

ACT No. 279

2021 Regular Session

HOUSE BILL NO. 197

BY REPRESENTATIVES CHARLES OWEN, AMEDEE, CREWS, DEVILLIER, EMERSON, FIRMENT, HORTON, MCCORMICK, RISER, AND SCHAMERHORN

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 allow healthcare
7 professional licensing boards to require jurisprudential examinations in certain cases;
8 to provide relative to decisions by licensing boards; to allow for appeals; to provide
9 for preemption; to require promulgation of rules; to provide for exceptions; and to
10 provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

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

14 PART XI. LICENSURE FOR DEPENDENTS OF HEALTHCARE PROFESSIONALS

15 §1751. Licensure for dependents of certain healthcare professionals

16 A. For the purposes of this Section, the following definitions apply:

17 (1) "Dependent" means any of the following who relocates to Louisiana with
18 a healthcare professional:

19 (a) The healthcare professional's spouse.

20 (b) The healthcare professional's unmarried child under the age of twenty-
21 one years.

22 (c) The healthcare professional's child who is a student under the age of
23 twenty-four years and who is financially dependent upon the healthcare professional.

1 (d) The healthcare professional's child of any age who is disabled and
2 financially dependent upon the healthcare professional.

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

10 (3) "Professional or occupational licensing board" means any state agency,
11 board, commission, or substantially similar entity, involved in the licensing,
12 certification, or registration of any regulated profession or occupation within this
13 state.

14 B. Notwithstanding any other provision of law to the contrary, a professional
15 or occupational licensing board shall issue a license, certification, permit pending
16 normal license, or registration to an applicant who is a dependent of a healthcare
17 professional in accordance with the provisions of this Section if the healthcare
18 professional has relocated to and established his legal residence in Louisiana, holds
19 a valid license to provide healthcare services in Louisiana, and is providing
20 healthcare services in Louisiana.

21 C. An applicant who is a dependent of a healthcare professional as provided
22 for in Subsection A of this Section shall apply to the appropriate professional or
23 occupational licensing board pursuant to one of the following:

24 (1) Licensure by endorsement or reciprocity if provided for in law.

25 (2) If the applicant holds an out-of-state license but licensure by endorsement
26 or reciprocity is not provided for in law, by providing proof of all of the following:

27 (a) The applicant holds a current and valid occupational license in another
28 state in an occupation with a similar scope of practice, as determined by the
29 professional or occupational licensing board in this state.

1 **(b) The applicant has held the occupational license in the other state for at**
2 **least one year.**

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

5 **(d) The applicant is held in good standing by the licensing board in the other**
6 **state.**

7 **(e) The applicant does not have a disqualifying criminal record as**
8 **determined by the professional or occupational licensing board in this state in**
9 **accordance with the laws of this state.**

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

13 **(g) The applicant did not surrender an occupational license because of**
14 **negligence or intentional misconduct related to the applicant's work in the occupation**
15 **in another state.**

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

23 **(i) The applicant pays all applicable fees in this state.**

24 **(j) The applicant simultaneously applies for a permanent license. If the**
25 **applicant fails to qualify for a permanent license as determined by the occupational**
26 **or licensing board once the permanent application is vetted, any temporary permit**
27 **shall automatically terminate.**

28 **(3) Licensure based on work experience in another state, if all of the**
29 **following apply:**

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

6 (b) The applicant worked for at least three years in the occupation.

7 (c) The applicant satisfies the requirements of Subparagraphs (2)(e) through
8 (j) of this Subsection.

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

12 E. The professional or occupational licensing board shall provide the
13 applicant with a written decision regarding the application for a license no later than
14 thirty calendar days after receiving a completed application.

15 F. The applicant may appeal any action, decision, or determination made by
16 a professional or occupational board pursuant to this Section, including but not
17 limited to the denial of a license or determination of an occupation or similarity of
18 a scope of practice, in accordance with the Administrative Procedure Act.

19 G. A person who obtains a permit pending normal license, occupational
20 license, or government certification pursuant to this Section shall be subject to the
21 laws regulating the occupation in this state and the jurisdiction of the professional
22 or occupational licensing board in this state.

23 H. The provisions of this Section shall preempt any laws or ordinances by
24 township, municipal, parish, and other governments in this state which regulate
25 occupational licenses and government certification.

26 I. Each professional or occupational licensing board subject to the provisions
27 of this Section shall adopt rules in accordance with the Administrative Procedure Act
28 necessary to implement the provisions in this Section.

29 J. Nothing in this Section shall be construed to prohibit an applicant from
30 proceeding under the existing licensure, certification, or registration requirements

1 established by law and the rules promulgated by a professional or occupational
2 licensing board in this state.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____