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H.420

Introduced by Committee on Government Operations

Date:

Subject: Professions and occupations; licensing

Statement of purpose: This bill proposes to amend the practice acts for various professions.

An act relating to the office of professional regulation

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. § 128 is redesignated to read:

§ 128. ~~UNPROFESSIONAL CONDUCT~~ DISCIPLINARY ACTION TO BE REPORTED TO THE BOARD

* * *

Sec. 2. 3 V.S.A. § 129 is amended to read:

§ 129. POWERS OF BOARDS; DISCIPLINE PROCESS

* * *

(g) A board may authorize any of the following:

* * *

(2) Its chair ~~or legal counsel~~ to grant or deny stays pending appeal.

* * *

1 Sec. 3. 3 V.S.A. § 129a(a) is amended to read:

2 §129a. UNPROFESSIONAL CONDUCT

3 (a) In addition to any other provision of law, the following conduct by a
4 licensee constitutes unprofessional conduct. When that conduct is by an
5 applicant or person who later becomes an applicant, it may constitute grounds
6 for denial of a license or other disciplinary action. Any one of the following
7 items, or any combination of items, whether or not the conduct at issue was
8 committed within or outside the state, shall constitute unprofessional conduct:

9 * * *

10 (6) Delegating professional responsibilities to a person whom the
11 licensed professional knows, or has reason to know, is not qualified by
12 training, experience, education, or licensing credentials to perform them, or
13 providing professional supervision or serving as a preceptor to a person who
14 has not been licensed or registered as required by the laws of his or her
15 profession.

16 * * *

17 Sec. 4. 26 V.S.A. chapter 6 is amended to read:

18 CHAPTER 6. BARBERS AND COSMETOLOGISTS

19 * * *

1 § 288. UNPROFESSIONAL CONDUCT

2 The conduct listed in this section and in 3 V.S.A. § 129a constitutes
3 unprofessional conduct when committed by a licensee. When that conduct is
4 by an applicant or person who later becomes an applicant, it may constitute
5 grounds for denial of a license or other disciplinary action:

6 * * *

7 (3) Failing to adequately supervise employees who are engaged in any
8 of the practices of barbering or cosmetology and nail technician practice.

9 * * *

10 Sec. 5. 26 V.S.A. chapter 28 is amended to read:

11 CHAPTER 28. NURSING

12 Subchapter 1. Registered and Licensed Practical Nursing

13 * * *

14 § 1584. PROHIBITIONS; OFFENSES

15 (a) It shall be a violation of this chapter for any person, including any
16 corporation, association, or individual, to:

17 * * *

18 (7) Employ unlicensed persons to practice registered ~~or nursing,~~
19 practical nursing, or as a nursing assistant.

20 * * *

1 at locations in Vermont recognized as a covered entity under Section 340B of
2 the Public Health Service Act.

3 * * *

4 Sec. 8. 26 V.S.A. chapter 45 is amended to read:

5 CHAPTER 45. LAND SURVEYORS

6 * * *

7 Subchapter 3. Licenses

8 § 2592. QUALIFICATIONS

9 * * *

10 (e) ~~Experience claimed by an applicant under a notice received under~~
11 ~~subsection (d) of this section shall be credited towards the requirements for~~
12 ~~licensure unless within 15 days following the next board meeting after~~
13 ~~receiving the notice, the board or a board member designated by the board~~
14 ~~gives the applicant notice of opportunity for hearing. Following such a~~
15 ~~hearing, the board may reject some or all of the claimed experience on grounds~~
16 ~~that it does not comply with the rules of the board.~~

17 * * *

18 § 2598. UNPROFESSIONAL CONDUCT

19 * * *

20 (b) Unprofessional conduct includes the following actions by a licensee:

21 * * *

1 § 2622. ADVISOR APPOINTEES

2 (a) The secretary of state shall appoint two landscape architects for
3 ~~four-year~~ five-year staggered terms to serve at the secretary's pleasure as
4 advisors in matters relating to landscape architecture. One of the initial
5 appointments may be for less than a ~~four-year~~ five-year term. An appointee
6 shall have not less than three years' experience as a landscape architect
7 immediately preceding appointment, shall be licensed as a landscape architect
8 in Vermont or be in the process of applying for licensure, and shall be actively
9 engaged in the practice of landscape architecture in this state during
10 incumbency.

11 * * *

12 Sec. 10. 26 V.S.A. chapter 51 is amended to read:

13 CHAPTER 51. RADIOLOGY

14 * * *

15 Subchapter 2. Board of Radiologic Technology

16 * * *

17 § 2814. FEES

18 Applicants and persons regulated under this chapter shall pay the following
19 fees:

20 (1) Application for temporary permit and licensure \$ 100.00

21 * * *

1 alcohol and drug counselors, and psychoanalysts or licensed educators when
2 performing their duties consistent with the accepted standards of their
3 respective professions.

4 * * *

5 Sec. 14. Sec. 4 of No. 84 of the Acts of 2010 is amended to read:

6 Sec. 4. REVIEW BY DIRECTOR OF THE OFFICE OF PROFESSIONAL
7 REGULATION; REPEAL

8 (a) Sec. 3 of this act shall be repealed on ~~July 1, 2014~~ January 1, 2012.

9 * * *

10 Sec. 15. STAKEHOLDER WORKGROUP

11 Not later than July 1, 2011, the Vermont board of nursing shall convene a
12 workgroup consisting of representatives from nursing homes, the agency of
13 human services, and nursing assistant educators to make recommendations to
14 the board on the standards for medication nursing assistant education and
15 competency. The board shall submit a report to the general assembly on the
16 status of efforts to establish these standards not later than January 15, 2012.

17 Sec. 16. EFFECTIVE DATE

18 This act shall take effect on passage.