified candidates
48 supplied by the Louisiana Association of Rehabilitation Professionals, ~~as specified~~
49 ~~in this Section within sixty days after July 14, 1988 to serve the following terms: one~~
50 ~~member for a term of two years, two members for terms of three years, and two~~
51 ~~members for terms of four years. Thereafter, each~~ The consumer members may
52 apply directly to the office of the governor. Each term shall be for four years.
53 Each appointment by the governor shall be submitted to the Senate for confirmation.
54 The governor shall ensure that his appointments demonstrate race, gender,
55 ethnic, and geographical diversity.

56 B. (1) The membership of the board shall consist of three licensed
57 professional vocational rehabilitation counselors and two individuals consumers
58 from the public at large. The original professional membership of the board shall be
59 qualified to be licensed under this Chapter, except that the initial professional

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

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

13 **(i) Are citizens of the United States and have been residents of Louisiana**
 14 **for at least one year immediately prior to appointment.**

15 **(ii) Have attained the age of majority.**

16 **(iii) Have never been licensed by any of the licensing boards identified**
 17 **in R.S. 36:259(A), nor shall either member have a spouse who has ever been**
 18 **licensed by a board identified in R.S. 36:259(A).**

19 **(iv) Have never been convicted of a felony.**

20 **(v) Do not have and have never had a material financial interest in the**
 21 **healthcare profession.**

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

26 * * *

27 §3463. Board; appointments; terms; removal; compensation; officers

28 A. The Louisiana Board of Drug and Device Distributors is hereby created
 29 within the Louisiana Department of Health and is subject to the provisions of R.S.
 30 36:803. The board shall administer the provisions of this Chapter. It shall be
 31 composed of eight members, ~~five~~ **four** of whom shall be licensed distributors, two
 32 of whom shall be actively engaged in the pharmaceutical manufacturing industry,
 33 ~~and~~ **one** of whom shall be actively engaged in the medical device industry, **and one**
 34 **consumer. Each member shall be appointed by the governor, subject to Senate**
 35 **confirmation.**

36 B. **(1)** The governor shall appoint, subject to Senate confirmation, members
 37 to the board from a list containing the names of five persons, submitted by the
 38 Louisiana Association of Wholesale Drug Distributors and from a list containing the
 39 names of two persons, submitted by the Pharmaceutical Research and Manufacturers
 40 of America. **The consumer member may apply directly to the office of the**
 41 **governor.** In the event of the death or resignation of any member of the board, the
 42 governor shall appoint his successor in the manner of the original appointment for
 43 the remainder of the unexpired **The governor shall ensure that his appointments**
 44 **demonstrate race, gender, ethnic, and geographical diversity.**

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

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

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

51 **(iii) Has never been licensed by any of the licensing boards identified in**
 52 **R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a**
 53 **board identified in R.S. 36:259(A).**

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

55 **(v) Does not have and has never had a material financial interest in the**
 56 **healthcare profession.**

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

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

* * *

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

A.(1) The Louisiana Board of Massage Therapy is hereby created within the Louisiana Department of Health **subject to the provisions of R.S. 36:803.** It shall be composed of seven members appointed by the governor, **subject to Senate confirmation.** Five of the members shall be appointed from a list of nominees submitted to the governor by professional massage therapy and bodywork associations. From the list of association nominees, three of the persons appointed shall be licensed massage therapists. Two ~~lay~~ **consumer** members shall be appointed from the list of nominees, both of whom shall be consumers who have never been nor are currently a licensed massage therapist in the state. **The consumer members may also apply directly to the office of the governor.** Two additional licensed massage therapists shall be appointed to the board from a general list of names which are submitted for consideration by other interested sources or individuals.

(2) The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

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

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

(aa) Are citizens of the United States and have been residents of Louisiana for at least one year immediately prior to appointment.

(bb) Have attained the age of majority.

(cc) Have never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall either member have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(dd) Have never been convicted of a felony.

(ee) Do not have and have never had a material financial interest in the healthcare profession.

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

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

* * *

§3703. Louisiana Behavior Analyst Board

* * *

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

(2) ~~The five behavior analysts shall become licensed once this Chapter becomes effective.~~ **(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) Has never 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).

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

2 (v) Does not have and has never had a material financial interest in the
3 healthcare profession.

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

8 (3) The governor shall ensure that his appointments demonstrate race,
9 gender, ethnic, and geographical diversity. Members of the board shall serve at
10 the pleasure of the governor. A vacancy in an unexpired term shall be filled in the
11 manner of the original appointment.

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

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

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

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

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

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

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

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

30 * * *

31 Section 3. The heading of R.S. 40:5.11 is hereby amended and reenacted to read as
32 follows:

33 §5.11. Water fluoridation program; ~~Fluoridation Advisory Board~~

34 * * *

35 Section 4. R.S. 37:3389(A) and (D) and R.S. 40:5.11(C) through (F) are hereby
36 repealed."