

SENATE BILL NO. 40

BY SENATOR MILLS

## 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(A)(2) and (B)(2), 915, 916(B),  
4 962(B) and (C), 1042, 1104(A) and (B)(1), 1172(A), 1174(B), 1263(C), 1515(A)(1),  
5 2102, 2353(A)(1), (2), and (3), the introductory paragraph of 2359(B), the  
6 introductory paragraph of 2403(B), 2455(B)(1), (4), and (5), 2654(A), the  
7 introductory paragraph of 2704(A), (A)(5), (B), and (C), 2802, 3061(A)(1)(a) and  
8 (2)(c), 3084(A), the introductory paragraph of (B)(1), (B)(2), (C), (D), and (G),  
9 3201(B)(1)(d) and (2), (C), and (D), the introductory paragraph of 3389(B), (B)(5),  
10 (C), (E), and (G), 3444(A) through (C), 3463(A) and (B), 3554(A) and (B), and  
11 3703(B), (C), and (D), and the heading of R.S. 40:5.11, to enact R.S. 36:629(S) and  
12 R.S. 37:23.1, 753(C)(5), 914(B)(3), 962(D), 2403(B)(6), (G), and (H), 3061(A)(1)(d)  
13 and (D), 3084(B)(1)(e), and 3389(B)(6), and to repeal R.S. 37:3389(A) and (D) and  
14 R.S. 40:5.11(C) through (F), relative to the health profession licensing boards created  
15 within the Louisiana Department of Health; to provide for consumer membership on  
16 each of the boards; to provide for consumer member qualifications; to provide for  
17 the rights of the consumer member; to provide for the transfer of the Board of  
18 Veterinary Medicine to the Louisiana Department of Agriculture and Forestry; to  
19 provide for technical corrections; and to provide for related matters.

20 Be it enacted by the Legislature of Louisiana:

21 Section 1. R.S. 36:259, 801.1(A), the introductory paragraph of 802, and 803(A)(1)  
22 are hereby amended and reenacted and R.S. 36:629(S) is hereby enacted to read as follows:

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

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

- 1                   ~~(1) Greenwell Springs Hospital (Greenwell Springs)~~
- 2                   ~~(9) Southeast Louisiana State Hospital (Mandeville)~~
- 3                   ~~(10) Eastern Louisiana Mental Health System (Jackson)~~
- 4                   ~~(11) Jonesboro Charity Hospital (Jonesboro)~~
- 5                   ~~(12) Central Louisiana State Hospital (Pineville)~~
- 6                   ~~(13) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(1); R.S.~~
- 7                   ~~28:451.4)~~
- 8                   ~~(14) North Lake Supports and Services Center (R.S. 28:22.8(A)(9))~~
- 9                   ~~(16) The behavioral health facilities located in New Orleans, Baton Rouge,~~
- 10                  ~~Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond,~~
- 11                  ~~Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa, Pineville,~~
- 12                  ~~Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine, Raceland,~~
- 13                  ~~Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah, Columbia, Oakdale,~~
- 14                  ~~and any other state-owned or state-operated facilities as may be hereinafter~~
- 15                  ~~established ( R.S. 28:22.5)~~
- 16                  ~~(21) Northwest Supports and Services Center (R.S. 28:22.8(A)(6))~~
- 17                  ~~(23) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S.~~
- 18                  ~~40:2142).~~
- 19                  ~~D. The following agencies, as defined in R.S. 36:3, are placed within the~~
- 20                  ~~Louisiana Department of Health and shall perform and exercise their powers, duties,~~
- 21                  ~~functions, and responsibilities as otherwise provided by law:~~
- 22                  ~~(1) Louisiana state office of rural health (R.S. 40:2195.1)~~
- 23                  ~~(3) Louisiana State Child Death Review Panel (R.S. 40:2019)~~
- 24                  ~~(4) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)~~
- 25                  ~~(Established by the Louisiana Licensed Professional Counselors Board of~~
- 26                  ~~Examiners):~~
- 27                  ~~(5) Nursing Home Emergency Preparedness Review Committee (R.S.~~
- 28                  ~~40:2009.25)~~
- 29                  ~~(6) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)~~
- 30                  ~~(7) Louisiana Birth Defects Surveillance System Advisory Board (R.S.~~

1           ~~40:31.41 et seq.)~~

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

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

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

6                           ~~E. The following agencies, as defined in R.S. 36:3, are transferred to and~~  
 7                           ~~hereafter shall be within the Louisiana Department of Health, as provided in R.S.~~  
 8                           ~~36:803:~~

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

10                          ~~(2) Louisiana State Board of Dentistry ( R.S. 37:751 et seq.)~~

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

12                          ~~(4) Louisiana State Board of Optometry Examiners (R.S. 37:1041 et seq.)~~

13                          ~~(5) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101 et seq.)~~

14                          ~~(6) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et seq.)~~

15                          ~~(7) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.)~~

16                          ~~(8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S. 37:611~~  
 17                          ~~et seq.; R.S. 37:1261 et seq.)~~

18                          ~~(9) Louisiana State Board of Embalmers and Funeral Directors (R.S. 37:831~~  
 19                          ~~et seq.)~~

20                          ~~(10) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.)~~

21                          ~~(11) Louisiana Board of Examiners for Speech-Language Pathology and~~  
 22                          ~~Audiology (R.S. 37:2650 et seq.)~~

23                          ~~(12) Louisiana Board of Veterinary Medicine (R.S. 37:1511 et seq.)~~

24                          ~~(13) Board of Examiners for Nursing Facility Administrators (R.S. 37:2501~~  
 25                          ~~et seq.)~~

26                          ~~(14) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et seq.)~~

27                          ~~(16) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.)~~

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

29                          ~~(20) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.)~~

30                          ~~(21) The Louisiana Licensed Professional Vocational Rehabilitation~~

1 Counselors Board of Examiners (R.S. 37:3441 et seq.)

2 ~~(23) The Addictive Disorder Regulatory Authority (R.S. 37:3389).~~

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

4 F. ~~The following agencies, as defined in R.S. 36:3, previously abolished by~~  
 5 ~~the Executive Reorganization Act, and their powers, duties, functions, and~~  
 6 ~~responsibilities are transferred to the secretary of the Louisiana Department of Health~~  
 7 ~~and shall be exercised and performed as provided in Part IV of Chapter 22 of this~~  
 8 ~~Title:~~

9 ~~(1) Louisiana Health and Human Resources Administration (R.S. 46:1751-~~  
 10 ~~46:1767, and generally Chapters 1 and 11 of Title 40 and all of Title 46 of the~~  
 11 ~~Louisiana Revised Statutes of 1950, except R.S. 46:1601-46:1608) to the extent that~~  
 12 ~~the cited provisions provide with respect to agencies or functions placed in or~~  
 13 ~~transferred to the Louisiana Department of Health.~~

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

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

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

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

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

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

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

5           ~~(3) Commission on Perinatal Care and Prevention of Infant Mortality (R.S.~~  
6           ~~40:2018)~~

7           ~~(5) Water Supply and Sewerage Systems Certification Committee (R.S.~~  
8           ~~40:1281.1 et seq.)~~

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

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

15          ~~K. The Medicaid Pharmaceutical and Therapeutics Committee (R.S.~~  
16          ~~46:153.3) is placed within the Louisiana Department of Health and shall perform and~~  
17          ~~exercise its powers, duties, functions, and responsibilities as provided by law.~~

18          ~~L.(1) The Louisiana Developmental Disabilities Council (R.S. 28:750 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. 36:801.1. The council shall~~  
22          ~~have full appointing authority for all personnel purposes.~~

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

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

28          ~~N. The advisory council for the program of early identification of deaf or~~  
29          ~~hard of hearing infants (R.S. 46:2261 et seq.) is placed within the Louisiana~~  
30          ~~Department of Health and shall exercise and perform its powers, duties, functions,~~

1 and responsibilities as provided by or pursuant to law.

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

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

10 ~~Q. The Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.~~  
11 ~~37:3081 et seq.) is placed within the Louisiana Department of Health and shall~~  
12 ~~exercise and perform its powers, duties, functions, and responsibilities in the manner~~  
13 ~~provided for agencies transferred in accordance with R.S. 36:803.~~

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

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

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

28 ~~W. The Louisiana Board of Drug and Device Distributors (R.S. 37:3461 et~~  
29 ~~seq. shall be placed within the Louisiana Department of Health and shall exercise~~  
30 ~~and perform its powers, duties, functions, and responsibilities in the manner provided~~

1 for agencies transferred in accordance with the provisions of R.S. 36:803.

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

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

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

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

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

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

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

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

28 ~~GG. The Louisiana Emergency Medical Services Certification Commission~~  
29 ~~(R.S. 40:1131 et seq.) is placed within the Louisiana Department of Health and shall~~  
30 ~~perform and exercise its powers, duties, functions, and responsibilities in the manner~~

1 provided for agencies transferred in accordance with R.S. 36:919.4.

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.).**

30 **(9) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101 et**



1 seq.).

2 (10) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.).

3 (11) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.).

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

5 (13) Board of Examiners for Nursing Facility Administrators (R.S.  
6 37:2501 et seq.).

7 (14) Louisiana Board of Examiners for Speech-Language Pathology and  
8 Audiology (R.S. 37:2650 et seq.).

9 (15) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et  
10 seq.).

11 (16) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.).

12 (17) State Board of Electrolysis Examiners (R.S. 37:3051 et seq.).

13 (18) Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.  
14 37:3081 et seq.).

15 (19) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.).

16 (20) Addictive Disorder Regulatory Authority (R.S. 37:3389).

17 (21) Louisiana Licensed Professional Vocational Rehabilitation  
18 Counselors Board of Examiners (R.S. 37:3441 et seq.).

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

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

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

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

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

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

28 (3) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)

29 (Established by the Louisiana Licensed Professional Counselors Board of  
30 Examiners).

- 1                    (4) Nursing Home Emergency Preparedness Review Committee (R.S.  
2                    40:2009.25).
- 3                    (5) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.).
- 4                    (6) Louisiana Birth Defects Surveillance System Advisory Board (R.S.  
5                    40:31.41 et seq.).
- 6                    (7) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et  
7                    seq.).
- 8                    (8) Health Data Panel (R.S. 40:1173.1 et seq.).
- 9                    (9) Louisiana Standards for Water Works Construction, Operation, and  
10                   Maintenance Committee (R.S. 40:4.13).
- 11                   (10) Medicaid Pharmaceutical and Therapeutics Committee (R.S.  
12                   46:153.3).
- 13                   (11) The advisory council for the program of early identification of deaf  
14                   or hard of hearing infants (R.S. 46:2261 et seq.).
- 15                   (12) Louisiana Obesity Prevention and Management Commission (R.S.  
16                   40:2018.4).
- 17                   (13) Louisiana Sickle Cell Commission (R.S. 40:2018.3).
- 18                   (14) Physician Assistants Advisory Committee (R.S. 37:1270.1).
- 19                   (15) Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et  
20                   seq.).
- 21                   (16) Commission on Perinatal Care and Prevention of Infant Mortality  
22                   (R.S. 40:2018).
- 23                   (17) Water Supply and Sewerage Systems Certification Committee (R.S.  
24                   40:1281.1 et seq.).
- 25                   (18) Louisiana Commission for the Deaf (R.S. 46:2351 et seq.).
- 26                   (19) Louisiana Medical Disclosure Panel (R.S. 40:1157.2).
- 27                   (20) Respiratory Care Advisory Committee (R.S. 37:3356 et seq.).
- 28                   (21) Louisiana Advisory Committee on Populations and Geographic  
29                   Regions With Excessive Cancer Rates (R.S. 40:1105.12).
- 30                   (22) Medical Education Commission (R.S. 17:1519.12).

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

3                   **(24)(a) Louisiana Emergency Response Network Board (R.S. 40:2841 et**  
4                   **seq.).**

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

7                   **(25)(a) Louisiana Developmental Disabilities Council (R.S. 28:750 et**  
8                   **seq.). The council shall have full appointing authority for all personnel**  
9                   **purposes.**

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

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

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

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

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

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

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

20                  **(32) Louisiana Emergency Medical Services Certification Commission**  
21                  **(R.S. 40:1131 et seq.).**

22                  **(33) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et**  
23                  **seq.).**

24                  **(34) Louisiana State Board of Health and the Louisiana Department of**  
25                  **Health and all its subsidiary boards (Such provisions of Title 40 of the**  
26                  **Louisiana Revised Statutes of 1950 as are applicable to the abolished board and**  
27                  **department).**

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

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

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

3 (3) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(1); R.S.  
4 28:451.4).

5 (4) North Lake Supports and Services Center (R.S. 28:22.8(A)(3); R.S.  
6 28:451.4).

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

14 (6) Northwest Supports and Services Center (R.S. 28:22.8(A)(2); R.S.  
15 28:451.4).

16 (7) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S.  
17 40:2142).

18 \* \* \*

19 §629. Transfer of boards, commissions, departments, and agencies to the  
20 Department of Agriculture and Forestry

21 \* \* \*

22 (S) The Board of Veterinary Medicine (R.S. 37:1511 et seq.) is hereby  
23 transferred to and placed within the Department of Agriculture and Forestry  
24 as provided in R.S. 36:803.

25 \* \* \*

26 §801.1. Transfer; retention of all functions

27 A. The agencies transferred by the provisions of R.S. 36:4(B)(1)(dd) and (18)  
28 and (D), 4.1(C) and (G), 53(H) and (J), 209(R), 259~~(F)~~**(B)(24)**, 409(N), 509(O),  
29 651(D), and 725(A) shall continue to be comprised and selected as provided by law.

30 \* \* \*

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

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

11 \* \* \*

12 §803. Transfer; licensing agencies

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

23 \* \* \*

24 Section 2. R.S. 37:753(B), (C)(4), and (J), 832(A)(2) and (B)(2), 915, 916(B),  
 25 962(B) and (C), 1042, 1104(A) and (B)(1), 1172(A), 1174(B), 1263(C), 1515(A)(1), 2102,  
 26 2353(A)(1), (2), and (3), the introductory paragraph of 2359(B), the introductory paragraph  
 27 of 2403(B), 2455(B)(1), (4), and (5), 2654(A), the introductory paragraph of 2704(A),  
 28 (A)(5), (B), and (C), 2802, 3061(A)(1)(a) and (2)(c), 3084(A), the introductory paragraph  
 29 of (B)(1), (B)(2), (C), (D), and (G), 3201(B)(1)(d) and (2), (C), and (D), the introductory  
 30 paragraph of 3389(B), (B)(5), (C), (E), and (G), 3444(A) through (C), 3463(A) and (B),

1 3554(A) and (B), and 3703(B), (C), and (D) are hereby amended and reenacted and R.S.  
2 37:23.1, 753(C)(5), 914(B)(3), 962(D), 2403(B)(6), (G), and (H), 3061(A)(1)(d) and (D),  
3 3084(B)(1)(e), and 3389(B)(6) are hereby enacted to read as follows:

4 §23.1. Licenses, permits, or certificates for individuals with an  
5 ADA-recognized disorder

6 Any board or commission created and provided for within this Title may  
7 develop a process to issue a license, permit, or certificate outside the national  
8 examination for those individuals with a disorder which is recognized by the  
9 Americans with Disabilities Act.

10 \* \* \*

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

13 \* \* \*

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

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

18 \* \* \*

19 (4)(a) The consumer member shall be selected from the state at large and  
20 appointed by the governor. The consumer member of the board 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  
30 in the healthcare profession.



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

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

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

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

14 \* \* \*

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

17 \* \* \*

18 B.

19 \* \* \*

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

22 \* \* \*

23 §915. Removal of board members

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

29 §916. Qualifications of board members

30 \* \* \*



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

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

6 ~~(3)(c)~~ Has never engaged in any activity directly related to the practice of  
7 professional nursing **Has never 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 ~~(4)(d)~~ Has never been convicted of a felony.

11 **(e) Does not have and has never had a material financial interest in the**  
12 **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 \* \* \*

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

19 \* \* \*

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

22 C. The appointment of members of the board shall be made from a list,  
23 containing twice the number of eligibles to be appointed, submitted to the governor  
24 by the Louisiana State Medical Society where the appointee shall be a licensed  
25 physician, by the Louisiana Federation of Licensed Practical Nurses, Inc., for one of  
26 the practical nurses, by the Licensed Practical Nurses of Louisiana, Inc., for one of  
27 the practical nurses, by the Louisiana Nursing Home Association, for one practical  
28 nurse, by the Louisiana Hospital Association, for one practical nurse, or by the  
29 Louisiana State Nurses Association where the appointee shall be a registered nurse.

30 **The consumer member may apply directly to the office of the governor. The**

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

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

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

9 (c) 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 (d) Has never been convicted of a felony.

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

15 (2) 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 \* \* \*

20 §1042. Louisiana State Board of Optometry Examiners; appointment; terms of  
 21 members; protected action and communication

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

26 B. Each licensed optometrist member of the board shall be appointed by the  
 27 governor from a list of three names submitted to him by the board. The governor  
 28 shall ensure that his appointments demonstrate race, gender, ethnic, and  
 29 geographical diversity. For the purpose of preparing the list of three names, the  
 30 board shall conduct an annual meeting on a date in June set by the board annually,

1 at which all optometrists licensed under the laws of Louisiana shall have the right to  
2 attend, nominate and vote. The board shall have the authority to regulate and  
3 prescribe the place and hour of the meeting, the method of nomination, and the  
4 manner of voting. Each optometrist in attendance shall have the right to vote for  
5 those persons duly nominated and no cumulative or proxy voting shall be permitted.  
6 Each optometrist voting must vote for three nominees in order for his ballot to be  
7 valid, and any ballot indicating votes for more or less than three nominees shall be  
8 null and void. The three persons receiving the greatest number of votes of those in  
9 attendance at the meeting shall be the three persons whose names shall be submitted  
10 to the governor for appointment to the board. At least thirty days prior to the meeting  
11 the board shall mail notices to each optometrist licensed under the laws of Louisiana  
12 at the address shown in his current registration notifying each optometrist of the  
13 exact date, place and hour of the meeting, the purpose of the meeting and of his right  
14 to attend and vote. **The consumer member may apply directly to the office of the**  
15 **governor.**

16 C.(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) **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 (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**

1 examinations.

2 D. Each appointment by the governor shall be subject to Senate  
3 confirmation. The term of each member shall be five years, but vacancies occurring  
4 during the term of a member shall be filled for the unexpired term by an optometrist  
5 possessing the qualifications for board membership, nominated by the remaining  
6 members of the board and appointed by the governor from that nomination. A  
7 vacancy in the consumer position shall be filled with another consumer.

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

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

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

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

27 \* \* \*

28 §1104. Louisiana Licensed Professional Counselors Board of Examiners

29 A. There is hereby created in the Louisiana Department of Health the  
30 Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred

1 to as the "board", consisting of eleven members who shall be residents of the state  
 2 of Louisiana. Each term shall be for four years. Seven appointments to the board,  
 3 including one ~~individual~~ **consumer** from the public at large, shall be made by the  
 4 governor from a list of qualified candidates submitted by the executive board of the  
 5 Louisiana Counseling Association. **The consumer member may also apply**  
 6 **directly to the office of the governor.** Four appointments to the board shall be made  
 7 by the governor from a list of qualified candidates submitted by the executive board  
 8 of the Louisiana Association for Marriage and Family Therapy. Each appointment  
 9 by the governor shall be submitted to the Senate for confirmation. **The governor**  
 10 **shall ensure that his appointments demonstrate race, gender, ethnic, and**  
 11 **geographical diversity.**

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

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

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

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

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

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









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

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

5                    (v) Does not have and has never had a material financial interest in the  
 6                    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                   ~~B. The four sanitarians of the original board shall be appointed to terms~~  
 12                   ~~beginning with the effective date of this Chapter, as follows: one member for one~~  
 13                   ~~year, one member for two years, one member for three years, and one member for~~  
 14                   ~~four years. Thereafter each sanitarian~~ Each member ~~appointed to the board shall be~~  
 15                   ~~appointed and serve for a term of four years.~~

16                   \*           \*           \*

17                   §2353. State board of examiners; organization; duties; meetings; fees

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

23                   (2) ~~Upon expiration of the three-year terms of the members in office on~~  
 24                   ~~September 1, 1987, and except for the transition set forth below, the~~ The ~~governor~~  
 25                   ~~shall appoint members for terms of five years.~~ Each appointment by the governor  
 26                   shall be subject to Senate confirmation. ~~For the two vacancies occurring July 1,~~  
 27                   ~~1988, one member shall be appointed for a three-year term and one member for a~~  
 28                   ~~four-year term; for the vacancy occurring July 1, 1989, the member shall be~~  
 29                   ~~appointed for a four-year term, and for the two vacancies occurring July 1, 1990, one~~  
 30                   ~~member shall be appointed for a four-year term and one member for a five-year term.~~

1 A board member shall not be eligible to succeed himself. All **psychologist**  
 2 appointments shall be from a list provided by the Louisiana Psychological  
 3 Association. The list shall report the results of an election in which persons qualified  
 4 for board membership may nominate themselves and in which licensed members of  
 5 the Louisiana Psychological Association and other persons licensed under this  
 6 Chapter are entitled to one vote for each vacancy on the board. **The consumer**  
 7 **member may apply directly to the office of the governor. The governor shall**  
 8 **ensure that his appointments demonstrate race, gender, ethnic, and**  
 9 **geographical diversity.**

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

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

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

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

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

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

26 **(ii) 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.**

30 \* \* \*

1 §2359. Denial, revocation, or suspension of license; psychologist; provisional  
2 license; specialist in school psychology

3 \* \* \*

4 B. The board shall have the power and duty to suspend, place on probation,  
5 require remediation for a specified time, revoke any license to practice psychology,  
6 any provisional license to practice psychology, or any license to practice as a  
7 specialist in school psychology issued by the board, or take any other action  
8 specified in the rules and regulations whenever the board, by affirmative vote of at  
9 least four members of ~~its five members~~ a five-member hearing panel, shall find  
10 by a preponderance of the evidence that a psychologist, provisional licensed  
11 psychologist, or specialist in school psychology has engaged in any of the following  
12 acts or offenses:

13 \* \* \*

14 §2403. Physical therapy board; composition

15 \* \* \*

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

18 \* \* \*

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

21 \* \* \*

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

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

26 (b) Has attained the age of majority.

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

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

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

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

7                   H. The governor shall ensure that his appointments demonstrate race,  
8                   gender, ethnic, and geographical diversity.

9   \*       \*       \*

10                   §2455. Louisiana Board for Hearing Aid Dealers; composition; districts

11   \*       \*       \*

12                   B.(1) The board shall be composed of nine members. Seven members shall  
13                   be hearing aid dealers, the eighth shall be the state health officer or his  
14                   representative, and the ninth member shall be sixty years of age or over and shall  
15                   serve as a representative of the elderly consumers of Louisiana. The seven hearing  
16                   aid dealers shall be appointed in the following manner. The Louisiana Society of  
17                   Hearing Aid Specialists, chartered by the state, shall submit to the governor names  
18                   of not less than fourteen qualified hearing aid dealers, who shall be actively engaged  
19                   in the selling and fitting of hearing aids. The governor shall ensure that his  
20                   appointments demonstrate race, gender, ethnic, and geographical diversity.

21   \*       \*       \*

22                   (4) From this list the governor shall appoint seven members of the board, two  
23                   from District I, and one from each of the other five districts. Of the seven hearing aid  
24                   dealer members of the board, one shall be appointed to serve a term of four years,  
25                   two shall be appointed to serve for a term of three years, two shall be appointed to  
26                   serve for a term of two years, and two shall be appointed to serve for a term of one  
27                   year. Each member so appointed shall serve for the term of his appointment, and  
28                   thereafter until his successor has been appointed by the governor. ~~After the original~~  
29                   ~~board member has been appointed by the governor, as hereinabove set forth, each of~~  
30                   ~~the successor hearing aid dealer board members~~ Each member shall be appointed

1 for a term of four years. ~~All terms provided in this Paragraph shall begin on January~~  
 2 ~~1, 1969.~~ In the event of a vacancy on the board, the governor shall appoint a new  
 3 hearing aid dealer board member to serve out the unexpired term. The members of  
 4 the board shall annually designate one such member to serve as chairman and  
 5 another member to serve as secretary-treasurer. No hearing aid dealer member of the  
 6 board may be reappointed to the board until at least one year after the expiration of  
 7 his second term of office.

8 (5)(a) The elderly **consumer** representative shall be appointed by the  
 9 governor and the appointment shall be subject to Senate confirmation. The elderly  
 10 **consumer** representative shall serve at the pleasure of the governor and any vacancy  
 11 shall be filled by a gubernatorial appointment. ~~The elderly representative shall not~~  
 12 ~~be actively engaged in or retired from the occupation, profession, or industry of~~  
 13 ~~hearing aids. The elderly member shall be a full voting member of the board, except~~  
 14 ~~that the elderly representative shall not participate in the grading of individual~~  
 15 ~~examinations. **The elderly consumer member shall be selected from the state at**~~  
 16 ~~**large and shall 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) Has never been licensed by any of the licensing boards identified in**  
 21 **R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a**  
 22 **board identified in R.S. 36:259(A).**

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

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

26 **(b) The elderly consumer member shall be a full voting member of the**  
 27 **board, except that the consumer member shall not participate in the grading of**  
 28 **individual examinations.**

29 \* \* \*

30 §2654. Board of examiners; creation; membership; appointment; terms; chair;

1 quorum; domicile

2 A.(1) The Louisiana Board of Examiners for Speech-Language Pathology  
 3 and Audiology is hereby created within the Louisiana Department of Health and is  
 4 subject to the provisions of R.S. 36:803. The board shall consist of seven persons  
 5 who are residents of this state, and who, except for the ~~public~~ **consumer** member,  
 6 have been engaged in providing service, or in teaching, or research in speech-  
 7 language pathology or audiology for at least five years prior to appointment and who  
 8 are licensed speech-language pathologists or audiologists under this Chapter. At least  
 9 three of the members shall be practicing audiologists, one of whom shall be a  
 10 dispensing audiologist, at least three shall be practicing speech-language  
 11 pathologists, one of whom shall be currently employed in a public school setting, and  
 12 one shall be a ~~public~~ **consumer** member.

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

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

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

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

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

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

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

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

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

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



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

29 **(2) The consumer member shall be a full voting member of the board**  
30 **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 \* \* \*

4 §2802. Board of chiropractic examiners

5 A.(1) The Louisiana Board of Chiropractic Examiners is hereby created  
 6 within the Louisiana Department of Health and is subject to the provisions of R.S.  
 7 36:803. The board shall be composed of seven members who shall be appointed by  
 8 the governor, subject to confirmation by the Senate. ~~All seven~~ Six members shall  
 9 be chiropractors licensed under the provisions of this Chapter, who have been  
 10 continuously engaged in the practice of chiropractic in this state for at least five  
 11 years, and one member shall be a consumer; however, the initial members required  
 12 to be chiropractors shall be persons who are eligible to be licensed under the  
 13 provisions of this Chapter.

14 ~~(2) The initial members shall be appointed within thirty days after July 31,~~  
 15 ~~1974, to serve for terms of one, two, three, and four years, as designated by the~~  
 16 ~~governor at the time of appointment. Thereafter, the terms of members shall be four~~  
 17 ~~years each or until the successor of each member takes office. The consumer~~  
 18 ~~member of the board shall be selected from the state at large and shall possess~~  
 19 ~~all of the following qualifications:~~

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

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

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

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

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



1 consumer member may apply directly to the office of the governor.

2 (2) \* \* \*

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

6 \* \* \*

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

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

11 (b) Has attained the age of majority.

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

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

16 (e) Does not have and has never had a material financial interest in the  
17 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 §3084. Louisiana State Board of Examiners in Dietetics and Nutrition; membership,  
24 terms, and vacancies; officers; meetings; quorum; compensation

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

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

30 \* \* \*

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

3            ~~(2) The initial members of the board shall be appointed by the governor not~~  
 4            ~~later than sixty days after the effective date of this Chapter from lists of names~~  
 5            ~~submitted by the designated associations not later than thirty days after the effective~~  
 6            ~~date of this Chapter. The governor shall ensure that his appointments~~  
 7            demonstrate race, gender, ethnic, and geographical diversity.

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

17            (2)(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) 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            (iv) Has never been convicted of a felony.

26            (v) Does not have and has never had a material financial interest in the  
 27            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  
 30            consumer member shall not participate in the grading of individual

1 examinations.

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

9 \* \* \*

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

17 \* \* \*

18 §3201. Radiologic Technology Board of Examiners; method of appointment;  
19 qualifications of members

20 \* \* \*

21 B.(1) The board shall consist of eleven members appointed by the governor  
22 of whom:

23 (d) One shall be a radiological physicist consumer member selected from  
24 the state at large.

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

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



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

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

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

14 \* \* \*

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

25 \* \* \*

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





1 ensure that his appointments demonstrate race, gender, ethnic, and  
 2 geographical diversity.

3 B.(1) The membership of the board shall consist of ~~three~~ **four** licensed  
 4 professional vocational rehabilitation counselors and ~~two individuals~~ **one consumer**  
 5 from the public at large. ~~The original professional membership of the board shall be~~  
 6 ~~qualified to be licensed under this Chapter, except that the initial professional~~  
 7 ~~members shall be persons who have rendered rehabilitation counseling for at least~~  
 8 ~~three years. Within thirty days after July 14, 1988, the executive committee of the~~  
 9 ~~Louisiana Association for Rehabilitation Professionals shall submit to the governor~~  
 10 ~~a list of qualified candidates for the board. The board shall perform such duties and~~  
 11 ~~exercise such powers as this Chapter prescribes and confers upon it. No member of~~  
 12 ~~the board shall be individually liable for any act or omission resulting in damage or~~  
 13 ~~injury arising out of the exercise of his judgment in the formation and~~  
 14 ~~implementation of policy while acting as a member of the board, provided he was~~  
 15 ~~acting in good faith and within the scope of his official functions and duties, unless~~  
 16 ~~the damage or injury was caused by his willful or wanton misconduct.~~

17 (2)(a) The consumer member shall be selected from the state at large  
 18 and 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) 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 (iv) Has never been convicted of a felony.

26 (v) Does not have and has never had a material financial interest in the  
 27 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  
 30 consumer member shall not participate in the grading of individual

1 examinations.

2 C. No board member shall serve more than two full consecutive terms.  
 3 Subsequent appointments to the board shall be made ~~in the manner of the original~~  
 4 ~~appointments, including the submission of~~ by the governor from a list of qualified  
 5 candidates by the executive committee of the ~~Louisiana Association for~~  
 6 International Association of Rehabilitation Professionals Professionals-Louisiana.  
 7 Any board member may be removed by the governor or majority vote of the board,  
 8 after notice and hearing, for incompetence, neglect of duty, malfeasance in office,  
 9 or moral turpitude. Any vacancy occurring in board membership, other than by  
 10 expiration of term, shall be filled for the remainder of the unexpired term by the  
 11 governor within thirty days from a list of qualified candidates supplied by the  
 12 ~~Louisiana Association for~~ International Association of Rehabilitation Professionals  
 13 Professionals-Louisiana.

14 \* \* \*

15 §3463. Board; appointments; terms; removal; compensation; officers

16 A. The Louisiana Board of Drug and Device Distributors is hereby created  
 17 within the Louisiana Department of Health and is subject to the provisions of R.S.  
 18 36:803. The board shall administer the provisions of this Chapter. It shall be  
 19 composed of eight members, ~~five~~ four of whom shall be licensed distributors, two  
 20 of whom shall be actively engaged in the pharmaceutical manufacturing industry,  
 21 ~~and~~ one of whom shall be actively engaged in the medical device industry, and one  
 22 consumer. Each member shall be appointed by the governor, subject to Senate  
 23 confirmation.

24 B.(1) The governor shall appoint, subject to Senate confirmation, members  
 25 to the board from a list containing the names of five persons, submitted by the  
 26 Louisiana Association of Wholesale Drug Distributors and from a list containing the  
 27 names of two persons, submitted by the Pharmaceutical Research and Manufacturers  
 28 of America. The consumer member may apply directly to the office of the  
 29 governor. In the event of the death or resignation of any member of the board, the  
 30 governor shall appoint his successor in the manner of the original appointment for

1 the remainder of the unexpired term. The governor shall ensure that his  
 2 appointments demonstrate race, gender, ethnic, and geographical diversity.

3 (2)(a) The consumer member shall be selected from the state at large and  
 4 appointed by the governor, subject to confirmation by the Senate. The  
 5 consumer member of the board 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 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 \* \* \*

20 §3554. Louisiana Board of Massage Therapy; creation, membership, qualifications,  
 21 terms, vacancies, officers, meetings, reimbursement, liability

22 A.(1) The Louisiana Board of Massage Therapy is hereby created within the  
 23 Louisiana Department of Health subject to the provisions of R.S. 36:803. It shall  
 24 be composed of seven members appointed by the governor, subject to Senate  
 25 confirmation. Five of the members shall be appointed from a list of nominees  
 26 submitted to the governor by professional massage therapy and bodywork  
 27 associations. From the list of association nominees, three of the persons appointed  
 28 shall be licensed massage therapists. Two ~~lay~~ consumer members shall be appointed  
 29 from the list of nominees, both of whom shall be consumers who have never been  
 30 nor are currently a licensed massage therapist in the state. The consumer members

1 may also apply directly to the office of the governor. Two additional licensed  
 2 massage therapists shall be appointed to the board from a general list of names which  
 3 are submitted for consideration by other interested sources or individuals.

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

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

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

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

14 (bb) Have attained the age of majority.

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

18 (dd) Have never been convicted of a felony.

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

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

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

30 \* \* \*

1 §3703. Louisiana Behavior Analyst Board

2 \* \* \*

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

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

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

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

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

19 **(b) 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 (3) **The governor shall ensure that his appointments demonstrate race,**  
 24 **gender, ethnic, and geographical diversity.** Members of the board shall serve at  
 25 the pleasure of the governor. A vacancy in an unexpired term shall be filled in the  
 26 manner of the original appointment.

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

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

