



Public Service Denied

How Discriminatory Mandates Prevent Qualified Individuals from Serving on Louisiana Public Boards

What's at Stake?

Government boards regulate countless professions in Louisiana. Whereas most boards require their members to meet reasonable requirements, several Louisiana statutes require the governor to appoint board members on the basis of race or sex. These provisions have nothing to do with the profession being regulated and everything to do with identity politics.

The Fourteenth Amendment guarantees equal protection under the law, yet these quotas require overt discrimination against certain individuals regardless of their choices, character, or ability and keep qualified individuals off public boards for the sake of race- or sex-based balance.

Solution

Pacific Legal Foundation is suing the former governor of Louisiana on behalf of Do No Harm, a nonprofit organization of more than 6,000 physicians, healthcare professionals, medical students, patients, and policymakers committed to ensuring equality in healthcare.

This federal lawsuit challenges the Louisiana Board of Medical Examiners' race-based membership quota on the grounds that it violates the Constitution's guarantee of equal protection. Victory would ensure that all candidates can compete equally to serve on the board, regardless of their race.

However, Louisiana legislators don't have to wait on the court. They should reform the state's biased laws now, ending race- and sex-based discrimination in public board membership.

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To learn more about public board mandates in Louisiana and in other states, scan here:



Louisiana's Unconstitutional Public Board Membership Mandates

BOARD	STATUTE	REQUIREMENT
Board of Barber Examiners	LA. STAT. ANN. § 37:341	"The Louisiana State Association of Journeymen Barbers, Hair Dressers, Cosmetologists, and Proprietors shall submit to the governor a list of three names for each vacancy that may exist on the board, one of whom shall be a member of a racial minority and a member of the nominating organization."
Louisiana State Board of Dentistry	LA. STAT. ANN. § 37:753(a)	"One seat . . . shall be appointed from the state at large from a list of three licensed black dentists certified by the board secretary to the governor. The board secretary shall obtain a list of three nominees for the 'At-Large Seat A' position by ballot sent by United States mail to all licensed black dentists . . . Each licensed black dentist may nominate any three licensed black dentists . . ."
Louisiana State Board of Embalmers and Funeral Directors	LA. STAT. ANN. § 37:832	"The governor shall ensure . . . race, gender, ethnic, and geographic diversity."
Louisiana State Board of Medical Examiners	LA. STAT. ANN. §§ 37:1263 (2)-(3), (7)-(8)	"One member from a list of names submitted by the Louisiana State University Health Sciences Center at New Orleans. At least every other member appointed from a list . . . shall be a minority appointee."*
Louisiana State Board of Nursing	LA. STAT. ANN. § 37:914	"The governor shall ensure . . . race, gender, ethnic, and geographic diversity."
Louisiana State Board of Optometry Examiners	LA. STAT. ANN. § 37:1042	"The governor shall ensure . . . race, gender, ethnic, and geographic diversity."
Louisiana Board of Pharmacy	LA. STAT. ANN. § 37:1172	"The governor shall ensure . . . race, gender, ethnic, and geographic diversity."
Louisiana Physical Therapy Board	LA. STAT. ANN. § 37:2403	"The governor shall ensure . . . race, gender, ethnic, and geographic diversity."
Louisiana State Board of Examiners of Psychologists	LA. STAT. ANN. § 37:2353	"The governor shall ensure . . . race, gender, ethnic, and geographic diversity."
Louisiana State Board of Social Work Examiners	LA. STAT. ANN. § 37:2704	"The governor shall ensure . . . race, gender, ethnic, and geographic diversity."

* A similar quota applies to 3 other board seats (out of 10 total seats).