

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House Bill  
3 No. 656 entitled “An act relating to professions and occupations regulated by  
4 the Office of Professional Regulation” respectfully reports that it has  
5 considered the same and recommends that the bill be amended by striking out  
6 all after the enacting clause and inserting in lieu thereof the following:

7 \* \* \* General Provisions \* \* \*

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

9 § 122. OFFICE OF PROFESSIONAL REGULATION

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

14 \* \* \*

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

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

17 \* \* \*

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

19 \* \* \*

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

21 (21) Motor Vehicle Racing ~~Commission~~

1 (22) Boxing-

2 \* \* \*

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

4 \* \* \*

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

6 \* \* \*

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

8 § 123. DUTIES OF OFFICE

9 \* \* \*

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

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

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

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

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

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

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

2 Vermont.

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

4 § 128. DISCIPLINARY ACTION TO BE REPORTED TO THE BOARD

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

20 \* \* \*



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

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

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

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



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

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

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

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

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

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

17 (b) Nothing in this section shall prohibit:

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

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

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

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

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

13           Specifically, crematory personnel may:

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

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

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

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



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

2 § 1252. APPLICATION; QUALIFICATIONS

3 \* \* \*

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

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

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

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

17 (g) Limited services establishment.

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

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

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

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

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

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

15 § 1256. RENEWAL OF REGISTRATION OR LICENSE

16 \* \* \*

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

19 (1) Application for license \$ 70.00

20 (2) Biennial renewal of license

21 (A) Funeral director \$ 300.00

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

7 \* \* \*

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

9 § 1271. PREPAID ARRANGEMENTS

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

14 \* \* \* Nursing \* \* \*

15 Sec. 9. 26 V.S.A. § 1583 is amended to read:

16 § 1583. EXCEPTIONS

17 This chapter does not prohibit:

18 \* \* \*

19 (2) The practice of nursing which is incidental to their program of study  
20 by persons enrolled in approved nursing education programs approved by the  
21 ~~board, or graduates of approved nursing education programs pending the~~

1 ~~results of the first licensing examination scheduled by the board following~~  
2 ~~graduation. Graduates shall so practice under supervision of a professional~~  
3 ~~nurse and shall have an application for registration and licensure by~~  
4 ~~examination on file Board.~~

5 \* \* \*

6 Sec. 10. 26 V.S.A. § 1584 is amended to read:

7 § 1584. PROHIBITIONS; OFFENSES

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

10 (1) ~~Sell~~ sell or fraudulently obtain or furnish any nursing degree,  
11 diploma, certificate of registration, license, or any other related document or  
12 record, or to aid or abet therein;

13 (2) ~~Practise~~ practice nursing under cover of any degree, diploma,  
14 registration, license, or related document or record illegally or fraudulently  
15 obtained or signed or issued unlawfully or under fraudulent representation;

16 (3) ~~Practise~~ practice nursing unless duly registered and currently  
17 licensed to do so under the provisions of this chapter;

18 (4) ~~Use~~ use in connection with a name any words, letters, signs, or  
19 figures which imply that a person is a registered or practical nurse or an  
20 advanced practice registered nurse when not authorized under this chapter;

1 (5) ~~Practice~~ practice nursing during the time a license issued under this  
2 chapter is suspended or revoked;

3 (6) ~~Conduct~~ conduct a nursing education program unless the program  
4 has been approved by the board; or

5 (7) ~~Employ~~ employ unlicensed persons to practice registered nursing,  
6 practical nursing, or as a nursing assistant.

7 (8) [Deleted.]

8 (b) Any person violating this section shall be subject to the penalties  
9 provided in ~~3 V.S.A. § 127(e)~~ 3 V.S.A. § 127.

10 (c) ~~[Deleted.]~~ The Board of Nursing may hear an action to enforce this  
11 section and impose a civil penalty of not more than \$1,000.00 for violations of  
12 subdivisions (a)(3)–(7) of this section by any person, including any  
13 corporation, association, or individual.

14 Sec. 11. 26 V.S.A. § 1592 is amended to read:

15 § 1592. DEFINITIONS

16 As used in this subchapter:

17 (1) “Nursing assistant” means an individual, ~~regardless of title,~~ who  
18 performs nursing or nursing related functions under the supervision of a  
19 licensed nurse.

20 \* \* \*

1           (3) “Medication nursing assistant” means a licensed nursing assistant  
2 ~~holding a currently valid~~ authorized by special endorsement ~~authorizing the~~  
3 ~~delegation to the nursing assistant of tasks of~~ issued by the Board to perform  
4 medication administration ~~activities performed~~ in a nursing home as defined by  
5 rule.

6 Sec. 12. 26 V.S.A. § 1592a is amended to read:

7 § 1592a. MEDICATION NURSING ASSISTANT ENDORSEMENT OF  
8 ~~MEDICATION ADMINISTRATION FOR LICENSED NURSING~~  
9 ~~ASSISTANTS~~

10           (a) The ~~board~~ Board may issue ~~an endorsement of a~~ medication  
11 ~~administration~~ nursing assistant endorsement to a ~~current~~ licensed nursing  
12 assistant who:

13           (1)(A) has participated in and completed a ~~board-approved medication~~  
14 ~~administration~~ Board-approved medication nursing assistant education and  
15 competency evaluation program; and

16           (B) met the standards established by the Board by rule;

17           (2) has passed an examination approved by the ~~board~~ Board; and

18           (3) has paid the application fee.

19           (b) The medication nursing assistant endorsement shall be renewed ~~by the~~  
20 ~~medication nursing assistant~~ according to a schedule established by the ~~board~~

1 Office of Professional Regulation and pursuant to ~~any other~~ requirements as  
2 the ~~board~~ Board may establish by rule.

3 Sec. 13. 26 V.S.A. § 1595 is amended to read:

4 § 1595. REGULATORY AUTHORITY; UNPROFESSIONAL CONDUCT

5 The ~~board~~ Board may deny an application for licensure or renewal or  
6 revoke, suspend, discipline, or otherwise condition the license of a nursing  
7 assistant who engages in the following conduct or the conduct set forth in  
8 3 V.S.A. § 129a:

9 \* \* \*

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.~~

15 ~~(9) [Repealed.]~~

16 \* \* \* Pharmacy \* \* \*

17 Sec. 14. 18 V.S.A. § 4201 is amended to read:

18 § 4201. DEFINITIONS

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

20 \* \* \*





1 consultation with the Commissioner of Health, may pick up a prescription for a  
2 Schedule II, III, or IV controlled substance. Prior to dispensing a prescription  
3 for a Schedule II, III, or IV controlled substance, ~~a~~ to a patient not personally  
4 known to the pharmacist, the pharmacist shall require the individual receiving  
5 the drug to provide a signature and show valid and current government-issued  
6 photographic identification as evidence that the individual is the patient for  
7 whom the prescription was written, the owner of the animal for which the  
8 prescription was written, or the bona fide representative of the patient or  
9 animal owner. If the individual does not have valid, current  
10 government-issued photographic identification, the pharmacist may request  
11 alternative evidence of the individual's identity, as appropriate.

12 Sec. 16. 26 V.S.A. § 2022 is amended to read:

13 § 2022. DEFINITIONS

14 As used in this chapter:

15 \* \* \*

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

1 Sec. 17. 26 V.S.A. § 2042a is amended to read:

2 § 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR  
3 REGISTRATION

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

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

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

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

12 \* \* \* Real Estate Brokers and Salespersons \* \* \*

13 Sec. 18. 26 V.S.A. § 2211 is amended to read:

14 § 2211. DEFINITIONS

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

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

20 \* \* \*

1 Sec. 19. 26 V.S.A. § 2214 is amended to read:

2 § 2214. TRUST AND ESCROW ACCOUNTS

3 \* \* \*

4 (b) If a deposit is reasonably expected to earn a substantial amount of  
5 interest, the broker shall, at the request of the person or persons making the  
6 deposit, place the deposit in an individual interest-bearing trust or escrow  
7 account for the benefit of the beneficial owner. In regard to individual  
8 interest-bearing trust and escrow accounts:

9 \* \* \*

10 Sec. 20. 26 V.S.A. § 2255 is amended to read:

11 § 2255. FEES

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

14 (1) Application

15 (A) Broker license \$ 50.00

16 (B) Salesperson license \$ 50.00

17 (C) Brokerage firm registration \$50.00

18 ~~(i) Corporation or partnership \$ 50.00~~

19 ~~(ii) Sole proprietor \$ 0.00~~

20 (D) Branch office registration \$ 50.00

21 (2) Biennial renewal of broker or salesperson license \$175.00

1	(3) Biennial <u>brokerage firm or branch office</u>	
2	registration renewal	<u>\$75.00</u>
3	(A) <del>Corporation or partnership</del>	<del>\$ 75.00</del>
4	(B) <del>Sole proprietor</del>	<del>\$ 0.00</del>
5	(4) Temporary permit	\$ 25.00
6	(5) Transfer of license	\$ 10.00
7	(6) Transfer to inactive status	\$ 25.00

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

12       Sec. 21. 26 V.S.A. § 2291 is amended to read:

13       § 2291. GENERAL PROVISIONS

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

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

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

1 Sec. 22. 26 V.S.A. § 2293 is amended to read:

2 § 2293. RENEWAL OF LICENSE; LAPSED LICENSE

3 (a)(1) Licenses shall be renewed every two years without examination and  
4 on payment of the required fees, provided that the person applying for renewal  
5 completes at least ~~16~~ 24 hours of instruction for brokers and 16 hours of  
6 instruction for salespersons, approved by the ~~commission~~ Commission, during  
7 the preceding two-year period. Four hours of this continuing education  
8 instruction shall address legislation and other topics specified by the ~~real-estate~~  
9 ~~commission~~ Commission for each renewal period.

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

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

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

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

14 (e) [Repealed.]

15 Sec. 23. 26 V.S.A. § 2294 is amended to read:

16 § 2294. CHANGE OF NAME OR LOCATION

17 (a) Whenever a licensed broker desires to be licensed under a different  
18 name, the broker shall pay the fee established under section 2255 of this ~~title~~  
19 chapter. ~~A license shall not be issued to a broker in a name other than the~~  
20 ~~broker's own, or transferred to a name other than the broker's own, unless he~~  
21 ~~or she has complied with 11 V.S.A. chapter 15 relating to registration of~~

1 ~~business entities. If a licensee is a partnership, corporation, or association,~~  
2 ~~notice~~ Notice of any change in the names and addresses of the ~~partners,~~  
3 ~~officers, or associates~~ licensees shall be given to the ~~real estate commission~~  
4 Commission within ~~ten~~ 30 days after the change becomes effective.

5 (b) Each licensee shall notify the ~~commission~~ Commission in writing of  
6 any change of the licensee's principal business location, and the ~~commission~~  
7 Commission shall issue a new license with the new address for the fee  
8 established under section 2255. ~~Duplicate licenses may be obtained on~~  
9 ~~payment of the fee established under section 2255 of this chapter.~~

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

16 Sec. 24. 26 V.S.A. § 2299 is amended to read:

17 § 2299. DEATH OF BROKER; TEMPORARY LICENSE

18 In the event of the death of a licensed real estate broker, the ~~commission~~  
19 Commission may, upon application by the broker's legal representative, issue  
20 without examination a temporary license to such legal representative or to an  
21 individual designated by the representative or the broker and approved by the



1 ~~commission~~ Commission on payment of the prescribed fee established under  
2 section 2255 of this ~~title~~ chapter. Such temporary licensee may continue to  
3 transact said real estate business for a period not to exceed one year. A  
4 temporary licensee shall not ~~take new listings~~ enter into new brokerage service  
5 agreements.

6 \* \* \* Opticians \* \* \*

7 Sec. 25. 26 V.S.A. chapter 47, subchapter 2 is redesignated to read:

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

9 \* \* \*

10 \* \* \* Psychology \* \* \*

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

12 § 3001. DEFINITIONS

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

14 \* \* \*

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

17 Sec. 27. 26 V.S.A. § 3010 is amended to read:

18 § 3010. FEES; LICENSES

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

21 (1) Application for license \$175.00

1	(2) Biennial renewal of license	\$150.00
2	<del>(3) Psychological trainee registration</del>	<del>\$ 75.00</del>
3	<del>(4) Biennial renewal of trainee registration</del>	<del>\$ 90.00</del>

4 Sec. 28. 26 V.S.A. § 3011a is amended to read:

5 § 3011a. APPLICATIONS

6 \* \* \*

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

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

15 \* \* \* Private Investigative and Security Services \* \* \*

16 Sec. 29. 26 V.S.A. § 3162 is amended to read:

17 § 3162. POWERS AND DUTIES

18 The ~~board~~ Board may:

19 \* \* \*



\* \* \* Social Workers \* \* \*

Sec. 30. 26 V.S.A. chapter 61 is redesignated to read:

CHAPTER 61. ~~CLINICAL~~ SOCIAL WORKERS

Sec. 31. 26 V.S.A. § 3201 is amended to read:

§ 3201. DEFINITIONS

As used in this chapter:

(1) ~~“Clinical social work” is defined as providing a service, for a consideration, which is primarily drawn from the academic discipline of social work theory, in which a special knowledge of social resources, human capabilities, and the part that motivation plays in determining behavior, is directed at helping people to achieve a more adequate, satisfying, and productive psychosocial adjustment. The application of social work principles and methods includes, but is not restricted to assessment, diagnosis, prevention, and amelioration of adjustment problems and emotional and mental disorders of individuals, families, and groups. The scope of practice for licensed clinical social workers includes the provision of psychotherapy.~~

“Director” means the Director of the Office of Professional Regulation.

(2) ~~“Clinical social worker” means a person who practices clinical social work in some or all of its aspects and is licensed to practice clinical social work in this state.~~ “Licensed independent clinical social worker” means a person licensed under this chapter to practice independent clinical social work,

1 which includes providing social work and psychotherapy services. Licensed  
2 independent clinical social workers are qualified to use the Diagnostic and  
3 Statistical Manual of Mental Disorders (DSM), the International Classification  
4 of Diseases (ICD), and other diagnostic classification systems used in  
5 diagnosis and other activities.

6 (3) ~~“Disciplinary action” or “disciplinary cases” includes any action~~  
7 ~~taken by the secretary of state or an administrative law officer established by~~  
8 ~~3 V.S.A. § 129(j) against a licensed clinical social worker or applicant~~  
9 ~~premised on a finding of unprofessional conduct by the licensed clinical social~~  
10 ~~worker or applicant. It includes all sanctions of any kind, refusal to grant or~~  
11 ~~renew a license, suspension or revocation of a license, issuing warnings, and~~  
12 ~~other similar sanctions. “Licensed master’s social worker” means a person~~  
13 ~~licensed under this chapter who practices social work. Psychotherapy is not~~  
14 ~~within the scope of practice of a licensed master’s social worker.~~

15 (4) “Office” means the Office of Professional Regulation.

16 ~~(4)(5)(A)~~ “Psychotherapy” means the provision of treatment, diagnosis,  
17 evaluation, or counseling services to individuals or groups, for a consideration,  
18 for the purpose of alleviating mental disorders.

19 (B) “Psychotherapy” involves the application of therapeutic  
20 techniques to understand unconscious or conscious motivation, resolve

1 emotional, relationship or attitudinal conflicts, or modify behavior which  
2 interferes with effective emotional, social, or mental functioning.

3 (C) “Psychotherapy” follows a systematic procedure of  
4 psychotherapeutic intervention which takes place on a regular basis over a  
5 period of time, or, in the case of evaluation and brief psychotherapies, in a  
6 single or limited number of interventions.

7 (D) If a person is employed by or under contract with the ~~agency of~~  
8 ~~human services~~ Agency of Human Services, this definition does not apply to  
9 persons with less than a master’s degree, to persons providing life skills  
10 training or instruction, such as learning to make friends, to handle social  
11 situations, to do laundry, and to develop community awareness, or interactions  
12 of employees or contracted individuals with clients whose job description or  
13 contract specifications do not specifically mention “psychotherapy” as a job  
14 responsibility or duty.

15 (6) “Social work” is defined as providing a service, for a consideration,  
16 which is primarily drawn from the academic discipline of social work theory,  
17 in which a special knowledge of social resources, human capabilities, and the  
18 part that motivation plays in determining behavior, is directed at helping  
19 people to achieve a more adequate, satisfying, and productive psychosocial  
20 adjustment. The application of social work principles and methods includes

1 assessment, diagnosis, prevention, and amelioration of adjustment problems  
2 and emotional and mental disorders of individuals, families, and groups.

3 Sec. 32. TRANSITIONAL PROVISION; PERSONS CURRENTLY  
4 LICENSED AS CLINICAL SOCIAL WORKERS

5 A person licensed as a clinical social worker on the effective date of  
6 Sec. 30, 26 V.S.A. § 3201 (definitions), of this act shall be deemed to be  
7 licensed at the level of a licensed independent clinical social worker, as that  
8 term is defined in that section, and may within the limits of his or her  
9 education, training, and experience practice all aspects of social work without  
10 restriction.

11 Sec. 33. 26 V.S.A. § 3202 is amended to read:

12 § 3202. PROHIBITION, OFFENSES

13 (a) No person shall practice or attempt to practice licensed independent  
14 clinical social work or licensed master's social work, nor shall any person use  
15 in connection with the person's name any letters, words, or insignia indicating  
16 or implying that the person is a licensed independent clinical social worker or a  
17 licensed master's social worker unless the person is licensed in accordance  
18 with this chapter.

19 (b) A person who violates any of the provisions of subsection (a) of this  
20 section shall be subject to the penalties provided in ~~3 V.S.A. § 127(e)~~  
21 3 V.S.A. § 127.

1 Sec. 34. 26 V.S.A. § 3203 is amended to read:

2 § 3203. DIRECTOR OF THE OFFICE OF PROFESSIONAL  
3 REGULATION; DUTIES

4 (a) The ~~director of professional regulation~~ Director shall:

5 (1) explain appeal procedures to ~~licensed clinical social workers~~  
6 licensees and applicants and complaint procedures to the public;

7 (2) administer fees collected under this chapter;

8 (3) provide general information to applicants for licensure as licensed  
9 independent clinical social workers and licensed master's social workers;

10 (4) receive applications for licensing, license applicants qualified under  
11 this chapter, or renew, revoke, reinstate, and condition ~~licensing~~ licenses as  
12 ordered by an administrative law officer; and

13 (5) adopt by rule criteria for licensing independent clinical social  
14 workers and licensed master's social workers who have five years' licensed or  
15 certified practice experience in another jurisdiction of the United States or  
16 Canada.

17 (b) The ~~director~~ Director, with the advice of two licensed independent  
18 clinical social workers appointed under section 3204 of this ~~title~~ chapter, may  
19 adopt rules necessary to enable the ~~director~~ Director to perform his or her  
20 duties under subsection (a) of this section.



1 Sec. 35. 26 V.S.A. § 3204 is amended to read:

2 § 3204. ADVISOR APPOINTEES

3 (a) The ~~secretary of state~~ Secretary of State shall appoint two licensed  
4 independent clinical social workers to serve as advisors in matters relating to  
5 licensed ~~clinical~~ social workers. They shall be appointed as set forth in  
6 3 V.S.A. § 129b and shall serve at the pleasure of the ~~secretary~~ Secretary. One  
7 of the initial appointments may be for less than a full term.

8 (b) Appointees shall not have less than three years' experience as a licensed  
9 independent clinical social worker ~~certified or licensed under this chapter~~  
10 ~~during the period immediately preceding appointment~~ and shall be actively  
11 ~~engaged in the~~ active practice of ~~clinical social work~~ in Vermont during  
12 incumbency.

13 (c) The ~~office of professional regulation~~ Director shall refer complaints and  
14 disciplinary matters to an administrative law officer established under 3 V.S.A.  
15 § 129(j).

16 (d) The ~~director~~ Director shall seek the advice of the ~~clinical social workers~~  
17 advisors appointed under this section in carrying out the provisions of this  
18 chapter. Such members shall be entitled to compensation and expenses as  
19 provided in 32 V.S.A. § 1010 for attendance at any meeting called by the  
20 ~~director~~ Director for this purpose.

1 Sec. 36. 26 V.S.A. § 3205 is amended to read:

2 § 3205. LICENSED MASTER’S SOCIAL WORKER ELIGIBILITY

3 (a) To be eligible for licensing as a ~~clinical~~ licensed master’s social worker  
4 an applicant ~~must~~ shall have:

5 (1) received a master’s degree or ~~doctorate~~ doctoral degree from an  
6 accredited social work education program;

7 (2) ~~{Deleted.}~~ within five years prior to applying for licensure, passed  
8 the examinations designated by the Director; and

9 (3) completed ~~3,000~~ 1,200 hours of supervised practice of ~~clinical~~ social  
10 work as defined by rule under the supervision of a ~~licensed physician or a~~  
11 ~~licensed osteopathic physician who has completed a residency in psychiatry, a~~  
12 ~~licensed psychologist, a licensed clinical mental health counselor, a person~~  
13 ~~licensed or certified~~ under this chapter, or a person licensed ~~or certified~~ in  
14 another state or Canada ~~in one of these professions~~ as a licensed independent  
15 clinical social worker or a licensed master’s social worker or their substantial  
16 equivalent.

17 (b) Persons engaged in ~~post masters~~ post-master’s degree supervised  
18 practice in Vermont to become licensed master’s social workers shall ~~be~~  
19 ~~entered on the roster of nonlicensed, noncertified psychotherapists; register~~  
20 with the Office as provided by rule.

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       Sec. 37. 26 V.S.A. § 3205a is added to read:

10       § 3205a. LICENSED INDEPENDENT CLINICAL SOCIAL WORKER

11                 ELIGIBILITY

12           (a) To be eligible for licensure as a licensed independent clinical social  
13 worker, an applicant shall have:

14                 (1) received a master's degree or doctoral degree from an accredited  
15 social work education program;

16                 (2) within five years prior to applying for licensure, passed the  
17 examinations designated by the Director; and

18                 (3) completed 3,000 hours of supervised practice of independent clinical  
19 social work as defined by rule under the supervision of a:

20                         (A) licensed independent clinical social worker;

21                         (B) licensed independent clinical mental health counselor;

1           (C) licensed psychologist; or  
2           (D) a person licensed or certified in another state or Canada in one of  
3           these professions or their substantial equivalent.

4           (b) Persons not licensed as master’s social workers who engage in  
5           post-master’s supervised practice in Vermont toward licensure as licensed  
6           independent clinical social workers shall be entered on the roster of  
7           nonlicensed, noncertified psychotherapists.

8           (c) Licensed master’s social workers who engage in post-master’s  
9           supervised practice to become licensed independent clinical social workers  
10          must first register with the Office as set forth by rule, if the supervised practice  
11          toward licensure as an independent clinical social worker is to occur within the  
12          State of Vermont.

13          Sec. 38. 26 V.S.A. § 3206 is amended to read:

14          § 3206. APPLICATION

15          A person who desires to be licensed as a ~~clinical social worker~~ under this  
16          chapter shall apply to the secretary in writing on a using an application form  
17          ~~furnished by the secretary~~ available from the Office, accompanied by payment  
18          of the specified fee.

1       Sec. 39. 26 V.S.A. § 3207 is amended to read:

2       § 3207. EXAMINATION

3           ~~(a) The director of professional regulation shall conduct examinations~~  
4       ~~under this chapter at least once a year at a time and place designated by it,~~  
5       ~~provided, however, that examinations need not be conducted at times when~~  
6       ~~there are no applicants requesting to be examined. Examinations shall be~~  
7       ~~written. Each applicant shall be designated by a number so that his or her~~  
8       ~~name is not disclosed to the director until the examination has been graded.~~  
9       ~~Examinations shall include questions in such theoretical and applied fields as~~  
10       ~~the director deems most suitable to test an applicant's knowledge and~~  
11       ~~competence to engage in the practice of clinical social work. The director of~~  
12       ~~professional regulation, with the advice of the clinical social workers appointed~~  
13       ~~under section 3204 of this title, shall establish by rule fixed criteria for passing~~  
14       ~~an examination that shall apply to all persons taking the examination.~~

15           ~~(b) Examinations administered by the director and the procedures of~~  
16       ~~administration shall be fair and reasonable and shall be designed and~~  
17       ~~implemented to ensure that all applicants are granted a license if they~~  
18       ~~demonstrate that they possess the minimal occupational qualifications which~~  
19       ~~are consistent with the public health, safety, and welfare. They shall not be~~  
20       ~~designed or implemented for the purpose of limiting the number of licenses~~  
21       ~~issued.~~

1       ~~(e) The director of the office of professional regulation~~ Director may  
2 contract with ~~clinical social workers or with~~ independent testing services for  
3 the preparation and administration of ~~the exam~~ examinations.

4       Sec. 40. 26 V.S.A. § 3208 is amended to read:

5       § 3208. RENEWALS

6       (a) Licenses shall be renewed every two years on a schedule determined by  
7 the Office and upon payment of the required fee.

8       (b) An application for ~~renewal~~ reinstatement of a license which has lapsed  
9 shall be accompanied by the renewal fee in addition to ~~the reinstatement fee~~  
10 other fees set forth in 3 V.S.A. chapter 5. A person shall not be required to pay  
11 renewal fees for the years during which the license was lapsed.

12       (c) ~~The director may, after notice and an opportunity for hearing, revoke a~~  
13 ~~person's right to renew his or her license if such license has lapsed for five~~  
14 ~~years.~~ [Repealed.]

15       (d) As a condition of renewal, a licensee shall complete continuing  
16 education, approved by the ~~director~~ Director by rule, during the preceding  
17 two-year period. For purposes of this subsection, the ~~director~~ Director may  
18 require, as set forth by rule, not more than 20 hours of approved continuing  
19 social work education as a condition of renewal.

20       (e) The Director may by rule prescribe standards for persons wishing to  
21 resume practice after five years since holding an active license.

1 Sec. 41. 26 V.S.A. § 3209 is amended to read:

2 § 3209. ~~LICENSING WITHOUT EXAMINATION~~ LICENSURE BY  
3 ENDORSEMENT

4 The ~~director of the office of professional regulation~~ Director may, upon  
5 payment of the required fee, grant a license without examination if the  
6 applicant:

7 (1) ~~is licensed~~ holds an active license to practice ~~clinical~~ licensed  
8 master's social work or licensed independent clinical social work in another  
9 state or Canadian jurisdiction; and

10 (2) the requirements for licensing in that state or jurisdiction are, in the  
11 judgment of the ~~director of the office of professional regulation~~ Director,  
12 ~~essentially~~ substantially equivalent to the requirements of this chapter.

13 Sec. 42. 26 V.S.A. § 3210 is amended to read:

14 § 3210. UNPROFESSIONAL CONDUCT

15 (a) The following conduct and the conduct set forth in 3 V.S.A. § 129a by a  
16 person licensed ~~social worker~~ under this chapter constitutes unprofessional  
17 conduct. When that conduct is by an applicant or a person who later becomes  
18 an applicant, it may constitute grounds for denial or discipline of a license:

19 (1) failing to use a correct title in professional activity;

20 (2) conduct which evidences unfitness to practice licensed independent  
21 clinical social work or licensed master's social work;

1           (3) engaging in any sexual conduct with a client, or with the immediate  
2 family member of a client, with whom the licensee has had a professional  
3 relationship within the previous two years;

4           (4) harassing, intimidating, or abusing a client or patient;

5           (5) practicing outside or beyond a ~~clinical social worker's area of~~  
6 licensee's education, training, experience, or competence ~~without appropriate~~  
7 supervision;

8           (6) ~~engaging in conflicts~~ having a conflict of interest that ~~interfere~~  
9 interferes with the exercise of the ~~clinical social worker's licensee's~~  
10 professional responsibilities, discretion, and impartial judgment;

11           (7) failing to inform a client when a real or potential conflict of interest  
12 arises, and failing to take reasonable steps to resolve the issue in a manner that  
13 makes the client's interest primary and protects the client's interest to the  
14 greatest extent possible;

15           (8) taking unfair advantage of any professional relationship or exploiting  
16 others to further the ~~clinical social worker's licensee's~~ licensee's personal, religious,  
17 political, or business interests;

18           (9) engaging in dual or multiple relationships with a client or former  
19 client in which there is a risk of exploitation or potential harm to the client;



1 (10) failing to take steps to protect a client and to set clear, appropriate,  
2 and culturally sensitive boundaries, in instances where dual or multiple  
3 relationships are unavoidable;

4 (11) failing to clarify with all parties which individuals will be  
5 considered clients and the nature of the ~~clinical social worker's~~ licensee's  
6 professional obligations to the various individuals who are receiving services,  
7 when a ~~clinical social worker~~ licensee provides services to two or more people  
8 who have a spousal, familial, or other relationship with each other;

9 (12) failing to clarify the ~~clinical social worker's~~ licensee's role with the  
10 parties involved and to take appropriate action to minimize any conflicts of  
11 interest, when the clinical social worker anticipates a conflict of interest among  
12 the individuals receiving services or anticipates having to perform in  
13 conflicting roles such as testifying in a child custody dispute or divorce  
14 proceedings involving clients.

15 (b) After hearing, and upon a finding of unprofessional conduct, an  
16 administrative hearing officer may take disciplinary action against a ~~licensed~~  
17 ~~clinical social worker~~ licensee or applicant.

18 Sec. 43. 26 V.S.A. § 3212 is amended to read:

19 § 3212. EXEMPTIONS

20 (a) The provisions of this chapter shall not apply to persons while engaged  
21 in the course of their customary duties as clergy, licensed physicians, nurses,

1 osteopaths, optometrists, dentists, lawyers, psychologists, mental health  
2 counselors, certified marriage and family therapists and psychoanalysts,  
3 rostered psychotherapists, or licensed educators when performing their duties  
4 consistent with the accepted standards of their respective professions;  
5 provided, however, that they do not describe themselves to the public by any  
6 other title or description stating or implying that they are licensed independent  
7 clinical social workers or ~~are licensed to practice clinical social work~~ master's  
8 social workers.

9 \* \* \*

10 (c) ~~Notwithstanding the provisions of subsections (a) and (b) of this~~  
11 ~~section, the provisions of this chapter shall apply to any person licensed as a~~  
12 ~~clinical social worker under this chapter.~~ [Repealed.]

13 Sec. 44. 26 V.S.A. § 3213 is amended to read:

14 § 3213. DISCLOSURE OF INFORMATION

15 (a) ~~The office of professional regulation~~ Director, in consultation with the  
16 advisor appointees, shall adopt rules requiring licensed independent clinical  
17 social workers to disclose to each client the licensed independent clinical social  
18 worker's professional qualifications and experience, those actions that  
19 constitute unprofessional conduct, the method for filing a complaint or making  
20 a consumer inquiry, and provisions relating to the manner in which the  
21 information shall be displayed and signed by both the licensed independent

1 clinical social worker and the client. The rules may include provisions for  
2 applying or modifying these requirements in cases involving institutionalized  
3 clients, minors, and adults under the supervision of a guardian.

4 (b) The Director, in consultation with the advisor appointees, may adopt  
5 rules requiring licensed master’s social workers to disclose to each client the  
6 licensed master’s social worker’s professional qualifications and experience,  
7 those actions that constitute unprofessional conduct, the method for filing a  
8 complaint or making a consumer inquiry, and provisions relating to the manner  
9 in which the information shall be displayed and signed by both the licensed  
10 master’s social worker and the client. The rules may include provisions for  
11 applying or modifying these requirements in cases involving institutionalized  
12 clients, minors, and adults under the supervision of a guardian.

13 \* \* \* Clinical Mental Health Counselors \* \* \*

14 Sec. 45. 26 V.S.A. § 3262a is amended to read:

15 § 3262a. BOARD OF ALLIED MENTAL HEALTH PRACTITIONERS

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

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

20 (1) Two members shall be licensed clinical mental health counselors;  
21 one member shall be a ~~certified~~ licensed marriage and family therapist; one

1 member shall, at the time of appointment, be a nonlicensed and noncertified  
2 psychotherapist entered on the roster; and two members shall be public  
3 members.

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

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

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

16 \* \* \* Real Estate Appraisers \* \* \*

17 Sec. 46. 26 V.S.A. § 3314 is amended to read:

18 § 3314. BOARD; POWERS AND DUTIES

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

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

3 (1) receive and review applications;

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

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

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

10 (5) inquire of the Vermont Criminal Information Center for any  
11 information on criminal records of any and all applicants, and the Center shall  
12 provide such information to the Board. The Board, through the Vermont  
13 Criminal Information Center, shall also inquire of the appropriate state  
14 criminal record repositories in all states in which it has reason to believe an  
15 applicant has resided or been employed, and it shall also inquire of the Federal  
16 Bureau of Investigation for any information on criminal records of applicants.  
17 The Board shall obtain fingerprints of the applicant, in digital form if  
18 practicable, and any appropriate identifying information for submission to the  
19 Federal Bureau of Investigation in connection with a state and national  
20 background check. Applicants shall bear all costs associated with background

1 screening. The Board may also make additional inquiries it deems necessary  
2 into the character, integrity, and reputation of the applicant; and

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

5 Sec. 47. 26 V.S.A. § 3319a is amended to read:

6 § 3319a. APPRAISER TRAINEE REGISTRATION

7 \* \* \*

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

10 [Repealed.]

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

15 \* \* \* Tattooists and Body Piercers \* \* \*

16 Sec. 48. 26 V.S.A. § 4102 is amended to read:

17 § 4102. PROHIBITIONS

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

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

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

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

7 Sec. 49. 26 V.S.A. § 4104 is amended to read:

8 § 4104. ADVISORY APPOINTEES

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

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

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

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

19 (b) The Director shall seek the advice of the advisor appointees in carrying  
20 out the provisions of this chapter. The advisor appointees shall be entitled to

1 compensation and necessary expenses as provided in 32 V.S.A. § 1010 for  
2 attendance at any meeting called by the Director for that purpose.

3 Sec. 50. 26 V.S.A. § 4105 is amended to read:

4 § 4105. REGISTRATION; APPRENTICESHIP REQUIREMENTS

5 \* \* \*

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

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

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

19 (4) ~~For the purposes of~~ As used in this section subsection, “good  
20 standing” shall mean that the tattooist or body piercer supervisor holds a  
21 current, unrestricted ~~license~~ registration in this State or an unrestricted



1 authorization to practice tattooing or body piercing in another state. A tattooist  
2 or body piercer who holds a restricted ~~license~~ registration or restricted  
3 authorization to practice may petition the ~~director~~ Director for permission to be  
4 a tattooist or body piercer supervisor, which may be granted by the ~~director~~  
5 Director for good cause shown.

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

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

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

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

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

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

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

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

20           (4) The practice of permanent cosmetics may be performed anywhere  
21 the practice of tattooing is ~~licensed~~ permitted, on the premises of a health care

1 professional licensed pursuant to this title, or on premises meeting the  
2 sanitation requirements of this chapter as determined by the ~~director~~ Director  
3 or as set forth by rule.

4 (e) [Repealed.]

5 \* \* \* Naturopathic Physicians \* \* \*

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

7 § 4125. DIRECTOR; DUTIES

8 \* \* \*

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

16 (2) The Committee shall be composed of at least seven members: two  
17 naturopathic physicians, two physicians licensed by the Board of Medical  
18 Practice or the Board of Osteopathic Physicians and Surgeons, a  
19 pharmacologist, a pharmacist, and a member of the public.

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





