
DIGEST

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HB 613 Reengrossed

2020 Regular Session

Charles Owen

Abstract: Regulates the process by which members of the military and their spouses may seek occupational licenses, certifications, permit pending normal licenses, or registrations to enable them to work in their field.

Present law requires 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 meet certain requirements.

Proposed law deletes present 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 they meet certain requirements.

Proposed law deletes the conditions contained in present 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) The board in the other state required the person to pass an examination, or to meet certain other standards.
- (4) The board in the other state holds the person in good standing.
- (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.

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

Proposed law deletes present 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 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 proposed law.

Present law requires the board to grant a license to a military spouse, if the spouse meets certain conditions.

Proposed law deletes present 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 they meet 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 private certification organization holds the applicant in good standing.
- (5) The applicant satisfies provisions of proposed law.

Present law provides 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. Present law gives priority to applicants holding a temporary license.

Proposed law deletes present law.

Proposed 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.

Proposed 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.

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

Present law requires the board to adopt rules for implementation. Proposed law retains present law but redesignates it.

Present law does not prohibit an applicant from proceeding under present law. Proposed law retains present law but redesignates it.

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

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

Present law defines "professional or occupational licensing board". Proposed law retains present law but redesignates it and adds a definition for "military".

Proposed law provides that a person who obtains a license under proposed law is subject to present law and the jurisdiction of the board.

Present law does not apply to applicants with a dishonorable discharge or his spouse. Proposed law retains present law but redesignates it.

Present law does not apply to a license issued and regulated under the authority of the judicial branch of government. Proposed law retains present law but redesignates it.

Proposed 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.

Proposed law preempts present law by various municipalities which regulate licenses.

(Amends R.S. 37:3651)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Change references to federal government civilian employees to United States Department of Defense civilian employees.
2. Add permit pending normal license to the types of licensure that are covered by proposed law.
3. Specify that proposed law applies to United States Department of Defense civilian employees who have been assigned to duty in Louisiana.
4. Add the requirement that the applicant simultaneously apply for a permanent license.
5. Exempts any person that obtains licensure or registration on a nationwide licensing or registry system from proposed law.
6. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Exempt any person covered by the Nurse Licensure Compact from the provisions of proposed law.
2. Make technical changes.