

2021 Regular Session

HOUSE BILL NO. 197

BY REPRESENTATIVE CHARLES OWEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LICENSING: Provides relative to occupational licenses for healthcare professionals and their dependents

1 AN ACT

2 To enact Part XI of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 37:1751, relative to occupational licenses; to provide for
4 dependents of healthcare professionals who relocate to the state; to provide
5 definitions; to provide for licensure based upon holding a license in a different state;
6 to provide for licensure based upon prior work experience; to provide for licensure
7 based upon holding a private certification and prior work experience; to allow
8 healthcare professional licensing boards to require a jurisprudential examination; to
9 provide for a written decision; to allow for an appeal; to provide for preemption; to
10 require promulgation of rules; to provide for exceptions; and to provide for related
11 matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Part XI of Chapter 20 of Title 37 of the Louisiana Revised Statutes of
14 1950, comprised of R.S. 37:1751, is hereby enacted to read as follows:

15 PART XI. LICENSURE FOR DEPENDENTS OF HEALTHCARE PROFESSIONALS

16 §1751. Licensure for dependents of healthcare professionals; definitions;
17 requirements for licensure; duties of licensing boards; procedure for appeal;
18 interpretation of laws; preemption; exceptions

19 A. As used in this Part, the following words and phrases have the meanings
20 ascribed to them in this Subsection:

1 (1) "Dependent" means a resident spouse or resident unmarried child under
2 the age of twenty-one years, a child who is a student under the age of twenty-four
3 years and who is financially dependent upon the parent, or a child of any age who
4 has a disability and is dependent upon the parent.

5 (2) "Good standing" means a license which is unencumbered, unrestricted,
6 and not on probation or subject to any stay or contract.

7 (3) "Healthcare professional" means a person who provides healthcare or
8 professional services as a physician, physician assistant, dentist, registered or
9 licensed practical nurse or certified nurse assistant, advanced practice registered
10 nurse, certified emergency medical technician, paramedic, certified registered nurse
11 anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist,
12 pharmacist, physical therapist, occupational therapist, licensed radiologic
13 technologist, or licensed clinical laboratory scientist.

14 (4) "Professional or occupational licensing board" means any state agency,
15 board, commission, or substantially similar entity involved in the licensing,
16 certification, or registration of any regulated profession or occupation within this
17 state.

18 (5) "Scope of practice" means the procedures, actions, processes, and work
19 that a person may perform under an occupational license or government certification
20 issued in this state.

21 B. Notwithstanding any provision of law to the contrary, a professional or
22 occupational licensing board shall issue a license, certification, permit pending
23 normal license, or government certification to an applicant who is a healthcare
24 professional and relocates to this state or who is a dependent of a healthcare
25 professional who relocates to this state, based upon the applicant holding an out-of-
26 state license, if, upon application to the board, the applicant satisfies all of the
27 following conditions:

1 (1) The applicant holds a current and valid occupational license in another
2 state in an occupation with a similar scope of practice, as determined by the board
3 in this state.

4 (2) The applicant has held the occupational license in the other state for at
5 least one year.

6 (3) The applicant has passed any examinations or met any education,
7 training, or experience standards as required by the board in the other state.

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

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

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

14 (7) The applicant has not surrendered an occupational license because of
15 negligence or intentional misconduct related to the applicant's work in the occupation
16 in another state.

17 (8) The applicant does not have a complaint, allegation, or investigation
18 pending before a board in another state which relates to unprofessional conduct or
19 an alleged crime. If the applicant has such a complaint, allegation, or investigation
20 pending, the board in this state shall not issue or deny an occupational license to the
21 applicant until the complaint, allegation, or investigation is resolved, or the applicant
22 is otherwise determined to have satisfied or not satisfied the criteria for licensure in
23 this state to the satisfaction of the board in this state.

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

25 C. Notwithstanding any provision of law to the contrary, a professional or
26 occupational licensing board shall issue an occupational license, permit pending
27 normal license, or government certification to an applicant who is a dependent of a
28 healthcare professional who relocates to this state, based upon the prior work
29 experience of the applicant, if, upon application to the board, all the following apply:

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

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

6 (3) The applicant satisfies the requirements of Paragraphs (B)(6) through (9)
7 of this Section.

8 D. Notwithstanding any provision of law to the contrary, a professional or
9 occupational licensing board shall issue an occupational license, permit pending
10 normal license, or government certification to an applicant who is a dependent of a
11 professional healthcare worker who relocates to this state, based on the applicant
12 holding a private certification and work experience in another state, if, upon
13 application to the board, all the following apply:

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

18 (2) The applicant worked for at least two years in the lawful occupation.

19 (3) The applicant holds a current and valid private certification in the lawful
20 occupation.

21 (4) The private certification organization holds the applicant in good
22 standing.

23 (5) The applicant satisfies the requirements of Paragraphs (B)(6) through (9)
24 of this Section.

25 E. The board may require a person to pass a jurisprudential examination
26 specific to relevant state laws that regulate the occupation if an occupational license
27 or government certification in this state requires a person to pass a jurisprudential
28 examination specific to relevant state statutes and administrative rules that regulate
29 the occupation.

1 F. The board shall provide the applicant with a written decision regarding the
2 application for an occupational license within thirty calendar days after receiving an
3 application.

4 G.(1) The applicant may appeal any of the following decisions made by the
5 board, in any court of competent jurisdiction:

6 (a) Denial of an occupational license.

7 (b) Determination of the occupation.

8 (c) Determination of the similarity of the scope of practice of the
9 occupational license issued.

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

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

15 H. An applicant who obtains a permit pending normal license, occupational
16 license, or government certification pursuant to this Section is subject to all of the
17 following:

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

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

20 I. This Section preempts laws by township, municipal, parish, and other
21 governments in this state which regulate occupational licenses and government
22 certification.

23 J. Each professional or occupational licensing board shall adopt rules in
24 accordance with the Administrative Procedure Act as are necessary to implement the
25 provisions in this Section.

26 K. Nothing in this Section shall be construed to prohibit a dependent of a
27 healthcare professional relocating to this state from proceeding under the existing
28 licensure, certification, or registration requirements established by a professional or
29 occupational licensing board in this state.

1 L. The provisions of this Section shall not apply to an occupation regulated
 2 by the state supreme court, a license issued and regulated under the authority of the
 3 judicial branch of government, any person covered under the Nurse Licensure
 4 Compact, or any person who obtains licensure or registration on a nationwide
 5 licensing or registry system.

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 197 Engrossed

2021 Regular Session

Charles Owen

Abstract: Requires professional and occupational licensing boards to issue occupational licenses to healthcare providers and their dependents who relocate to Louisiana if certain conditions are met.

Proposed law defines, for purposes of proposed law, "healthcare professional", "dependent", "good standing", "professional or occupational licensing board", and "scope of practice".

Proposed law requires each professional or occupational licensing board (hereafter "boards") to issue certain occupational licensing credentials (hereafter "licenses") to healthcare providers and their spouses and dependents who have relocated to the state (referred to collectively hereafter as "applicants") if certain conditions are met.

Proposed law requires each board to issue a license to the applicant, based on the applicant's possession of an out-of-state license, if all of the following are met:

- (1) The applicant holds a current and valid license in another state in an occupation with a similar scope of practice.
- (2) The applicant has held that license for at least one year.
- (3) The applicant has passed all exams and met any other education, training, or experience standards required in the other state.
- (4) The applicant is held in good standing in the other state.
- (5) The applicant does not have a criminal record that disqualifies him as determined by the board in this state.
- (6) The applicant has not had a license revoked due to his negligence or intentional misconduct in his occupation.
- (7) The applicant has not surrendered a license due to his negligence or intentional misconduct in his occupation.
- (8) The applicant does not have a complaint, allegation, or investigation pending before a board in another state related to his work in another state.
- (9) The applicant pays all applicable fees in this state.

Proposed law requires each board to issue a license to the applicant, based on the applicant's prior work experience, if all of the following are met:

- (1) The applicant worked in a state that does not use a license to regulate a lawful occupation, but this state uses a license to regulate an occupation with a similar scope of practice.
- (2) The applicant worked in the occupation for at least three years.
- (3) The applicant has not had a license revoked due to his negligence or intentional misconduct in his occupation.
- (4) The applicant has not surrendered a license due to his negligence or intentional misconduct in his occupation.
- (5) The applicant does not have a complaint, allegation, or investigation pending before a board in another state related to his work in another state.
- (6) The applicant pays all applicable fees in this state.

Proposed law requires each board to issue a license to the applicant, based on the applicant holding a private certification and his prior work experience, if all of the following apply:

- (1) The applicant worked in a state that does not use a license to regulate a lawful occupation, but this state uses a license to regulate an occupation with a similar scope of practice.
- (2) The applicant worked in the occupation for at least two years.
- (3) The applicant holds a current and valid private certification in the occupation.
- (4) The private certification organization holds the applicant in good standing.
- (5) The applicant has not had a license revoked due to his negligence or intentional misconduct in his occupation.
- (6) The applicant has not surrendered a license due to his negligence or intentional misconduct in his occupation.
- (7) The applicant does not have a complaint, allegation, or investigation pending before a board in another state related to his work in another state.
- (8) The applicant pays all applicable fees in this state.

Proposed law allows the board to require the applicant to pass a jurisprudential exam.

Proposed law requires the board to give the applicant a written decision regarding the application within 30 days after receipt of an application. Allows the applicant to appeal certain decisions by the board.

Proposed law stipulates that an applicant who is provided a license under proposed law remains subject to present law regulating his occupation in the state and the jurisdiction of the board in this state.

Proposed law preempts laws by township, municipal, parish, and other governments in this state.

Proposed law requires boards to promulgate rules to implement proposed law.

Proposed law does not prohibit an applicant from attempting to obtain a license under present law.

Proposed law stipulates that it does not apply to an occupation regulated by the state supreme court, a license issued and regulated under the judicial branch of government, any person covered under the Nurse Licensure Compact, or any person who obtains a license on a nationwide licensing or registry system.

(Adds R.S. 37:1751)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Add to proposed law the following definitions:
 - a. "Good standing" means a license which is unencumbered, unrestricted, and not on probation or subject to any stay or contract.
 - b. "Scope of practice" means the procedures, actions, processes and work that a person may perform under an occupational license or government certification issued in this state.
2. Provide that a professional or occupational licensing board shall issue a license, certification, permit pending normal license, or government certification to an applicant who is a healthcare professional and relocates to this state based upon the applicant holding an out-of-state license if, upon application to the board, the applicant satisfies all of the conditions provided in proposed law.
3. Revise proposed law to stipulate that if the applicant has a complaint, allegation, or investigation pending, a board in this state shall not issue or deny an occupational license to him until the complaint, allegation, or investigation is resolved or he is otherwise determined to have satisfied or not satisfied the criteria for licensure in this state to the satisfaction of the board.
4. Make technical changes.