

Office of Governor  
State of Louisiana

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**OCCUPATIONAL LICENSING REVIEW COMMISSION**  
**Minutes for Thursday, January 31, 2019**

**I. Call to Order:** The meeting was called to order at 2 p.m. by Chair Erin Monroe Wesley.

**II. Roll Call**

Commission Members Present: Erin Monroe Wesley, Designee of the Governor  
Allison Clarke, Designee of the Secretary of State  
Todd Parker, Designee of the Commissioner of  
Agriculture and Forestry  
Barry Ward, Designee of the Commissioner of Insurance  
Renee Free, Designee of the State Treasurer

Commission Members Absent: None

Support Staff Members Present: Ellen Palmintier, Office of the Governor

**III. Organizational Discussion**

Ms. Wesley discussed the organizational structure of the commission. There are five members of the OLRC: (1) the Governor, or his designee; (2) the Secretary of State, or his designee; (3) the Commissioner of Agriculture and Forestry, or his designee; (4) the Commissioner of Insurance, or his designee; and (5) the State Treasurer, or his designee.

**IV. Introductions**

Ms. Wesley introduced the members of the OLRC, and each member provided a brief bio of him or herself. Ms. Wesley also introduced Ellen Palmintier, Director of Boards and Commissions and Assistant Executive Counsel in the Office of the Governor, who will be support staff for the commission.

**V. Review of Act and Purpose of Commission**

Ms. Palmintier provided a review of Act 623 of the 2018 Regular Session. She briefly discussed the legal landscape which led to the formation of the OLRC including the Supreme Court's ruling in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, the Federal Trade Commission's response to the *NC Dental* case, and the formation of the OLRC by Act 623.

The OLRC is tasked with actively supervising occupational licensing boards by (1) reviewing the substance of an occupational regulation proposed by any occupational licensing board and (2) approving or disapproving with suggested amendments or allowing a board to withdraw for revision an occupational regulation to ensure compliance with state policy.

Ms. Palmintier discussed the definition of an “occupational regulation” as provided by the Act and gave examples of rules which would not be under the purview of the OLRC. The floor was opened for questions, and the OLRC determined that all proposed regulations would be sent to the OLRC for review. Thereafter, the support staff within the Office of the Governor would review the submission and if the regulation was not an “occupational regulation” as defined by the Act, the staff member would send an email response stating such.

The OLRC must review the occupational regulations submitted to it using state policy and any Federal Trade Commission Guidelines adopted by the commission. After review, the commission may either approve the occupational regulation or it may disapprove the occupational regulation with any recommended amendments and require the board to resubmit the regulation to the OLRC for approval. Both an approval and a disapproval must be made in writing and include the rationale for the action.

## **VI. Discussion of Procedures of Other States**

Ms. Palmintier reported that Mississippi is currently the only state with an “Occupational Licensing Review Commission” similar to the one established by Act 623. Unlike Act 623, Mississippi’s law allows for occupational licensing boards to submit the proposed rule per its Administrative Procedures Act (APA) once the rule has been submitted to the OLRC. In other words, the board does not have to wait for a decision from the OLRC before it can begin APA procedures. Act 623 requires the OLRC to complete its review and authorize the board to initiate promulgation in accordance with the APA. This could potentially add months to the APA procedures.

## **VII. Public Comments**

Ms. Wesley opened the floor for questions and comments. Concerns were raised regarding the delay that could be caused by the addition level of review. Catherine Brindley, the editor of the *Louisiana Register*, stated that one way to keep the process moving could be to allow the Fiscal Office to begin its work when the proposed regulation is submitted. The OLRC agreed that this would be reasonable and allowable under the Act.

The OLRC discussed the timing of submissions prior to a meeting. It was determined that submissions must be received within ten calendar days prior to a meeting. However, for the next meeting, weekends would not be considered in the calculation.

A Listserv for meeting notices and information was requested. Ms. Palmintier stated that one would be set up. Anyone interested in being added to the Listserv must email [boards@la.gov](mailto:boards@la.gov).

## **VIII. Other Business / Next meeting date**

A resolution regarding procedures for submissions of rule proposals was reviewed by the OLRC. Ms. Wesley motioned for adoption of the resolution. Mr. Parker seconded the motion. The motion was passed. Ms. Palmintier will email the motion out to every occupational licensing board and anyone who asks to be added to the Listserv before close of business on February 1, 2019. The next meeting date will be Tuesday, February 12, 2019 at 2 p.m., Location TBD.

## **IX. Adjournment**

Mr. Parker motioned to adjourn the meeting. Ms. Wesley seconded the motion. The motion was passed, and the meeting was adjourned at 2:55 p.m.