

RÉSUMÉ DIGEST

ACT 655 (SB 260)

2018 Regular Session

Milkovich

Prior law provided relative to powers and duties of professional licensing boards and commissions and disciplinary actions by professional licensing boards and commissions. Prior law specified that professional and occupational licensing boards are exempt from the provisions of prior law relative to adjudications by the division of administrative law.

New law allows a person who has a disciplinary action brought against him by the La. State Bd. of Dentistry 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.

New 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.

New law requires a person who receives a notification to advise the board, in writing and within 30 days, that he elects to have the matter heard by an administrative law judge.

New law provides that the notification from the board to the person shall also advise the person that he has 30 days from receipt of the notification to advise the board, in writing, that he elects to have the matter heard by an administrative law judge.

New 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 prior law relative to adjudications by the division of administrative law and the Administrative Procedure Act.

New 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 new law.

New 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 new 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.

New law provides that the provisions of new 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 new law shall remain in the division of administrative law until the adjudication is final.

New 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.

New law requires each board or commission authorized to issue a license, permit, or certificate under Title 37 of the La. Revised Statutes of 1950 to submit quarterly reports to the appropriate legislative oversight committees and to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs. Further requires the reports to contain certain information about the complaints received regarding board actions or procedures.

New law provides for confidentiality of information in the quarterly reports and notice to each applicant and licensee about the reporting requirement.

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

Effective August 1, 2018.

(Amends R.S. 49:992(D)(5); adds R.S. 37:21.1, 23.1, and 23.2 and R.S. 49:992.2)