

2020 Regular Session

HOUSE BILL NO. 622

BY REPRESENTATIVE EMERSON

LICENSING: Provides relative to universal occupational or professional licensing recognition

1 AN ACT

2 To enact Chapter 61 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 37:3721 through 3726, relative to reciprocity and recognition of occupational
4 and professional licenses; to provide for policy; to provide for definitions; to provide
5 for license reciprocity; to provide for a person who establishes residency; to provide
6 for spouses of active duty military; to provide criteria; to allow for reciprocity
7 agreements with other jurisdictions; to provide for regulation; to provide for
8 exceptions; to provide for interstate compacts; to provide for license recognition; to
9 provide for rules; to provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 61 of Title 37 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 37:3721 through 3726, is hereby enacted to read as follows:

13 CHAPTER 61. UNIVERSAL LICENSE RECIPROCITY AND RECOGNITION ACT

14 §3721. Short title

15 This Chapter shall be known and may be cited as the “Universal License
16 Reciprocity and Recognition Act”.

17 §3722. Purpose

18 The purpose of this Chapter is to help meet the growing demand for workers,
19 fill open jobs, and keep individuals from falling into dependency by granting
20 reciprocal licenses for licenses earned out of state, for individuals that live in this

1 state, and spouses of active duty military members that have relocated with their
2 spouse under military orders, and to grant an occupational or professional license to
3 an applicant based on work experience in another state that does not require a
4 license.

5 §3723. Definitions

6 For purposes of this Chapter, the following terms shall have the meaning
7 ascribed to them:

8 (1) "Applicant" means the individual seeking an occupational or professional
9 license or certificate.

10 (2) "Regulating entity" means a government agency, board, department, or
11 other state government entity that regulates a lawful occupation and issues an
12 occupational license or government certification to an individual.

13 §3724. Universal occupational or professional licensing reciprocity

14 A. Notwithstanding any other law, an occupational or professional license
15 or certificate shall be issued, in the discipline applied for and at the same practice
16 level as determined by the regulating entity, provided for in this Title, to a person
17 who establishes residence in this state or without an examination to a person who is
18 married to an active duty member of the armed forces of the United States and who
19 is accompanying the member to an official permanent change of station to a military
20 installation located in this state, if all of the following apply:

21 (1) The person is currently licensed or certified in at least one other state in
22 the discipline applied for and at the same practice level as determined by the
23 regulating entity, and the license or certification is in good standing in all states in
24 which the person holds a license or certification.

25 (2) The person has been licensed or certified by another state for at least one
26 year.

27 (3) When the person was licensed or certified by another state there were
28 minimum education requirements, work experience, apprenticeship requirements,

1 or clinical supervision requirements in effect and the other state verifies that the
2 person met those requirements in order to be licensed or certified in that state.

3 (4) The person previously passed an examination required for the license or
4 certification, if required by the other state.

5 (5) The person has not had a license or certificate revoked and has not
6 voluntarily surrendered a license or certificate in any other state or country while
7 under investigation for unprofessional conduct.

8 (6) The person has not had unresolved discipline imposed by any other
9 regulating entity. If another jurisdiction has taken disciplinary action against the
10 person, the regulating entity shall determine if the cause for the action was corrected
11 and the matter resolved. If the matter has not been resolved by that jurisdiction, the
12 regulating entity shall not issue or deny a license pursuant to this Chapter until the
13 matter is resolved.

14 (7) The person does not have a complaint, allegation, or investigation
15 pending before another regulating entity in another state or country that relates to
16 unprofessional conduct. If an applicant has any complaints, allegations, or
17 investigations pending, the regulating entity in this state shall suspend the application
18 process and shall not issue or deny a license pursuant to this Chapter to the applicant
19 until the complaint, allegation, or investigation is resolved.

20 (8) The person pays all applicable fees.

21 B. The provisions of this Chapter shall not prevent a regulating entity,
22 provided for in this Title, from entering into a reciprocity agreement with another
23 state or jurisdiction for persons married to active duty members of the armed forces
24 of the United States.

25 C. A person who is licensed, pursuant to the provisions of this Title, shall be
26 subject to the laws regulating the person's practice in this state and shall be subject
27 to the regulating entity's jurisdiction.

28 D. This provisions of this Chapter shall not apply to any of the following:

1 (1) Criteria for a license, permit, or certificate of eligibility that is established
2 by an interstate compact.

3 (2) The ability of a regulating entity, provided for in this Title, to require an
4 applicant to submit fingerprints in order to access state and federal criminal records
5 information for noncriminal justice purposes.

6 (E) A license or certificate issued pursuant to this Chapter shall be valid only
7 in this state and shall not make the person eligible to be part of an interstate compact.

8 A regulating entity, provided for in this Title, may determine eligibility for an
9 applicant to be licensed or certified pursuant to this Chapter if the applicant is not
10 part of an interstate compact.

11 §3725. Universal occupational or professional licensing recognition

12 A. Notwithstanding any other law, the regulating entity shall issue an
13 occupational license or government certification to an applicant based on work or job
14 experience in another state, if all of the following criteria are met:

15 (1) The applicant worked in a state that does not use an occupational license
16 or certification to regulate an occupation, but this state uses an occupational license
17 or government certification to regulate an occupation with a similar scope of
18 practice, as determined by the regulating entity.

19 (2) The applicant has worked at least three years in the occupation.

20 (3) The applicant satisfies the requirements of R.S. 37:3724(A)(5) through
21 (8).

22 §3726. Rules

23 The regulating entity shall promulgate all rules and regulations necessary for
24 the purposes of carrying out the provisions of this Chapter.

25 Section 2. This Act shall become effective on January 1, 2021.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 622 Original

2020 Regular Session

Emerson

Abstract: Requires regulating entities to grant occupational and professional licenses when certain requirements are met.

Proposed law establishes the "Universal License Reciprocity and Recognition Act".

Proposed law defines "applicant" and "regulating entity".

Proposed law requires regulating entities to issue occupational and professional licenses to people who have established residency in this state and meet the following requirements:

- (1) They are licensed or certified in at least one other state in the discipline applied for and at the same practice level as determined by the regulating entity, and the license or certification is in good standing in all states in which the person holds a license or certification.
- (2) The person has been licensed or certified by another state for at least one year.
- (3) When the person was licensed or certified by another state there were minimum education requirements, work experience, apprenticeship requirements, or clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state.
- (4) The person previously passed an examination required for the license or certification, if required by the other state.
- (5) The person has not had a license or certificate revoked and has not voluntarily surrendered a license or certificate in any other state or country while under investigation for unprofessional conduct.
- (6) The person has not had unresolved discipline imposed by any other regulating entity. If another jurisdiction has taken disciplinary action against the person, the regulating entity shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the regulating entity shall not issue or deny a license pursuant to proposed law until the matter is resolved.
- (7) The person does not have a complaint, allegation, or investigation pending before another regulating entity in another state or country that relates to unprofessional conduct. If an applicant has any complaints, allegations, or investigations pending, the regulating entity in this state shall suspend the application process and shall not issue or deny a license pursuant to proposed law to the applicant until the complaint, allegation, or investigation is resolved.
- (8) The person pays all applicable fees.

Proposed law also applies to the spouses of active duty military members that have relocated with their spouse, but these persons are not required to take an examination.

Proposed law does not prevent a regulating entity from entering into a reciprocity agreement with another state or jurisdiction for persons married to active duty members of the armed forces of the U.S.

A person who is licensed pursuant to proposed law is subject to present law which regulates the person's practice.

Proposed law does not apply to criteria for a license, permit, or certificate of eligibility that is established by an interstate compact.

Proposed law does not affect the ability of a regulatory entity to require an applicant to submit fingerprints for noncriminal justice purposes.

A license or certificate issued pursuant to proposed law is valid only in this state and does not make the person eligible to be part of an interstate compact. Proposed law allows a regulating to determine eligibility for an applicant to be licensed or certified pursuant to proposed law, if the applicant is not part of an interstate compact.

Proposed law requires the regulating entity to issue a license based on work or job experience in another state, if all of the following are met:

- (1) The applicant worked in a state that does not use an occupational license or certification to regulate an occupation, but this state uses an occupational license or government certification to regulate an occupation with a similar scope of practice, as determined by the regulating entity.
- (2) The applicant has worked at least three years in the occupation.
- (3) The applicant satisfies the requirements of proposed law.

Proposed law requires the regulating entity to promulgate rules to carry out the proposed law.

Proposed law becomes effective on Jan. 1, 2021.

(Adds R.S. 37:3721-3726)