

H.656

An act relating to professions and occupations regulated by the Office of Professional Regulation

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

* * * General Provisions * * *

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

§ 122. OFFICE OF PROFESSIONAL REGULATION

An Office of Professional Regulation is created within the Office of the Secretary of State. The Office shall have a director who shall be appointed by the Secretary of State and shall be an exempt employee. The following boards or professions are attached to the Office of Professional Regulation:

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(11) ~~Board of Examiners for~~ Nursing Home Administrators

(12) ~~Board of Examiners of~~ Opticians

* * *

(17) Board of ~~Radiological~~ Radiologic Technology

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(20) ~~Veterinary~~ Board of Veterinary Medicine

(21) Motor Vehicle Racing ~~Commission~~

(22) Boxing-

* * *

(27) ~~{Deleted.}~~ Tattooists and Body Piercers

* * *

(33) ~~{Deleted.}~~ Respiratory Care Practitioners

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

§ 123. DUTIES OF OFFICE

* * *

(g) The Office of Professional Regulation shall create a process for:

(1) accepting education, training, or service completed by a member of the U.S. Armed Forces toward the requirements of professional licensure or certification;

(2) creating a process for educational institutions under the supervision of a licensing board to award educational credits to a member of the U.S. Armed Forces for courses taken as part of the member's military training or service that meet the standards of the American Council on Education; and

(3) expediting the issuance of a professional license to a person:

(A) who is certified or licensed in another state;

(B) whose spouse is a member of the U.S. Armed Forces and who has been subject to a military transfer to Vermont; and

(C) who left employment to accompany his or her spouse to Vermont.

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

§ 128. DISCIPLINARY ACTION TO BE REPORTED TO THE BOARD

(a) Any hospital, clinic, community mental health center, or other health care institution in which a licensee performs professional services shall report to the appropriate board, along with supporting information and evidence, any disciplinary action taken by it or its staff, after an initial investigation or hearing in which the licensee has been afforded the opportunity to participate, which limits or conditions the licensee's privilege to practice or leads to suspension or expulsion from the institution. The report shall be made within ten days of the date such disciplinary action was taken, regardless of whether the action is the subject of a pending appeal, and in the case of a licensee who is employed by, or under contract with, a community mental health center, a copy of the report shall also be sent to the ~~Commissioner of Mental Health and Mental Retardation~~ Commissioners of Mental Health and of Disabilities, Aging, and Independent Living. This section shall not apply to cases of resignation, separation from service, or changes in privileges which are unrelated to:

* * *

* * * Barbers and Cosmetologists * * *

Sec. 4. 26 V.S.A. § 281 is amended to read:

§ 281. POSTSECONDARY SCHOOL OF BARBERING AND
COSMETOLOGY; ~~REGISTRATION~~ CERTIFICATE OF
APPROVAL

(a) No school of barbering or cosmetology shall be granted ~~registration a~~
certificate of approval unless the school:

(1) Is a postsecondary school operating a program of professional
education.

(2) Employs and maintains a sufficient number of competent instructors
and has apparatus and equipment sufficient for the proper and full teaching of
all subjects of its curriculum.

~~(2)~~(3) Maintains a daily record of the attendance of each student and
regular class and instruction hours, establishes grades, and holds examinations
before issuing diplomas.

~~(3)~~(4) Requires a school term of training;:

(A) in the case of a school of barbering, of not less than 1,000 hours
for a complete course which includes all or the majority of the practices of
barbering, and includes practical demonstrations and theoretical studies in
sanitation, sterilization, the use of antiseptics, and electrical appliances,

consistent with the practical and theoretical requirements applicable to barbering or any practice of barbering; and

(B) in the case of a school of cosmetology, requires a school term of training of not less than 1,500 hours for a complete course which includes all or the majority of the practices of cosmetology, and includes practical demonstrations and theoretical studies in sanitation, sterilization, the use of antiseptics, cosmetics, and electrical appliances, consistent with the practical and theoretical requirements applicable to cosmetology or any practice of cosmetology.

(b) Regional vocational centers may offer courses of instruction in barbering or cosmetology without ~~certification by~~ a certificate of approval from the ~~board~~ Board, and ~~state~~ State correctional facilities may offer courses of instruction in barbering without ~~certification by~~ a certificate of approval from the ~~board~~ Board; however, credits for licensing will only be given for courses that meet the ~~board's~~ Board's standards for courses offered in postsecondary schools of barbering or cosmetology certified by the Board.

(c) A school of barbering or cosmetology shall not require, as a condition of training for licensure, that a person enter into a covenant not to compete with the training organization or an affiliate.

* * * Funeral Services * * *

Sec. 5. 26 V.S.A. § 1211 is amended to read:

§ 1211. DEFINITIONS

(a) The following words as used in this chapter, unless a contrary meaning is required by the context, shall have the following meanings:

(1) “Crematory establishment” means a ~~place of business~~ registered with the Board conducted at a specific street address or location devoted to the disposition of dead human bodies by means of cremation, alkaline hydrolysis, or any other type of human reduction acceptable to the Board of Funeral Service as established by Board rule.

(2) “Funeral director” means a licensed person who is the owner, co-owner, employee, or manager of a licensed funeral establishment and who, for compensation, engages in the practice of funeral service.

(3) “Funeral establishment” means a ~~place of business~~ registered with the Board conducted at a specific street address or location devoted to the practice of funeral service, and includes a limited services establishment.

(4) “Practice of funeral service” means arranging, directing, or providing for the care, preparation, or disposition of dead human bodies for a fee or other compensation. This includes, ~~but is not limited to:~~

(A) meeting with the public to select a method of disposition or funeral observance and merchandise;

(B) entering into contracts, either at-need or pre-need, for the provision of dispositions, funeral observances, and merchandise;

(C) arranging, directing, or performing the removal or transportation of a dead human body;

(D) securing or filing certificates, permits, forms, or other documents;

(E) supervising or arranging a funeral, memorial, viewing, or graveside observance;

(F) holding oneself out to be a licensed funeral director by using the words or terms “funeral director,” “mortician,” “undertaker,” or any other words, terms, title, or picture that, when considered in context, would imply that such person is engaged in the practice of funeral service or is a licensed funeral director.

(5) “Removal” means the removal of dead human bodies from places of death, hospitals, institutions, or other locations, for a fee or other compensation.

(b) Nothing in this section shall prohibit:

(1) cemetery owners, associations, or their employees from engaging in any functions normally performed by them in the course of their everyday affairs as allowed by 18 V.S.A. chapter 121;

(2) the University of Vermont from engaging in functions normally performed by it in the course of receiving anatomical gifts for research or education, provided that embalming and removal of dead human remains are performed by persons licensed or registered under this chapter;

(3) immediate family members of the deceased from providing for the care, preparation, or disposition of dead human bodies; or

(4) religious or spiritual persons directly authorized by the immediate family members of the deceased from providing for the care or preparation of dead human bodies without compensation.

(c) Notwithstanding this section, crematory owners and their personnel may engage in the listed activities in subsection (a) of this section only to the extent such functions are necessary to the performance of their duties.

Specifically, crematory personnel may:

(1) provide for the disposition of dead human bodies by cremation, and meet with the public to arrange and provide for the disposition;

(2) enter into contracts, without taking prepaid funds, for the provision of dispositions by cremation;

(3) arrange, direct, or perform the removal or transportation of a dead human body, so long as removals are performed by licensed removal personnel; and

(4) secure and file certificates, permits, forms, or other documents.

Sec. 6. 26 V.S.A. § 1252 is amended to read:

§ 1252. APPLICATION; QUALIFICATIONS

* * *

(d) Crematory establishment. A person, partnership, corporation, association, or other organization desiring to operate a crematory establishment shall apply, in writing, to the ~~board of funeral service~~ Board of Funeral Service for a license. The applicant, if a partnership, corporation, association, or other organization, must have a designated manager or co-owner who is responsible for the operation of the establishment and who is registered with the Board under subsection (e) of this section. The application for a license shall be sworn to by the individual, or a partner or a duly authorized officer of a corporation, shall be on the form prescribed and furnished by the ~~board~~ Board, and the applicant shall furnish information, as required by rule. The application shall be accompanied by a licensing fee. However, the applicant shall not be required to pay the fee under this subsection if the applicant pays the fee under subsection (b) of this section.

(e) Crematory personnel. Any person who desires to engage in direct handling, processing, identification, or cremation of dead human remains within a licensed crematory establishment shall register with the Board of Funeral Service and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly

employed by a licensed crematory establishment. The Board may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in programs approved by the Board.

(f) Removal personnel. Any person who desires to engage in removals shall register with the ~~board of funeral service~~ Board of Funeral Service and pay the fee established in subsection 1256(d) of this ~~title~~ chapter. The applicant shall have attained the age of majority and be directly employed by a licensed funeral or crematory establishment, or the University of Vermont for removals related to the University's anatomical gift program. The ~~board~~ Board may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in infectious diseases in programs approved by the ~~board~~ Board. Registrants under this section are authorized to perform removals only, as defined by this chapter. Unregistered personnel may accompany registered personnel to assist in removals so long as they have been instructed in handling and precautionary procedures prior to the call.

(g) Limited services establishment.

(1) The Board of Funeral Service may adopt rules for the issuance of limited service establishment licenses in accordance with this chapter. Limited service establishment licensees are authorized to perform only disposition services without arranging, directing, or performing embalming, public

viewings, gatherings, memorials, funerals, or related ceremonies. Disposition services under this subsection (d) include direct cremation, direct alkaline hydrolysis, immediate burial, or direct green burial.

(2) Limited services shall be overseen by a funeral director licensed under this chapter who is employed by the limited service establishment.

(3) Each limited service arrangement shall include a mandatory written disclosure providing notice to the purchaser that limited services do not include embalming, public viewings, gatherings, memorials, funerals, or related ceremonies.

(4) A funeral director associated with a funeral establishment licensed under subsection (c) of this section may provide limited services so long as the mandatory disclosure described under subdivision (3) of this subsection is provided to the purchaser.

Sec. 7. 26 V.S.A. § 1256 is amended to read:

§ 1256. RENEWAL OF REGISTRATION OR LICENSE

* * *

(d) Applicants and persons regulated under this chapter shall pay the following fees:

- | | |
|---------------------------------|-----------|
| (1) Application for license | \$ 70.00 |
| (2) Biennial renewal of license | |
| (A) Funeral director | \$ 300.00 |

(B) Embalmer	\$ 300.00
(C) Funeral establishment	\$ 540.00
(D) Crematory establishment	\$ 540.00
(E) <u>Crematory personnel</u>	<u>\$ 85.00</u>
(F) Removal personnel	\$ 85.00
(G) <u>Limited services establishment license</u>	<u>\$ 540.00</u>

* * *

Sec 8. 26 V.S.A. § 1271 is amended to read:

§ 1271. PREPAID ARRANGEMENTS

A funeral ~~director, who~~ establishment that sells services or merchandise ~~which~~ that is not to be delivered or provided within 30 days of sale, has entered into a prepaid funeral arrangement and shall comply with the requirements of this subchapter.

* * * Pharmacy * * *

Sec. 9. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

(26) "Prescription" means an order for a regulated drug made by a physician, physician assistant, advanced practice registered nurse, dentist, or veterinarian licensed under this chapter to prescribe such a drug which shall be

in writing except as otherwise specified in this subdivision. Prescriptions for such drugs shall be made to the order of an individual patient, dated as of the day of issue and signed by the prescriber. The prescription shall bear the full name, address, and date of birth of the patient, or if the patient is an animal, the name and address of the owner of the animal and the species of the animal. Such prescription shall also bear the full name, address, and registry number of the prescriber and, unless electronically prescribed, shall be written with ink, indelible pencil, or typewriter; if typewritten, it shall be signed by the prescriber. A written or typewritten prescription for a controlled substance, as defined in 21 C.F.R. Part 1308, shall contain the quantity of the drug written both in numeric and word form. If a prescription is communicated orally, it shall be reduced promptly to writing by the pharmacist.

* * *

Sec. 10. 18 V.S.A. § 4215b is amended to read:

§ 4215b. IDENTIFICATION

Only a patient for whom a prescription was written, the owner of an animal for which a prescription was written, or a bona fide representative of the patient or animal owner, as defined by the Board of Pharmacy by rule after consultation with the Commissioner of Health, may pick up a prescription for a Schedule II, III, or IV controlled substance. Prior to dispensing a prescription for a Schedule II, III, or IV controlled substance, ~~a~~ to a patient not personally

known to the pharmacist, the pharmacist shall require the individual receiving the drug to provide a signature and show valid and current government-issued photographic identification as evidence that the individual is the patient for whom the prescription was written, the owner of the animal for which the prescription was written, or the bona fide representative of the patient or animal owner. If the individual does not have valid, current government-issued photographic identification, the pharmacist may request alternative evidence of the individual's identity, as appropriate.

Sec. 11. 26 V.S.A. § 2022 is amended to read:

§ 2022. DEFINITIONS

As used in this chapter:

* * *

(19) "Collaborative practice" means a licensed pharmacist providing certain patient care under a written agreement with a Vermont licensed practitioner pursuant to rules adopted by the Board of Pharmacy.

Sec. 12. 26 V.S.A. § 2042a is amended to read:

§ 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR
REGISTRATION

No person shall perform the duties of a pharmacy technician unless registered with the ~~board~~ Board. To obtain a registration as a pharmacy technician, an applicant shall:

(1) not have engaged in acts which affect the ability of the applicant to practice as a pharmacy technician; ~~and~~

(2) be certified or eligible for certification by a national pharmacy technician certification authority pursuant to rules adopted by the Board; and

(3) have paid the fee specified in section 2046 of this ~~title~~ chapter.

* * * Real Estate Brokers and Salespersons * * *

Sec. 13. 26 V.S.A. § 2211 is amended to read:

§ 2211. DEFINITIONS

(a) When used in this chapter, the following definitions shall have the following meanings except where the context clearly indicates that another meaning is intended:

(1) “Commission” means the Vermont ~~real estate commission~~ Real Estate Commission.

* * *

Sec. 14. 26 V.S.A. § 2214 is amended to read:

§ 2214. TRUST AND ESCROW ACCOUNTS

* * *

(b) If a deposit is reasonably expected to earn a substantial amount of interest, the broker shall, at the request of the person or persons making the deposit, place the deposit in an individual interest-bearing trust or escrow

account for the benefit of the beneficial owner. In regard to individual interest-bearing trust and escrow accounts:

* * *

Sec. 15. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

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

- | | |
|---|---------------------|
| (1) Application | |
| (A) Broker license | \$ 50.00 |
| (B) Salesperson license | \$ 50.00 |
| (C) Brokerage firm registration | <u>\$50.00</u> |
| (i) Corporation or partnership | \$ 50.00 |
| (ii) Sole proprietor | \$ 0.00 |
| (D) Branch office registration | \$ 50.00 |
| (2) Biennial renewal of broker or salesperson license | \$175.00 |
| (3) Biennial <u>brokerage firm or branch office</u> | |
| registration renewal | <u>\$75.00</u> |
| (A) Corporation or partnership | \$ 75.00 |
| (B) Sole proprietor | \$ 0.00 |
| (4) Temporary permit | \$ 25.00 |
| (5) Transfer of license | \$ 10.00 |

(6) Transfer to inactive status \$ 25.00

~~(b) A sole proprietor of a brokerage firm shall only pay the sole proprietor application and renewal fees pursuant to this section, provided the brokerage firm has no other persons licensed under this chapter providing professional services within the brokerage firm.~~

Sec. 16. 26 V.S.A. § 2291 is amended to read:

§ 2291. GENERAL PROVISIONS

(a) A real estate license shall not be authority for more than one person to perform the activities listed in section 2211 of this ~~title~~ chapter.

(b) A ~~person, firm, partnership, association, or corporation~~ registered brokerage firm shall designate in its application the individual who is to serve as the principal broker under the ~~license~~ brokerage firm registration.

(c) Every applicant for licensure shall have attained the age of majority.

Sec. 17. 26 V.S.A. § 2293 is amended to read:

§ 2293. RENEWAL OF LICENSE; LAPSED LICENSE

(a)(1) Licenses shall be renewed every two years without examination and on payment of the required fees, provided that the person applying for renewal completes at least ~~46~~ 24 hours of instruction for brokers and 16 hours of instruction for salespersons, approved by the ~~commission~~ Commission, during the preceding two-year period. Four hours of this continuing education

instruction shall address legislation and other topics specified by the ~~real-estate commission~~ Commission for each renewal period.

(2) In addition to the 16 hours of required continuing education for salespersons, within 90 days from the issuance of an initial salesperson license, the salesperson shall complete eight hours of instruction addressing topics specified by the Commission related to the salesperson's practice of the profession post-licensure.

(b) A broker or salesperson applying for reinstatement of a license that has lapsed shall be assessed both the renewal fee and late renewal penalty established by the ~~director of the office of professional regulation~~ Director of the Office of Professional Regulation and shall not be assessed renewal fees for the years during which the license was lapsed. Reinstatement shall not take place until the applicant completes the continuing education required for the previous renewal period.

(c) If a broker or salesperson's license has lapsed for greater than five consecutive years, the broker or salesperson shall apply for reinstatement in accordance with the initial licensure requirements as set forth in section 2292 of this ~~title chapter~~, including a course of instruction and examination. The ~~commission~~ Commission may waive the reinstatement requirements based upon licensed practice in another state.

(d) The ~~commission~~ Commission may waive or postpone compliance with the instructional requirements of this section in cases of extreme hardship on the part of the licensee. No licensee, however, may receive a postponement or waiver for two successive two-year periods of licensure. The ~~commission~~ Commission may accept fewer hours of continuing education instruction for renewal of a license on a prorated basis following an initial licensing period of less than two years.

(e) [Repealed.]

Sec. 18. 26 V.S.A. § 2294 is amended to read:

§ 2294. CHANGE OF NAME OR LOCATION

(a) Whenever a licensed broker desires to be licensed under a different name, the broker shall pay the fee established under section 2255 of this ~~title~~ chapter. ~~A license shall not be issued to a broker in a name other than the broker's own, or transferred to a name other than the broker's own, unless he or she has complied with 11 V.S.A. chapter 15 relating to registration of business entities. If a licensee is a partnership, corporation, or association,~~ Notice of any change in the names and addresses of the ~~partners,~~ licensees shall be given to the ~~real estate commission~~ Commission within ~~ten~~ 30 days after the change becomes effective.

(b) Each licensee shall notify the ~~commission~~ Commission in writing of any change of the licensee's principal business location, and the ~~commission~~

Commission shall issue a new license with the new address for the fee established under section 2255. ~~Duplicate licenses may be obtained on payment of the fee established under section 2255 of this chapter.~~

(c) If a ~~broker~~ brokerage firm maintains more than one place of business within the ~~state~~ State, a branch office ~~license shall be issued to that broker~~ registration is required for each branch office so maintained. Branch offices shall ~~incorporate~~ use the same registered brokerage firm name as the main office and shall ~~have~~ designate a licensed broker in charge for each branch office.

Sec. 19. 26 V.S.A. § 2299 is amended to read:

§ 2299. DEATH OF BROKER; TEMPORARY LICENSE

In the event of the death of a licensed real estate broker, the ~~commission~~ Commission may, upon application by the broker's legal representative, issue without examination a temporary license to such legal representative or to an individual designated by the representative or the broker and approved by the ~~commission~~ Commission on payment of the prescribed fee established under section 2255 of this ~~title~~ chapter. Such temporary licensee may continue to transact said real estate business for a period not to exceed one year. A temporary licensee shall not ~~take new listings~~ enter into new brokerage service agreements.

* * * Opticians * * *

Sec. 20. 26 V.S.A. chapter 47, subchapter 2 is redesignated to read:

Subchapter 2. ~~State Board of Opticians~~ Administration

* * *

* * * Psychology * * *

Sec. 21. 26 V.S.A. § 3001 is amended to read:

§ 3001. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

~~(12) "Psychological trainee" means a person engaged in postdegree supervision who shall register with the board and be subject to its jurisdiction.~~

Sec. 22. 26 V.S.A. § 3010 is amended to read:

§ 3010. FEES; LICENSES

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

(1) Application for license	\$175.00
(2) Biennial renewal of license	\$150.00
(3) Psychological trainee registration	\$ 75.00
(4) Biennial renewal of trainee registration	\$ 90.00

Sec. 23. 26 V.S.A. § 3011a is amended to read:

§ 3011a. APPLICATIONS

* * *

(b) A person engaged in supervised practice in Vermont, if not licensed as a clinical mental health counselor, marriage and family therapist, licensed independent clinical social worker, or licensed master's social worker shall be registered on the roster of psychotherapists who are nonlicensed and noncertified.

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

* * * Private Investigative and Security Services * * *

Sec. 24. 26 V.S.A. § 3162 is amended to read:

§ 3162. POWERS AND DUTIES

The ~~board~~ Board may:

* * *

(7)(A) Adopt rules establishing a security guard or private investigator training program, consisting of not fewer than 40 hours of training, as a prerequisite to registration.

(B) Full-time employees shall complete the training program prior to being issued a permanent registration.

(C)(i) Part-time employees shall complete not fewer than eight hours of training prior to being issued a part-time employee temporary registration, which shall be valid for not more than 180 days from the date of issuance. The remaining training hours for part-time employees shall be completed within the temporary registration period of 180 days or before the employee has worked 500 hours, whichever occurs first. The part-time employee temporary registration may be issued only once and shall expire after 180 days or 500 hours.

(ii) ~~For the purposes of As used in this section~~ subdivision (C), “part-time employee” means an employee who works no more than 80 hours per month.

(iii) The ~~board~~ Board may prioritize training subjects to require that certain subject areas are covered in the initial eight hours of training required for part-time employees.

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Secs. 25-39 [Deleted]

* * * Clinical Mental Health Counselors * * *

Sec. 40. 26 V.S.A. § 3262a is amended to read:

§ 3262a. BOARD OF ALLIED MENTAL HEALTH PRACTITIONERS

(a) A ~~board of allied mental health practitioners~~ Board of Allied Mental Health Practitioners is established.

(b) The ~~board~~ Board shall consist of six members appointed by the ~~governor~~ Governor pursuant to 3 V.S.A. §§ 129b and 2004.

(1) Two members shall be licensed clinical mental health counselors; one member shall be a ~~certified~~ licensed marriage and family therapist; one member shall, at the time of appointment, be a nonlicensed and noncertified psychotherapist entered on the roster; and two members shall be public members.

(2) The public members shall have no direct financial interest personally or through a spouse, parent, child, brother, or sister in clinical mental health counseling, marriage and family therapy, or psychotherapy.

(3) The professional members ~~of the board~~ shall have at least three years of professional experience as a clinical mental health counselor, marriage and family therapist, or psychotherapist, ~~during the period immediately preceding appointment~~ and shall be actively engaged in ~~the practice of clinical mental health counseling, marriage and family therapy, or psychotherapy~~ one of these professions during incumbency.

(c) A majority of the members of the ~~board~~ Board shall constitute a quorum for transacting business, and all action shall be taken upon a majority vote of the members present and voting.

* * * Real Estate Appraisers * * *

Sec. 41. 26 V.S.A. § 3314 is amended to read:

§ 3314. BOARD; POWERS AND DUTIES

(a) The Board shall administer the provisions of this chapter in a manner that conforms in all respects with the requirements of the Act.

(b) In addition to its other powers and duties under this chapter, the Board shall:

(1) receive and review applications;

(2) collect the registry fee as required by the Act and transmit that fee to the ASC. The registry fee shall be in addition to State licensing and registration fees;

(3) annually publish a roster of all licensees and transmit the roster to the ASC as required by the Act;

(4) register appraisal management companies; ~~and~~

(5) inquire of the Vermont Criminal Information Center for any information on criminal records of any and all applicants, and the Center shall provide such information to the Board. The Board, through the Vermont Criminal Information Center, shall also inquire of the appropriate state criminal record repositories in all states in which it has reason to believe an applicant has resided or been employed, and it shall also inquire of the Federal Bureau of Investigation for any information on criminal records of applicants.

The Board shall obtain fingerprints of the applicant, in digital form if practicable, and any appropriate identifying information for submission to the Federal Bureau of Investigation in connection with a state and national background check. Applicants shall bear all costs associated with background screening. The Board may also make additional inquiries it deems necessary into the character, integrity, and reputation of the applicant; and

(6) perform other functions and duties as may be necessary to carry out the provisions of this chapter.

Sec. 42. 26 V.S.A. § 3319a is amended to read:

§ 3319a. APPRAISER TRAINEE REGISTRATION

* * *

~~(b) To be credited toward the hourly experience requirement for licensure, the trainee shall inspect each property appraised with the trainee's supervisor.~~
[Repealed.]

(c) ~~Notwithstanding subsection (b) of this section, the~~ The Board may, in its discretion, give credit for training hours, not exceeding 10 percent of the total hourly experience requirement, for hours worked or training given that does not include or is unrelated to a site inspection.

* * * Tattooists and Body Piercers * * *

Sec. 43. 26 V.S.A. § 4102 is amended to read:

§ 4102. PROHIBITIONS

(a) No person shall practice tattooing, permanent cosmetics, or body piercing unless that person is registered in accordance with the provisions of this chapter.

(b) No person under the age of 18 may practice tattooing, permanent cosmetics, or body piercing.

(c) A tattooist shall not tattoo a minor without the written consent of the parent or guardian of the minor.

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

Sec. 44. 26 V.S.A. § 4104 is amended to read:

§ 4104. ADVISORY APPOINTEES

(a)(1) The Secretary of State shall appoint:

(A) a professional in the field of public health and medicine from a list of persons provided by the Commissioner of Health; and

(B) two registered operators who have been practicing tattooing and body piercing for at least the three years immediately preceding appointment and who shall actively be engaged in the practice of tattooing and body piercing in Vermont during incumbency.

(2) The appointees shall be appointed to serve as advisors in matters relating to tattooing, permanent cosmetics, and body piercing. The appointees shall be appointed as set forth in 3 V.S.A. § 129b.

(b) The Director shall seek the advice of the advisor appointees in carrying out the provisions of this chapter. The advisor appointees shall be entitled to compensation and necessary expenses as provided in 32 V.S.A. § 1010 for attendance at any meeting called by the Director for that purpose.

Sec. 45. 26 V.S.A. § 4105 is amended to read:

§ 4105. REGISTRATION; APPRENTICESHIP REQUIREMENTS

* * *

(b)(1) As a prerequisite to registration, a tattooist or body piercer applicant shall provide proof of an apprenticeship of at least 1,000 hours of experience obtained within two calendar years working under the ~~direction and~~ direct supervision of a body piercer or tattooist registered and in good standing with this ~~state~~ State or the state in which he or she is regulated, and who has been in practice a minimum of three years. ~~Such proof~~ Proof may be in the form of a sworn affidavit from the supervising tattooist or body piercer, including information as the ~~director~~ Director may reasonably require on forms provided by the ~~director~~ Director.

(2) Apprenticeships shall include successful completion of a three-hour course in universal precautions and infectious diseases.

(3) Apprentices shall contact the ~~office~~ Office for the appropriate forms prior to beginning the apprenticeship.

(4) ~~For the purposes of As used in this section subsection,~~ “good standing” shall mean that the tattooist or body piercer supervisor holds a current, unrestricted ~~license registration in this State or an unrestricted authorization to practice tattooing or body piercing in another state.~~ A tattooist or body piercer who holds a restricted ~~license registration or restricted authorization to practice~~ may petition the ~~director~~ Director for permission to be a tattooist or body piercer supervisor, which may be granted by the ~~director~~ Director for good cause shown.

(c)(1) As a prerequisite to registration for the practice of permanent cosmetics, an applicant shall provide proof of a course of approved study lasting at least 60 hours. In addition, the applicant shall obtain at least 40 hours of practical experience, within two calendar years preceding the application, working under the direct supervision of a ~~registered~~ tattooist or permanent cosmetologist registered and in good standing in Vermont with this State or the state where in which he or she is regulated, and who has been in practice a minimum of three years. Proof may be in the form of a sworn affidavit from the supervising permanent cosmetologist or tattooist, including information ~~in a form~~ as the ~~director~~ Director may reasonably require on forms provided by the Director.

(2) Training shall include successful completion of a three-hour course in universal precautions and infectious diseases.

(3) Prior to training and obtaining practical experience, applicants shall contact the ~~office~~ Office and submit the appropriate forms.

(4) ~~For the purposes of~~ As used in this section subsection, “in good standing” shall mean that the permanent cosmetologist or tattooist supervisor holds a current, unrestricted ~~license~~ registration in this State or an unrestricted authorization to practice permanent cosmetics or tattooing in another state. A permanent cosmetologist or tattooist who holds a restricted ~~license~~ registration or restricted authorization to practice may petition the ~~director~~ Director for permission to be a supervisor, which the ~~director~~ Director may grant for good cause shown.

(d) No shop shall operate in this ~~state~~ State without first registering with the ~~office of professional regulation~~ Office of Professional Regulation and paying a fee of \$100.00. Registration shall be in the form required by the ~~director~~ Director.

(1) No shop shall be granted registration unless the shop complies with this chapter and rules adopted under this chapter.

(2) All shops shall designate a person, who is ~~licensed pursuant to~~ registered under this chapter in the practice of tattooing or body piercing, who shall be responsible for overall cleanliness and sanitation of the shop.

(3) The practice of tattooing or body piercing shall be permitted only in registered shops.

(4) The practice of permanent cosmetics may be performed anywhere the practice of tattooing is ~~licensed~~ permitted, on the premises of a health care professional licensed pursuant to this title, or on premises meeting the sanitation requirements of this chapter as determined by the ~~director~~ Director or as set forth by rule.

(e) [Repealed.]

* * * Naturopathic Physicians * * *

Sec. 46. 26 V.S.A. § 4125 is amended to read:

§ 4125. DIRECTOR; DUTIES

* * *

(e)(1) The Director shall appoint an advisory committee to study and report to the Director and the Commissioner of Health on matters relating to the prescribing authority of naturopathic physicians under the special license endorsement, including recommendations if necessary for revisions to the administrative rules in order to ensure that naturopathic physicians prescribe, dispense, and administer prescription medicines within the scope of a naturopathic physician's pharmacology education, training, and experience.

(2) The Committee shall be composed of at least seven members: two naturopathic physicians, two physicians licensed by the Board of Medical

Practice or the Board of Osteopathic Physicians and Surgeons, a pharmacologist, a pharmacist, and a member of the public.

(3) Members of the Committee shall be entitled to compensation at the rate provided in 32 V.S.A. § 1010.

* * * Midwives * * *

Sec. 47. 26 V.S.A. § 4185 is amended to read:

§ 4185. DIRECTOR; DUTIES

* * *

(c)(1) The Director shall appoint an advisory committee to study and report to the Director and to the Commissioner of Health on matters relating to midwifery, including recommendations if necessary for revisions to the administrative rules. The Committee shall focus on improving communication and collaboration among birth providers.

(2) The Committee shall be composed of at least six members: three midwives licensed under this chapter, two physicians licensed by the Board of Medical Practice or the Board of Osteopathic Physicians and Surgeons, and one advanced practice registered nurse midwife licensed by the Board of Nursing.

(3) Members of the Committee shall be entitled to compensation at the rate provided in 32 V.S.A. § 1010.

* * * Electrologists * * *

Sec. 48. 26 V.S.A. § 4402 is amended to read:

§ 4402. DEFINITIONS

As used in this chapter:

* * *

(3) "Electrology" means the removal of hair by electrical current using needle/probe electrode-type epilation which would include electrolysis (direct current/DC), thermolysis (alternating current/AC), or a combination of both (superimposed or sequential blend). "Electrology" includes the use ~~by properly trained licensed electrologists of lasers approved by the United States U.S. Food and Drug Administration for electrology and as otherwise permitted by Vermont law~~ by electrologists possessing a special license endorsement set forth in subsection 4404(d) of this chapter.

* * *

Sec. 49. 26 V.S.A. § 4403 is amended to read:

§ 4403. PROHIBITION; PENALTY

* * *

(c) A person licensed under this chapter shall not use lasers for hair removal without obtaining from the Director the special license endorsement set forth in subsection 4404(d) of this chapter.

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

Sec. 50. 26 V.S.A. § 4404 is amended to read:

§ 4404. DIRECTOR; DUTIES

* * *

(d) The Director shall adopt rules regulating a special license endorsement which shall authorize an electrologist to use lasers for hair removal. These rules shall require an electrologist to complete a comprehensive laser hair removal course satisfactorily in order to obtain this special license endorsement.

Sec. 51. EFFECTIVE DATE

This act shall take effect on July 1, 2014.