

DIGEST

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SB 260 Reengrossed

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 professional licensing boards and commissions. Present law specifies that professional and occupational licensing boards are exempt from the provisions of present law relative to adjudications by the division of administrative law.

Proposed law allows a person who has a disciplinary action brought against him by the La. State Bd. of Dentistry, the La. State Bd. of Medical Examiners, or the La. Auctioneers Licensing Bd. to 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 specified board 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.

Proposed law provides that if a person elects to have his disciplinary hearing before an administrative law judge, the matter shall be subject to the provisions of present law relative to adjudications by the division of administrative law and the Administrative Procedure Act.

Proposed law provides that each specified licensing board and the division of administrative law may promulgate rules in accordance with the Administrative Procedure Act to implement proposed law.

Proposed law requires quarterly reports by the specified licensing boards and the division of administrative law to the appropriate legislative oversight committees regarding the hearings held pursuant to proposed law. Further requires the appropriate legislative oversight committees to conduct regular meetings concerning the reports and the disciplinary actions and hearings by the licensing boards and report findings and recommendations to the legislature no later than Jan. 1, 2021.

Proposed law provides that the provisions of proposed law regarding the option for disciplinary adjudications by an administrative law judge, including the reports to and meetings by the legislative oversight committees, terminate on Aug. 1, 2021. Provides, however, that any matter which has been moved to the division of administrative law pursuant to proposed law shall remain in the division of administrative law until the adjudication is final.

Proposed law additionally provides that any board or commission within Title 37 of the La. Revised Statutes of 1950 may develop a process to issue a license, permit, or certificate outside the national examination for those individuals with an Americans with Disabilities Act recognized disorder.

Proposed law exempts the La. State Bar Assoc., its members, or any matter initiated by the La. Attorney Disciplinary Bd. from the provisions of proposed law.

Effective August 1, 2018.

(Amends R.S. 49:992(D)(5); Adds R.S. 37:21.1 and 23.1 and R.S. 49:992.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Allows boards and commissions to develop a licensing, permitting, or certification process for individuals with an ADA recognized disability.

Senate Floor Amendments to engrossed bill

1. Exempts the La. State Bar Association, its members, and the La. Attorney Disciplinary Board.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed bill:

1. Limit the provisions regarding the option of disciplinary adjudications by an administrative law judge in the division of administrative law to disciplinary actions brought by the La. State Bd. of Dentistry, the La. State Bd. of Medical Examiners, and the La. Auctioneers Licensing Bd.
2. Require reports by the specified licensing boards and the division of administrative law to the appropriate legislative oversight committees.
3. Require the appropriate legislative oversight committees to conduct regular meetings concerning the reports and the disciplinary actions and hearings by the licensing boards and report to the legislature no later than Jan. 1, 2021.
4. Provide that the provisions of proposed law regarding disciplinary adjudications, including the reports to and action by the legislative oversight committees, terminate on Aug. 1, 2021.