

2020 Regular Session

HOUSE BILL NO. 613

BY REPRESENTATIVE CHARLES OWEN AND SENATOR REESE

LICENSING: Provides relative to the occupational licenses of military families

1 AN ACT

2 To amend and reenact R.S. 37:3651, relative to occupational licenses; to provide definitions;
3 to provide for licensure for members of the military; to provide for licensure for
4 spouses; to provide for licenses; to provide for other jurisdictions; to provide for
5 qualifications; to provide for rulemaking; to provide for similar experience; to
6 provide for appeals; to provide for exceptions; to provide for preemption; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:3651 is hereby amended and reenacted to read as follows:

10 §3651. Licensure for individuals with military training and experience; licensure by
11 endorsement for military spouses and dependents; ~~temporary license;~~
12 ~~expedited process~~

13 A. Notwithstanding any other provision of law to the contrary, a professional
14 or occupational licensing board shall issue a license, certification, permit pending
15 normal license, or registration to ~~a military-trained applicant to allow the applicant~~
16 ~~to lawfully practice the applicant's occupation in this state~~ a member of the military,
17 including United States Department of Defense civilian employees who have been
18 assigned to duty in Louisiana, or an applicant who is married to or is a dependent of
19 a member of the military or a United States Department of Defense civilian
20 employee, if the member or United States Department of Defense civilian receives
21 military orders for a change of station to a military installation or assignment located

1 in this state or if the member or United States Department of Defense civilian has
2 established this state as his state of legal residence as reflected in the member's or
3 United States Department of Defense civilian's military record if, upon application
4 to the board, the applicant satisfies all of the following conditions:

5 (1) ~~Has completed a military program of training, been awarded a military~~
6 ~~occupational specialty, and performed in that specialty at a level that is substantially~~
7 ~~equivalent to or exceeds the educational, examination, experience and other~~
8 ~~requirements for licensure, certification, or registration of the professional or~~
9 ~~occupational licensing board for which the applicant is seeking licensure,~~
10 ~~certification, or registration in this state, provided the applicant has otherwise met~~
11 ~~all of the minimum requirements for licensure, certification, or registration of the~~
12 ~~licensing board. The applicant holds a current and valid occupational license in~~
13 ~~another state in an occupation with a similar scope of practice, as determined by the~~
14 ~~board in this state.~~

15 (2) ~~Has engaged in the active practice of the occupation for which the person~~
16 ~~is seeking a license, certification, or permit from the board. The applicant has held~~
17 ~~the occupational license in the other state for at least one year.~~

18 (3) ~~Has not been disciplined in any jurisdiction for an act that would have~~
19 ~~constituted grounds for refusal, suspension, or revocation of a license to practice that~~
20 ~~occupation in this state at the time the act was committed. The applicant has passed~~
21 ~~any examinations, or met any education, training, or experience standards as required~~
22 ~~by the board in the other state.~~

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

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

26 (6) The applicant has not had an occupational license revoked by a board in
27 ~~another state because of negligence or intentional misconduct related to the~~
28 ~~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.

16 B. Notwithstanding any other provision of law, a professional or
17 occupational licensing board shall issue ~~a license, certification, or registration to a~~
18 ~~military-trained applicant to allow the applicant to lawfully practice an occupation~~
19 ~~in this state if, upon application to a professional or occupational licensing board, the~~
20 ~~applicant holds a current license, certification, or registration from another~~
21 ~~jurisdiction and that jurisdiction's requirements for licensure, certification, or~~
22 ~~registration are substantially equivalent to or exceed the requirements for licensure,~~
23 ~~certification, or registration in this state.~~ an occupational license, permit pending
24 normal license, or government certification to an applicant who is a member of the
25 military, or an applicant who is married to or is a dependent of a member of the
26 military or United States Department of Defense civilian employee who has been
27 assigned duty in Louisiana, upon application based on work experience in another
28 state, if all the following apply:

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

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

6 (3) The applicant satisfies the requirements of Paragraphs (A)(6) through
7 (10) of this Section.

8 C. Notwithstanding any other provision of law, a professional or
9 occupational licensing board shall issue ~~a license, certification, or registration to a~~
10 ~~military spouse to allow the military spouse to lawfully practice the military spouse's~~
11 ~~occupation in this state, if, upon application to a professional or occupational~~
12 ~~licensing board, the military spouse satisfies all of the following conditions: an~~
13 ~~occupational license, permit pending normal license, or government certification to~~
14 ~~an applicant who is a member of the military or a United States Department of~~
15 ~~Defense civilian employee who has been assigned duty in Louisiana, or an applicant~~
16 ~~who is married to or is a dependent of a member of the military or a United States~~
17 ~~Department of Defense civilian employee, based on holding a private certification~~
18 ~~and work experience in another state, if all the following apply:~~

19 ~~(1) Holds a current license, certification, or registration from another~~
20 ~~jurisdiction, and that jurisdiction's requirement for licensure, certification, or~~
21 ~~registration are substantially equivalent to or exceed the requirements for licensure,~~
22 ~~certification, or registration in this state. The applicant worked in a state that does not~~
23 ~~use an occupational license or government certification to regulate a lawful~~
24 ~~occupation, but this state uses an occupational license or government certification~~
25 ~~to regulate a lawful occupation with a similar scope of practice, as determined by the~~
26 ~~board.~~

27 ~~(2) Can demonstrate competency in the occupation through methods as~~
28 ~~determined by the board, such as having completed continuing education units or~~

1 ~~having had recent experience.~~ The applicant worked for at least two years in the
2 lawful occupation.

3 (3) ~~Has not been disciplined in any jurisdiction for an act that would have~~
4 ~~constituted grounds for refusal, suspension, or revocation of a license to practice that~~
5 ~~occupation in this state at the time the act was committed.~~ The applicant holds a
6 current and valid private certification in the lawful occupation.

7 (4) ~~Is in good standing and has not been disciplined by the agency that issued~~
8 ~~the license, certification, or permit.~~ The private certification organization holds the
9 applicant in good standing.

10 (5) The applicant satisfies the requirements of Paragraphs (A)(6) through
11 (10) of this Section.

12 D. ~~A professional or occupational licensing board shall issue a temporary~~
13 ~~practice permit to a military-trained applicant or military spouse licensed, certified,~~
14 ~~or registered in another jurisdiction while the military-trained applicant or military~~
15 ~~spouse is satisfying the requirements for licensure under the provisions of this~~
16 ~~Section, if that jurisdiction has licensure, certification, or registration standards~~
17 ~~substantially equivalent to the standards for licensure, certification, or registration~~
18 ~~of a professional or occupational licensing board in this state. The military-trained~~
19 ~~applicant or military spouse may practice under the temporary permit until a license,~~
20 ~~certification, or registration is granted or until a notice to deny a license,~~
21 ~~certification, or registration is issued in accordance with rules that shall be~~
22 ~~promulgated by the applicable professional or occupational licensing board. Each~~
23 ~~professional and occupational licensing board shall adopt rules in accordance with~~
24 ~~the Administrative Procedure Act for the issuance of a temporary practice permit and~~
25 ~~such rules shall ensure the public health and safety.~~ Notwithstanding any other law,
26 the education, training, or experience requirements for an occupational license issued
27 pursuant to this Title are completely or partially satisfied, as determined by the
28 regulating occupational licensing board on presentation of satisfactory evidence that

1 the applicant received comparable education, training, or experience as a member of
2 the United States armed forces or any national guard or other reserve component.

3 E. ~~An individual possessing a temporary practice permit under the provisions~~
4 ~~of this Section shall receive priority processing of their application for license,~~
5 ~~certification, or registration, in accordance with rules that shall be promulgated by~~
6 ~~the applicable professional or occupational licensing board. The board may require~~
7 ~~a person to pass a jurisprudential examination specific to relevant state laws that~~
8 ~~regulate the occupation if an occupational license or government certification in this~~
9 ~~state requires a person to pass a jurisprudential examination specific to relevant state~~
10 ~~statutes and administrative rules that regulate the occupation.~~

11 F. ~~A professional or occupational licensing board shall adopt rules in~~
12 ~~accordance with the Administrative Procedure Act necessary to implement the~~
13 ~~provisions of this Section. The board will provide the applicant with a written~~
14 ~~decision regarding the application for an occupational license within thirty calendar~~
15 ~~days after receiving an application.~~

16 G.(1) ~~Nothing in this Section shall be construed to prohibit a military-trained~~
17 ~~applicant or military spouse from proceeding under the existing licensure,~~
18 ~~certification, or registration requirements established by a professional or~~
19 ~~occupational licensing board in this state. The applicant may appeal any of the~~
20 ~~following decisions made by the board, in a court of general jurisdiction:~~

- 21 (a) Denial of an occupational license.
- 22 (b) Determination of the occupation.
- 23 (c) Determination of the similarity of the scope of practice of the
24 occupational license issued.
- 25 (d) Any other determinations made pursuant to this Section.

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

1 H. ~~For the purposes of this Section, "professional or occupational licensing~~
2 ~~board" shall mean any state agency, board, commission, or substantially similar~~
3 ~~entity, involved in the licensing, certification, or registration of any regulated~~
4 ~~profession or occupation within the state of Louisiana. A person who obtains a~~
5 ~~permit pending normal license, occupational license, or government certification~~
6 ~~pursuant to this Section is subject to all of the following:~~

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

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

9 I. ~~The provisions of this Section shall not apply to any applicant receiving~~
10 ~~a dishonorable discharge or a military spouse whose spouse received a dishonorable~~
11 ~~discharge. This Section does not apply to an occupation regulated by the state~~
12 ~~supreme court.~~

13 J. ~~The provisions of this Section shall not apply to a license issued and~~
14 ~~regulated under the authority of the judicial branch of government. This Section~~
15 ~~preempts laws by township, municipal, county and other governments in the state~~
16 ~~which regulate occupational licenses and government certification.~~

17 K. A professional or occupational licensing board shall adopt rules in
18 accordance with the Administrative Procedure Act necessary to implement the
19 provisions of this Section.

20 L. Nothing in this Section shall be construed to prohibit a military-trained
21 applicant or military spouse or spouse of a United States Department of Defense
22 civilian employee who has been assigned to duty in Louisiana from proceeding under
23 the existing licensure, certification, or registration requirements established by a
24 professional or occupational licensing board in this state.

25 M. For the purposes of this Section, "professional or occupational licensing
26 board" shall mean any state agency, board, commission, or substantially similar
27 entity, involved in the licensing, certification, or registration of any regulated
28 profession or occupation within this state.

1 N. For the purposes of this Section, "military" means the armed forces or
2 reserves of the United States, including the Army, Navy, Marine Corps, Coast
3 Guard, Air Force, and the reserve components thereof, the National Guard of any
4 state, the Military Reserves of any state, or the naval militia of any state.

5 O. The provisions of this Section shall not apply to any applicant receiving
6 a dishonorable discharge or a military spouse whose spouse received a dishonorable
7 discharge.

8 P. The provisions of this Section shall not apply to a license issued and
9 regulated under the authority of the judicial branch of government or to any person
10 that obtains licensure or registration on a nationwide licensing or registry system.

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 613 Engrossed

2020 Regular Session

Charles Owen

Abstract: Regulates the process by which members of the military and their spouses may seek occupational licenses, certifications, permit pending normal licenses, or registrations to enable them to work in their field.

Present law requires a professional or occupational licensing board (hereinafter board) to issue licenses to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in the state, if they meet certain requirements.

Proposed law deletes present law in part, and instead requires the licensing board to issue a license to a military member, including United States Department of Defense civilian employees who have been assigned to duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee, if the member receives military orders for a change of station to a military installation or assignment located in this state or if the member has established this state as his state of legal residence as reflected in the member's military record, if they meet certain requirements.

Proposed law deletes the conditions contained in present law, and requires the applicant to meet the following:

- (1) He has a current and valid occupational license in another state in an occupation with a similar scope of practice, as determined by the board.
- (2) He has held the occupational license in the other state for at least one year.
- (3) The board in the other state required the person to pass an examination, or to meet certain other standards.
- (4) The board in the other state holds the person in good standing.

- (5) He does not have a disqualifying criminal record as determined by the board in this state.
- (6) He has not had an occupational license revoked because of negligence or intentional misconduct related to the applicant's work in the occupation.
- (7) He has not surrendered an occupational license because of negligence or intentional misconduct related to the person's work in the occupation.
- (8) He 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 applicant has a complaint, allegation or investigation pending, the board in this state shall not issue or deny an occupational license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in this state.
- (9) He pays all applicable fees.
- (10) He simultaneously applies for a permanent license; if the applicant fails to qualify for a permanent license as determined by the occupational or licensing board once the permanent application is vetted, the permit automatically terminates.

Present law requires the board to issue a license to a military-trained applicant, if he holds a current license from another jurisdiction, whose requirements for licensure are equivalent to this state's.

Proposed law deletes present law in part, and instead requires the board to issue the license or permit pending normal license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee who has been assigned to duty in Louisiana, upon application based on work experience in another state, if all the following apply:

- (1) The applicant worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but Louisiana 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 applicant worked for at least three years in the lawful occupation.
- (3) The applicant satisfies provisions of proposed law.

Present law requires the board to grant a license to a military spouse, if the spouse meets certain conditions.

Proposed law deletes present law in part, and requires the board to issue a license or permit pending normal license to an applicant who is a member of the military or a United States Department of Defense civilian employee, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee who has been assigned to duty in Louisiana, based on holding a private certification and work experience in another state, if they meet all of the following:

- (1) The applicant worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but Louisiana 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 applicant worked for at least two years in the lawful occupation.

- (3) The applicant holds a current and valid private certification in the lawful occupation.
- (4) The private certification organization holds the applicant in good standing.
- (5) The applicant satisfies provisions of proposed law.

Present law provides for a temporary practice permit to be issued while the applicant is satisfying the requirements for licensure and tasks the boards with promulgating rules for issuance. Present law gives priority to applicants holding a temporary license.

Proposed law deletes present law.

Proposed law provides that for education, training, or experience requirements for a license are considered satisfied, as determined by the board, if the applicant shows evidence that the applicant received comparable education, training, or experience in the military.

Proposed law allows the board to require the applicant to pass a jurisprudential exam relative to state laws that regulate the obligation, if that is required of all applicants.

Proposed law requires the board to provide the applicant with a written decision within 30 days.

Present law requires the board to adopt rules for implementation. Proposed law retains present law but redesignates it.

Present law does not prohibit an applicant from proceeding under present law. Proposed law retains present law but redesignates it.

Proposed law allows the applicant to appeal certain decisions by the board.

Proposed law requires the court to determine all questions of law without regard to previous determinations.

Present law defines "professional or occupational licensing board". Proposed law retains present law but redesignates it and adds a definition for "military".

Proposed law provides that a person who obtains a license under proposed law is subject to present law and the jurisdiction of the board.

Present law does not apply to applicants with a dishonorable discharge or his spouse. Proposed law retains present law but redesignates it.

Present law does not apply to a license issued and regulated under the authority of the judicial branch of government. Proposed law retains present law but redesignates it.

Proposed law does not apply to an occupation regulated by the state supreme court or to any person that obtains licensure or registration on a nationwide licensing or registry system.

Proposed law preempts present law by various municipalities which regulate licenses.

(Amends R.S. 37:3651)

Summary of Amendments Adopted by House

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

1. Change references to federal government civilian employees to United States Department of Defense civilian employees.
2. Add permit pending normal license to the types of licensure that are covered by proposed law.
3. Specify that proposed law applies to United States Department of Defense civilian employees who have been assigned to duty in Louisiana.
4. Add the requirement that the applicant simultaneously apply for a permanent license.
5. Exempts any person that obtains licensure or registration on a nationwide licensing or registry system from proposed law.
6. Make technical changes.