

Regular Session, 2012

HOUSE BILL NO. 639

BY REPRESENTATIVE PATRICK WILLIAMS

1 AN ACT

2 To amend and reenact R.S. 37:791(B) and to enact R.S. 37:770(F), 791(A)(3) and (4), and  
3 795(B)(2)(v) and (3)(m), relative to the well-being program for dentists and dental  
4 hygienists; to provide for the assessment and collection of a fee to be used for the  
5 treatment of dentists and dental hygienists suffering from mental illness, physical  
6 deficiencies, or substance abuse; to provide for the limitation of liability of the  
7 Louisiana State Board of Dentistry and certain other specified people involved in the  
8 identification, investigation, and treatment of dentists and dental hygienists suffering  
9 from certain illnesses or deficiencies; to authorize the recovery of the cost of  
10 defending a frivolous lawsuit under certain circumstances; to establish minimum and  
11 maximum fees to be collected from dentists and dental hygienists to support the  
12 well-being program; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 37:791(B) is hereby amended and reenacted and R.S. 37:770(F),  
15 791(A)(3) and (4), and 795(B)(2)(v) and (3)(m) are hereby enacted to read as follows:

16 §770. Renewals; requirements

17 \* \* \*

18 F. In addition to all other applicable fees and costs attendant to the issuance,  
19 renewal, or reinstatement of any license, certificate, permit, or registration issued to  
20 a dentist by the board pursuant to this Part, the board shall charge and collect a fee

1           from each dentist and each dental hygienist in an amount set by the board to be  
 2           utilized for the identification, monitoring, and assistance of, and procurement of  
 3           treatment for, dentists and dental hygienists suffering from substance abuse,  
 4           chemical dependency, psychiatric conditions, or physical deficiencies resulting in  
 5           behavior such as defined in R.S. 37:776(A)(5) and (17) and 777(A)(5) and (24)  
 6           which may interfere with their ability to practice dentistry or dental hygiene with  
 7           reasonable skill and safety.

8                   (1) The fee established in this Subsection shall be due and payable at the  
 9                   time of application for the issuance, renewal, or reinstatement of any license, permit,  
 10                   certificate, or registration.

11                   (2) The fee established in this Subsection shall not be collected from a  
 12                   dentist seeking issuance or renewal of a retired volunteer license.

13   \*       \*       \*

14           §791. Protected action and communication

15                   A. There shall be no liability on the part of and no action for damages  
 16                   against:

17   \*       \*       \*

18                   (3) Any nonprofit corporation, foundation, or organization that enters into  
 19                   any agreement with the board related to the operation of any committee or program  
 20                   to identify, investigate, counsel, monitor, or assist any licensed physician who suffers  
 21                   or may suffer from alcohol or substance abuse or a physical or mental condition  
 22                   which could compromise such dentist's fitness and ability to practice dentistry with  
 23                   reasonable skill and safety to patients, for any investigation, action, report,  
 24                   recommendation, decision, or opinion undertaken, performed, or made in connection  
 25                   with or on behalf of such committee or program, without malice and in the  
 26                   reasonable belief that such investigation, action, report, recommendation, decision,  
 27                   or opinion was warranted.

28                   (4) Any person who serves as a director, trustee, officer, employee,  
 29                   consultant, or attorney for or who otherwise works for or is associated with any

1 nonprofit corporation, foundation, or organization as described in Paragraph (3) of  
 2 this Subsection.

3 B. In any suit brought against ~~the board, its employees or agents, any~~  
 4 ~~member of an examining committee appointed or designated by the board, or any~~  
 5 ~~person or entity providing information to the board~~ any individual or entity described  
 6 in Subsection A of this Section, when ~~the board, its employees or agents, any~~  
 7 ~~member of an examining committee or any person or entity providing information~~  
 8 ~~to the board~~ that individual or entity substantially prevails in such suit, the court  
 9 shall, at the conclusion of the action, award to the ~~board, its employees or agents, any~~  
 10 ~~member of an examining committee or any person or entity providing information~~  
 11 ~~to the board~~ individual or entity described in Subsection A of this Section and assess  
 12 against the claimant the cost of defending the suit attributable to such claim,  
 13 including reasonable attorney fees, if the claim, or the claimant's conduct during the  
 14 litigation of the claim, was either frivolous, unreasonable, without foundation, or in  
 15 bad faith. For the purpose of this Subsection, the ~~board, its employees or agents, any~~  
 16 ~~member of an examining committee appointed or designated by the board or any~~  
 17 ~~person or entity providing information to the board~~ individual or entity described in  
 18 Subsection A of this Section shall not be considered to have substantially prevailed  
 19 when the claimant obtains an award for damages or permanent injunctive or  
 20 declaratory relief.

21 \* \* \*

22 §795. Fees and costs

23 \* \* \*

24 B. Notwithstanding any other provision of this Chapter, the fees and costs  
 25 established by the board shall be not less nor more than the range created by the  
 26 following schedule:

27 \* \* \*

1                   (2) Licenses, permits, and examinations for dentists

2   \*       \*       \*

3                                   (v) Fee to support well-being program       \$ 25.00                   50.00

4                   (3) Licenses, permits, and examinations

5                                   for dental hygienists

6   \*       \*       \*

7                                   (m) Fee to support well-being program       \$ 5.00                   15.00

8   \*       \*       \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_