

2022 Regular Session

HOUSE BILL NO. 555

BY REPRESENTATIVE CHARLES OWEN

LICENSING: Provides relative to occupational licenses

1 AN ACT

2 To enact Chapter 58-A of Title 37 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 37:3611 through 3619, relative to occupational licenses; to
4 provide definitions; to provide for licensure; to provide for criteria; to provide for
5 appeals; to provide exceptions; to provide for rulemaking; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 58-A of Title 37 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 37:3611 through 3619, is hereby enacted to read as follows:

10 CHAPTER 58-A

11 LICENSURE THROUGH RECOGNITION

12 §3611. Definitions

13 For purposes of this Chapter "professional or occupational licensing board"
14 means any state agency, board, commission, or substantially similar entity involved
15 in the licensing, certification, or registration of any regulated profession or
16 occupation within this state.

17 §3612. Licensure by out-of-state license recognition

18 A professional or occupational licensing board in this state, other than the
19 Louisiana State Board of Medical Examiners, shall issue a license, certification,
20 permit pending normal license, or registration allowing an applicant to lawfully

1 practice an applicant's occupation in this state, if upon application to the board, the
2 applicant can show that all of the following conditions are met:

3 (1) The applicant holds a current and valid occupational license in another
4 state in an occupation with a similar scope of practice, as determined by the board
5 in this state.

6 (2) The applicant has held the occupational license in the other state for at
7 least one year.

8 (3) The applicant has passed all examinations and met all education, training,
9 and experience standards required by the board in the other state.

10 (4) The applicant is held in good standing by the board in the other state.

11 (5) The applicant does not have a disqualifying criminal record as
12 determined by the board in this state under the laws of this state.

13 (6) The applicant has not had an occupational license revoked by a board in
14 another state because of negligence or intentional misconduct related to the
15 applicant's work in the occupation.

16 (7) The applicant did not surrender an occupational license because of
17 negligence or intentional misconduct related to the person's work in the occupation
18 in another state.

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

26 (9) The applicant pays all applicable fees in this state.

27 (10) The applicant simultaneously applies for a permanent license; if the
28 applicant fails to qualify for a permanent license as determined by the occupational
29 or licensing board once the permanent application is vetted, the permit automatically

1 terminates. For healthcare licensing boards, the applicant shall meet all of the
2 qualifications for licensure required by the board in order to obtain a permanent
3 license.

4 §3613. Licensure through work experience

5 A professional or occupational licensing board in this state, other than the
6 Louisiana State Board of Medical Examiners, shall issue a license, certification,
7 permit pending normal license, or registration to allow an applicant to lawfully
8 practice the applicant's occupation in this state, if upon application to the board, the
9 applicant can show that all of the following conditions are met:

10 (1) The applicant worked in a state that does not use an occupational license
11 or government certification to regulate a lawful occupation, but this state uses an
12 occupational license or government certification to regulate a lawful occupation with
13 a similar scope of practice, as determined by the board in this state.

14 (2) The applicant worked for at least three years in the lawful occupation.

15 (3) The applicant has not had an occupational license revoked by a board in
16 another state because of negligence or intentional misconduct related to the
17 applicant's work in the occupation.

18 (4) The applicant did not surrender an occupational license because of
19 negligence or intentional misconduct related to the person's work in the occupation
20 in another state.

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

23 (6) The applicant does not have a complaint, allegation, or investigation
24 pending before a board in another state which relates to unprofessional conduct or
25 an alleged crime. If the applicant has a complaint, allegation, or investigation
26 pending, the board in this state shall not issue or deny an occupational license to the
27 applicant until the complaint, allegation, or investigation is resolved, or the applicant
28 otherwise satisfies the criteria for licensure in this state to the satisfaction of the
29 board in this state.

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

2 (8) The applicant simultaneously applies for a permanent license; if the
3 applicant fails to qualify for a permanent license as determined by the occupational
4 or licensing board once the permanent application is vetted, the permit automatically
5 terminates. For healthcare licensing boards, the applicant shall meet all of the
6 qualifications for licensure required by the board in order to obtain a permanent
7 license.

8 §3614. Licensure through private certification and work experience

9 A professional or occupational licensing board in this state, other than the
10 Louisiana State Board of Medical Examiners, shall issue a license, certification,
11 permit pending normal license, or registration to allow an applicant to lawfully
12 practice the applicant's occupation in this state, if upon application to the board, the
13 applicant can show that all of the following conditions are met:

14 (1) The applicant worked in a state that does not use an occupational license
15 or government certification to regulate a lawful occupation, but this state uses an
16 occupational license or government certification to regulate a lawful occupation with
17 a similar scope of practice, as determined by the board in this state.

18 (2) The applicant worked for at least two years in the lawful occupation.

19 (3) The applicant holds a current and valid private certification in the lawful
20 occupation.

21 (4) The private certification organization holds the applicant in good
22 standing.

23 (5) The applicant does not have a disqualifying criminal record as
24 determined by the board in this state under the laws of this state.

25 (6) The applicant has not had an occupational license revoked by a board in
26 another state because of negligence or intentional misconduct related to the
27 applicant's work in the occupation.

1 (7) The applicant did not surrender an occupational license because of
2 negligence or intentional misconduct related to the person's work in the occupation
3 in another state.

4 (8) The applicant does not have a complaint, allegation, or investigation
5 pending before a board in another state which relates to unprofessional conduct or
6 an alleged crime. If the applicant has a complaint, allegation, or investigation
7 pending, the board in this state shall not issue or deny an occupational license to the
8 applicant until the complaint, allegation, or investigation is resolved, or the applicant
9 otherwise satisfies the criteria for licensure in this state to the satisfaction of the
10 board in this state.

11 (9) The applicant pays all applicable fees in this state.

12 (10) The applicant simultaneously applies for a permanent license; if the
13 applicant fails to qualify for a permanent license as determined by the occupational
14 or licensing board once the permanent application is vetted, the permit automatically
15 terminates. For healthcare licensing boards, the applicant shall meet all of the
16 qualifications for licensure required by the board in order to obtain a permanent
17 license.

18 §3615. Temporary permit pending licensure by Louisiana State Board of Medical
19 Examiners

20 A. The Louisiana State Board of Medical Examiners shall issue a temporary
21 permit, pending permanent licensure, to lawfully practice an occupation regulated
22 by the Louisiana State Board of Medical Examiners in this state if, upon application
23 to the Louisiana State Board of Medical Examiners, the applicant can show that all
24 of the following conditions are met:

25 (1) The applicant holds a current and valid license in another state to practice
26 medicine or any other allied health profession which is regulated in this state by the
27 Louisiana State Board of Medical Examiners.

1 (2) The applicant has held the out of state license in good standing, as
2 defined by the Louisiana State Board of Medical Examiners in this state, for the three
3 years immediately prior to the application in this state.

4 (3) The applicant has passed all examinations and met all education, training,
5 and experience standards required by the board in the applicant's state of current
6 licensure, as long as such standards are, as determined by the Louisiana State Board
7 of Medical Examiners, substantially equivalent to the requirements of this state.

8 (4) The applicant has not had an occupational license revoked by a board in
9 any state for any reason.

10 (5) The applicant has not surrendered an occupational license in another state
11 for any reason.

12 (6) The applicant is not currently the subject of a pending complaint or
13 investigation before a licensing board in another state.

14 (7) The applicant successfully passes any rules examination or other
15 preliminary requirement for issuance of a temporary permit deemed necessary by the
16 board to ensure the protection of the health and safety of the public in the provision
17 of medical care.

18 (8) The applicant pays all applicable fees in this state.

19 (9) The applicant simultaneously applies for a permanent license in this state.

20 B. The temporary permit provided for herein expires automatically if the
21 application for permanent license is denied.

22 C. The board shall act on the application for temporary permit within thirty
23 days of receipt of a completed application and notify the applicant in writing of the
24 decision.

25 D. The board may immediately revoke any temporary permit issued under
26 this Section when such action is necessary for the protection of the health and safety
27 of the public.

28 E. The application for permanent licensure provided for in Paragraph (A)(9)
29 of this Section shall be processed by the board in the normal manner, applying all

1 customary requirements and criteria for permanent licensure. The temporary permit
2 process herein is established as a courtesy and convenience and expressly confers no
3 special expectation of, nor creates any right to, permanent licensure.

4 D. An applicant may seek judicial review of the denial of an application for
5 permanent licensure in accordance with the provisions of the Louisiana
6 Administrative Procedure Act.

7 §3616. Jurisprudential examination

8 The board in this state may require a person to pass a jurisprudential
9 examination specific to relevant state laws that regulate the occupation if an
10 occupational license or government certification in this state requires a person to
11 pass a jurisprudential examination specific to relevant state statutes and
12 administrative rules that regulate the occupation.

13 §3617. Written decision required; appeals

14 A. The board in this state shall provide the applicant with a written decision
15 regarding the application for an occupational license within thirty calendar days after
16 receiving an application.

17 B.(1) The applicant may appeal any of the following decisions made by a
18 board, in a court of general jurisdiction:

19 (a) Denial of an occupational license.

20 (b) Determination of the occupation.

21 (c) Determination of the similarity of the scope of practice of the
22 occupational license issued.

23 (d) Any other determinations made pursuant to this Chapter.

24 (2) The court shall determine all questions of law, including the
25 interpretation of a constitutional or statutory provision or a rule adopted by a board,
26 without regard to any previous determination that may have been made on the
27 question in any action before the board.

1 §3618. Application of law

2 A. A person who obtains licensure pursuant to this Chapter is subject to all
3 laws regulating the occupation in this state and the jurisdiction of the board in this
4 state.

5 B. This Chapter preempts laws by township, municipal, parish and other
6 governments in the state which regulate occupational licenses or government
7 certifications.

8 C. Nothing in this Chapter shall be construed to prohibit an applicant from
9 proceeding under the existing licensure, certification, or registration process
10 established by a professional or occupational licensing board in this state.

11 D. The provisions of this Chapter do not apply to any of the following:

12 (1) An applicant covered under the Nurse Licensure Compact.

13 (2) Any license issued and regulated under the judicial branch of government
14 including the state supreme court.

15 §3619. Rules

16 Professional or occupational licensing boards in this state shall adopt rules
17 in accordance with the Administrative Procedure Act as is necessary to implement
18 the provisions of this Chapter.

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 555 Original

2022 Regular Session

Charles Owen

Abstract: Allows persons who hold occupational licenses or other credentials in another state to apply for licensure in this state based on the out-of-state license or credentials.

Proposed law defines "professional or occupational licensing board", hereinafter "board".

Proposed law requires a board in this state to issue licensure to an applicant who can show upon application that the applicant:

- (1) Holds a valid occupational license in another state with a similar scope of practice.
- (2) Has held that license for a year.

- (3) Has passed all exams and met all skill and training standards required in the other state.
- (4) Is in good standing with the board in the other state.
- (5) Does not have a disqualifying criminal record as determined by the board in this state.
- (6) Has not had any license revoked by a board because of negligence or intentional misconduct related to his occupation.
- (7) Has not surrendered a license because of negligence or intentional misconduct related to his occupation.
- (8) Does not have a complaint, allegation, or investigation pending before a board.
- (9) Has paid all applicable fees.
- (10) Simultaneously applies for a permanent license.

Proposed law requires a board in this state to issue licensure to an applicant who can show upon application that the applicant:

- (1) Worked in a state that does not use licensure to regulate an occupation that is similar to an occupation regulated under licensure in this state.
- (2) Worked for at least three years in that occupation.
- (3) Satisfies the requirements of conditions 5-10 listed above.

Proposed law requires a board in this state to issue licensure to an applicant who can show upon application that the applicant:

- (1) Worked in a state that does not use licensure to regulate an occupation that is similar to an occupation regulated under licensure in this state.
- (2) Worked for at least two years in the lawful occupation.
- (3) Holds a current and valid private certification in the lawful occupation.
- (4) Is held in good standing by the private certification organization.
- (5) Satisfies all requirements of conditions 5-10 listed above.

Proposed law requires the La. State Board of Medical Examiners (LSBME) to issue a permit pending normal license to an applicant who can show upon application that the applicant:

- (1) Holds a current and valid license in another state to practice medicine or any other allied health profession which is regulated in this state by the LSBME.
- (2) Has held the out of state license in good standing, as defined by the LSBME in this state, for the three years immediately prior to the application in this state.
- (3) Has passed all examinations and met all education, training, and experience standards required by the board in the applicant's state of current licensure, as long as such standards are, as determined by the LSBME, substantially equivalent to the requirements of this state.

- (4) Has not had an occupational license revoked by a board in any state for any reason.
- (5) Has not surrendered an occupational license in another state for any reason.
- (6) Is not currently the subject of a pending complaint or investigation before a licensing board in another state.
- (7) Successfully passes any rules examination or other preliminary requirement for issuance of a temporary permit deemed necessary by the board to ensure the protection of the health and safety of the public in the provision of medical care.
- (8) Pays all applicable fees in this state.
- (9) Simultaneously applies for a permanent license in this state.

Proposed law provides procedures to be followed by the LSBME.

Proposed law allows the board in this state to require an applicant to pass a jurisprudential examination.

Proposed law requires the board in this state to provide a written decision to the applicant within 30 calendar days of application.

Proposed law allows an applicant who is denied to appeal and provides the procedure for appeal.

Proposed law does not prevent a person from proceeding under an existing processes for licensure.

Proposed law requires boards to promulgate rules to carry out the provisions of proposed law.

(Adds R.S. 37:3611-3619)