

1 H.524

2 Introduced by Representative Sweaney of Windsor

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations

6 Statement of purpose: This bill proposes to modify statutory provisions
7 relating to the office of professional regulation and the following professions
8 and occupations: chiropractic, dentistry, nursing, optometry, pharmacy,
9 veterinary, land surveying, radiologic technology, psychology, clinical social
10 work, naturopathic medicine, and boxing.

11 An act relating to the regulation of professions and occupations

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

13 * * * General Provisions * * *

14 Sec. 1. 3 V.S.A. § 122 is amended to read:

15 § 122. OFFICE OF PROFESSIONAL REGULATION

16 An office of professional regulation is created within the office of the
17 secretary of state. The office shall have a director who shall be appointed by
18 the secretary of state and shall be an exempt employee. The following boards
19 or professions are attached to the office of professional regulation:

20 * * *

1 (41) Audiologists and speech-language pathologists

2 (42) Landscape architects.

3 Sec. 2. 3 V.S.A. § 123 is amended to read:

4 § 123. DUTIES OF OFFICE

5 (a) ~~Upon request, the~~ The office shall provide administrative, secretarial,
6 financial, investigatory, inspection, and legal services to the boards. The
7 administrative services provided by the office shall include:

8 * * *

9 (12) With the assistance of the boards, establishing a schedule of license
10 renewal and termination dates so as to distribute the renewal work in the office
11 as effectively as possible. Licenses may be issued and renewed according to
12 that schedule for periods of up to two years with an appropriate pro rata
13 adjustment of fees. A person whose initial license is issued within 90 days
14 prior to the set renewal date shall not be required to renew the license until the
15 end of the first full biennial licensing period following initial licensure.

16 * * *

17 Sec. 3. 3 V.S.A. § 125 is amended to read:

18 § 125. FEES

19 (a) In addition to the fees otherwise authorized by law, a board may charge
20 the following fees:

21 * * *

1 applicant or person who later becomes an applicant, it may constitute grounds
2 for denial of a license or other disciplinary action. Any one of the following
3 items, or any combination of items, whether or not the conduct at issue was
4 committed within or outside the state, shall constitute unprofessional conduct:

5 * * *

6 (8) Failing to make available promptly to a person using professional
7 health care services, that person's representative, or succeeding health care
8 professionals or institutions, upon written request and direction of the person
9 using professional health care services, copies of that person's records in the
10 possession or under the control of the licensed practitioner, or failing to notify
11 patients or clients how to obtain their records when a practice closes.

12 * * *

13 * * * Chiropractic * * *

14 Sec. 6. 26 V.S.A. § 528 is amended to read:

15 § 528. BOARD PROCEDURES

16 (a) Annually the board shall elect from among its members a chair ~~and a~~₂
17 vice chair, and secretary, each to serve for one year. No person shall serve as
18 chair or vice chair for more than three consecutive years.

19 (b) ~~The board shall meet at least semiannually for the purpose of examining~~
20 ~~applicants, if applications are pending. Meetings may be called by the chair or~~
21 ~~upon the request of three other members.~~

1 shall be ~~reinstated~~ renewed upon payment of the biennial renewal fee and the
2 late renewal penalty.

3 (b) The board may adopt rules necessary for the protection of the public to
4 assure the board that an applicant whose license has lapsed for more than three
5 years is professionally qualified before the license is ~~reinstated~~ renewed.

6 Conditions imposed under this subsection shall be in addition to the
7 requirements of subsection (a) of this section.

8 (c) In addition to the provisions of subsection (a) of this section, an
9 applicant for renewal shall have satisfactorily completed continuing education
10 as required by the board. For purposes of this subsection, the board may
11 require, by rule, not more than 24 hours of approved continuing education as a
12 condition of renewal.

13 Sec. 9. 26 V.S.A. § 541 is amended to read:

14 § 541. DISCIPLINARY PROCEEDINGS; UNPROFESSIONAL CONDUCT

15 ~~(a) A person licensed or registered under this chapter or a person applying~~
16 ~~for a license or reinstatement of a license shall not engage in unprofessional~~
17 ~~conduct.~~

18 ~~(b)~~ Unprofessional conduct means the following conduct and the conduct
19 set forth in ~~section 129a of Title 3~~ V.S.A. § 129a:

20 * * *

1 ~~(14) Notwithstanding the provisions of 3 V.S.A. § 129a(a)(10), in the~~
2 ~~course of practice, failure to use and exercise that degree of care, skill and~~
3 ~~proficiency which is commonly exercised by the ordinary skillful, careful and~~
4 ~~prudent chiropractor engaged in similar practice under the same or similar~~
5 ~~conditions, whether or not actual injury to a patient has occurred.~~

6 ~~(15)~~ Failing to inform a patient verbally and to obtain signed written
7 consent from a patient before proceeding from advertised chiropractic services
8 for which no payment is required to chiropractic services for which payment is
9 required.

10 ~~(e) In connection with a disciplinary action, the board may refuse to accept~~
11 ~~the return of a license or registration tendered by the subject of a disciplinary~~
12 ~~investigation.~~

13 ~~(d) The burden of proof in a disciplinary action shall be on the state to~~
14 ~~show by a preponderance of the evidence that the person has engaged in~~
15 ~~unprofessional conduct.~~

16 ~~(e) After hearing and upon a finding of unprofessional conduct, or upon~~
17 ~~approval of a negotiated agreement, the board may take disciplinary action~~
18 ~~against the licensee, registrant or applicant. That action may include any of the~~
19 ~~following conditions or restrictions which may be in addition to or in lieu of~~
20 ~~suspension:~~

21 ~~(1) A requirement that the person submit to care or counseling.~~

1 (A) undertakes by any means or method to diagnose or profess to
2 diagnose or to treat or profess to treat or to prescribe for or profess to prescribe
3 for any lesions, diseases, disorders, for deficiencies of the human oral cavity,
4 teeth, gingiva, maxilla, or mandible or adjacent associated structures;

5 (B) extracts human teeth or corrects malpositions of the teeth or jaws;

6 (C) furnishes, supplies, constructs, reproduces, or repairs prosthetic
7 dentures, bridges, appliances, or other structures to be used or worn as
8 substitutes for natural teeth or adjusts those structures, except on the written
9 prescription of a duly licensed dentist and by the use of impressions or casts
10 made by a duly licensed and practicing dentist;

11 (D) administers general dental anesthetics;

12 (E) administers local dental anesthetics, except dental hygienists as
13 authorized by board rule; or

14 (F) engages in any of the practices included in the curricula of
15 recognized dental colleges.

16 (4) “Dental hygienist” means an individual licensed under this chapter.

17 (5) “Dental assistant” means an individual registered under this chapter.

18 (6) “Direct supervision” means supervision by a licensed dentist who is
19 readily available at the dental facility for consultation or intervention.

1 § 562. PROHIBITIONS

2 (a) No person may use in connection with a name any words, including
3 “Doctor of Dental Surgery” or “Doctor of Dental Medicine,” or any letters,
4 signs, or figures, including the letters “D.D.S.” or “D.M.D.,” which imply that
5 a person is a licensed dentist when not authorized under this chapter;

6 (b) No person may practice as a dentist or dental hygienist unless currently
7 licensed to do so under the provisions of this chapter.

8 (c) No person may practice as a dental assistant unless currently registered
9 under the provisions of this chapter.

10 (d) A person who violates this section shall be subject to the penalties
11 provided in 3 V.S.A. § 127.

12 § 563. EXEMPTIONS

13 The provisions of this chapter shall not apply to the following:

14 (1) the rights and privileges of physicians licensed under the laws of this
15 state.

16 (2) an unlicensed person from performing merely mechanical work upon
17 inert matter in a dental office or laboratory.

18 (3) a dental student currently enrolled in a dental school or college
19 accredited by the Commission on Dental Accreditation of the American Dental
20 Association who:

1 (A) provides dental treatment under the supervision of a licensed
2 dentist at a state hospital or under licensed instructors within a dental school,
3 college, or dental department of a university recognized by the board;

4 (B) serves as an intern in any hospital approved by the board; or

5 (C) participates in a supervised externship program authorized by a
6 dental school recognized by the board in order to provide dental treatment
7 under the direct supervision of a dentist licensed under the provisions of this
8 chapter.

9 (4) upon prior application and approval by the board, a student of a
10 dental school or college accredited by the Commission on Dental Accreditation
11 of the American Dental Association who provides dental treatment for
12 purposes of clinical study under the direct supervision and instruction and in
13 the office of a licensed dentist.

14 (5) a dentist licensed in another state from consulting with a dentist
15 licensed under the provisions of this chapter.

16 § 564. OWNERSHIP AND OPERATION OF A DENTAL OFFICE OR

17 BUSINESS

18 (a) A dental practice may be owned and operated by the following
19 individuals or entities, either alone or in a combination thereof:

20 (1) a dentist licensed under the provisions of this chapter;

1 (2) a health department or clinic of this state or of a local government
2 agency;

3 (3) a federally qualified health center or community health center
4 designated by the United States department of health and human services to
5 provide dental services;

6 (4) a 501(c)(3) nonprofit or charitable dental organization;

7 (5) a hospital licensed under the laws of this state;

8 (6) an institution or program accredited by the Commission on Dental
9 Accreditation of the American Dental Association to provide education and
10 training.

11 (b) The surviving spouse, the executor, or the administrator of the estate of
12 a licensed dentist or the spouse of an incapacitated licensed dentist may
13 employ a dentist licensed under the provisions of this chapter to terminate the
14 practice of the deceased or incapacitated dentist within a reasonable length of
15 time.

16 § 565. DISPLAY OF LICENSE OR REGISTRATION

17 Every dentist, dental hygienist, and dental assistant shall display a copy of
18 his or her current license or registration at each place of practice and in such a
19 manner so as to be easily seen and read.

1 § 566. NONDENTAL ANESTHESIA

2 (a) A dentist may administer nondental anesthesia if he or she meets the
3 following requirements:

4 (1) The administration of anesthesia occurs only in a hospital where the
5 dentist is credentialed to perform nondental anesthesiology;

6 (2) The dentist holds an academic appointment in anesthesiology at an
7 accredited medical school;

8 (3) The dentist has successfully completed a full anesthesiology
9 residency in a program approved by the Accreditation Council for Graduate
10 Medical Education;

11 (4) The dentist has a diploma from the National Board of
12 Anesthesiology; and

13 (5) The dentist practicing nondental anesthesia is held to the same
14 standard of care as a physician administering anesthesia under the same or
15 similar circumstances.

16 (b) The board shall refer a complaint or disciplinary proceeding about a
17 dentist arising from his or her administration of nondental anesthesiology to
18 the board of medical practice, which shall have jurisdiction to investigate and
19 sanction and limit or revoke the dentist's license to the same extent that it may
20 for physicians licensed under chapter 23 of this title.

1 Subchapter 2. Board of Dental Examiners

2 § 581. CREATION; QUALIFICATIONS

3 (a) The state board of dental examiners is created and shall consist of six
4 licensed dentists in good standing who have practiced in this state for a period
5 of five years or more, are in active practice, and are legal residents of the state;
6 two licensed dental hygienists who have practiced in this state for a period of
7 at least three years immediately preceding the appointment, are in active
8 practice, and are legal residents of the state; one registered dental assistant who
9 has practiced in this state for a period of at least three years immediately
10 preceding the appointment, is in active practice, and is a legal resident of the
11 state; and two members of the public not associated with the practice of
12 dentistry who are legal residents of this state.

13 (b) Board members shall be appointed by the governor pursuant to
14 3 V.S.A. §§ 129b and 2004.

15 (c) No member of the board may be an officer or serve on a committee of
16 his or her respective state or local professional dental, dental hygiene, or dental
17 assisting organization, nor shall any member of the board be on the faculty of a
18 school of dentistry, dental hygiene, or dental assisting.

19 § 582. AUTHORITY OF THE BOARD

20 In addition to any other provisions of law, the board shall have the
21 authority to:

- 1 (1) provide general information to applicants;
- 2 (2) explain complaint and appeal procedures to applicants, licensees,
3 registrants, and the public;
- 4 (3) adopt rules pursuant to the Vermont Administrative Procedure Act
5 as set forth in 3 V.S.A. chapter 25:
- 6 (A) as necessary to carry out the provisions of this chapter;
- 7 (B) relating to qualifications of applicants, examinations, and
8 granting and renewal of licenses and registrations;
- 9 (C) relating to the granting or renewal of a license to those who do
10 not meet active practice requirements;
- 11 (D) setting standards for the continuing education of persons licensed
12 or registered under this chapter;
- 13 (E) establishing requirements for licensing dental hygienists with five
14 years of regulated practice experience;
- 15 (F) setting educational standards and standards of practice for the
16 administration of anesthetics in the dental office;
- 17 (G) for the administration of local anesthetics by dental hygienists,
18 including minimum education requirements and procedures for administration
19 of local anesthetics;
- 20 (H) setting guidelines for general supervision of dental hygienists
21 with no less than three years of experience by dentists with no less than three

1 years of experience to perform tasks in public or private schools or
2 institutions; and

3 (I) prescribing minimum educational, training, experience, and
4 supervision requirements and professional standards necessary for practice
5 pursuant to this chapter as a dental assistant; and

6 (4) undertake any other actions or procedures specified in, required by,
7 or appropriate to carry out the provisions of this chapter.

8 § 583. MEETINGS

9 The board shall meet at least annually on the call of the chair or two
10 members.

11 § 584. UNPROFESSIONAL CONDUCT

12 The board may refuse to give an examination or issue a license to practice
13 dentistry or dental hygiene or to register an applicant to be a dental assistant
14 and may suspend or revoke any such license or registration or otherwise
15 discipline an applicant, licensee, or registrant for unprofessional conduct.

16 Unprofessional conduct means the following conduct and the conduct set forth
17 in 3 V.S.A. § 129a by an applicant or person licensed or registered under this
18 chapter:

19 (1) abandonment of a patient;

20 (2) rendering professional services to a patient if the dentist, dental
21 hygienist, or dental assistant is intoxicated or under the influence of drugs;

1 (3) promotion of the sale of drugs, devices, appliances, goods, or
2 services provided for a patient in a manner to exploit the patient for financial
3 gain or selling, prescribing, giving away, or administering drugs for other than
4 legal and legitimate therapeutic purposes;

5 (4) immoral conduct of a dentist, dental hygienist, or dental assistant in
6 his or her respective practice;

7 (5) division of or agreeing to divide with any person for bringing or
8 referring a patient the fees received for providing professional services to the
9 patient;

10 (6) willful misrepresentation in treatments;

11 (7) practicing a profession regulated under this chapter with a dentist,
12 dental hygienist, or dental assistant who is not legally practicing within the
13 state or aiding or abetting such practice;

14 (8) gross and deceptive overcharging for professional services on single
15 or multiple occasions, including filing of false statements for collection of fees
16 for which services are not rendered;

17 (9) permitting one's name, license, or registration to be used by a
18 person, group, or corporation when not actually in charge of or responsible for
19 the treatment given;

20 (10) practicing dentistry or maintaining a dental office in a manner so as
21 to endanger the health or safety of the public; or

1 (1) is currently licensed in good standing to practice dentistry in any
2 jurisdiction of the United States or Canada which has licensing requirements
3 deemed by the board to be substantially equivalent to those of this state;

4 (2) has successfully completed an approved emergency office
5 procedures course;

6 (3) has successfully completed the dentist jurisprudence examination;
7 and

8 (4) has met active practice requirements and any other requirements
9 established by the board by rule.

10 (b) The board may grant a license to an applicant who is a graduate of a
11 dental college accredited by the Commission on Dental Accreditation of the
12 American Dental Association and who is licensed and in good standing to
13 practice dentistry in a jurisdiction of the United States or Canada which has
14 licensing requirements deemed by the board to be not substantially equivalent
15 to those of this state if:

16 (1) the board has determined that the applicant's practice experience or
17 education overcomes any lesser licensing requirement of the other jurisdiction
18 in which the applicant is licensed; and

19 (2) the applicant:

20 (A) has been in full-time licensed practice of at least 1,200 hours per
21 year for a minimum of five years preceding the application;

1 (B) is in good standing in all jurisdictions in which licensed;

2 (C) has successfully completed an approved emergency office

3 procedures course;

4 (D) has successfully completed the dentist jurisprudence

5 examination; and

6 (E) has met active practice requirements and any other requirements

7 established by the board by rule.

8 Subchapter 4. Dental Hygienists

9 § 621. LICENSE BY EXAMINATION

10 To be eligible for licensure as a dental hygienist, an applicant shall:

11 (1) have attained the age of majority;

12 (2) be a graduate of a program of dental hygiene accredited by the

13 Commission on Dental Accreditation of the American Dental Association;

14 (3) present to the board a certificate of the National Board of Dental

15 Examiners;

16 (4) have completed an approved emergency office procedure course;

17 (5) have passed the American Board of Dental Examiners (ADEX)

18 examination or other examination approved by the board; and

19 (6) have passed the dental hygienist jurisprudence examination.

1 § 622. LICENSURE BY ENDORSEMENT

2 The board may grant a license to practice dental hygiene to an applicant
3 who is a graduate of a program of dental hygiene accredited by the
4 Commission on Dental Accreditation of the American Dental Association
5 and who:

6 (1) is currently licensed in good standing to practice dental hygiene in
7 any jurisdiction of the United States or Canada which has licensing
8 requirements deemed by the board to be substantially equivalent to those of
9 this state;

10 (2) has successfully completed an approved emergency office
11 procedures course;

12 (3) has successfully completed the dental hygienist jurisprudence
13 examination; and

14 (4) has met active practice and any other requirements established by the
15 board by rule.

16 § 623. LICENSURE BY ENDORSEMENT BASED ON TRAINING AND
17 EXPERIENCE

18 The board may grant a license to an applicant who has met the training and
19 experience requirements established by the board by rule under its authority
20 provided in this chapter.

1 § 624. PRACTICE

2 (a) A dental hygienist may perform duties for which the dental hygienist
3 has been qualified by successful completion of the normal curriculum offered
4 by programs of dental hygiene accredited by the American Dental Association
5 or in continuing education courses approved by the board. A dental hygienist
6 may perform tasks in the office of any licensed dentist consistent with the rules
7 adopted by the board.

8 (b) In public or private schools or institutions, a dental hygienist with no
9 less than three years of experience may perform tasks under the general
10 supervision of a licensed dentist with no less than three years of experience as
11 prescribed in guidelines adopted by the board by rule.

12 (c)(1) A dental hygienist, when authorized by the board by rule, may
13 administer for dental hygiene purposes local anesthetics under the direct
14 supervision and by the prescription of a licensed dentist.

15 (2) The license of a dental hygienist authorized by board rule to
16 administer local anesthetics shall have a special endorsement to that effect.

17 Subchapter 5. Dental Assistants

18 § 641. REGISTRATION

19 (a) No person shall practice as a dental assistant in this state unless
20 registered for that purpose by the board.

1 (b) On a form prepared and provided by the board, each applicant shall
2 state, under oath, that the dental assistant shall practice only under the
3 supervision of a dentist.

4 (c) The supervising dentist shall be responsible for the professional acts of
5 dental assistants under his or her supervision.

6 § 642. PRACTICE

7 (a) Except as provided in subsection (b) of this section, a dental assistant
8 may perform duties in the office of any licensed dentist consistent with rules
9 adopted by the board and in public or private schools or institutions under the
10 supervision of a licensed dentist or other dentist approved for the purpose by
11 the board. The performance of any intraoral tasks shall be under the direct
12 supervision of a dentist.

13 (b) The following tasks may not be assigned to a dental assistant:

14 (1) Diagnosis, treatment planning, and prescription including
15 prescription for drugs and medicaments or authorization for restorative,
16 prosthodontic, or orthodontic appliances; or

17 (2) Surgical procedures on hard or soft tissues within the oral cavity or
18 any other intraoral procedure that contributes to or results in an irremediable
19 alteration of the oral anatomy.

1 Subchapter 6. Renewals, Continuing Education, and Fees

2 § 661. RENEWAL OF LICENSE

3 (a) Licenses and registrations shall be renewed every two years on a
4 schedule determined by the office of professional regulation.

5 (b) No continuing education reporting is required at the first biennial
6 license renewal date following licensure.

7 (c) The board may waive continuing education requirements for licensees
8 who are on active duty in the armed forces of the United States.

9 (d) Dentists.

10 (1) To renew a license, a dentist shall meet active practice requirements
11 established by the board by rule and document completion of no fewer than
12 30 hours of board-approved continuing professional education which shall
13 include an emergency office procedures course during the two-year licensing
14 period preceding renewal.

15 (2) Any dentist who has not been in active practice for a period of five
16 years or more shall be required to meet the renewal requirements established
17 by the board by rule.

18 (e) Dental hygienists. To renew a license, a dental hygienist shall meet
19 active practice requirements established by the board by rule and document
20 completion of no fewer than 18 hours of board-approved continuing

1 professional education which shall include an emergency office procedures
2 course during the two-year licensing period preceding renewal.

3 (f) Dental assistants. To renew a registration, a dental assistant shall meet
4 the requirements established by the board by rule.

5 § 662. FEES

6 (a) Applicants and persons regulated under this chapter shall pay the
7 following fees:

8 (1) Application

9 (A) Dentist \$ 225.00

10 (B) Dental hygienist \$ 150.00

11 (C) Dental assistant \$ 60.00

12 (2) Biennial renewal

13 (A) Dentist \$ 355.00

14 (B) Dental hygienist \$ 125.00

15 (C) Dental assistant \$ 75.00

16 (b) The licensing fee for a dentist or dental hygienist or the registration fee
17 for a dental assistant who is otherwise eligible for licensure or registration and
18 whose practice in this state will be limited to providing pro bono services at a
19 free or reduced-fee clinic or similar setting approved by the board shall be
20 waived.

1 § 663. LAPSED LICENSES OR REGISTRATIONS

2 (a) Failure to renew a license by the renewal date shall result in a lapsed
3 license subject to late renewal penalties pursuant to 3 V.S.A. § 125(a)(1).

4 (b) A person whose license or registration has lapsed may not practice and
5 may be subject to disciplinary action.

6 (c) Notwithstanding the provisions of subsection (a) of this section, a
7 person shall not be required to pay renewal fees or late renewal penalties for
8 years spent on active duty in the armed forces of the United States. A person
9 who returns from active duty shall be required to pay only the most current
10 biennial renewal fee.

11 * * * Nursing * * *

12 Sec. 12. 26 V.S.A. § 1595 is amended to read:

13 § 1595. ~~GROUNDS FOR DISCIPLINE~~ REGULATORY AUTHORITY;
14 UNPROFESSIONAL CONDUCT

15 The board may deny an application for licensure or renewal or revoke,
16 suspend, discipline, or otherwise condition the license of a nursing assistant
17 who engages in the following conduct or the conduct set forth in ~~section 129a~~
18 of Title 3 V.S.A. § 129a:

19 (1) has been convicted of a crime that evinces an unfitness to act as a
20 nursing assistant; ~~or~~

1 (2) has been disciplined as a registered or licensed practical nurse or
2 nursing assistant by competent authority in any jurisdiction; ~~or~~

3 (3) has been fraudulent or deceitful in procuring or attempting to
4 procure a license, in filing or completing patient records, in signing reports or
5 records or in submitting any information or records to the board; ~~or~~

6 (4) has abused or neglected a patient or misappropriated patient
7 property; ~~or~~

8 (5) is unfit or incompetent to function as a nursing assistant by reason of
9 any cause; ~~or~~

10 (6) has diverted or attempted to divert drugs for unauthorized use; ~~or~~

11 (7) is habitually intemperate or is addicted to the use of habit-forming
12 substances; or

13 (8) has failed to report to the board any violation of this chapter or of the
14 board's rules; ~~or~~

15 ~~(9) has engaged in any act which before it was committed had been~~
16 ~~determined to be beyond the approved scope of practice of the nursing~~
17 ~~assistant.~~

18 Sec. 13. 26 V.S.A. § 1612 is amended to read:

19 § 1612. PRACTICE GUIDELINES

20 (a) APRN licensees shall submit for review individual practice guidelines
21 and receive board approval of the practice guidelines. Practice guidelines shall

1 reflect current standards of advanced nursing practice specific to the APRN's
2 role, population focus, and specialty.

3 (b) Licensees shall submit for review individual practice guidelines and
4 receive board approval of the practice guidelines:

5 (1) prior to initial employment;

6 (2) if employed, upon application for renewal of an APRN's registered
7 nurse license; and

8 (3) prior to a change in the APRN's employment or clinical role,
9 population focus, or specialty.

10 * * * Optometry * * *

11 Sec. 14. 26 V.S.A. § 1703 is amended to read:

12 § 1703. DEFINITIONS

13 As used in this chapter:

14 * * *

15 (5) "Contact lenses" means those lenses ~~with prescription power and~~
16 ~~those lenses without prescription power which~~ that are worn for cosmetic,
17 therapeutic, or refractive purposes.

18 Sec. 15. 26 V.S.A. § 1719 is amended to read:

19 § 1719. UNPROFESSIONAL CONDUCT

20 (a) Unprofessional conduct is the conduct prohibited by this section and by
21 3 V.S.A. § 129a, whether or not taken by a license holder.

1 (b) Unprofessional conduct means:

2 * * *

3 (3) Any of the following with regard to the buyer's prescription or
4 purchase of ophthalmic goods:

5 (A) ~~Failure to give to the buyer a copy of the buyer's spectacle lens~~
6 ~~prescription immediately after the eye examination is completed. Provided, an~~
7 ~~optometrist may refuse to give the buyer a copy of the buyer's prescription~~
8 ~~until the buyer has paid for the eye examination but only if that optometrist~~
9 ~~would have required immediate payment from that buyer had the examination~~
10 ~~revealed that no ophthalmic goods were required. If the buyer requests his or~~
11 ~~her contact lens prescription before the prescription is complete, the~~
12 ~~optometrist shall furnish a copy of the buyer's contact lens prescription to the~~
13 ~~buyer, clearly marked to indicate that it is not a complete contact lens~~
14 ~~prescription.~~

15 * * *

16 (E) Failure to comply with prescription-released requirements
17 established in the Federal Ophthalmic Practice Rule (~~CFR~~ 16 C.F.R. Part 456)
18 or the Fairness to Contact Lens Consumers Act (~~USCA~~ 15 U.S.C.A. §§ 7601–
19 7610).

20 (c) After hearing, the board may take disciplinary action against a licensee
21 or applicant found guilty of unprofessional conduct.

1 Sec. 16. 26 V.S.A. § 1727 is amended to read:

2 § 1727. EXPIRATION DATE

3 An optometrist shall state the expiration date on the face of every
4 prescription written by that optometrist for contact lenses. The expiration date
5 shall be ~~no earlier than~~ one year after the examination date unless a medical or
6 refractive problem affecting vision requires an earlier expiration date. An
7 optometrist may not refuse to give the buyer a copy of the buyer's prescription
8 after the expiration date; however, the copy shall be clearly marked to indicate
9 that it is an expired prescription.

10 Sec. 17. 26 V.S.A. § 1728 is amended to read:

11 § 1728. USE OF THERAPEUTIC PHARMACEUTICAL AGENTS

12 * * *

13 (b) Nothing in this subchapter shall be construed to permit:

14 * * *

15 (3) a licensee to perform indocyanine green angiography, removal of
16 benign skin lesions involving subcutaneous injections, sub tenons injections,
17 retrobulbar injections, intraocular injections, ketamine (IM) for an infant's
18 examination under anesthesia, ~~management of skin and conjunctival~~
19 ~~neoplasms~~, and botox injections.

1 Sec. 18. 26 V.S.A. § 1728d is redesignated to read:

2 § 1728d. DURATION OF GLAUCOMA TREATMENT WITHOUT
3 REFERRAL

4 Sec. 19. 26 V.S.A. § 1729a is amended to read:

5 § 1729a. PREREQUISITES TO TREATING GLAUCOMA

6 A licensee who is already certified to use therapeutic pharmaceutical agents
7 and who graduated from a school of optometry prior to 2003 and is not
8 certified in another jurisdiction having substantially similar prerequisites to
9 treating glaucoma shall, in addition to being certified to use therapeutic
10 pharmaceutical agents, provide to the board verification of successful
11 completion of an 18-hour course and examination offered by the State
12 University of New York State College of Optometry or similar accredited
13 institution. Successful completion shall include passing an examination
14 substantially equivalent to the relevant portions on glaucoma and orals of the
15 examination given to current graduates of optometry school and shall require
16 the same passing grade. The course shall cover the diagnosis and treatment of
17 glaucoma and the use of oral medications and shall be taught by both
18 optometrists and ophthalmologists. In addition, the licensee shall collaborate
19 with ~~an ophthalmologist~~ a glaucoma-licensed eye care provider regarding his
20 or her current glaucoma patients for six months and at least five new glaucoma
21 patients before treating glaucoma patients independently. These five new

1 glaucoma patients shall be seen at least once by the collaborating
2 ~~ophthalmologist~~ glaucoma-licensed eye care provider.

3 * * * Pharmacy * * *

4 Sec. 20. 26 V.S.A. § 2044 is amended to read:

5 § 2044. RENEWAL OF LICENSES

6 Each ~~pharmacist and pharmacy technician~~ person or entity licensed or
7 regulated under the provisions of this chapter shall apply for renewal biennially
8 by a date established by the director of the office of professional regulation.
9 ~~The board shall renew the license or registration of each pharmacist and~~
10 ~~pharmacy technician who is qualified.~~

11 * * * Veterinary * * *

12 Sec. 21. 26 V.S.A. § 2414 is amended to read:

13 § 2414. FEES

14 Applicants and persons regulated under this chapter shall pay the following
15 fees:

16	(1) Application	\$ 100.00
17	(2) Biennial renewal	\$ 250.00
18	(3) Temporary license	\$ 25.00

1 (1) ~~Comity or endorsement. A person holding a certificate of~~
2 ~~registration or a license to engage in the practice of land surveying issued on~~
3 ~~the basis of an examination, satisfactory to the board, by proper authority of a~~
4 ~~state, territory or possession of the United States, the District of Columbia, or~~
5 ~~another country, based on requirements and qualifications shown by the~~
6 ~~application to be equal to or greater than the requirements of this chapter, in~~
7 ~~the opinion of the board, may be examined relative to land surveying matters~~
8 ~~peculiar to Vermont and granted a license at the direction of the board~~
9 Bachelor's degree in land surveying, internship, portfolio, and examination. A
10 person who has graduated with a bachelor's degree in land surveying,
11 completed a 24-month internship, successfully completed a portfolio, and
12 successfully completed the examinations required by the board may be granted
13 a license.

14 (2) ~~Graduation and examination. An applicant who has graduated from~~
15 ~~a surveying curriculum of four years or more approved by the Accreditation~~
16 ~~Board for Engineering and Technology (ABET), followed by at least 24~~
17 ~~months of experience in land surveying, under the supervision of a land~~
18 ~~surveyor, and who has passed an examination satisfactory to the board, may be~~
19 ~~granted a license~~ Associate's degree in land surveying, internship, portfolio,
20 and examination. A person who has received an associate's degree in land
21 surveying, completed a 36-month internship, successfully completed a

1 portfolio, and successfully completed the examinations required by the board
2 may be granted a license.

3 (3) ~~Education and examination. An applicant, who has attended an~~
4 ~~accredited college or school of higher education, approved by the board, who~~
5 ~~has satisfactorily completed 30 credit hours of formal instruction in land~~
6 ~~surveying, followed by at least 36 months of experience in land surveying,~~
7 ~~under the supervision of a land surveyor, and who has passed an examination~~
8 ~~satisfactory to the board, may be granted a license.~~

9 (4) ~~Experience~~ Internship, portfolio, and examination examinations. An
10 applicant who has completed ~~four or more years of experience in land~~
11 ~~surveying, under the supervision of a land surveyor, and who has a~~ 72-month
12 internship, successfully completed a portfolio, and passed an examination
13 ~~which is satisfactory to the examinations required by the board,~~ may be granted
14 a license.

15 (b) ~~The fundamentals of land surveying examination may be taken with~~
16 ~~board approval after an applicant for licensure submits the initial application.~~

17 (c) ~~The principles and practice of land surveying examination may be taken~~
18 ~~before the applicant completes the educational and experience requirements~~
19 ~~established by this chapter, provided that the applicant has completed all but~~
20 ~~the final year of required practical experience. Notification of the results of~~
21 ~~such examinations shall be mailed to each candidate within 30 days of the day~~

1 ~~the results of any national examination are received by the board. A candidate~~
2 ~~failing to pass the examinations may apply for reexamination under the rules of~~
3 ~~the board and may sit for reexamination as many times as the candidate~~
4 ~~chooses to do so. If an applicant does not pass the entire examination, the~~
5 ~~applicant need not take again any portion of an examination which the~~
6 ~~applicant previously passed.~~

7 ~~(d)(1) A person who has undertaken work in the office of a land surveyor~~
8 ~~shall notify the board:~~

9 ~~(A) within six months of commencing work;~~

10 ~~(B) within 30 days of making any change in the person supervising~~
11 ~~that work; and~~

12 ~~(C) upon 30 days of completing the experience requirements for~~
13 ~~licensure.~~

14 ~~(e) [Deleted.]~~

15 ~~(f) License examinations may consist of a national surveying examination~~
16 ~~selected by the board plus a Vermont portion. The Vermont portion shall be~~
17 ~~limited to those subjects and skills necessary to perform land surveying.~~

18 ~~(g) The board may conduct a personal interview of an applicant. A~~
19 ~~personal interview shall be for the limited purposes of assisting the applicant to~~
20 ~~obtain licensure and to verify the applicant's educational qualifications and~~
21 ~~that the applicant completed the experience requirements for licensure. A~~

1 ~~personal interview shall not serve directly or indirectly as an oral examination~~
2 ~~of the applicant's substantive knowledge of surveying. An interview~~
3 ~~conducted under this section shall be taped and, at the request of the applicant,~~
4 ~~shall be transcribed. An applicant who is denied licensure shall be informed in~~
5 ~~writing of his or her right to have the interview transcribed free of charge. At~~
6 ~~least one of the public members of the board shall be present at any personal~~
7 ~~interview.~~

8 ~~(h) When the board intends to deny an application for license, the director~~
9 ~~of the office of professional regulation shall send the applicant written notice~~
10 ~~of the decision by certified mail, return receipt requested. The notice shall~~
11 ~~include a specific statement of the reasons for the action. Within 30 days of~~
12 ~~the date that an applicant receives such notice, the applicant may file a petition~~
13 ~~with the board for review of its preliminary decision. At the hearing to review~~
14 ~~the preliminary decision, the burden shall be on the applicant to show that a~~
15 ~~license should be issued. After the hearing, the board shall affirm or reverse~~
16 ~~the preliminary denial. The applicant may appeal a final denial by the board to~~
17 ~~the appellate officer.~~

18 Sec. 24. 26 V.S.A. § 2592a is added to read:

19 § 2592a. LICENSURE BY ENDORSEMENT

20 Upon an applicant's successful completion of the Vermont portion of the
21 licensing examination, the board may issue a license to an applicant who is

1 licensed or registered and currently in good standing in a United States or
2 Canadian jurisdiction having licensing requirements which are substantially
3 equivalent to the requirements of this chapter. The absence of a portfolio
4 requirement in another jurisdiction shall not prevent the board from finding
5 substantial equivalence.

6 Sec. 25. REPEAL

7 26 V.S.A. § 2594 (licenses generally) is repealed.

8 Sec. 26. 26 V.S.A. § 2595 is amended to read:

9 § 2595. EXCEPTIONS

10 (a) The work of an employee or subordinate of a person having a license
11 under this chapter is exempted from the licensing provisions of this chapter if
12 such work is done under the supervision of and is verified by a licensee.

13 * * *

14 Sec. 27. 26 V.S.A. § 2598 is amended to read:

15 § 2598. UNPROFESSIONAL CONDUCT

16 (a) Unprofessional conduct is the conduct prohibited by this section and by
17 3 V.S.A. § 129a.

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

19 * * *

20 (4) ~~agreeing with any other person or organization, or subscribing to any~~
21 ~~code of ethics or organizational bylaws, when the intent or primary effect of~~

1 ~~that agreement, code or bylaw is to restrict or limit the flow of information~~
2 ~~concerning alleged or suspected unprofessional conduct to the board;~~

3 (5) ~~wilfully~~ willfully acting, while serving as a board member, in any
4 way to contravene the provisions of this chapter and thereby artificially restrict
5 the entry of qualified persons into the profession;

6 (6)(5) using the licensee's seal on documents prepared by others not in
7 the licensee's direct ~~employ~~ supervision, or use the seal of another.

8 (7) ~~[Deleted.]~~

9 Sec. 28. REPEAL

10 26 V.S.A. § 2599 (discipline of licensees) is repealed.

11 Sec. 29. 26 V.S.A. § 2601 is amended to read:

12 § 2601. RENEWALS

13 (a) Licenses shall be renewed every two years upon payment of the renewal
14 fee following the procedure established by the office of professional
15 regulation.

16 (b) ~~Biennially, the board shall forward a renewal form to each licensee.~~
17 ~~Upon receipt of the completed form and the renewal fee, the board shall issue a~~
18 ~~new license.~~

19 (c) A license which has lapsed for a period of three years or less may be
20 renewed upon application and payment of the renewal fee and the late
21 penalty fee.

1 (d) As a condition of renewal, the board shall require that a licensee
2 establish that he or she has completed continuing education, as approved by the
3 board not to exceed 15 hours for each year of renewal.

4 (e) The board may renew the license of an individual whose license has
5 lapsed for more than three years upon payment of the required fee, and the late
6 renewal penalty, provided the individual has satisfied all the requirements for
7 renewal, ~~including continuing education~~ established by the board by rule.

8 * * * Radiologic Technology * * *

9 Sec. 30. 26 V.S.A. § 2801 is amended to read:

10 § 2801. DEFINITIONS

11 As used in this chapter:

12 * * *

13 (3) “Practice of radiography” means the direct application of ionizing
14 radiation to human beings ~~for diagnostic purposes.~~

15 (4) “Practice of nuclear medicine technology” means the act of giving a
16 radioactive substance to a human being ~~for diagnostic purposes,~~ or the act of
17 performing associated imaging procedures, or both.

18 (5) “Practice of radiation therapy” means the direct application of
19 ionizing radiation to human beings for therapeutic purposes or the act of
20 performing associated imaging procedures, or both.

21 * * *

1 (11) “ARRT” means the American Registry of Radiologic
2 Technologists.

3 (12) “NMTCB” means the Nuclear Medicine Technologist Certification
4 Board.

5 Sec. 31. 26 V.S.A. § 2802 is amended to read:

6 § 2802. PROHIBITIONS

7 ~~(a) For purposes of this section, the word “license” includes temporary~~
8 ~~permits under section 2825 of this title.~~

9 ~~(b)~~ No person shall practice radiologic technology unless he or she is
10 licensed in accordance with the provisions of this chapter.

11 ~~(c)~~(b) No person shall practice radiography without a license for
12 radiography from the board unless exempt under section 2803 of this title.

13 ~~(d) No person who holds a limited radiography license from the board shall~~
14 ~~apply ionizing radiation to human beings for diagnostic or therapeutic purposes~~
15 ~~or take radiographs, except as follows:~~

16 ~~(1) A person who holds an endorsement for chest radiography may~~
17 ~~radiograph the thorax for the purpose of demonstrating the heart or lungs; and~~

18 ~~(2) A person who holds an endorsement for extremities radiography~~
19 ~~may radiograph the hands and arms, including the shoulder girdle, the feet, and~~
20 ~~the legs up to the mid point of the femur.~~

1 accordance with ARRT or NMTCB under the direct personal supervision of a
2 licensee already certified in the specific postprimary modality at issue.

3 Sec. 33. 26 V.S.A. § 2804 is amended to read:

4 § 2804. COMPETENCY REQUIREMENTS OF CERTAIN LICENSED
5 PRACTITIONERS

6 Unless the requirements of subdivision 2803(1) of this title have been
7 satisfied, no physician, as defined in chapter 23 of this title, podiatrist, as
8 defined in chapter 7 of this title, osteopathic physician, as defined in chapter 33
9 of this title, naturopathic physician as defined in chapter 81 of this title, or
10 chiropractor, as defined in chapter 9 10 of this title, shall apply ionizing
11 radiation to human beings ~~for diagnostic purposes~~, without first having
12 satisfied the board of his or her competency to do so. The board shall consult
13 with the appropriate licensing boards concerning suitable performance
14 standards. The board shall, by rule, provide for periodic recertification of
15 competency. A person subject to the provisions of this section shall be subject
16 to the fees established under subdivisions 2814(4) and (5) of this title. This
17 section does not apply to radiologists who are certified or eligible for
18 certification by the American Board of Radiology.

1 Sec. 34. 26 V.S.A. § 2811 is amended to read:

2 § 2811. BOARD OF RADIOLOGIC TECHNOLOGY

3 (a) A board of radiologic technology is created, consisting of ~~five~~ six
4 members. The board shall be attached to the office of professional regulation.

5 (b) One member of the board shall be a member of the public who has no
6 financial interest in radiologic technology other than as a consumer or possible
7 consumer of its services. The public member shall have no financial interest
8 personally or through a spouse.

9 (c) One member of the board shall be a radiologist certified by the
10 American Board of Radiology.

11 (d) ~~Two~~ Three members of the board shall be licensed under this chapter,
12 one representing each of the three following primary modalities: radiography;
13 nuclear medicine technology; and radiation therapy.

14 (e) One member of the board shall be a representative from the radiological
15 health program of the Vermont department of health.

16 (f) Board members shall be appointed by the governor.

17 Sec. 35. 26 V.S.A. § 2812 is amended to read:

18 § 2812. POWERS AND DUTIES

19 (a) The board shall adopt rules necessary for the performance of its duties,
20 including:

1 (1) a definition of the practice of radiologic technology, interpreting
2 section 2801 of this title;

3 (2) qualifications for obtaining licensure, interpreting section 2821 of
4 this title;

5 (3) explanations of appeal and other significant rights given to
6 applicants and the public;

7 (4) procedures for disciplinary and reinstatement cases;

8 (5) ~~procedures for certifying persons using special equipment;~~

9 (6) procedures for mandatory reporting of unsafe radiologic conditions
10 or practices;

11 (7) procedures for continued competency evaluation;

12 (8) procedures for radiation safety;

13 (9) procedures for competency standards for license applications and
14 renewals.

15 (b) The board shall:

16 (1) ~~If applications for licensure by examination are pending, offer~~
17 ~~examinations at least twice each year and pass upon the qualifications of~~
18 ~~applicants for licensing.~~

19 (2) Use the administrative and legal services provided by the office of
20 professional regulation under 3 V.S.A. chapter 5.

21 (3) Investigate suspected unprofessional conduct.

1 (2) Nuclear medicine technology. The board shall issue a nuclear
2 medicine technology license to any person who, in addition to meeting the
3 general requirements of this section:

4 (A) has graduated from a nuclear medicine technology program
5 offered by a school of nuclear medicine technology approved by ARRT or
6 NMTCB; and

7 (B) has obtained primary certification in nuclear medicine technology
8 from ARRT or NMTCB.

9 (3) Radiation therapy. The board shall issue a radiation therapy license
10 to any person who, in addition to meeting the general requirements of this
11 section:

12 (A) has graduated from a radiation therapy training program offered
13 by a school of radiologic technology approved by ARRT; and

14 (B) has obtained primary certification in radiation therapy from
15 the ARRT.

16 Sec. 40. 26 V.S.A. § 2821b is added to read:

17 § 2821b. LICENSE FOR POSTPRIMARY MODALITIES

18 (a) The board recognizes and follows the ARRT postprimary certification
19 process for the following postprimary practice categories: mammography,
20 computed tomography (“CT”), cardiac-interventional radiography, and
21 vascular-interventional radiography.

1 (b) In order for a licensee who has obtained one of the three primary ARRT
2 or NMTCB certifications set forth in section 2821a of this subchapter to
3 practice in one of the postprimary modalities set forth in subsection (a) of this
4 section, the licensee must first obtain postprimary certification from ARRT for
5 that category, except:

6 (1) a person with a primary license in radiation therapy may perform CT
7 for treatment simulation; and

8 (2) a person with a primary license in nuclear medicine technology may
9 perform CT for attenuation correction on hybrid imaging equipment, such as
10 PET/CT and SPECT/CT scanners.

11 (c) In order to practice bone densitometry or apply ionizing radiation using
12 bone densitometry equipment, a primary certification and license in
13 radiography is required, with the exception that individuals who perform
14 quantitative computed tomography (“QCT”) bone densitometry must obtain
15 postprimary certification in CT in addition to primary certification.

16 Sec. 41. 26 V.S.A. § 2823 is amended to read:

17 § 2823. RENEWAL AND PROCEDURE FOR NONRENEWAL

18 ~~(a) Licenses shall be renewed every two years without examination and on~~
19 ~~payment of the required fees~~ Each radiographer, nuclear medicine technologist,
20 and radiation therapist licensed to practice by the board shall apply biennially
21 for the renewal of a license. One month prior to the renewal date, the office of

1 professional regulation shall send to each of those licensees a license renewal
2 application form and a notice of the date on which the existing license will
3 expire. The licensee shall file the application for license renewal and pay a
4 renewal fee. In order to be eligible for renewal, an applicant shall document
5 completion of no fewer than 24 hours of board-approved continuing education.
6 Required accumulation of continuing education hours shall begin on the first
7 day of the first full biennial licensing period following initial licensure.

8 (b) ~~A license which has expired because a licensee has not sought renewal~~
9 ~~may be reinstated on payment of a renewal fee and a late renewal penalty. The~~
10 ~~licensee shall not be required to pay renewal fees during periods when the~~
11 ~~license was expired. However, if such a license remains expired for a period~~
12 ~~of ten years, the board shall send notice under this section to the former~~
13 ~~licensee at his last known address. Thirty days after the notice is sent, the right~~
14 ~~to renew the license without examination is suspended. Once the right to~~
15 ~~renew is suspended, it may be reinstated only by decision of the board acting~~
16 ~~on petition of the former licensee. During that proceeding, the board may~~
17 ~~require re-examination of the licensee, as well as payment of a renewal fee,~~
18 ~~late renewal penalty and a reinstatement fee~~ A person who practices
19 radiography, nuclear medicine technology, or radiation therapy and who fails
20 to renew a license or registration or fails to pay the fees required by this

1 chapter shall be an illegal practitioner and shall forfeit the right to practice until
2 reinstated by the board.

3 (c) The board shall adopt rules setting forth qualifications for reinstating
4 lapsed licenses.

5 Sec. 42. REPEAL

6 26 V.S.A. § 2825 (temporary permits) is repealed.

7 Sec. 43. 26 V.S.A. § 2825a is added to read:

8 § 2825a. LICENSURE BY ENDORSEMENT

9 The board may grant a license to an applicant who possesses a license in
10 good standing in another state and possesses the applicable ARRT or NMTCB
11 primary and postprimary certifications as set forth in sections 2821a and
12 section 2821b of this subchapter, respectively.

13 * * * Psychology * * *

14 Sec. 44. 26 V.S.A. § 3011a is amended to read:

15 § 3011a. APPLICATIONS

16 (a) Any person desiring to obtain a license as a psychologist shall make
17 application therefor to the board upon such form and in such manner as the
18 board prescribes and shall furnish evidence satisfactory to the board that he or
19 she:

20 (1) is at least 18 years of age;

1 ~~(2)(A) has had two years of experience, or their equivalent, in the~~
2 ~~practice of clinical psychology under the supervision of a person who is~~
3 ~~licensed or who is qualified to be licensed under this chapter possesses a~~
4 ~~doctoral degree in psychology and has completed 3,600 hours of supervised~~
5 ~~practice as defined by the board by rule, of which no fewer than 1,800 hours~~
6 ~~were completed after the doctoral degree in psychology was received; or~~

7 ~~(3) has successfully completed each examination that is required~~
8 ~~pursuant to section 3013 of this title; and~~

9 ~~(A) possesses a doctoral degree in psychology obtained through a~~
10 ~~professional psychology training program awarded by an institution of higher~~
11 ~~education;~~

12 ~~(B) possesses a master's degree in psychology obtained through a~~
13 ~~professional psychology training program awarded by an institution of higher~~
14 ~~education and has completed 4,000 hours of supervised practice as defined by~~
15 ~~the board by rule of which no fewer than 2,000 hours were completed after the~~
16 ~~master's degree in psychology was received; and~~

17 ~~(C) possesses a master's degree in psychology awarded by an~~
18 ~~institution of higher education provided the person was enrolled as a candidate~~
19 ~~for the master's degree no later than December 31, 1993; or~~

1 ~~(D) possesses a degree in psychology awarded by an institution of~~
2 ~~higher education based on a program that the board determines to be~~
3 ~~equivalent to that required in subdivisions (A) and (B) of this subdivision (3)~~

4 (3) has successfully completed the examinations designated by the
5 board.

6 (b) In exceptional cases, the board may waive any requirement of this
7 section if in its judgment the applicant demonstrates appropriate qualifications.

8 * * * Clinical Social Work * * *

9 Sec. 45. 26 V.S.A. § 3201 is amended to read:

10 § 3201. DEFINITIONS

11 As used in this chapter:

12 (1) “Clinical social work” is defined as providing a service, for a
13 consideration, which is primarily drawn from the academic discipline of social
14 work theory, in which a special knowledge of social resources, human
15 capabilities, and the part that motivation plays in determining behavior, is
16 directed at helping people to achieve a more adequate, satisfying, and
17 productive psychosocial adjustment. The application of social work principles
18 and methods includes, but is not restricted to assessment, diagnosis, prevention
19 and amelioration of adjustment problems and emotional and mental disorders

1 of individuals, families and groups. The scope of practice for licensed clinical
2 social workers includes the provision of psychotherapy.

3 * * *

4 Sec. 46. 26 V.S.A. § 3205 is amended to read:

5 § 3205. ELIGIBILITY

6 To be eligible for licensing as a clinical social worker an applicant must
7 have:

8 (1) received a master's degree or doctorate from an accredited social
9 work education program;

10 (2) [Deleted.]

11 (3) ~~had two years of post-master's experience in the practice of clinical~~
12 ~~social work or the equivalent in part-time experience~~ completed 3,000 hours of
13 supervised practice of clinical social work as defined by rule under the
14 supervision of a licensed physician or a licensed osteopathic physician who has
15 completed a residency in psychiatry, a licensed psychologist, a licensed
16 clinical mental health counselor, a person licensed or certified under this
17 chapter, or a person licensed or certified in another state or Canada in one of
18 these professions or their substantial equivalent. Persons engaged in
19 postmasters supervised practice in Vermont shall be entered on the roster of
20 nonlicensed, noncertified psychotherapists;

1 (4) submitted the names and addresses of three persons who can attest to
2 the applicant's professional competence. Such person shall be a licensed
3 physician or a licensed osteopathic physician who has completed a residency in
4 psychiatry, a licensed psychologist, a licensed clinical mental health counselor,
5 a person licensed or certified under this chapter, or a person licensed in another
6 state or Canada in one of these professions; and

7 (5) passed an examination to the satisfaction of the director of the office
8 of professional regulation.

9 * * * Naturopathic Medicine * * *

10 Sec. 47. 26 V.S.A. § 4121 is amended to read:

11 § 4121. DEFINITIONS

12 As used in this chapter:

13 * * *

14 (7) ~~“Naturopathic formulary examination” means an examination,~~
15 ~~administered by the director or the director's designee, which tests an~~
16 ~~applicant's knowledge of the pharmacology, clinical use, side effects, and drug~~
17 ~~interactions of agents in the naturopathic formulary.~~

18 (8) “Naturopathic medicine” or “the practice of naturopathic medicine”
19 means a system of health care that utilizes education, natural medicines, and
20 natural therapies to support and stimulate a patient's intrinsic self-healing
21 processes and to prevent, diagnose, and treat human health conditions, injuries,

1 and pain. In connection with such system of health care, an individual licensed
2 under this chapter may:

3 (A) Administer or provide for preventative and therapeutic purposes
4 nonprescription medicines, topical medicines, botanical medicines,
5 homeopathic medicines, counseling, hypnotherapy, nutritional and dietary
6 therapy, naturopathic physical medicine, naturopathic childbirth, therapeutic
7 devices, barrier devices for contraception, and prescription medicines
8 authorized by this chapter ~~or by the formulary established under subsection~~
9 ~~4125(e) of this title.~~

10 (B) Use diagnostic procedures commonly used by physicians in general
11 practice, including physical and orificial examinations, electrocardiograms,
12 diagnostic imaging techniques, phlebotomy, clinical laboratory tests and
13 examinations, and physiological function tests.

14 (8) “Naturopathic pharmacology examination” means a test
15 administered by the director or the director’s designee, the passage of which is
16 required to obtain the special license endorsement under subsection 4125(d) of
17 this chapter.

18 * * *

19 Sec. 48. 26 V.S.A. § 4122 is amended to read:

20 § 4122. PROHIBITIONS AND PENALTIES

21 (a) No person shall perform any of the following acts:

1 (1) Practice naturopathic medicine in this state without a valid license
2 issued in accordance with this chapter except as provided in section 4123 of
3 this title.

4 (2) Use, in connection with the person's name any letters, words, or
5 insignia indicating or implying that the person is a naturopathic physician
6 unless the person is licensed in accordance with this chapter. A person
7 licensed under this chapter may use the designations "N.D.," "doctor of
8 naturopathic medicine," "naturopathic doctor," "doctor of naturopathy," or
9 "naturopathic physician."

10 (b) A person licensed under this chapter shall not perform any of the
11 following acts:

12 (1) Prescribe, dispense, or administer any prescription medicines ~~except~~
13 ~~those medicines authorized by this chapter~~ without obtaining from the director
14 the special license endorsement under subsection 4125(d) of this chapter.

15 (2) Perform surgical procedures, except for episiotomy and perineal
16 repair associated with naturopathic childbirth.

17 (3) Use for therapeutic purposes, any device regulated by the United
18 States Food and Drug Administration (FDA) that has not been approved by the
19 FDA.

1 (4) Perform naturopathic childbirth without obtaining ~~an endorsement~~
2 from the director the special license endorsement under subsection 4125(b) of
3 this chapter.

4 (c) A person who violates any of the provisions of this section shall be
5 subject to the penalties provided in 3 V.S.A. § 127(c).

6 Sec. 49. TRANSITIONAL PROVISION

7 (a) Notwithstanding the provisions of 26 V.S.A. § 4122(b)(1) and except as
8 provided in subsection (b) of this section, any naturopathic physician licensed
9 under 26 V.S.A. chapter 81 who is authorized to prescribe, dispense, and
10 administer any prescription medicines pursuant to the 2009 naturopathic
11 physician formulary prior to the effective date of this act may continue to
12 prescribe, dispense, and administer those medicines consistent with his or her
13 scope of practice and training and without obtaining from the director of the
14 office of professional regulation the special license endorsement required
15 under 26 V.S.A. § 4125(d).

16 (b) In consultation with the commissioner of health and with the advice of
17 the advisor appointees appointed pursuant to 26 V.S.A. § 4126, the director
18 may review and eliminate prescription medicines on the 2009 naturopathic
19 physician formulary that naturopathic physicians are permitted to prescribe,
20 dispense, and administer pursuant to subsection (a) of this section.

1 Sec. 50. 26 V.S.A. § 4123 is amended to read:

2 § 4123. EXEMPTIONS

3 (a) Nothing in this chapter shall be construed to prohibit any of the
4 following:

5 (1) The practice of a profession by a person who is licensed, certified, or
6 registered under other laws of this state and is performing services within the
7 authorized scope of practice of that profession.

8 (2) The practice of naturopathic medicine by a person duly licensed to
9 engage in the practice of naturopathic medicine in another state, territory, or
10 the District of Columbia who is called into this state for consultation with a
11 naturopathic physician licensed under this chapter.

12 (3) The practice of naturopathic medicine by a student enrolled in an
13 approved naturopathic medical college. The performance of services shall be
14 pursuant to a course of instruction and under the supervision of an instructor,
15 who shall be a naturopathic physician licensed in accordance with this chapter.

16 (4) The use or administration of over-the-counter medicines or other
17 nonprescription agents, ~~regardless of whether the over-the-counter medicine or~~
18 ~~agent is on the naturopathic formulary.~~

19 (b) The provisions of subdivision 4122(a)(1) of this ~~title~~ chapter, relating to
20 the practice of naturopathic medicine, shall not be construed to limit or restrict

1 in any manner the right of a practitioner of another health care profession from
2 carrying on in the usual manner any of the functions related to that profession.

3 Sec. 51. 26 V.S.A. § 4125 is amended to read:

4 § 4125. DIRECTOR; DUTIES

5 (a) The director, with the advice of the advisor appointees, shall:

6 (1) Provide general information to applicants for licensure as
7 naturopathic physicians.

8 (2) Administer fees collected under this chapter.

9 (3) Administer examinations.

10 (4) Explain appeal procedures to naturopathic physicians and applicants
11 for licensure and complaint procedures to the public.

12 (5) Receive applications for licensure under this chapter; issue and
13 renew licenses; and revoke, suspend, reinstate, or condition licenses as ordered
14 by an administrative law officer.

15 (6) Refer all disciplinary matters to an administrative law officer.

16 (b) The director, with the advice of the advisor appointees, shall adopt rules
17 necessary to perform the director's duties under this section, which shall
18 include rules regulating ~~the naturopathic formulary, the naturopathic formulary~~
19 ~~examination, and~~ a special license endorsement to practice naturopathic
20 childbirth.

1 (c) ~~At least annually, in consultation with the commissioner of health and~~
2 ~~in accordance with consultation procedures adopted by the director by rule, the~~
3 ~~director with the advice of the advisor appointees, shall review and update the~~
4 ~~formulary of prescription medicines naturopathic physicians may use~~
5 ~~consistent with their scope of practice and training. Nonnatural substances~~
6 ~~found to be substantially safer in treatment or without which a patient's~~
7 ~~primary care would be compromised may be added to the formulary. The~~
8 ~~formulary shall include prescription medicines necessary for naturopathic~~
9 ~~practice and naturopathic childbirth.~~

10 (d) The director, in consultation with the commissioner of health, shall
11 adopt rules regulating a special license endorsement which shall authorize a
12 naturopathic physician to prescribe, dispense, and administer prescription
13 medicines. These rules shall require a naturopathic physician to pass a
14 naturopathic pharmacology examination in order to obtain this special license
15 endorsement. The naturopathic pharmacology examination shall be
16 administered by the director or the director's designee and shall test an
17 applicant's knowledge of the pharmacology, clinical use, side effects, and drug
18 interactions of prescription medicines.

1 Sec. 52. 26 V.S.A. § 4127 is amended to read:

2 § 4127. ELIGIBILITY FOR LICENSURE

3 To be eligible for licensure as a naturopathic physician, an applicant shall
4 satisfy all the following:

5 (1) Have been granted a degree of doctor of naturopathic medicine, or a
6 degree determined by the director to be essentially equivalent to such degree,
7 from an approved naturopathic medical college.

8 (2) Be physically and mentally fit to practice naturopathic medicine.

9 (3) Pass a licensing examination approved by the director ~~pursuant to~~
10 ~~subsection 4129(a) of this title~~ by rule, unless the applicant is exempt from
11 examination pursuant to ~~subsection 4129(b)~~ section 4129 of this ~~title~~ chapter.

12 (4) ~~Pass the naturopathic formulary examination administered by the~~
13 ~~director or the director's designee, unless the applicant is exempt from~~
14 ~~examination pursuant to the standards set forth in subsection 4129(b) of this~~
15 ~~title.~~

16 Sec. 53. 26 V.S.A. § 4129 is amended to read:

17 § 4129. WAIVER OF LICENSING EXAMINATION REQUIREMENT

18 (a) ~~The director, or designee, shall administer the licensing examination to~~
19 ~~applicants at least twice each year if applications are pending. Examinations~~
20 ~~administered by the director and the procedures of administration shall be fair~~
21 ~~and reasonable and shall be designed and implemented to ensure that all~~

1 ~~applicants are granted a license if they demonstrate that they possess minimal~~
2 ~~professional qualifications which are consistent with the public health, safety~~
3 ~~and welfare. The examination shall not be designed or implemented for the~~
4 ~~purpose of limiting the number of licenses issued.~~

5 (b) The director shall waive the examination requirement if the applicant is
6 a naturopathic physician regulated under the laws of another jurisdiction who
7 is in good standing to practice naturopathic medicine in that jurisdiction and, in
8 the opinion of the director, the standards and qualifications required for
9 regulation in that jurisdiction are at least equal to those required by this
10 chapter.

11 Sec. 54. 26 V.S.A. § 4130 is amended to read:

12 § 4130. BIENNIAL LICENSE RENEWAL; CONTINUING EDUCATION

13 (a) The license to practice naturopathic medicine shall be renewed every
14 two years by filing a renewal application on a form provided by the director.
15 The application shall be accompanied by the required fee and evidence of
16 compliance with subsection (b) of this section. ~~The director may require~~
17 ~~licensees who have not previously passed the naturopathic physician formulary~~
18 ~~examination to pass the examination as a condition of license renewal.~~

19 (b) As a condition of renewal, a naturopathic physician shall complete a
20 program of continuing education, approved by the director, during the

1 preceding two years. The director shall not require more than 30 hours of
2 continuing education biennially.

3 * * * Boxing * * *

4 Sec. 55. 31 V.S.A. § 1101 is amended to read:

5 § 1101. DEFINITIONS

6 As used in this chapter:

7 (1) "Boxer" means an individual who participates in a boxing match.

8 (2) "Boxing match" or "match" means a contest or training exhibition
9 for a prize or purse where an admission fee is charged and where individuals
10 score points by striking the head and upper torso of an opponent with padded
11 fists. ~~An amateur boxing match is a match held under the supervision of a~~
12 ~~school, college or university or under the supervision of United States Amateur~~
13 ~~Boxing, Inc. or its successor as the nationally designated governing body for~~
14 ~~amateur boxing. All other matches shall be considered professional boxing~~
15 ~~matches~~ Kickboxing, martial arts, and mixed martial arts, as defined in this
16 section, shall be considered "matches" for the purposes of this chapter.

17 (3) "Director" means the director of the office of professional
18 regulation.

19 (4) "Disciplinary action" includes any action by the administrative law
20 officer appointed under ~~section 129 of Title 3 V.S.A. § 129~~, premised upon a
21 finding of wrongdoing. It includes all sanctions of any kind, including

1 denying, suspending, or revoking, a registration and issuing warnings ~~and other~~
2 ~~sanctions.~~

3 (5) “Kickboxing” means unarmed combat involving the use of striking
4 techniques delivered with the upper and lower body and in which the
5 competitors remain standing while striking;

6 (6) “Martial arts” means any form of unarmed combative sport or
7 unarmed combative entertainment that allows contact striking, except boxing
8 or wrestling;

9 (7) “Mixed martial arts” means unarmed combat involving the use of a
10 combination of techniques from different disciplines of the martial arts,
11 including grappling, submission holds, and strikes with the upper and lower
12 body.

13 (8) “Manager” means a person who receives compensation for service
14 as an agent or representative of a professional boxer.

15 ~~(6)~~(9) “National boxer registry” means an entity certified by the
16 Association of Boxing Commissions for the purpose of maintaining records for
17 the identification of professional boxers and for tracking their records and
18 suspensions.

19 ~~(7)~~(10) “Participant” means managers, seconds, referees, and judges in a
20 professional boxing match.

1 ~~(8)~~(11) “Promoter” means a person that organizes, holds, advertises, or
2 otherwise conducts a professional boxing match.

3 Sec. 56. 31 V.S.A. § 1102 is amended to read:

4 § 1102. DIRECTOR; POWERS; DUTIES

5 (a) The director shall have jurisdiction over professional boxing matches.

6 The director’s power to supervise professional boxing matches includes the
7 power to suspend a match immediately if there is a serious and immediate
8 danger to the public, boxers, promoters, or participants.

9 (b)(1) Except as provided in this subsection, the director shall not have
10 jurisdiction over amateur boxing matches. Amateur boxing matches shall be
11 conducted according to the rules of United States Amateur Boxing, Inc., the
12 national governing body for amateur boxing of the United States Olympic
13 Committee or its successor as the nationally-designated governing body for
14 amateur boxing. However, upon a finding that the health and safety of the
15 boxers and participants in an amateur match are not being sufficiently
16 safeguarded, the director shall assume jurisdiction over and supervisory
17 responsibility for the match. The director’s decision may be appealed to the
18 administrative law officer appointed under ~~section 129 of Title 3~~ V.S.A. § 129
19 within 10 days of the date the finding is issued. If the director assumes
20 jurisdiction under this subsection, the match shall continue to be conducted in
21 accordance with the rules of United States Amateur Boxing, Inc.

1 (2) For the purposes of this subsection, an “amateur boxing match”
2 means a match held under the supervision of a school, college, or university or
3 under the supervision of United States Amateur Boxing, Inc. or its successor as
4 the nationally designated governing body for amateur boxing.

5 (c) The director shall:

6 (1) provide information to applicants for registration;

7 (2) administer fees collected under this chapter;

8 (3) explain appeal procedures to registrants and applicants and
9 complaint procedures to the public;

10 (4) receive applications for registration, grant registration under this
11 chapter, renew registrations and deny, revoke, suspend, reinstate, or condition
12 registrations as directed by an administrative law officer;

13 (5) refer all complaints and disciplinary matters to an administrative law
14 officer appointed under ~~section 129~~ of Title 3 V.S.A. § 129.

15 (d) The director may adopt rules necessary to perform his or her duties
16 under this chapter. The uniform rules of the Association of Boxing
17 Commissions as adopted on June 6, 1998, and as amended from time to time,
18 shall apply to professional boxing matches conducted under this chapter to the
19 extent those rules address matters not covered by rules adopted by the director.

1 Sec. 57. EFFECTIVE DATES

2 This act shall take effect on July 1, 2012 except that Sec. 40, 26 V.S.A.

3 § 2821b(b) (practice in postprimary modalities), of this act shall take effect on

4 May 31, 2015.