

GREEN SHEET REDIGEST

HB 372

2018 Regular Session

Connick

BOARDS/COMMISSIONS: Establishes the Occupational Board Compliance Act

DIGEST

Occupational Board Compliance Act

Proposed law creates the Occupational Board Compliance Act.

By establishing and executing the policies provided in proposed law, the state intends to ensure that occupational licensing boards and board members will avoid liability under federal antitrust laws.

Proposed law defines the following terms: "active market participant", "active supervision", "least restrictive regulation", "occupational license", "occupational licensing board", "occupational regulation", "personal qualifications", "qualifications", "registration", and "state policy".

For occupational regulations promulgated by occupational licensing boards, proposed law provides each of the following as policy of this state:

- (1) The increase of economic opportunities for all of La. citizens by promoting competition and thereby encouraging innovation and job growth.
- (2) Use of the least restrictive regulation necessary to protect consumers from present, significant, and substantiated harms that threaten public health and safety.

Proposed law establishes that beginning January 1, 2019, the commissioner of administration is responsible for active supervision of state executive branch occupational licensing boards controlled by active market participants to ensure compliance with state policy in the adoption of occupational regulations promulgated by an occupational licensing board. Active supervision described in proposed law does not extend to individual disciplinary actions taken or imposed by an occupational licensing board as to any active market participant subject to the jurisdiction of the occupational licensing board.

Proposed law requires an occupational licensing board to submit any proposed occupational regulation to the commissioner of administration for review.

Proposed law provides that the commissioner of administration can approve or disapprove with suggestions the proposed occupational regulation.

Proposed law requires the commissioner to issue directives necessary to effectuate the provisions of proposed law, including the process, procedures, and timelines that will govern any submission filed in accordance with proposed law.

The provisions of proposed law are not be interpreted to subject the commissioner to any of the administrative procedures of the APA.

The provisions of proposed law are not applicable to occupational licensing boards that are not controlled by active market participants.

Proposed law provides that nothing in proposed law shall be construed to prevent or limit any occupational licensing board from granting or recognizing reciprocity or mobility in the licensing, registration, or certification of occupations or professions where an occupational licensing board has established or seeks to establish occupational regulations providing for reciprocity or mobility of licensed, registered, or certified occupations or professions as authorized by law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 37:41-47)

Summary of Amendments Adopted by House

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

1. Make technical changes.

Summary of Amendments Adopted by Senate

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

1. Includes certain entities in the definition of "active market participant".
2. Defines "qualifications".
3. Deletes "certification" definition.
4. Deletes references to a commission and provides that active supervision is performed by the commissioner of administration.
5. Provides for the procedure for rule submission to the commission of administration and review by the commissioner of administration.
6. Provides that nothing in proposed law prohibits a board from recognizing reciprocity or mobility in the licensing, registration, or certification of occupations or professions where a board has established or seeks to establish occupational regulations providing for reciprocity or mobility of licensed, registered, or certified occupations or professions as authorized by law.