

GREEN SHEET REDIGEST

HB 197

2021 Regular Session

Charles Owen

LICENSING: Provides relative to occupational licenses for dependents of healthcare professionals

DIGEST

Proposed law defines "dependent", "healthcare professional", and "professional or occupational licensing board".

Proposed law provides that a professional or occupational licensing board shall issue a license, certification, permit pending normal license, or registration to an applicant who is a dependent of a healthcare professional in accordance with the provisions of proposed law if the healthcare professional has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana.

Proposed law provides that the dependent of the healthcare professional shall apply to the appropriate professional or occupational licensing board pursuant to one of the following:

- (1) Licensure by endorsement or reciprocity if provided for in law.
- (2) If the applicant holds an out-of-state license but licensure by endorsement or reciprocity is not provided for in law, by providing proof of certain qualifications.
- (3) Licensure based on work experience in another state, if the applicant worked in a state that does not use an occupational license or government certification to regulate the occupation.

Proposed law provides that a professional or occupational licensing board may require an applicant to pass a jurisprudential examination specific to relevant state laws that regulate the occupation if required by law or the administrative rules promulgated by the board.

Proposed law requires the board to give the applicant a written decision regarding the application no later than 30 days after receipt of an application. Proposed law provides that the applicant may appeal decisions of the board in accordance with the Administrative Procedure Act.

Proposed law provides that an applicant who is licensed pursuant to proposed law shall be subject to the laws regulating the occupation in this state and the jurisdiction of the professional or occupational licensing 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 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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the reengrossed bill

1. Clarify that the healthcare professional must have relocated to and be providing healthcare services in Louisiana.
2. Clarify the available procedures for the dependent to apply for licensure.
3. Make technical changes.