

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 372

2018 Regular Session

Connick

BOARDS/COMMISSIONS: Establishes the Occupational Board Compliance Act

Synopsis of Senate Amendments

1. Amends the following definitions: "active market participant", "least restrictive regulation", "occupational license", "occupational licensing board", "occupational regulation", "personal qualifications", and "registration".
2. Deletes the definition of "certification".
3. Adds and defines "qualifications".
4. Modifies relative to the Occupational Licensing Review Commission ("commission") and its composition. Removes the attorney general. Adds the commissioner of agriculture, commissioner of insurance, and state treasurer.
5. Requires an occupational licensing board ("board") to submit proposed administrative regulations to the commission prior to promulgation. Requires the commission to review and provide the board with certain written approval or disapproval of a proposed regulation prior to the board's final adoption of the proposed regulation.
6. Provides for nothing in proposed law to be construed to prevent or limit any board from granting or recognizing reciprocity or mobility in the licensing, registration, or certification of occupations or professions when a board has established or seeks to establish occupational regulations providing for reciprocity or mobility of licensed, registered, or certified occupations or professions as authorized by law.
7. Provides for effectiveness of proposed law upon the signature of the governor or lapse of time for gubernatorial action.

Digest of Bill as Finally Passed by Senate

Proposed law creates the Occupational Board Compliance Act.

By establishing and executing the policies provided in proposed law, the state intends to ensure that occupational licensing boards and board members will avoid liability under federal antitrust laws.

Proposed law defines the following terms: "active market participant", "active supervision", "least restrictive regulation", "occupational license", "occupational licensing board", "occupational regulation", "personal qualifications", "qualifications", "registration", and "state policy".

For occupational regulations promulgated by occupational licensing boards, proposed law provides each of the following as policy of this state:

- (1) The increase of economic opportunities for all of La. citizens by promoting competition and thereby encouraging innovation and job growth.
- (2) Use of the least restrictive regulation necessary to protect consumers from present, significant, and substantiated harms that threaten public health and safety.

Proposed law establishes the Occupational Licensing Review Commission (hereinafter "commission") comprised of the governor, secretary of state, commissioner of agriculture, commissioner of insurance, and the state treasurer, or their respective designees.

Proposed law establishes that beginning January 1, 2019, the commission is responsible for active supervision of state executive branch occupational licensing boards controlled by active market participants to ensure compliance with state policy in the adoption of occupational regulations promulgated by an occupational licensing board. Active supervision described in proposed law does not extend to individual disciplinary actions taken or imposed by an occupational licensing board as to any active market participant subject to the jurisdiction of the occupational licensing board.

Proposed law requires an occupational licensing board to submit any proposed occupational regulation to the commission for review. Requires the commission to provide to the board written approval or disapproval along with any recommendations. Further requires the board to submit changes of the proposed regulation to the commission prior to the board's final adoption of a proposed regulation.

Proposed law provides that proposed occupational regulations adopted through emergency rulemaking processes are not subject to active supervision as provided for in proposed law.

Proposed law requires the commission to issue directives necessary to effectuate the provisions of proposed law, including the process, procedures, and timelines that will govern any submission filed in accordance with proposed law.

The provisions of proposed law are not to be interpreted as subjecting the commission to any of the administrative procedures of the Administrative Procedure Act.

Proposed law requires nothing in proposed law to be construed to prevent or limit any occupational licensing board from granting or recognizing reciprocity or mobility in the licensing, registration, or certification of occupations or professions when an occupational licensing board has established or seeks to establish occupational regulations providing for reciprocity or mobility of licensed, registered, or certified occupations or professions as authorized by law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 37:41-47)