

2024 Regular Session

HOUSE BILL NO. 716

BY REPRESENTATIVE OWEN

LICENSING: Provides for universal recognition of occupational licenses

1 AN ACT

2 To enact Chapter 1-E of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 37:51 through 59, relative to universal occupational license recognition; to
4 provide for definitions; to provide for conditions for application; to provide for
5 occupational licensing requirements; to require proof of residency; to provide for
6 jurisprudential examination; to provide for board decisions on applications; to
7 provide for appeals of a board decision on applications; to provide for state law and
8 jurisdiction; to provide for exemptions; to provide for limitations; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 1-E of Title 37 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 37:51 through 59, is hereby enacted to read as follows:

13 CHAPTER 1-E. WELCOME HOME ACT

14 §51. Definitions

15 The words defined in this Section have the meanings given them for purposes
16 of this Chapter unless the context clearly requires otherwise.

17 (1) "Board" means any state executive branch board, commission,
18 department, or other agency that regulates the entry of persons into a particular
19 profession or occupation or that is authorized to issue or revoke occupational licenses
20 or certifications.

1 (2) "Occupational license" means a nontransferable authorization issued by
2 a state to an individual to legally practice or engage in a regulated profession or
3 occupation.

4 (3) "Other state" or "another state" means any United States territory or state
5 in the United States other than this state.

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

9 §52. Occupational license or certification

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

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

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

17 (3) The other state required the applicant to pass an examination, or to meet
18 education, training, or experience standards.

19 (4) The other state holds the applicant in good standing.

20 (5) The applicant does not have a disqualifying criminal record as
21 determined by the board in this state under state law.

22 (6) The applicant does not have a disciplinary action or investigation pending
23 in another state. If the applicant has a disciplinary action or investigation pending,
24 the board in this state shall not issue or deny an occupational license or certification
25 to the person until the disciplinary action or investigation is resolved or the person
26 otherwise meets the criteria for an occupational license or certification in this state
27 to the satisfaction of the board in this state.

28 (7) The applicant pays all applicable fees in this state.

1 (8) The applicant lives in this state and provides proof of residency as
2 outlined in R.S. 37:53.

3 B. If another state issued the applicant a certification, but this state requires
4 an occupational license to work, the board in this state shall issue an occupational
5 license to the applicant if the applicant otherwise satisfies Subsection A of this
6 Section.

7 §53. Residency

8 For purposes of this Chapter, residency may be established by producing
9 proof of one of the following:

10 (1) A current state-issued identification card.

11 (2) A state-issued voter registration card.

12 (3) Documentation of current in-state employment or notarized letter of
13 promise of employment of the applicant or his spouse. If an applicant uses this
14 method to obtain licensure, a board shall require another form of proof of residency
15 listed in this Section, six months after licensure is granted.

16 (4) A current homestead exemption for this state.

17 §54. State law examination

18 A board may require an applicant to pass a jurisprudential examination
19 specific to relevant state laws that regulate the occupation if an occupational license
20 or certification in this state requires an applicant to pass a jurisprudential
21 examination specific to relevant state statutes and administrative rules that regulate
22 the occupation or certification.

23 §55. Decision

24 A board shall provide an applicant with a written decision regarding his
25 application within sixty days after receiving a complete application.

26 §56. Appeal

27 A. An applicant may appeal a board's decision to a court of general
28 jurisdiction.

29 B. An applicant may appeal any of the following:

1 (1) The board's denial of an occupational license or certification.

2 (2) The board's determination of the occupation or certification.

3 (3) The board's determination of the similarity of the scope of practice of the
4 occupational license or certification issued.

5 §57. State laws and jurisdiction

6 A person who obtains an occupational license or certification pursuant to this
7 Chapter is subject to all of the following:

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

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

10 §58. Exceptions

11 This Chapter does not apply to an occupation regulated by the state supreme
12 court.

13 §59. Limitations

14 A. Nothing in this Chapter shall be construed to prohibit a person from
15 applying for an occupational license or certification under another statute or rule in
16 state law.

17 B. An occupational license or certification issued pursuant to this Chapter
18 is valid only in this state. It does not make the person eligible to work in another
19 state under an interstate compact or reciprocity agreement unless otherwise provided
20 in law.

21 C. Nothing in this Chapter shall be construed to prevent this state from
22 entering into a licensing compact, professional national mobility agreement, or
23 reciprocity agreement with another state, foreign province, foreign country,
24 international organization, or other entity.

25 D. Nothing in this Chapter shall be construed to prevent this state from
26 recognizing occupational credentials issued by a private certification organization,
27 foreign province, foreign country, international organization, or other entity.

28 E. Nothing in this Chapter shall be construed to require a private certification
29 organization to grant or deny private certification to any individual.

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 716 Engrossed

2024 Regular Session

Owen

Abstract: Provides for universal recognition of occupational licenses.

Proposed law provides definitions for "board", "occupational license", "other state" or "another state", and "scope of practice".

Proposed law provides that notwithstanding any other law, a board shall issue an occupational license or certification to a person upon application, if all the following apply:

- (1) The applicant holds a current and valid occupational license or certification in another state in a lawful occupation with a similar scope of practice, as determined by the board in this state.
- (2) The applicant has held the occupational license or certification in the other state for at least one year.
- (3) The other state required the applicant to pass an examination, or to meet education, training, or experience standards.
- (4) The other state holds the applicant in good standing.
- (5) The applicant does not have a disqualifying criminal record as determined by the board in this state under state law.
- (6) The applicant does not have a disciplinary action or investigation pending in another state. If the applicant has a disciplinary action or investigation pending, the board in this state shall not issue or deny an occupational license or certification to the person until the disciplinary action or investigation is resolved or the person otherwise meets the criteria for an occupational license or certification in this state to the satisfaction of the board in this state.
- (7) The applicant pays all applicable fees in this state.
- (8) The applicant lives in this state and provides proof of residency.

Proposed law provides that if another state issued the applicant a certification, but this state requires an occupational license to work, the board in this state shall issue an occupational license to the applicant if the applicant otherwise satisfies proposed law.

Proposed law provides for the methods for which an applicant can prove residency in this state.

Proposed law provides that a board may require an applicant to pass a jurisprudential examination specific to relevant state laws that regulate the occupation if an occupational license or certification in this state requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules that regulate the occupation or certification.

Proposed law provides that a board shall provide an applicant with a written decision regarding his application within 60 days after receiving a complete application.

Proposed law provides that an applicant may appeal a board's decision to a court of general jurisdiction. An applicant may appeal any of the following:

- (1) The board's denial of an occupational license or certification.
- (2) The board's determination of the occupation or certification.
- (3) The board's determination of the similarity of the scope of practice of the occupational license or certification issued.

Proposed law provides that a person who obtains an occupational license or certification pursuant to proposed law is subject to the laws regulating the occupation in this state and the jurisdiction of the board in this state.

Proposed law does not apply to an occupation regulated by the state supreme court.

Proposed law provides that nothing in proposed law shall be construed to prohibit a person from applying for an occupational license or certification under another statute or rule in state law.

Proposed law provides that an occupational license or certification issued pursuant proposed law is valid only in this state. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in law.

Proposed law provides that nothing in proposed law shall be construed to prevent this state from entering into a licensing compact, professional national mobility agreement, or reciprocity agreement with another state, foreign province, foreign country, international organization, or other entity.

Proposed law provides that nothing in proposed law shall be construed to prevent this state from recognizing occupational credentials issued by a private certification organization, foreign province, foreign country, international organization, or other entity.

Proposed law provides that nothing in proposed law shall be construed to require a private certification organization to grant or deny private certification to any individual.

(Adds R.S. 37:51-59)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Require an applicant to prove residency in this state.
3. Provide what qualifies as proof of residency.
4. Add that nothing in proposed law shall prevent this state from entering into a professional national mobility agreement.