

2022 Regular Session

SENATE BILL NO. 483

BY SENATOR CATHEY

FEES/LICENSES/PERMITS. Provides relative to occupational licenses. (gov sig)

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AN ACT

To enact Chapter 1-E of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:51 through 60, relative to occupational licenses; to provide for licensure; to provide for certain criteria; to provide for an appeals process; to provide for a rulemaking process; to provide for exceptions; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1-E of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:51 through 60, is hereby is to read as follows:

CHAPTER 58-A. PROFESSIONAL OR OCCUPATIONAL LICENSING

BOARD AND GOVERNMENT CERTIFICATIONS

§51. Definitions

A. As used in this Chapter, the following terms shall have the following meaning:

(1) "Government certification" means a voluntary, government-granted and nontransferable recognition to an individual who meets personal qualifications related to a lawful occupation. Upon the government's initial and

1 continuing approval, the individual may use "government certified" or "state
2 certified" as a title. A noncertified individual also may perform the lawful
3 occupation for compensation but may not use the title "government certified"
4 or "state certified". The term "government certification" does not mean
5 "occupational license" and shall not include credentials that are prerequisites
6 to working lawfully in an occupation, such as those used for medical board
7 certification or held by a certified public accountant.

8 (2) "Lawful occupation" means a course of conduct, pursuit, or
9 profession that includes the sale of goods or services that are not illegal to sell
10 regardless of whether the individual selling the goods or services is subject to
11 an occupational license.

12 (3) "Military" means the United States Armed Forces, including the Air
13 Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard,
14 and all reserve components and auxiliaries. "Military" shall also include the
15 military reserves and militia of any United States territory or state.

16 (4) "Occupational license" is a nontransferable authorization in law for
17 an individual to perform exclusively a lawful occupation based on meeting
18 personal qualifications, including a military occupational specialty. In an
19 occupation for which a license is required, it is illegal for an individual who does
20 not possess a valid occupational license to perform the occupation.

21 (5) "Other state" or "another state" means any United States territory
22 or state in the United States other than this state. It also means any branch or
23 unit of the military.

24 (6) "Private certification" is a voluntary program in which a private
25 organization grants nontransferable recognition to an individual who meets
26 personal qualifications and standards relevant to performing the occupation as
27 determined by the private organization. The individual may use the designated
28 title of "certified," as permitted by the private organization.

29 (7) "Professional or occupational licensing board" means any state

1 agency, board, commission, department, or substantially similar entity involved
2 in the licensing, certification, or registration of any regulated profession or
3 occupation within this state.

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

7 §52. Licensure by another state; recognition

8 A. Notwithstanding any other provisions of law, the board shall issue an
9 occupational license or government certification to a person upon application,
10 if all of the following apply:

11 (1) The person holds a current and valid occupational license or
12 government certification in another state for a lawful occupation with a similar
13 scope of practice, as determined by the professional or occupational licensing
14 board in this state.

15 (2) The person has held the occupational license or government
16 certification in the other state for at least one year.

17 (4) The person was required by the other state to pass an examination or
18 to meet education, training, or experience standards.

19 (5) The board in the other state holds the person in good standing.

20 (6) The person does not have a disqualifying criminal record under the
21 laws of this state as determined by the professional or occupational licensing
22 board.

23 (7) No board in another state has revoked the person's occupational
24 license or government certification because of negligence or intentional
25 misconduct related to the person's work in the occupation.

26 (8) The person did not surrender his occupational license or government
27 certification because of negligence or intentional misconduct related to his work
28 in the occupation in another state.

29 (9) The person does not have a complaint, allegation, or investigation

1 pending before a board in another state which relates to unprofessional conduct
2 or an alleged crime. If the person has a complaint, allegation, or investigation
3 pending, the professional or occupational licensing board shall not issue or deny
4 an occupational license or government certification to the person until the
5 complaint, allegation, or investigation is resolved or the person otherwise meets
6 the criteria for an occupational license or government certification in this state
7 to the satisfaction of the professional or occupational licensing board.

8 (10) The person pays all applicable fees in this state, including any board
9 required background checks.

10 B. If another state issued the person a government certification but this
11 state requires an occupational license to work, the professional or occupational
12 licensing board shall issue an occupational license to the person if the person
13 otherwise satisfies the provisions of Subsection A of this Section.

14 §53. Licensure based on work experience

15 Notwithstanding any other provisions of law, the professional or
16 occupational licensing board shall issue an occupational license or government
17 certification to a person based on work experience in another state, if all of the
18 following apply:

19 (1) The person worked in a state that does not use an occupational license
20 or government certification to regulate a lawful occupation, but this state
21 requires the issuance of an occupational license or government certification to
22 engage in a lawful occupation with a similar scope of practice, as determined by
23 the professional or occupational licensing board.

24 (2) The person worked for at least three years in the lawful occupation.

25 (3) The person meets all the criteria provided in R.S. 37:3612.

26 §54. Private certification

27 Notwithstanding any other provisions of law, the professional or
28 occupational licensing board shall issue an occupational license or government
29 certification to a person based on holding a private certification and work

1 experience in another state, if all the following apply:

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

7 (2) The person worked for at least two years in the lawful occupation.

8 (3) The person holds a current and valid private certification in the
9 lawful occupation.

10 (4) The private certification organization holds the person in good
11 standing.

12 (5) The person meets all the criteria provided in R.S. 37:3612.

13 §55. State examination

14 Notwithstanding any other provision of law to the contrary, a
15 professional occupational licensing board may require a person to pass a
16 jurisprudential examination specific to relevant state laws that regulate the
17 occupation if an occupational license or government certification in this state
18 requires a person to pass a jurisprudential examination specific to relevant state
19 statutes and administrative rules that regulate the occupation.

20 §56. State laws and jurisdiction; exceptions

21 A. Any person who obtains an occupational license or government
22 certification pursuant to this Chapter is subject to the laws regulating the
23 occupation in this state and the jurisdiction of the professional or occupational
24 licensing board that issued the occupational license or government certification.

25 B. This Chapter shall not apply to an occupation regulated by the
26 Louisiana Supreme Court.

27 §57. Limitations

28 A. Nothing in this Chapter shall prohibit a person from applying for an
29 occupational license or government certification under another statute or rule

1 in state law.

2 B. An occupational license or government certification issued pursuant
3 to this Chapter is valid only in this state and possession of an occupational
4 license or government certification shall not make the person eligible to work
5 in another state under an interstate compact or reciprocity agreement unless
6 otherwise provided in law.

7 C. Nothing in this Chapter shall prevent the state from entering into a
8 licensing compact or reciprocity agreement with another state, foreign province,
9 foreign country, international organization or other entity.

10 D. Nothing in this Chapter shall prevent the state from recognizing
11 occupational credentials issued by a private certification organization, foreign
12 province, foreign country, international organization, or other entity.

13 E. Nothing in this Chapter shall require a private certification
14 organization to grant or deny private certification to any individual.

15 §58. Preemption

16 This Chapter preempts any law by a local municipality, parish, and any
17 other governing authority in this state that regulates occupational licenses and
18 government certifications.

19 §59. Emergency Powers

20 During a declared emergency, the governor may order the recognition
21 of an occupational license from another state as if the license is issued in this
22 state. The governor may expand any license's scope of practice and may
23 authorize any licensee to provide services in this state in person, telephonically,
24 or by other means for the duration of the emergency.

25 §60. Decisions and appeals

26 A. The professional or occupational licensing board shall provide the
27 person with a written decision regarding the application within forty-five days
28 after receiving a complete application.

29 B. Each professional or occupational licensing board shall adopt rules in

1 accordance with the Administrative Procedure Act to implement the provisions
2 of this Chapter.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 483 Original

2022 Regular Session

Cathey

Proposed law defines the terms, "government certification", "lawful occupation", "military", "occupational license", "other state", "private certification", "professional or occupational licensing board", and "scope of practice".

Proposed law provides that the professional or occupational licensing board (board) shall issue an occupational license or government certification if all of the following apply:

- (1) The person holds a current and valid occupational license or government certification in another state in a lawful occupation with a similar scope of practice, as determined by the board.
- (2) The person has held the occupational license or government certification in the other state for at least one year.
- (3) The board in the other state required the person pass an examination or to meet education, training, or experience standards.
- (4) The board in the other state holds the person in good standing.
- (5) The person does not have a disqualifying criminal record as determined by the board under state law.
- (6) No board in another state has revoked the person's occupational license or government certification because of negligence or intentional misconduct related to the person's work in the occupation.
- (7) The person did not surrender his occupational license or government certification because of negligence or intentional misconduct related to his work in the occupation in another state.
- (8) The person does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If the person has a complaint, allegation, or investigation pending, the board shall not issue or deny an occupational license or government certification to the person until the complaint, allegation, or investigation is resolved or the person otherwise meets the criteria for an occupational license or government certification in this state to the satisfaction of the board.

- (9) The person pays all applicable fees in this state including any board required background checks.

Proposed law provides that the board shall issue an occupational license or government certification to a person based on work experience in another state if all of the following apply:

- (1) The person worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but this state uses an occupational license or government certification to regulate a lawful occupation with a similar scope of practice, as determined by the board.
- (2) The person worked for at least three years in the lawful occupation.
- (3) The person satisfies all requirements under proposed law.

Proposed law provides that the board shall issue an occupational license or government certification to a person based on holding a private certification and work experience in another state if all of the following apply:

- (1) The person holds a private certification and worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but this state uses an occupational license or government certification to regulate a lawful occupation with a similar scope of practice, as determined by the board.
- (2) The person worked for at least two years in the lawful occupation.
- (3) The person holds a current and valid private certification in the lawful occupation.
- (4) The private certification organization holds the person in good standing.
- (5) The person satisfies all requirements under proposed law.

Proposed law provides that the board may require a person to pass an examination specific to the occupation if the license issued in this state requires an examination.

Proposed law provides that a person who obtains an occupational licence or government certification is subject to all laws regulating the occupation and jurisdiction of this state.

Proposed law provides for exceptions.

Proposed law provides for the following limitations:

- (1) Nothing in proposed law shall prohibit a person from applying for an occupational license or government certification under another statute or rule in state law.
- (2) An occupational license or government certification issued pursuant to proposed law is valid only in Louisiana. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in law.
- (3) Nothing in proposed law shall prevent Louisiana from entering into a licensing compact or reciprocity agreement with another state, foreign province, foreign country, international organization, or other entity.
- (4) Nothing in proposed law shall prevent Louisiana from recognizing occupational credentials issued by a private certification organization, foreign province, foreign country, international organization, or other entity.

- (5) Nothing in proposed law shall require a private certification organization to grant or deny private certification to any individual.

Proposed law provides that during a declared emergency, the governor may order the recognition of an occupational license from another state and that the governor may expand any license's scope of practice.

Proposed law provides that the board will provide the person with a written decision regarding the application within 45 days of receiving a completed application.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 37:51-60)