

Regular Session, 2012

SENATE BILL NO. 192

BY SENATOR ADLEY

FEES/LICENSES/PERMITS. Provides for licensure of individuals with military training and their spouses. (8/1/12)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To enact R.S. 37:3650, relative to professions and occupations; to provide for certain licensure of individuals with military training and experience; to provide terms, conditions, procedures and requirements; to provide for licensure by endorsement for spouses of such individuals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3650 is hereby enacted to read as follows:

§3650. Licensure for individuals with military training and experience; licensure by endorsement for military spouses; temporary license; expedited process

A. Notwithstanding any other provision of law to the contrary, a professional or occupational licensing board shall issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in this state if, upon application to the board, the applicant satisfies all of the following conditions:

(1) Has completed a military program of training, been awarded a military occupational specialty, or performed in that specialty at a level that is

1 substantially equivalent to or exceeds the requirements for licensure,
2 certification, or registration of the professional or occupational licensing board
3 for which the applicant is seeking licensure, certification, or registration in this
4 state.

5 (2) Has engaged in the active practice of the occupation for which the
6 person is seeking a license, certification, or permit from the board.

7 (3) Has not committed any act in any jurisdiction that would have
8 constituted grounds for refusal, suspension, or revocation of a license to practice
9 that occupation in this state at the time the act was committed.

10 B. Notwithstanding any other provision of law to the contrary, a
11 professional or occupational licensing board shall issue a license, certification,
12 or registration to a military-trained applicant to allow the individual to lawfully
13 practice his occupation in this state, if, upon application to a professional or
14 occupational licensing board, the individual holds a current license,
15 certification, or registration from another jurisdiction, and that jurisdiction's
16 requirements for licensure, certification, or registration are substantially
17 equivalent to or exceed the requirements for licensure, certification, or
18 registration in this state.

19 C. Notwithstanding any other provision of law, a professional or
20 occupational licensing board shall issue a license, certification, or registration
21 to a military spouse to allow the military spouse to lawfully practice the military
22 spouse's occupation in this state, if, upon application to a professional or
23 occupational licensing board, the military spouse satisfies all of the following
24 conditions:

25 (1) Holds a current license, certification, or registration from another
26 jurisdiction, and that jurisdiction's requirement for licensure, certification, or
27 registration are substantially equivalent to or exceed the requirements for
28 licensure, certification, or registration in this state.

29 (2) Can demonstrate competency in the occupation through methods as

1 determined by the board, such as having completed continuing education units
2 or having had recent experience.

3 (3) Has not committed any act in any jurisdiction that would have
4 constituted grounds for refusal, suspension, or revocation of a license to practice
5 that occupation in this state at the time the act was committed.

6 (4) Is in good standing and has not been disciplined by the agency that
7 had jurisdiction to issue the license, certification, or permit.

8 D. A professional or occupational licensing board shall issue a
9 temporary practice permit to a military-trained applicant or military spouse
10 licensed, certified, or registered in another jurisdiction while the military-
11 trained applicant or military spouse is satisfying the requirements for licensure
12 under the provisions of this Section, if that jurisdiction has licensure,
13 certification, or registration standards substantially equivalent to the standards
14 for licensure, certification, or registration of a professional or occupational
15 licensing board in this state. The military-trained applicant or military spouse
16 may practice under the temporary permit until a license, certification, or
17 registration is granted or until a notice to deny a license, certification, or
18 registration is issued in accordance with rules that shall be promulgated by the
19 applicable professional or occupational licensing board.

20 E. An individual possessing a temporary practice permit under the
21 provisions of this Section shall receive priority processing of their application
22 for license, certification, or registration, in accordance with rules that shall be
23 promulgated by the applicable professional or occupational licensing board.

24 F. A professional or occupational licensing board shall adopt rules in
25 accordance with the Administrative Procedure Act necessary to implement this
26 Section.

27 G. Nothing in this Section shall be construed to prohibit a military-
28 trained applicant or military spouse from proceeding under the existing
29 licensure, certification, or registration requirements established by a

1 professional or occupational licensing board in this state.
 2 H. For the purposes of this Section, "professional or occupational
 3 licensing board" shall mean any state agency, board, commission, or
 4 substantially similar entity, involved in the licensing, certification, or
 5 registration, of any regulated profession or occupation within the state of
 6 Louisiana.

The original instrument was prepared by Heyward Jeffers. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Ducharme.

DIGEST

Adley (SB 192)

Proposed law provides that individuals with military training and experience shall be granted a license, certification or registration to lawfully practice an occupation by the appropriate professional or occupational licensing board in this state if the individual satisfies the following conditions:

1. Has completed a military program of training, been awarded a military occupational specialty, or performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the professional or occupational licensing board for which the applicant is seeking licensure, certification, or registration in this state.
2. Has engaged in the active practice of the occupation for which the person is seeking a license, certification, or permit from the professional or occupational licensing board.
3. Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this state at the time the act was committed.

Proposed law provides that notwithstanding any other provision of law to the contrary, a professional or occupational licensing board shall issue a license, certification, or registration to a military-trained applicant to allow the individual to lawfully practice his occupation in this state, if, upon application to a professional or occupational licensing board, the individual holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration in this state.

Proposed law provides that spouses of individuals with military training and experience shall be granted a license, certification or registration to lawfully practice an occupation by the appropriate professional or occupational licensing board in this state if the spouse satisfies the following conditions:

1. Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration in this state.

2. Can demonstrate competency in the occupation through methods as determined by the board, such as having completed continuing education units or having had recent experience.
3. Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this state at the time the act was committed.
4. Is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit.

Proposed law provides that a professional or occupational licensing board shall issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under the proposed law, if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration in this state. The military-trained applicant or military spouse may practice under the temporary permit until a license, certification, or registration is granted or until a notice to deny a license, certification, or registration is issued in accordance with rules that shall be promulgated by the applicable professional or occupational licensing board.

Proposed law provides that an individual possessing a temporary practice permit under the provisions of the proposed law shall receive priority processing of their application for license, certification, or registration, in accordance with rules that shall be promulgated by the applicable professional or occupational licensing board.

Proposed law provides that a professional or occupational licensing board shall adopt rules necessary to implement this Section.

Proposed law defines "professional or occupational licensing board" as any state agency, board, commission, or substantially similar entity, involved in the licensing, certification, or registration, of any regulated profession or occupation within the state of Louisiana.

Effective August 1, 2012.

(Adds R.S. 37:3650)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill.

1. Changes the requirements for a military-trained applicant to receive a license, certification, or registration from having completed a military program of training, been awarded a military occupational speciality, and performed in that speciality at a certain level to having either completed a military program of training, been awarded a military occupation speciality, or performed in that speciality at a certain level.
2. Provides that a military-trained applicant shall be able to obtain a license, certification, or registration from a professional or occupational licensing board if the applicant holds a license, certification, or registration from another jurisdiction and that jurisdiction's licensing, certification, or registration standards are substantially equivalent to or exceeds the licensing, certification, or registration standards in Louisiana.