

SB 131 -- Redline

Engrossed to Enrolled -- ATTORNEYS: Provides for limitations on recovery of attorney fees and costs in occupational licensing board disciplinary hearings. (8/1/26) (EN SEE FISC NOTE SG RV)

Deletions ~~struck~~ · Insertions underlined

~~SLS 26RS-310 REENGROSSED~~ Regular Session ENROLLED SENATE BILL NO.

131 BY SENATOR PRESSLY ~~ATTORNEYS~~ AN ACT To amend and reenact R.S.

~~Provides for limitations on recovery of attorney fees and costs in occupational licensing board disciplinary hearings.~~

~~(8/1/26) AN ACT To amend and reenact R.S.~~

(a) If the nature of the complaint is based on ~~negligence~~ negligence or gross negligence, no proceeding may be initiated after two years from discovery by the complainant.

~~Page~~ However, under no circumstances shall such a proceeding be initiated more than five ~~1~~ years from the date of ~~4~~ the act or omission.

~~Words which are struck through are deletions from existing law;~~

~~words in boldface type and underscored are additions.~~

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~~131 However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act or omission.~~

~~(2) In~~ Page ~~all cases where a complaint is filed with a professional or occupational~~ 1 ~~board or commission, the board or commission shall notify the licensee who is specifically named in the complaint as the subject of the~~ 4 ~~complaint~~ Coding: ~~in writing of the complaint within six months after the filing of the complaint or be barred from further action thereon.~~

~~The~~ Words ~~board which or are commission~~ struck ~~shall through hold~~ are ~~any deletions required from hearing existing within law;~~ six months after the notice of the hearing, but this period may be interrupted by the filing of procedural motions or suspended as provided in Paragraph (3) of this Subsection.

words in boldface type and underscored are additions.

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131 ENROLLED (2) In all cases where a complaint is filed with a professional or occupational board or commission, the board or commission shall notify the licensee who is specifically named in the complaint as the subject of the complaint in writing of the complaint within six months after the filing of the complaint or be barred from further action thereon.

The board or commission shall hold any required hearing within six months after the notice of the hearing, but this period may be interrupted by the filing of procedural motions or suspended as provided in Paragraph (3) of this Subsection.

Page (4) 2 ~~Repealed of by 4 Acts Coding: 2023, No.~~

~~Words which are struck through are deletions from existing law;~~

~~words in boldface type and underscored are additions.~~

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~~131 (4) Repealed by Acts 2023, No.~~

(6) The Louisiana Board of Examiners for Speech-Language ~~Pathology~~ Pathology and and Audiology.

~~(1) Page The 2 Louisiana of Professional 4 Engineering Coding: and Land Surveying Board.~~

Words which are struck through are deletions from existing law;

words in boldface type and underscored are additions.

SB NO.

131 ENROLLED (1) The Louisiana Professional Engineering and Land Surveying Board.

~~D. D. (1) When a professional or occupational board initiates a disciplinary proceeding against a licensee and the final disposition of the proceeding results in a consent order, judgment, or finding in which the licensee is the prevailing party, the board shall not collect from the licensee any attorney fees or costs incurred by the board after a written offer of judgment.~~

~~When (2) a~~ For professional purposes or of occupational this board ~~Subsection, initiates a disciplinary action against a licensee and the final resolution of the proceeding before the board results in a consent order, judgment, or finding in which the length of the suspension or probationary period imposed or the amount of the monetary payment required of the licensee is less~~ deemed ~~than an offer of judgment made or monetary amount offered previously by the licensee~~ prevailing in party ~~when consent~~ either ~~order negotiation, the board shall not collect from the licensee the attorney fees or costs of the proceeding~~ following ~~incurred~~ occurs: ~~by the board after the offer of judgment or offer in negotiation was made in writing.~~

(a) The original licensee instrument made a written offer of judgment, and the following matter digest, is which subsequently constitutes terminated, not dismissed, part or of resolved the without legislative an instrument, adverse were finding prepared against by Senate the Legislative licensee. Services.

(b)(i) The keyword, consent summary, order, and judgment, digest or defining not results constitute in part a of disposition more favorable to the licensee than the law terms or previously proffered or by indicia the licensee of pursuant legislative to intent, this Subsection.

{R.S. (ii) A result is considered more favorable to the licensee under any of the following circumstances:

1:13(B)(aa) The licensee offered a suspension period, and 24:177(E)} the DIGEST final SB consent 131 order, Reengrossed judgment, 2026 or Regular finding Session imposes Pressly a Present suspension law period {R.S. shorter than or equal to that offered by the licensee.

37:21(B)(bb) provides The that licensee offered a probationary period, and the provisions final of consent present order, law judgment, {R.S. or finding imposes a probationary period shorter than or equal to that offered by the licensee.

37:21(cc) do The not licensee apply offered to payment certain of professional a monetary fine, and the final consent order, judgment, or finding imposes only a monetary fine in an amount less than or occupational equal licensing to boards, that offered by the licensee.

Proposed (dd) The licensee offered a suspension law of licensure, and the final consent provides order, that judgment, the or provisions finding imposes no suspension of present licensure, law regardless {R.S. of whether the final disposition includes a fine, probation, or both.

37:21(A)) For de purposes not of this Subitem, one day of suspension shall be deemed equivalent to fifteen days apply Page to 3 certain of professional 4 or Coding: occupational licensing boards.

Page 3 of 4 Coding:

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131 Proposed law provides that when a professional or occupational board initiates a disciplinary ENROLLED action against a licensee and the final resolution of the probation proceeding before when the comparing board disciplinary results sanctions

in a consent order, judgment or finding in which the length of the suspension or probationary that period include imposed both or suspension the and amount probationary of periods. the monetary payment required of the licensee is less than an offer of judgment made or monetary amount offered previously by the licensee in a consent order negotiation, the board shall not collect from the licensee the attorney fees or costs of the proceeding incurred by the board after the offer of judgment or offer in negotiation was made in writing.

Effective (ee) August The 1, final 2026, consent order, judgment, or finding imposes a combined suspension and probationary period that is less severe than or equal to that offered by the licensee.

{Amends For R.S. purposes of this Subitem, one day of suspension shall be deemed equivalent to fifteen days of probation when comparing disciplinary sanctions that include both suspension and probationary periods.

37:21)(3) Summary The provisions of Amendments this Adopted Subsection by supersede Senate any Senate agency Floor rule, Amendments regulation, custom, or practice governing the payment of attorney fees and costs to engrossed the bill extent 1, that such rule, regulation, custom, or practice is less favorable to the licensee.

Make PRESIDENT technical OF changes. THE SENATE SPEAKER OF THE HOUSE OF REPRESENTATIVES GOVERNOR OF THE STATE OF LOUISIANA APPROVED: