

2021 Regular Session

HOUSE BILL NO. 27

BY REPRESENTATIVE GREGORY MILLER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BOARDS/COMMISSIONS: Repeals certain adjudication, reporting, and notice requirements applicable to certain licensing boards and commissions

1 AN ACT

2 To amend and reenact R.S. 49:992(D)(5) and to repeal R.S. 37:21.1 and 23.2 and R.S.
3 49:992.2, relative to licensing boards and commissions; to remove from the statutes
4 certain expiring provisions and references thereto relative to adjudications applicable
5 to certain licensing boards and commissions; to remove the reporting and notice
6 requirements regarding complaints about actions and procedures applicable to certain
7 licensing boards and commissions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 49:992(D)(5) is hereby amended and reenacted to read as follows:

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

11 * * *

12 D.

13 * * *

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

16 * * *

17 Section 2. R.S. 37:23.2 is hereby repealed in its entirety.

18 Section 3. R.S. 37:21.1 and R.S. 49:992.2 are hereby repealed in their entirety.

19 Section 4.(A) The provisions of this Section and of Section 2 of this Act shall
20 become effective upon signature of this Act by the governor or, if not signed by the

1 governor, upon expiration of the time for bills to become law without signature by the
2 governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act
3 is vetoed by the governor and subsequently approved by the legislature, the provisions of
4 this Section and of Section 2 of this Act shall become effective on the day following such
5 approval.

6 (B) The provisions of Sections 1 and 3 of this Act shall become effective on January
7 1, 2022.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 27 Original

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Gregory Miller

Abstract: Removes provisions that require Title 37 licensing boards and commissions to give notice that complaints about actions or procedures of the board or commission may be submitted to the board or commission or to the House and Senate governmental affairs committees and that require quarterly reports regarding those types of complaints to specified legislative committees. Removes provisions (which expire on Aug. 1, 2021) that allow a person with 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.

Present law requires a board or commission authorized to issue a license, permit, or certificate pursuant to present law provisions in Title 37 of the La. Revised Statutes of 1950 to notify licensees and applicants for licenses that complaints about actions or procedures of the board or commission may be submitted to the board or commission or to the House and Senate governmental affairs committees. Present law further requires each such board or commission to submit to the House and Senate governmental affairs committees and to the appropriate legislative oversight committees quarterly reports containing specified information regarding complaints. Present law additionally requires legislative committees, members, and employees having access to confidential, personally identifiable, or otherwise sensitive information in those reports to protect the information from unauthorized use and disclosure.

Proposed law repeals present law effective upon signature of governor or lapse of time for gubernatorial action.

Present 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 (DAL) for adjudication. Requires the board to advise the person that he may elect to have the matter heard by an administrative law judge. Requires the person to advise the board, in writing within 30 days, that he elects to have the matter heard by an administrative law judge with the DAL. Requires quarterly reports by the specified licensing boards and the DAL to the appropriate legislative oversight committees regarding the hearings held pursuant to present 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. Further provides that the

provisions of present law regarding the option for disciplinary adjudications by an administrative law judge with the DAL, 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 shall remain in the division of administrative law until the adjudication is final.

Proposed law repeals present law and removes statutory references to present law effective Jan. 1, 2022.

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