

Chapter 9. Disciplinary Procedures

§901. Causes for Administrative Action

A. The ADRA after due notice and hearing as set forth herein and in the applicable provisions of the Administrative Procedure Act (APA), R.S. 49:950 et seq., may deny, revoke or suspend any practice credential, specialty certification, learning status or other recognition issued or applied for, or otherwise discipline an applicant for or holder of any practice credential, specialty certification, learning status or other recognition, upon finding that the person has violated the Addictive Disorders Practice Act, any rules or regulations promulgated by the ADRA, the Code of Ethics, or a prior final decision or a consent order involving the holder or applicant.

§903. Disciplinary Process and Procedures

A. These rules and regulations are designed to supplement and effectuate the applicable provisions of the APA regarding the disciplinary process and procedures and are not intended to amend or repeal the provisions of the APA. To the extent any of these rules or regulations are in conflict therewith, the provisions of the APA shall govern.

B. ...

C. The purpose of a disciplinary hearing is to determine contested issues of law and fact; whether the person committed certain acts or omissions and, if so, whether those acts or omissions violate the Addictive Disorders Practice Act, a rule or regulation of the ADRA, the Code of Ethics, a prior final decision or a consent orders involving the holder or applicant, and to determine the appropriate disciplinary action.

§905. Initiation of Complaints

A. ...

B. All complaints shall be signed and in writing. Anonymous complaints will not be considered.

C. The ADRA executive director and the board member assigned as complaint investigator shall decide whether to investigate the complaint.

1. If decision is to not investigate, a letter of denial is sent both to the complainant and the person accused of wrongdoing.

D. If the decision is to investigate, the person shall be notified that allegations have been made that the individual may have committed a breach of statute, rule or regulation,

the Code of Ethics, and/or a prior final decision¹, or consent order; and that the individual must respond in writing to the ADRA within a specified time period.

§908. Decision to Initiate Formal Complaint

A. -A.2....

3.the person's response to the ADRA letter or investigation fails to provide a satisfactory explanation, or fails to convince that no action is necessary; or

A.4.

B. Prior to instituting a formal complaint, the ADRA must give notice by mail or electronic means to the individual of facts or conduct which warrant the intended action, and the individual is given an opportunity to show compliance with all lawful requirements for retention of the practice credential, specialty certification, or learning status.

909. Sworn Complaint and Notification of Hearing

A. A sworn complaint, fixing a time and place for hearing, is filed by the executive director of the ADRA, charging the violation of one or more of the provisions of the Addictive Disorders Practice Act, the rules and regulations promulgated thereto, the Code of Ethics, or a prior final decision or consent order involving the person.

§911. Formal Hearing

[Formerly §909)

A. The ADRA has the authority, granted by R.S. 37:3390.3 et seq., to bring administrative proceedings against persons holding or applying for any practice credential, specialty certification, learning status or other recognition issued by ADRA.

B. ...

C. Except for good cause shown, motions requesting a continuance of a hearing shall be in writing and shall be filed at least five days prior to the hearing date. The motion shall state the reason for the request. The executive director shall grant or deny the request in writing, within 24 hours. If the request is denied, written reasons for the denial shall be provided.

D. ...

E. Testimony shall be received under oath administered by the presiding hearing officer, the executive director, or other staff or board member designated by the hearing officer.

F. Witnesses may be directly examined and cross-examined and questioned during an administrative hearing by board members.

§913. Decision

A. ...

B. The ADRA decision and order shall be rendered at the hearing or taken under advisement and later rendered; and shall be served personally or domiciliary at the respondent's last known address or regular, registered, certified, or electronic mail, or by a diligent attempt.

C. ...

§921. Refusal to Respond or Cooperate with the ADRA

[Formerly §915]

A. The application for and acceptance of a practice credential, specialty certification, or learning status issued by the ADRA obligates the applicant holder to respond to any request for information or otherwise cooperate with any investigation conducted by the ADRA.

B. ...

§923. Judicial Review of Adjudication

A. Any person whose practice credential, specialty certification, learning status, or application, has been denied, revoked or suspended or who has been otherwise disciplined by the ADRA shall have the right to have the proceedings of the ADRA reviewed by the Nineteenth Judicial District Court, provided that such petition for judicial review is filed within 30 days after notice of the decision of the ADRA. The ADRA decision is enforceable in the interim unless the court orders otherwise.

§925. Appeal [Formerly §919]

A. A person aggrieved by any final judgment rendered by the state district court may obtain a review of said final judgment by appeal to the appropriate circuit court of appeal. Pursuant to the applicable section of the APA, this appeal shall be taken as in any other civil case.

§927. Emergency Action

[Formerly §921]

A. If the executive director of the ADRA finds that public health, safety and welfare requires emergency action and incorporates a finding to that effect in an order, an interim suspension of a practice credential, specialty certification or learning status, may be ordered pending proceedings for disciplinary action. Such proceedings shall be promptly instituted and a formal hearing held, after due notice.