

Regular Session, 2012

SENATE BILL NO. 192

BY SENATORS ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, CORTEZ,  
CROWE, DONAHUE, DORSEY-COLOMB, HEITMEIER, JOHNS,  
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FEES/LICENSES/PERMITS. Provides for licensure of individuals with military training and their spouses. (8/1/12)

1 AN ACT  
2 To enact R.S. 37:3650, relative to professions and occupations; to provide for certain  
3 licensure of individuals with military training and experience; to provide terms,  
4 conditions, procedures and requirements; to provide certain exceptions; to provide  
5 for licensure by endorsement for spouses of such individuals; and to provide for  
6 related matters.  
7 Be it enacted by the Legislature of Louisiana:  
8 Section 1. R.S. 37:3650 is hereby enacted to read as follows:  
9 **§3650. Licensure for individuals with military training and experience;**  
10 **licensure by endorsement for military spouses; temporary**  
11 **license; expedited process**  
12 **A. Notwithstanding any other provision of law to the contrary, a**  
13 **professional or occupational licensing board shall issue a license, certification,**  
14 **or registration to a military-trained applicant to allow the applicant to lawfully**  
15 **practice the applicant's occupation in this state if, upon application to the**  
16 **board, the applicant satisfies all of the following conditions:**  
17 **(1) Has completed a military program of training, been awarded a**

1 military occupational specialty, or performed in that specialty at a level that is  
2 substantially equivalent to or exceeds the requirements for licensure,  
3 certification, or registration of the professional or occupational licensing board  
4 for which the applicant is seeking licensure, certification, or registration in this  
5 state.

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

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

11 B. Notwithstanding any other provision of law to the contrary, a  
12 professional or occupational licensing board shall issue a license, certification,  
13 or registration to a military-trained applicant to allow the applicant to lawfully  
14 practice his occupation in this state, if, upon application to a professional or  
15 occupational licensing board, the applicant holds a current license, certification,  
16 or registration from another jurisdiction, and that jurisdiction's requirements  
17 for licensure, certification, or registration are substantially equivalent to or  
18 exceed the requirements for licensure, certification, or 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 been disciplined 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. Each professional or  
20 occupational licensing board shall adopt rules in accordance with the  
21 Administrative Procedure Act for the issuance of a temporary practice permit  
22 and such rules shall ensure the public health and safety.

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

27 F. A professional or occupational licensing board shall adopt rules in  
28 accordance with the Administrative Procedure Act necessary to implement the  
29 provisions of this Section.

1           **G. Nothing in this Section shall be construed to prohibit a military-**  
 2           **trained applicant or military spouse from proceeding under the existing**  
 3           **licensure, certification, or registration requirements established by a**  
 4           **professional or occupational licensing board in this state.**

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

10           **I. The provisions of this Section shall not apply to any applicant**  
 11           **receiving a dishonorable discharge or a military spouse whose spouse received**  
 12           **a dishonorable discharge.**

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.**

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

#### 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 been disciplined 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 applicant 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 been disciplined 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. Requires each professional or occupational licensing board to adopt rules in accordance with the Administrative Procedure Act for the issuance of a temporary practice permit and requires such rules to ensure the public health and safety.

Proposed law provides that an individual possessing a temporary practice permit under the provisions of 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 requires a professional or occupational licensing board to adopt rules necessary to implement the provisions of proposed law.

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.

Proposed law provides that the provisions of proposed law shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge. Further provides that proposed law shall not apply to a license issued and regulated under the authority of the judicial branch of government.

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.

Senate Floor Amendments to engrossed bill.

1. Make technical changes.
2. Require each professional or occupational licensing board to adopt rules in accordance with the Administrative Procedure Act for the issuance of a temporary practice permit, and require such rules to ensure the public health and safety.
3. Prohibit licensure of any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.
4. Exempt a license issued and regulated under the authority of the judicial branch of government.