

2020 Regular Session

HOUSE BILL NO. 613

BY REPRESENTATIVE CHARLES OWEN AND SENATOR REESE AND REPRESENTATIVES COX, ADAMS, AMEDEE, BACALA, BAGLEY, BEAULLIEU, BROWN, BRYANT, BUTLER, CARRIER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COUSSAN, CREWS, DESHOTEL, DUBUISSON, DUPLESSIS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, FREEMAN, FREIBERG, FRIEMAN, GAROFALO, GREEN, HARRIS, HORTON, HUGHES, ILLG, IVEY, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JONES, KERNER, LARVADAIN, LYONS, MCCORMICK, MCKNIGHT, MCMAHEN, MIGUEZ, MINCEY, MOORE, NELSON, PRESSLY, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SELDERS, ST. BLANC, STAGNI, THOMAS, THOMPSON, WHITE, WILLARD, AND WRIGHT AND SENATORS ABRAHAM, BARROW, BERNARD, CATHEY, CLOUD, CORTEZ, FESI, FOIL, HENRY, HENSGENS, HEWITT, JACKSON, JOHNS, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, SMITH, TALBOT, AND WOMACK

1 AN ACT

2 To amend and reenact R.S. 37:3651, relative to occupational licenses; to provide definitions;
3 to provide for licensure for members of the military; to provide for licensure for
4 spouses; to provide for licenses; to provide for other jurisdictions; to provide for
5 qualifications; to provide for rulemaking; to provide for similar experience; to
6 provide for appeals; to provide for exceptions; to provide for preemption; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:3651 is hereby amended and reenacted to read as follows:

10 §3651. Licensure for individuals with military training and experience; licensure by
11 endorsement for military spouses and dependents; ~~temporary license;~~
12 ~~expedited process~~

13 A. Notwithstanding any other provision of law to the contrary, a professional
14 or occupational licensing board shall issue a license, certification, permit pending

1 ~~normal license, or registration to a military-trained applicant to allow the applicant~~
2 ~~to lawfully practice the applicant's occupation in this state~~ a member of the military,
3 including United States Department of Defense civilian employees who have been
4 assigned to duty in Louisiana, or an applicant who is married to or is a dependent of
5 a member of the military or a United States Department of Defense civilian
6 employee, if the member or United States Department of Defense civilian receives
7 military orders for a change of station to a military installation or assignment located
8 in this state or if the member or United States Department of Defense civilian has
9 established this state as his state of legal residence as reflected in the member's or
10 United States Department of Defense civilian's military record if, upon application
11 to the board, the applicant satisfies all of the following conditions:

12 (1) ~~Has completed a military program of training, been awarded a military~~
13 ~~occupational specialty, and performed in that specialty at a level that is substantially~~
14 ~~equivalent to or exceeds the educational, examination, experience and other~~
15 ~~requirements for licensure, certification, or registration of the professional or~~
16 ~~occupational licensing board for which the applicant is seeking licensure,~~
17 ~~certification, or registration in this state, provided the applicant has otherwise met~~
18 ~~all of the minimum requirements for licensure, certification, or registration of the~~
19 ~~licensing board.~~ The applicant holds a current and valid occupational license in
20 another state in an occupation with a similar scope of practice, as determined by the
21 board in this state.

22 (2) ~~Has engaged in the active practice of the occupation for which the person~~
23 ~~is seeking a license, certification, or permit from the board.~~ The applicant has held
24 the occupational license in the other state for at least one year.

25 (3) ~~Has not been disciplined in any jurisdiction for an act that would have~~
26 ~~constituted grounds for refusal, suspension, or revocation of a license to practice that~~
27 ~~occupation in this state at the time the act was committed.~~ The applicant has passed
28 any examinations, or met any education, training, or experience standards as required
29 by the board in the other state.

1 (4) The applicant is held in good standing by the board in the other state.

2 (5) The applicant does not have a disqualifying criminal record as
 3 determined by the board in this state under the laws of this state.

4 (6) The applicant has not had an occupational license revoked by a board in
 5 another state because of negligence or intentional misconduct related to the
 6 applicant's work in the occupation.

7 (7) The applicant did not surrender an occupational license because of
 8 negligence or intentional misconduct related to the person's work in the occupation
 9 in another state.

10 (8) The applicant does not have a complaint, allegation, or investigation
 11 pending before a board in another state which relates to unprofessional conduct or
 12 an alleged crime. If the applicant has a complaint, allegation, or investigation
 13 pending, the board in this state shall not issue or deny an occupational license to the
 14 applicant until the complaint, allegation, or investigation is resolved, or the applicant
 15 otherwise satisfies the criteria for licensure in this state to the satisfaction of the
 16 board in this state.

17 (9) The applicant pays all applicable fees in this state.

18 (10) The applicant simultaneously applies for a permanent license; if the
 19 applicant fails to qualify for a permanent license as determined by the occupational
 20 or licensing board once the permanent application is vetted, the permit automatically
 21 terminates.

22 B. Notwithstanding any other provision of law, a professional or
 23 occupational licensing board shall issue ~~a license, certification, or registration to a~~
 24 ~~military-trained applicant to allow the applicant to lawfully practice an occupation~~
 25 ~~in this state if, upon application to a professional or occupational licensing board, the~~
 26 ~~applicant holds a current license, certification, or registration from another~~
 27 ~~jurisdiction and that jurisdiction's requirements for licensure, certification, or~~
 28 ~~registration are substantially equivalent to or exceed the requirements for licensure,~~
 29 ~~certification, or registration in this state.~~ an occupational license, permit pending
 30 normal license, or government certification to an applicant who is a member of the

1 military, or an applicant who is married to or is a dependent of a member of the
 2 military or United States Department of Defense civilian employee who has been
 3 assigned duty in Louisiana, upon application based on work experience in another
 4 state, if all the following apply:

5 (1) The applicant worked in a state that does not use an occupational license
 6 or government certification to regulate a lawful occupation, but this state uses an
 7 occupational license or government certification to regulate a lawful occupation with
 8 a similar scope of practice, as determined by the board in this state.

9 (2) The applicant worked for at least three years in the lawful occupation.

10 (3) The applicant satisfies the requirements of Paragraphs (A)(6) through
 11 (10) of this Section.

12 C. Notwithstanding any other provision of law, a professional or
 13 occupational licensing board shall issue ~~a license, certification, or registration to a~~
 14 ~~military spouse to allow the military spouse to lawfully practice the military spouse's~~
 15 ~~occupation in this state, if, upon application to a professional or occupational~~
 16 ~~licensing board, the military spouse satisfies all of the following conditions: an~~
 17 ~~occupational license, permit pending normal license, or government certification to~~
 18 ~~an applicant who is a member of the military or a United States Department of~~
 19 ~~Defense civilian employee who has been assigned duty in Louisiana, or an applicant~~
 20 ~~who is married to or is a dependent of a member of the military or a United States~~
 21 ~~Department of Defense civilian employee, based on holding a private certification~~
 22 ~~and work experience in another state, if all the following apply:~~

23 ~~(1) Holds a current license, certification, or registration from another~~
 24 ~~jurisdiction, and that jurisdiction's requirement for licensure, certification, or~~
 25 ~~registration are substantially equivalent to or exceed the requirements for licensure,~~
 26 ~~certification, or registration in this state. The applicant worked in a state that does not~~
 27 ~~use an occupational license or government certification to regulate a lawful~~
 28 ~~occupation, but this state uses an occupational license or government certification~~
 29 ~~to regulate a lawful occupation with a similar scope of practice, as determined by the~~
 30 ~~board in this state.~~

1 (2) ~~Can demonstrate competency in the occupation through methods as~~
2 ~~determined by the board, such as having completed continuing education units or~~
3 ~~having had recent experience. The applicant worked for at least two years in the~~
4 ~~lawful occupation.~~

5 (3) ~~Has not been disciplined in any jurisdiction for an act that would have~~
6 ~~constituted grounds for refusal, suspension, or revocation of a license to practice that~~
7 ~~occupation in this state at the time the act was committed. The applicant holds a~~
8 ~~current and valid private certification in the lawful occupation.~~

9 (4) ~~Is in good standing and has not been disciplined by the agency that issued~~
10 ~~the license, certification, or permit. The private certification organization holds the~~
11 ~~applicant in good standing.~~

12 (5) ~~The applicant satisfies the requirements of Paragraphs (A)(6) through~~
13 ~~(10) of this Section.~~

14 D. ~~A professional or occupational licensing board shall issue a temporary~~
15 ~~practice permit to a military-trained applicant or military spouse licensed, certified,~~
16 ~~or registered in another jurisdiction while the military-trained applicant or military~~
17 ~~spouse is satisfying the requirements for licensure under the provisions of this~~
18 ~~Section, if that jurisdiction has licensure, certification, or registration standards~~
19 ~~substantially equivalent to the standards for licensure, certification, or registration~~
20 ~~of a professional or occupational licensing board in this state. The military-trained~~
21 ~~applicant or military spouse may practice under the temporary permit until a license,~~
22 ~~certification, or registration is granted or until a notice to deny a license,~~
23 ~~certification, or registration is issued in accordance with rules that shall be~~
24 ~~promulgated by the applicable professional or occupational licensing board. Each~~
25 ~~professional and occupational licensing board shall adopt rules in accordance with~~
26 ~~the Administrative Procedure Act for the issuance of a temporary practice permit and~~
27 ~~such rules shall ensure the public health and safety. Notwithstanding any other law,~~
28 ~~the education, training, or experience requirements for an occupational license issued~~
29 ~~pursuant to this Title are completely or partially satisfied, as determined by the~~
30 ~~regulating occupational licensing board on presentation of satisfactory evidence that~~

1 the applicant received comparable education, training, or experience as a member of
2 the United States armed forces or any national guard or other reserve component.

3 ~~E. An individual possessing a temporary practice permit under the provisions~~
4 ~~of this Section shall receive priority processing of their application for license,~~
5 ~~certification, or registration, in accordance with rules that shall be promulgated by~~
6 ~~the applicable professional or occupational licensing board. The board may require~~
7 ~~a person to pass a jurisprudential examination specific to relevant state laws that~~
8 ~~regulate the occupation if an occupational license or government certification in this~~
9 ~~state requires a person to pass a jurisprudential examination specific to relevant state~~
10 ~~statutes and administrative rules that regulate the occupation.~~

11 ~~F. A professional or occupational licensing board shall adopt rules in~~
12 ~~accordance with the Administrative Procedure Act necessary to implement the~~
13 ~~provisions of this Section. The board will provide the applicant with a written~~
14 ~~decision regarding the application for an occupational license within thirty calendar~~
15 ~~days after receiving an application.~~

16 ~~G.(1) Nothing in this Section shall be construed to prohibit a military-trained~~
17 ~~applicant or military spouse from proceeding under the existing licensure,~~
18 ~~certification, or registration requirements established by a professional or~~
19 ~~occupational licensing board in this state. The applicant may appeal any of the~~
20 ~~following decisions made by the board, in a court of general jurisdiction:~~

21 (a) Denial of an occupational license.

22 (b) Determination of the occupation.

23 (c) Determination of the similarity of the scope of practice of the
24 occupational license issued.

25 (d) Any other determinations made pursuant to this Section.

26 (2) The court shall determine all questions of law, including the
27 interpretation of a constitutional or statutory provision or a rule adopted by a board,
28 without regard to any previous determination that may have been made on the
29 question in any action before the board.

1 H. ~~For the purposes of this Section, "professional or occupational licensing~~
 2 ~~board" shall mean any state agency, board, commission, or substantially similar~~
 3 ~~entity, involved in the licensing, certification, or registration of any regulated~~
 4 ~~profession or occupation within the state of Louisiana.~~ A person who obtains a
 5 permit pending normal license, occupational license, or government certification
 6 pursuant to this Section is subject to all of the following:

7 (1) The laws regulating the occupation in this state.

8 (2) The jurisdiction of the board in this state.

9 I. ~~The provisions of this Section shall not apply to any applicant receiving~~
 10 ~~a dishonorable discharge or a military spouse whose spouse received a dishonorable~~
 11 ~~discharge.~~ This Section does not apply to an occupation regulated by the state
 12 supreme court.

13 J. ~~The provisions of this Section shall not apply to a license issued and~~
 14 ~~regulated under the authority of the judicial branch of government.~~ This Section
 15 preempts laws by township, municipal, county and other governments in the state
 16 which regulate occupational licenses and government certification.

17 K. A professional or occupational licensing board shall adopt rules in
 18 accordance with the Administrative Procedure Act necessary to implement the
 19 provisions of this Section.

20 L. Nothing in this Section shall be construed to prohibit a military-trained
 21 applicant or military spouse or spouse of a United States Department of Defense
 22 civilian employee who has been assigned to duty in Louisiana from proceeding under
 23 the existing licensure, certification, or registration requirements established by a
 24 professional or occupational licensing board in this state.

25 M. For the purposes of this Section, "professional or occupational licensing
 26 board" shall mean any state agency, board, commission, or substantially similar
 27 entity, involved in the licensing, certification, or registration of any regulated
 28 profession or occupation within this state.

29 N. For the purposes of this Section, "military" means the armed forces or
 30 reserves of the United States, including the Army, Navy, Marine Corps, Coast

1 Guard, Air Force, and the reserve components thereof, the National Guard of any
2 state, the Military Reserves of any state, or the naval militia of any state.

3 O. For the purposes of this Section, "dependent" means a resident spouse or
4 resident unmarried child under the age of twenty-one years, a child who is a student
5 under the age of twenty-four years and who is financially dependent upon the parent,
6 or a child of any age who is disabled and dependent upon the parent.

7 P. The provisions of this Section shall not apply to any applicant receiving
8 a dishonorable discharge or a military spouse whose spouse received a dishonorable
9 discharge.

10 Q. The provisions of this Section shall not apply to a license issued and
11 regulated under the authority of the judicial branch of government, to any person
12 covered under the Nurse Licensure Compact, or to any person that obtains licensure
13 or registration on a nationwide licensing or registry system.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____