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Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary
Kevin A. Rushing, Director

April 2, 2024

To: Sen. Virginia Lyons, Chair
Senate Committee on Health and Welfare

From: Lauren Layman, General Counsel, Office of Professional Regulation

Re: H. 847 – OPR Registry Check Process

Thank you for the opportunity to share how the Office of Professional Regulation how OPR's criminal background and registry check obligations may impact peer support providers and peer recovery support specialists.

Support and Recommendation

OPR supports language in H. 847 that would require an applicant for a certification as a peer support provider or peer recovery support specialist to demonstrate they have passed the criminal history and registry checks *that may be* required in rule. OPR appreciates that this language removes the assumption that a registry or background check will be required by the rules adopted under H. 847. We recommend the language be revised as follows:

(3) has passed criminal history and registry checks that may be required as described in rule.

Current Process and Potential Rulemaking

There are a couple of different processes OPR currently uses to check criminal background and professional disciplinary history: asking about criminal background in the application, conducting an FBI criminal background check, and/or asking for verification of licensure from another jurisdiction. The process used varies by profession. The proposed amendment to H. 847 would allow stakeholders to choose, during the rulemaking process, which forms of background check, if any, they would like to require prior to granting certifications for peer support providers and peer recovery support specialists.

In most instances, particularly prior to licensure, OPR does not check the Adult Protective Services Registry and the Sex Offender Registry. There are statutory restrictions on who can review registries and for what purpose. OPR is permitted to access the information on the registries only under certain circumstances. We do not currently do so for every application we receive.

Taxes and Child Support Checks

OPR is required to check whether an applicant is current in their taxes (33 V.S.A. § 3113) and child support (15 V.S.A. § 795) and we cannot waive these requirements through rulemaking. Further, OPR must suspend (with an opportunity for hearing) the professional license, including a certification, of anyone who becomes delinquent in their taxes or child support.

It is not clear that the tax and the child support check are “registries”. In turn, OPR does not feel there is a need to amend the language in H. 847 to make registry checks mandatory. We are grateful for this opportunity, however, to clarify that OPR cannot waive the tax and child support requirements through the rulemaking process.

Thank you for the time to address this matter. I look forward to discussing further.]