

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 * * * Barbers and Cosmetologists * * *

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

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

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

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

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

13 (2)(3) Maintains a daily record of the attendance of each student and
14 regular class and instruction hours, establishes grades, and holds examinations
15 before issuing diplomas.

16 (3)(4) Requires a school term of training,:

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

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 * * * Funeral Services * * *

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

3 § 1211. DEFINITIONS

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

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

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

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

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

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

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 * * * Pharmacy * * *

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

16 § 4201. DEFINITIONS

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

18 * * *

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

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

13 * * *

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

15 § 4215b. IDENTIFICATION

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

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

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

10 § 2022. DEFINITIONS

11 As used in this chapter:

12 * * *

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

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

17 § 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR
18 REGISTRATION

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

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

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

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

6 * * * Real Estate Brokers and Salespersons * * *

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

8 § 2211. DEFINITIONS

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

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

14 * * *

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

16 § 2214. TRUST AND ESCROW ACCOUNTS

17 * * *

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

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

3 * * *

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

5 § 2255. FEES

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

8 (1) Application

9 (A) Broker license \$ 50.00

10 (B) Salesperson license \$ 50.00

11 (C) Brokerage firm registration \$50.00

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

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

14 (D) Branch office registration \$ 50.00

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

16 (3) Biennial brokerage firm or branch office
17 registration renewal \$75.00

18 ~~(A) Corporation or partnership \$ 75.00~~

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

20 (4) Temporary permit \$ 25.00

21 (5) Transfer of license \$ 10.00

1 (6) Transfer to inactive status \$ 25.00

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

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

7 § 2291. GENERAL PROVISIONS

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

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

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

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

15 § 2293. RENEWAL OF LICENSE; LAPSED LICENSE

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

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

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

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

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

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

8 (e) [Repealed.]

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

10 § 2294. CHANGE OF NAME OR LOCATION

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

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

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

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

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

11 § 2299. DEATH OF BROKER; TEMPORARY LICENSE

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

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

2 § 3011a. APPLICATIONS

3 * * *

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

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

12 * * * Private Investigative and Security Services * * *

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

14 § 3162. POWERS AND DUTIES

15 The ~~board~~ Board may:

16 * * *

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

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

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

2 § 3201. DEFINITIONS

3 As used in this chapter:

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

15 (2) ~~“Clinical social worker” means a person who practices clinical social~~
16 ~~work in some or all of its aspects and is licensed to practice clinical social~~
17 ~~work in this state. “Licensed independent clinical social worker” means a~~
18 ~~person licensed under this chapter to practice independent clinical social work,~~
19 ~~which includes providing social work and psychotherapy services. Licensed~~
20 ~~independent clinical social workers are qualified to use the Diagnostic and~~
21 Statistical Manual of Mental Disorders (DSM), the International Classification

1 of Diseases (ICD), and other diagnostic classification systems used in
2 diagnosis and other activities.

3 (3) ~~“Disciplinary action” or “disciplinary cases” includes any action~~
4 ~~taken by the secretary of state or an administrative law officer established by~~
5 ~~3 V.S.A. § 129(j) against a licensed clinical social worker or applicant~~
6 ~~premised on a finding of unprofessional conduct by the licensed clinical social~~
7 ~~worker or applicant. It includes all sanctions of any kind, refusal to grant or~~
8 ~~renew a license, suspension or revocation of a license, issuing warnings, and~~
9 ~~other similar sanctions. “Licensed master’s social worker” means a person~~
10 licensed under this chapter who practices social work. Psychotherapy is not
11 within the scope of practice of a licensed master’s social worker.

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

13 (4)(5)(A) “Psychotherapy” means the provision of treatment, diagnosis,
14 evaluation, or counseling services to individuals or groups, for a consideration,
15 for the purpose of alleviating mental disorders.

16 (B) “Psychotherapy” involves the application of therapeutic
17 techniques to understand unconscious or conscious motivation, resolve
18 emotional, relationship or attitudinal conflicts, or modify behavior which
19 interferes with effective emotional, social, or mental functioning.

20 (C) “Psychotherapy” follows a systematic procedure of
21 psychotherapeutic intervention which takes place on a regular basis over a

1 period of time, or, in the case of evaluation and brief psychotherapies, in a
2 single or limited number of interventions.

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

11 (6) “Social work” is defined as providing a service, for a consideration,
12 which is primarily drawn from the academic discipline of social work theory,
13 in which a special knowledge of social resources, human capabilities, and the
14 part that motivation plays in determining behavior, is directed at helping
15 people to achieve a more adequate, satisfying, and productive psychosocial
16 adjustment. The application of social work principles and methods includes
17 assessment, diagnosis, prevention, and amelioration of adjustment problems
18 and emotional and mental disorders of individuals, families, and groups.

1 Sec. 27. TRANSITIONAL PROVISION; PERSONS CURRENTLY
2 LICENSED AS CLINICAL SOCIAL WORKERS

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

9 Sec. 28. 26 V.S.A. § 3202 is amended to read:

10 § 3202. PROHIBITION, OFFENSES

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

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

1 Sec. 29. 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. 30. 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. 31. 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. 32. 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. 33. 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. 34. 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. 35. 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. 36. 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. 37. 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 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. 38. 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. 39. 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. 40. 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. 41. 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. 42. 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. 43. 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. 44. 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. 45. 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. 46. 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.

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

2 § 4404. DIRECTOR; DUTIES

3 * * *

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

9 Sec. 51. EFFECTIVE DATES

10 This act shall take effect on July 1, 2014, except this section and Sec. 27
11 (transitional provision; persons currently licensed as clinical social workers),
12 which shall take effect on passage.

13

14

15

16

17 (Committee vote: _____)

18

19

20

Representative Evans

FOR THE COMMITTEE