
DIGEST

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HB 197 Reengrossed

2021 Regular Session

Charles Owen

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

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

Proposed law requires each professional or occupational licensing board (hereafter "boards") of this state to issue certain occupational licensing credentials (hereafter "licenses") to spouses and dependents of healthcare providers 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 conditions 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.
- (10) The applicant simultaneously applies for a permanent license.

Proposed law stipulates that if the applicant fails to qualify for a permanent license in this state, the permit shall automatically terminate.

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 examination in certain cases.

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 of 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 provides that it 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.

The House Floor Amendments to the engrossed bill:

1. Delete proposed law providing 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.
2. Provide that the definition of "healthcare professional", as used in proposed law, includes chiropractors.
3. Delete from proposed law the defined term "good standing" and its corresponding definition and add in lieu thereof the following defined term and definition:

""Hold in good standing" means deeming by a board or certification organization that a person possesses a license or certification that is unencumbered, unrestricted, and not on probation or subject to any stay or contract."
4. Add, as a condition that must be satisfied in order for an applicant to receive a license, certification, permit pending normal license, or government certification pursuant to proposed law, a requirement that the applicant simultaneously apply for a permanent license.
5. Stipulate that if the applicant fails to qualify for a permanent license in this state, the permit shall automatically terminate.
6. Make technical changes.