

RÉSUMÉ DIGEST

ACT 279 (HB 197)

2021 Regular Session

Charles Owen

New law provides that, for purposes of new law, the following definitions apply:

- (1) "Healthcare professional" means a person who provides health care or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist.
- (2) "Professional or occupational licensing board" means any state agency, board, commission, or substantially similar entity, involved in the licensing, certification, or registration of any regulated profession or occupation within this state.

New law specifies that new law shall not apply to any of the following:

- (1) An occupation regulated by the state supreme court.
- (2) A license issued and regulated under the authority of the judicial branch of government.
- (3) Any person covered under the Nurse Licensure Compact.
- (4) Any person who obtains licensure or registration on a nationwide licensing or registry system.

New law provides that, notwithstanding any other provision of existing law to the contrary, a professional or occupational licensing board shall issue a license, certification, permit pending normal license, or registration to an applicant who is a dependent of a healthcare professional in accordance with the provisions of new law if all of the following conditions are met:

- (1) The healthcare professional has relocated to and established his legal residence in Louisiana.
- (2) The healthcare professional holds a valid license to provide healthcare services in Louisiana.
- (3) The healthcare professional is providing healthcare services in Louisiana.

New law requires a person who is a dependent of a healthcare professional to apply to the appropriate professional or occupational licensing board in order to receive a license from that board. New law allows for the applicant to become licensed by a professional or occupational licensing board through one of the following means:

- (1) Licensure by endorsement or reciprocity if that function is provided for in existing law.
- (2) If the applicant holds an out-of-state license but licensure by endorsement or reciprocity is not provided for in existing law, by providing proof of all of the following:
 - (a) The applicant holds a current and valid occupational license in another state in an occupation with a similar scope of practice, as determined by the professional or occupational licensing board in this state.
 - (b) The applicant has held the occupational license in the other state for at least one year.

- (c) The applicant has passed any examinations or met any education, training, or experience standards required by the licensing board in the other state.
 - (d) The applicant is held in good standing by the licensing board in the other state.
 - (e) The applicant does not have a disqualifying criminal record as determined by the professional or occupational licensing board in this state in accordance with existing law of this state.
 - (f) The applicant has not had an occupational license revoked by a licensing board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.
 - (g) The applicant did not surrender an occupational license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state.
 - (h) The applicant does not have a complaint, allegation, or investigation pending before a licensing board in another state which relates to unprofessional conduct or an alleged crime. New law stipulates that if the applicant has such a complaint, allegation, or investigation pending, the board in this state shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board in this state.
 - (i) The applicant pays all applicable fees in this state.
 - (j) The applicant simultaneously applies for a permanent license.
- (3) Licensure based on work experience in a state that does not use a license or government certification to regulate the applicant's occupation if the applicant has at least three years of such work experience and meets other applicable requirements of new law.

New law authorizes professional and occupational licensing boards to require an applicant to pass a jurisprudential examination specific to relevant state laws pertaining to the applicant's occupation if required by existing law or existing administrative rule.

New law provides for issuance of written decisions regarding applications for licensure pursuant to new law and for appeals of actions, decisions, and determinations made by licensing boards in accordance with new law.

New law stipulates that new law shall preempt any laws or ordinances of local governments which regulate occupational licenses and government certification.

New law provides that nothing therein shall be construed to prohibit an applicant from proceeding under licensure, certification, or registration requirements established in existing law.

Effective August 1, 2021.

(Adds R.S. 37:1751)