

RÉSUMÉ DIGEST

ACT 200 (HB 613)

2020 Regular Session

Charles Owen

Prior law required a professional or occupational licensing board (hereinafter board) to issue licenses to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in the state, if they met certain requirements.

New law deletes prior law in part, and instead requires the licensing board to issue a license to a military member, including United States Department of Defense civilian employees who have been assigned to duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee, if the member receives military orders for a change of station to a military installation or assignment located in this state or if the member has established this state as his state of legal residence as reflected in the member's military record, if he meets certain requirements.

New law deletes the conditions contained in prior law, and requires the applicant to meet the following:

- (1) He has a current and valid occupational license in another state in an occupation with a similar scope of practice, as determined by the board.
- (2) He has held the occupational license in the other state for at least one year.
- (3) He has passed any examination or met any education or other standards in the other state.
- (4) He is held in good standing by the board in the other state.
- (5) He does not have a disqualifying criminal record as determined by the board in this state.
- (6) He has not had an occupational license revoked because of negligence or intentional misconduct related to the applicant's work in the occupation.
- (7) He has not surrendered an occupational license because of negligence or intentional misconduct related to the person's work in the occupation.
- (8) He does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the board in this state shall not issue or deny an occupational license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in this state.
- (9) He pays all applicable fees.
- (10) He simultaneously applies for a permanent license; if the applicant fails to qualify for a permanent license as determined by the occupational or licensing board once the permanent application is vetted, the permit automatically terminates.

Prior law required the board to issue a license to a military-trained applicant, if he held a current license from another jurisdiction, whose requirements for licensure are equivalent to this state's.

New law deletes prior law in part, and instead requires the board to issue the license or permit pending normal license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee who has been assigned to duty in Louisiana, upon application based on work experience in another state, if all of the following apply:

- (1) The applicant worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but Louisiana uses an

occupational license or government certification to regulate a lawful occupation with a similar scope of practice, as determined by the board.

- (2) The applicant worked for at least three years in the lawful occupation.
- (3) The applicant satisfies provisions of new law.

Prior law required the board to grant a license to a military spouse, if the spouse met certain conditions.

New law deletes prior law in part, and requires the board to issue a license or permit pending normal license to an applicant who is a member of the military or a United States Department of Defense civilian employee, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee who has been assigned to duty in Louisiana, based on holding a private certification and work experience in another state, if he meets all of the following:

- (1) The applicant worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but Louisiana uses an occupational license or government certification to regulate a lawful occupation with a similar scope of practice, as determined by the board.
- (2) The applicant worked for at least two years in the lawful occupation.
- (3) The applicant holds a current and valid private certification in the lawful occupation.
- (4) The applicant is in good standing with the private certification organization.
- (5) The applicant satisfies provisions of new law.

Prior law provided for a temporary practice permit to be issued while the applicant is satisfying the requirements for licensure and tasks the boards with promulgating rules for issuance. Prior law gave priority to applicants holding a temporary license.

New law deletes prior law.

New law provides that for education, training, or experience requirements for a license are considered satisfied, as determined by the board, if the applicant shows evidence that the applicant received comparable education, training, or experience in the military.

New law allows the board to require the applicant to pass a jurisprudential exam relative to state laws that regulate the obligation, if that is required of all applicants.

New law requires the board to provide the applicant with a written decision within 30 days.

Existing law requires the board to adopt rules for implementation. New law redesignates existing law.

Existing law does not prohibit an applicant from proceeding under the existing licensure, certification, or registration requirements establishment by a professional or occupational licensing board in the state. New law redesignates existing law.

New law allows the applicant to appeal certain decisions by the board.

New law requires the court to determine all questions of law without regard to previous determinations.

Existing law defines "professional or occupational licensing board". New law redesignates existing law and adds a definition for "military" and "dependent".

New law provides that a person who obtains a license under new law is subject to existing law and the jurisdiction of the board.

Existing law does not apply to applicants with a dishonorable discharge or his spouse. New law but redesignates existing law.

Existing law does not apply to a license issued and regulated under the authority of the judicial branch of government. New law but redesignates existing law.

New law does not apply to an occupation regulated by the state supreme court, to any person covered by the Nurse Licensure Compact, or to any person that obtains licensure or registration on a nationwide licensing or registry system.

New law preempts existing law by various municipalities which regulate licenses.

Effective Jan. 1, 2021.

(Amends R.S. 37:3651)