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To: Mr. Joshua Force  
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Louisiana Board of Examiners of Certified Shorthand Reporters

From: Jessica Weimer, Section Chief  
Louisiana Department of Justice  
Occupational Licensing Review Program

Date: September 16, 2024

Subject: OLRP File No. 2024.08.20 LA CSR Board-Online CLE  
Proposed Amendments to LAC 46:XXI.611 (CSR Board Rules 611) and LAC  
46:XXI.613 (CSR Board Rule 613) regarding On-Line Continuing Education Courses  
and Seminars

## I. Summary

The Louisiana Board of Certified Shorthand Reporters (the “*Board*”) has proposed to (i.) amend LA CAC 46:XXI.611 “Activities Not Acceptable for Continuing Education Credits” (CSR Board Rule 611); and (ii.) LAC 46:XXI.613 “Provider Application Process” (CSR Board Rule 613) to allow court reporters to receive credit for on-line continuing education (“CE”) credits (collectively the “*Proposed Rules*”). The Board published a Notice of Intent to promulgate the Proposed Rules in the Louisiana Register on July 20, 2024.<sup>1</sup> The notice invited written public comments and requests for oral presentation, argument, or a public hearing through August 10, 2024.<sup>2</sup> No comments or requests were received during the public comment period.

Licensing requirements, such as continued education, create barriers to market entry for individuals desiring to engage in a profession or occupation, and the proposed amendments to §§611 and 613 are therefore properly considered occupational regulations with reasonably foreseeable anticompetitive effects.

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amended Rules to the Louisiana Department of Justice’s Occupational Licensing Review Program (the “*OLRP*”) on August 13, 2024, 2024. The OLRP initiated review on August 20, 2024. The OLRP invited public comments on the Proposed Rules through September 2, 2024 and received no comments. As set forth below, the OLRP has determined the Board’s proposed amendments to LAC 46:XXI.611 and LAC 46:XXI.613 adhere to clearly articulated state policy and therefore approves these amendments as drafted for adoption.

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<sup>1</sup> Louisiana Register, Vol 50, No 7 p. 1042-1044

<sup>2</sup> Id. P 1043

## II. Analysis

### A. Proposed LAC 46:XXI.611 and 613

Currently, on-line courses and seminars are not accepted for continuing education credit by the Board. The proposed amendments to LAC 46:XXI.611 and 613 allow the Board to accept credits for continuing education received through online courses and seminars. The Board indicates that court reporters have expressed interest in being able to obtain continuing education credits through online attendance at courses, seminars, and other training events. Enabling court reporters to satisfy their continuing education requirements through online courses, seminars, and training events may allow for less costly and easier maintenance of the required certificates. Further, providers of the continuing education courses may be able to attract more attendees, should they opt to provide online courses, seminars, or training events. As a result, these proposed changes reduce existing barriers to the completion of obtaining continuing education credits for court reporters.

### B. The Board's Statutory Authority

The Board is a state regulatory body created “*for the purpose of encouraging proficiency in the practice of shorthand reporting as a profession, promoting efficiency in court and general reporting, and . . . establishing a standard of competency for those persons engaged in it.*”<sup>3</sup>

The Board has been granted the Statutory Authority to aid in all matters pertaining to the advancement of shorthand reporting, including, but not limited to all matters that may advance the professional interest of certified shorthand reporters, including the *development, implementation, and enforcement of continuing education requirements* and such matters as concern their relations with the public.<sup>4</sup>

The Board is tasked with (i.) determining the qualifications of persons applying for examination, (ii.) making rules for examination of applications, and (iii.) granting, issuing, and maintaining certifications to such applicants qualified in professional shorthand reporting as the Board may deem advisable.<sup>5</sup> The maintenance and continued validity of any license issued by the Board is dependent upon the satisfactory performance and completion of the continuing education requirements established by the Board.<sup>6</sup>

## III. Determination

The Board is a state regulatory body created to encourage proficiency in the practice of shorthand reporting as a profession, promote efficiency in court and general reporting, and protect both the

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<sup>3</sup> LSA-R.S. 37:2551(A)

<sup>4</sup> LSA-R.S. 37:2553(A)

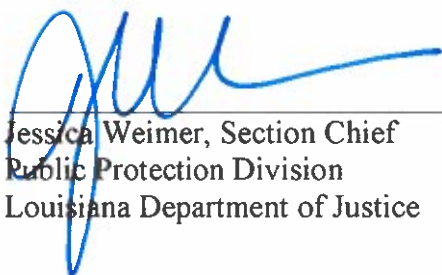
<sup>5</sup> LSA-R.S. 37:2554(A)

<sup>6</sup> LSA-R.S. 37:2554(G)

courts and the public by establishing a standard of competency.<sup>7</sup> The Board holds the statutory authority to develop and establish continuing education requirements.<sup>8</sup> Because the proposed amendments are within the Board's statutory authority and adhere to clearly articulated state policy, and reduces existing barriers, these amendments are approved as submitted by the Attorney General and may be adopted by the Board.

LOUISIANA DEPARTMENT OF JUSTICE  
OCCUPATIONAL LICENSING REVIEW PROGRAM

BY:



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Jessica Weimer, Section Chief  
Public Protection Division  
Louisiana Department of Justice

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<sup>7</sup> LSA-R.S. 37:2551 (A)

<sup>8</sup> LSA-R.S. 37:2553 (A) and LSA- R.S. 37:2554 (G)