

1 **DRAFT; NOT YET EDITED**

2 Introduced by Representative Sweaney of Windsor

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; Office of Professional Regulation

6 Statement of purpose of bill as introduced: This bill proposes to amend  
7 various laws regarding professions and occupations regulated by the Office of  
8 Professional Regulation.

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

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

12 \* \* \* General Provisions \* \* \*

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

14 § 122. OFFICE OF PROFESSIONAL REGULATION

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

19 \* \* \*

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

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

2 \* \* \*

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

4 \* \* \*

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

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

7 (22) Boxing-

8 \* \* \*

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

10 \* \* \*

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

12 \* \* \*

13 Sec. 2. 3 V.S.A. § 128 is amended to read:

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

15 (a) Any hospital, clinic, community mental health center, or other health  
16 care institution in which a licensee performs professional services shall report  
17 to the appropriate board, along with supporting information and evidence, any  
18 disciplinary action taken by it or its staff, after an initial investigation or  
19 hearing in which the licensee has been afforded the opportunity to participate,  
20 which limits or conditions the licensee's privilege to practice or leads to  
21 suspension or expulsion from the institution. The report shall be made within

1 ten days of the date such disciplinary action was taken, regardless of whether  
2 the action is the subject of a pending appeal, and in the case of a licensee who  
3 is employed by, or under contract with, a community mental health center, a  
4 copy of the report shall also be sent to the ~~Commissioner of Mental Health and~~  
5 ~~Mental Retardation~~ Commissioners of Mental Health and of Disabilities,  
6 Aging, and Independent Living. This section shall not apply to cases of  
7 resignation, separation from service, or changes in privileges which are  
8 unrelated to:

9 \* \* \*

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

11 § 129. POWERS OF BOARDS; DISCIPLINE PROCESS

12 (a) In addition to any other provisions of law, a board may exercise the  
13 following powers:

14 \* \* \*

15 (3) Issue warnings or reprimands, suspend, revoke, limit, condition,  
16 deny, or prevent renewal or reinstatement of licenses, after disciplinary  
17 hearings or, in cases requiring emergency action, immediately suspend, as  
18 provided by section 814 of this title. In a case involving noncompliance with a  
19 statute or rule relating to administrative duties not related to patient, client, or  
20 customer care, a board or hearing officer may determine that ordering a  
21 monetary civil penalty does not constitute a finding of unprofessional conduct.

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\* \* \*

(e) When a board or the Director, in the case of professions which have advisor appointees, intends to deny an application for a license, reinstatement, removal of conditions, or other license modification, the board or Director shall send the applicant written notice of the decision by certified mail. The notice shall include a statement of the reasons for the action and shall advise the applicant that the applicant may file a petition within 30 days of the date on which the notice is mailed with the board or the Director for review of its or his or her preliminary decision. At the hearing, the applicant shall bear the burden of proving that the preliminary denial should be reversed and that the license, reinstatement, removal of conditions, or other license modification should be granted. After the hearing, the board or Director shall affirm or reverse the preliminary denial, explaining the reasons therefor in writing.

\* \* \*

\* \* \* Barbers and Cosmetologists \* \* \*

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

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

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

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

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

6           ~~(2)~~(3) Maintains a daily record of the attendance of each student and  
7 regular class and instruction hours, establishes grades, and holds examinations  
8 before issuing diplomas.

9           ~~(3)~~(4) Requires a school term of training,:

10           (A) in the case of a school of barbering, of not less than 1,000 hours  
11 for a complete course which includes all or the majority of the practices of  
12 barbering, and includes practical demonstrations and theoretical studies in  
13 sanitation, sterilization, the use of antiseptics, and electrical appliances,  
14 consistent with the practical and theoretical requirements applicable to  
15 barbering or any practice of barbering; and

16           (B) in the case of a school of cosmetology, requires a school term of  
17 training of not less than 1,500 hours for a complete course which includes all  
18 or the majority of the practices of cosmetology, and includes practical  
19 demonstrations and theoretical studies in sanitation, sterilization, the use of  
20 antiseptics, cosmetics, and electrical appliances, consistent with the practical

1 and theoretical requirements applicable to cosmetology or any practice of  
2 cosmetology.

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

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

13 \* \* \* Funeral Directors \* \* \*

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

15 § 1211. DEFINITIONS

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

18 (1) “Crematory establishment” means a ~~place of business~~ registered with  
19 the Board conducted at a specific street address or location devoted to the  
20 disposition of dead human bodies by means of cremation, alkaline hydrolysis,

1 or any other type of human reduction acceptable to the Board of Funeral  
2 Service as established by Board rule.

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

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

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

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

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

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

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

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

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

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

9 (b) Nothing in this section shall prohibit:

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

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

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

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



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

4 Specifically, crematory personnel may:

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

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

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

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

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

14 § 1252. APPLICATION; QUALIFICATIONS

15 \* \* \*

16 (d) Crematory establishment. A person, partnership, corporation,  
17 association, or other organization desiring to operate a crematory establishment  
18 shall apply, in writing, to the ~~board of funeral service~~ Board of Funeral Service  
19 for a license. The applicant, if a partnership, corporation, association, or other  
20 organization, must have a designated manager or co-owner who is responsible  
21 for the operation of the establishment and who is registered with the Board

1 under subsection (e) of this section. The application for a license shall be  
2 sworn to by the individual, or a partner or a duly authorized officer of a  
3 corporation, shall be on the form prescribed and furnished by the ~~board~~ Board,  
4 and the applicant shall furnish information, as required by rule. The  
5 application shall be accompanied by a licensing fee. However, the applicant  
6 shall not be required to pay the fee under this subsection if the applicant pays  
7 the fee under subsection (b) of this section.

8 (e) Crematory personnel. Any person who desires to engage in direct  
9 handling, processing, identification, or cremation of dead human remains  
10 within a licensed crematory establishment shall register with the Board of  
11 Funeral Service and pay the fee established in subsection 1256(d) of this  
12 chapter. The applicant shall have attained the age of majority and be directly  
13 employed by a licensed crematory establishment. The Board may prescribe,  
14 by rule, the forms for applicants, which may include proof of completion of up  
15 to three hours of education and training in programs approved by the Board.

16 (f) Removal personnel. Any person who desires to engage in removals  
17 shall register with the ~~board of funeral service~~ Board of Funeral Service and  
18 pay the fee established in subsection 1256(d) of this ~~title~~ chapter. The  
19 applicant shall have attained the age of majority and be directly employed by a  
20 licensed funeral or crematory establishment, or the University of Vermont for  
21 removals related to the University's anatomical gift program. The ~~board~~ Board

1 may prescribe, by rule, the forms for applicants, which may include proof of  
2 completion of up to three hours of education and training in infectious diseases  
3 in programs approved by the ~~board~~ Board. Registrants under this section are  
4 authorized to perform removals only, as defined by this chapter. Unregistered  
5 personnel may accompany registered personnel to assist in removals so long as  
6 they have been instructed in handling and precautionary procedures prior to the  
7 call.

8 (g) Limited services establishment.

9 (1) The Board of Funeral Service may adopt rules for the issuance of  
10 limited service establishment licenses in accordance with this chapter. Limited  
11 service establishment licensees are authorized to perform only disposition  
12 services without arranging, directing, or performing embalming, public  
13 viewings, gatherings, memorials, funerals, or related ceremonies. Disposition  
14 services under this subsection (d) include direct cremation, direct alkaline  
15 hydrolysis, immediate burial, or direct green burial.

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

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

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

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

6           § 1256. RENEWAL OF REGISTRATION OR LICENSE

7   \* \* \*

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

|    |   |                 |
|----|---|-----------------|
| 10 | (1) Application for license                       | \$ 70.00        |
| 11 | (2) Biennial renewal of license                   |                 |
| 12 | (A) Funeral director                              | \$ 300.00       |
| 13 | (B) Embalmer                                      | \$ 300.00       |
| 14 | (C) Funeral establishment                         | \$ 540.00       |
| 15 | (D) Crematory establishment                       | \$ 540.00       |
| 16 | (E) <u>Crematory personnel</u>                    | <u>\$85.00</u>  |
| 17 | (F) <u>Removal personnel</u>                      | <u>\$ 85.00</u> |
| 18 | (G) <u>Limited services establishment license</u> | <u>\$540.00</u> |

19   \* \* \*

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

2 § 1271. PREPAID ARRANGEMENTS

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

7 \* \* \* Nursing \* \* \*

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

9 § 1583. EXCEPTIONS

10 This chapter does not prohibit:

11 \* \* \*

12 (2) The practice of nursing which is incidental to their program of study  
13 by persons enrolled in approved nursing education programs approved by the  
14 board, ~~or graduates of approved nursing education programs pending the~~  
15 ~~results of the first licensing examination scheduled by the board following~~  
16 ~~graduation. Graduates shall so practice under supervision of a professional~~  
17 ~~nurse and shall have an application for registration and licensure by~~  
18 ~~examination on file~~ Board.

19 \* \* \*

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

2 § 1584. PROHIBITIONS; OFFENSES

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

5 (1) Sell or fraudulently obtain or furnish any nursing degree, diploma,  
6 certificate of registration, license, or any other related document or record, or  
7 to aid or abet therein;

8 (2) Practice nursing under cover of any degree, diploma, registration,  
9 license, or related document or record illegally or fraudulently obtained or  
10 signed or issued unlawfully or under fraudulent representation;

11 (3) Practice nursing unless duly registered and currently licensed to do  
12 so under the provisions of this chapter;

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

16 (5) Practice nursing during the time a license issued under this chapter is  
17 suspended or revoked;

18 (6) Conduct a nursing education program unless the program has been  
19 approved by the board;

20 (7) Employ unlicensed persons to practice registered nursing, practical  
21 nursing, or as a nursing assistant.

1 (8) [Deleted.]

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

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

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

9 § 1592. DEFINITIONS

10 As used in this subchapter:

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

14 \* \* \*

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

16 § 1595. REGULATORY AUTHORITY; UNPROFESSIONAL CONDUCT

17 The ~~board~~ Board may deny an application for licensure or renewal or  
18 revoke, suspend, discipline, or otherwise condition the license of a nursing  
19 assistant who engages in the following conduct or the conduct set forth in

20 3 V.S.A. § 129a:

21 \* \* \*

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

2 (7) is habitually intemperate or is addicted to the use of habit-forming

3 substances; ~~or~~

4 ~~(8) has failed to report to the board any violation of this chapter or of the~~  
5 ~~board's rules.~~

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

7 Sec. 13. REPEAL

8 26 V.S.A. § 1599 (fees) is repealed.

9 \* \* \* Pharmacy \* \* \*

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

11 § 4201. DEFINITIONS

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

13 \* \* \*

14 (26) "Prescription" means an order for a regulated drug made by a  
15 physician, physician assistant, advanced practice registered nurse, dentist, or  
16 veterinarian licensed under this chapter to prescribe such a drug which shall be  
17 in writing except as otherwise specified in this subdivision. Prescriptions for  
18 such drugs shall be made to the order of an individual patient, dated as of the  
19 day of issue and signed by the prescriber. The prescription shall bear the full  
20 name, address, and date of birth of the patient, or if the patient is an animal, the  
21 name and address of the owner of the animal and the species of the animal.



1 Such prescription shall also bear the full name, address, and registry number of  
2 the prescriber and, unless electronically prescribed, shall be written with ink,  
3 indelible pencil, or typewriter; if typewritten, it shall be signed by the  
4 prescriber. A written or typewritten prescription for a controlled substance, as  
5 defined in 21 C.F.R. Part 1308, shall contain the quantity of the drug written  
6 both in numeric and word form. If a prescription is communicated orally, it  
7 shall be reduced promptly to writing by the pharmacist.

8 \* \* \*

9 Sec. 15. 18 V.S.A. § 4215b is amended to read:

10 § 4215b. IDENTIFICATION

11 Only a patient for whom a prescription was written, the owner of an animal  
12 for which a prescription was written, or a bona fide representative of the  
13 patient or animal owner, as defined by the Board of Pharmacy by rule after  
14 consultation with the Commissioner of Health, may pick up a prescription for a  
15 Schedule II, III, or IV controlled substance. Prior to dispensing a prescription  
16 for a Schedule II, III, or IV controlled substance, ~~a~~ to a patient not personally  
17 known to the pharmacist, the pharmacist shall require the individual receiving  
18 the drug to provide a signature and show valid and current government-issued  
19 photographic identification as evidence that the individual is the patient for  
20 whom the prescription was written, the owner of the animal for which the  
21 prescription was written, or the bona fide representative of the patient or

1 animal owner. If the individual does not have valid, current government-  
2 issued photographic identification, the pharmacist may request alternative  
3 evidence of the individual's identity, as appropriate.

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

5 § 2022. DEFINITIONS

6 As used in this chapter:

7 \* \* \*

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

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

12 § 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR  
13 REGISTRATION

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

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

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

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

1                                 \* \* \* Real Estate Brokers and Salespersons \* \* \*

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

3         § 2211. DEFINITIONS

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

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

9   \* \* \*

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

11         § 2214. TRUST AND ESCROW ACCOUNTS

12   \* \* \*

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

18   \* \* \*

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

2 § 2255. FEES

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

5 (1) Application

6 (A) Broker license \$ 50.00

7 (B) Salesperson license \$ 50.00

8 (C) Brokerage firm registration \$50.00

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

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

11 (D) Branch office registration \$ 50.00

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

13 (3) Biennial brokerage firm or branch office

14 registration renewal \$75.00

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

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

17 (4) Temporary permit \$ 25.00

18 (5) Transfer of license \$ 10.00

19 (6) Transfer to inactive status \$ 25.00

20 ~~(b) A sole proprietor of a brokerage firm shall only pay the sole proprietor~~  
21 ~~application and renewal fees pursuant to this section, provided the brokerage~~

1 ~~firm has no other persons licensed under this chapter providing professional~~  
2 ~~services within the brokerage firm.~~

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

4 § 2291. GENERAL PROVISIONS

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

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

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

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

12 § 2293. RENEWAL OF LICENSE; LAPSED LICENSE

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

20 (2) In addition to the 16 hours of required continuing education for  
21 salespersons, within 90 days from the issuance of an initial salesperson license,

1 the salesperson shall complete eight hours of instruction addressing topics  
2 specified by the Commission related to the salesperson's practice of the  
3 profession post-licensure.

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

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

17 (d) The ~~commission~~ Commission may waive or postpone compliance with  
18 the instructional requirements of this section in cases of extreme hardship on  
19 the part of the licensee. No licensee, however, may receive a postponement or  
20 waiver for two successive two-year periods of licensure. The ~~commission~~  
21 Commission may accept fewer hours of continuing education instruction for

1 renewal of a license on a prorated basis following an initial licensing period of  
2 less than two years.

3 (e) [Repealed.]

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

5 § 2294. CHANGE OF NAME OR LOCATION

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

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

20 (c) If a ~~broker~~ brokerage firm maintains more than one place of business  
21 within the ~~state~~ State, a branch office ~~license shall be issued to that broker~~

1 registration is required for each branch office so maintained. Branch offices  
2 shall ~~incorporate~~ use the same registered brokerage firm name as the main  
3 office and shall ~~have~~ designate a licensed broker in charge for each branch  
4 office.

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

6 § 2299. DEATH OF BROKER; TEMPORARY LICENSE

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

16 \* \* \* Opticians \* \* \*

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

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

19 \* \* \*



1 \* \* \* Psychology \* \* \*

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

3 § 3001. DEFINITIONS

4 For the purposes of this chapter:

5 \* \* \*

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

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

9 § 3010. FEES; LICENSES

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

|  |                     |
|--|---------------------|
| 12 (1) Application for license                             | \$175.00            |
| 13 (2) Biennial renewal of license                         | \$150.00            |
| 14 <del>(3) Psychological trainee registration</del>       | <del>\$ 75.00</del> |
| 15 <del>(4) Biennial renewal of trainee registration</del> | <del>\$ 90.00</del> |

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

17 § 3011a. APPLICATIONS

18 \* \* \*

19 (b) A person engaged in supervised practice in Vermont, if not licensed as  
20 a clinical mental health counselor, marriage and family therapist, licensed  
21 independent clinical social worker, or licensed master’s social worker shall be

1 registered on the roster of psychotherapists who are nonlicensed and  
2 noncertified.

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

6 \* \* \* Private Investigative and Security Services \* \* \*

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

8 § 3162. POWERS AND DUTIES

9 The ~~board~~ Board may:

10 \* \* \*

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

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

16 (C)(i) Part-time employees shall complete not fewer than eight hours  
17 of training prior to being issued a part-time employee temporary registration,  
18 which shall be valid for not more than 180 days from the date of issuance. The  
19 remaining training hours for part-time employees shall be completed within the  
20 temporary registration period of 180 days or before the employee has worked  
21 500 hours, whichever occurs first. The part-time employee temporary

1 registration may be issued only once and shall expire after 180 days or 500  
2 hours.

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

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

8 \* \* \*

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

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

11 CHAPTER 61. ~~CLINICAL~~ SOCIAL WORKERS

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

13 § 3201. DEFINITIONS

14 As used in this chapter:

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

1 ~~prevention, and amelioration of adjustment problems and emotional and~~  
2 ~~mental disorders of individuals, families, and groups. The scope of practice for~~  
3 ~~licensed clinical social workers includes the provision of psychotherapy.~~

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

5 (2) ~~“Clinical social worker” means a person who practices clinical social~~  
6 ~~work in some or all of its aspects and is licensed to practice clinical social~~  
7 ~~work in this state. “Licensed independent clinical social worker” means a~~  
8 ~~person licensed under this chapter to practice independent clinical social work,~~  
9 ~~which includes providing social work and psychotherapy services. Licensed~~  
10 ~~independent clinical social workers are qualified to use the Diagnostic and~~  
11 ~~Statistical Manual of Mental Disorders (DSM), the International Classification~~  
12 ~~of Diseases (ICD), and other diagnostic classification systems used in~~  
13 ~~diagnosis and other activities.~~

14 (3) ~~“Disciplinary action” or “disciplinary cases” includes any action~~  
15 ~~taken by the secretary of state or an administrative law officer established by 3~~  
16 ~~V.S.A. § 129(j) against a licensed clinical social worker or applicant premised~~  
17 ~~on a finding of unprofessional conduct by the licensed clinical social worker or~~  
18 ~~applicant. It includes all sanctions of any kind, refusal to grant or renew a~~  
19 ~~license, suspension or revocation of a license, issuing warnings, and other~~  
20 ~~similar sanctions. “Licensed master’s social worker” means a person licensed~~

1 under this chapter who practices social work. Psychotherapy is not within the  
2 scope of practice of a licensed master’s social worker.

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

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

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

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

15 (D) If a person is employed by or under contract with the ~~agency of~~  
16 ~~human services~~ Agency of Human Services, this definition does not apply to  
17 persons with less than a master’s degree, to persons providing life skills  
18 training or instruction, such as learning to make friends, to handle social  
19 situations, to do laundry, and to develop community awareness, or interactions  
20 of employees or contracted individuals with clients whose job description or

1 contract specifications do not specifically mention “psychotherapy” as a job  
2 responsibility or duty.

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

11 Sec. 31. TRANSITIONAL PROVISION; PERSONS CURRENTLY  
12 LICENSED AS CLINICAL SOCIAL WORKERS

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

1 Sec. 32. 26 V.S.A. § 3202 is amended to read:

2 § 3202. PROHIBITION, OFFENSES

3 (a) No person shall practice or attempt to practice licensed independent  
4 clinical social work or licensed master's social work, nor shall any person use  
5 in connection with the person's name any letters, words, or insignia indicating  
6 or implying that the person is a licensed independent clinical social worker or a  
7 licensed master's social worker unless the person is licensed in accordance  
8 with this chapter.

9 (b) A person who violates any of the provisions of subsection (a) of this  
10 section shall be subject to the penalties provided in ~~3 V.S.A. § 127(e)~~  
11 3 V.S.A. § 127.

12 Sec. 33. 26 V.S.A. § 3203 is amended to read:

13 § 3203. DIRECTOR OF THE OFFICE OF PROFESSIONAL  
14 REGULATION; DUTIES

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

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

18 (2) administer fees collected under this chapter;

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

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

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

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

12 Sec. 34. 26 V.S.A. § 3204 is amended to read:

13 § 3204. ADVISOR APPOINTEES

14 (a) The ~~secretary of state~~ Secretary of State shall appoint two licensed  
15 independent clinical social workers to serve as advisors in matters relating to  
16 licensed ~~clinical~~ social workers. They shall be appointed as set forth in  
17 3 V.S.A. § 129b and shall serve at the pleasure of the ~~secretary~~ Secretary. One  
18 of the initial appointments may be for less than a full term.

19 (b) Appointees shall not have less than three years' experience as a licensed  
20 independent clinical social worker ~~certified or licensed under this chapter~~  
21 ~~during the period immediately preceding appointment~~ and shall be actively



1 engaged in the active practice of ~~clinical social work~~ in Vermont during  
2 incumbency.

3 (c) The ~~office of professional regulation~~ Director shall refer complaints and  
4 disciplinary matters to an administrative law officer established under 3 V.S.A.  
5 § 129(j).

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

11 Sec. 35. 26 V.S.A. § 3205 is amended to read:

12 § 3205. LICENSED MASTER'S SOCIAL WORKER ELIGIBILITY

13 (a) To be eligible for licensing as a ~~clinical~~ licensed master's social worker  
14 an applicant ~~must~~ shall have:

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

17 (2) ~~[Deleted.]~~ within five years prior to applying for licensure, passed  
18 the examinations designated by the Director; and

19 (3) completed ~~3,000~~ 1,200 hours of supervised practice of ~~clinical~~ social  
20 work as defined by rule under the supervision of a ~~licensed physician or a~~  
21 ~~licensed osteopathic physician who has completed a residency in psychiatry, a~~

1 ~~licensed psychologist, a licensed clinical mental health counselor, a person~~  
2 ~~licensed or certified~~ under this chapter, or a person licensed ~~or certified~~ in  
3 another state or Canada ~~in one of these professions~~ as a licensed independent  
4 clinical social worker or a licensed master's social worker or their substantial  
5 equivalent.

6 (b) Persons engaged in post ~~masters~~ master's degree supervised practice in  
7 Vermont to become licensed master's social workers shall ~~be entered on the~~  
8 ~~roster of nonlicensed, noncertified psychotherapists;~~ register with the Office as  
9 provided by rule.

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

16 (5) ~~passed an examination to the satisfaction of the director of the office~~  
17 ~~of professional regulation.~~

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

2 § 3205a. LICENSED INDEPENDENT CLINICAL SOCIAL WORKER

3 ELIGIBILITY

4 (a) To be eligible for licensure as a licensed independent clinical social  
5 worker an applicant shall have:

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

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

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

12 (A) licensed independent clinical social worker;

13 (B) licensed independent clinical mental health counselor;

14 (C) licensed psychologist; or

15 (D) a person licensed or certified in another state or Canada in one of  
16 these professions or their substantial equivalent.

17 (b) Persons not licensed as master's social workers who engage in post  
18 masters supervised practice in Vermont toward licensure as licensed  
19 independent clinical social workers shall be entered on the roster of  
20 nonlicensed, noncertified psychotherapists.

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

6        Sec. 37. 26 V.S.A. § 3206 is amended to read:

7        § 3206. APPLICATION

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

12       Sec. 38. 26 V.S.A. § 3207 is amended to read:

13       § 3207. EXAMINATION

14       ~~(a) The director of professional regulation shall conduct examinations~~  
15       ~~under this chapter at least once a year at a time and place designated by it,~~  
16       ~~provided, however, that examinations need not be conducted at times when~~  
17       ~~there are no applicants requesting to be examined. Examinations shall be~~  
18       ~~written. Each applicant shall be designated by a number so that his or her name~~  
19       ~~is not disclosed to the director until the examination has been graded.~~  
20       ~~Examinations shall include questions in such theoretical and applied fields as~~  
21       ~~the director deems most suitable to test an applicant’s knowledge and~~

1 ~~competence to engage in the practice of clinical social work. The director of~~  
2 ~~professional regulation, with the advice of the clinical social workers appointed~~  
3 ~~under section 3204 of this title, shall establish by rule fixed criteria for passing~~  
4 ~~an examination that shall apply to all persons taking the examination.~~

5 (b) ~~Examinations administered by the director and the procedures of~~  
6 ~~administration shall be fair and reasonable and shall be designed and~~  
7 ~~implemented to ensure that all applicants are granted a license if they~~  
8 ~~demonstrate that they possess the minimal occupational qualifications which~~  
9 ~~are consistent with the public health, safety, and welfare. They shall not be~~  
10 ~~designed or implemented for the purpose of limiting the number of licenses~~  
11 ~~issued.~~

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

15 Sec. 39. 26 V.S.A. § 3208 is amended to read:

16 § 3208. RENEWALS

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

19 (b) An application for ~~renewal~~ reinstatement of a license which has lapsed  
20 shall be accompanied by the renewal fee in addition to ~~the reinstatement fee~~

1 other fees set forth in 3 V.S.A. chapter 5. A person shall not be required to pay  
2 renewal fees for the years during which the license was lapsed.

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

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

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

13 Sec. 40. 26 V.S.A. § 3209 is amended to read:

14 § 3209. ~~LICENSING WITHOUT EXAMINATION~~ LICENSURE BY  
15 ENDORSEMENT

16 The ~~director of the office of professional regulation~~ Director may, upon  
17 payment of the required fee, grant a license without examination if the  
18 applicant:

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

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

4 Sec. 41. 26 V.S.A. § 3210 is amended to read:

5 § 3210. UNPROFESSIONAL CONDUCT

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

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

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

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

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

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

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

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

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

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

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

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



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

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

10 Sec. 42. 26 V.S.A. § 3212 is amended to read:

11 § 3212. EXEMPTIONS

12 (a) The provisions of this chapter shall not apply to persons while engaged  
13 in the course of their customary duties as clergy, licensed physicians, nurses,  
14 osteopaths, optometrists, dentists, lawyers, psychologists, mental health  
15 counselors, certified marriage and family therapists and psychoanalysts,  
16 rostered psychotherapists, or licensed educators when performing their duties  
17 consistent with the accepted standards of their respective professions;  
18 provided, however, that they do not describe themselves to the public by any  
19 other title or description stating or implying that they are licensed independent  
20 clinical social workers or ~~are licensed to practice clinical social work~~ master's  
21 social workers.

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\* \* \*

~~(e) Notwithstanding the provisions of subsections (a) and (b) of this section, the provisions of this chapter shall apply to any person licensed as a clinical social worker under this chapter.~~

Sec. 43. 26 V.S.A. § 3213 is amended to read:

§ 3213. DISCLOSURE OF INFORMATION

(a) ~~The office of professional regulation~~ Director, in consultation with the advisor appointees, shall adopt rules requiring licensed independent clinical social workers to disclose to each client the licensed independent clinical social worker's professional qualifications and experience, those actions that constitute unprofessional conduct, the method for filing a complaint or making a consumer inquiry, and provisions relating to the manner in which the information shall be displayed and signed by both the licensed independent clinical social worker and the client. The rules may include provisions for applying or modifying these requirements in cases involving institutionalized clients, minors, and adults under the supervision of a guardian.

(b) The Director, in consultation with the advisor appointees, may adopt rules requiring licensed master's social workers to disclose to each client the licensed master's social worker's professional qualifications and experience, those actions that constitute unprofessional conduct, the method for filing a complaint or making a consumer inquiry, and provisions relating to the manner

1 in which the information shall be displayed and signed by both the licensed  
2 master's social worker and the client. The rules may include provisions for  
3 applying or modifying these requirements in cases involving institutionalized  
4 clients, minors, and adults under the supervision of a guardian.

5 \* \* \* Clinical Mental Health Counselors \* \* \*

6 Sec. 44. 26 V.S.A. § 3262a is amended to read:

7 § 3262a. BOARD OF ALLIED MENTAL HEALTH PRACTITIONERS

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

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

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

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

21 (3) The professional members of the ~~board~~ shall have at least three years  
of professional experience as a clinical mental health counselor, marriage and

1 family therapist, or psychotherapist, ~~during the period immediately preceding~~  
2 ~~appointment~~ and shall be actively engaged in the ~~practice of clinical mental~~  
3 ~~health counseling, marriage and family therapy, or psychotherapy~~ one of these  
4 professions during incumbency.

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

8 \* \* \* Real Estate Appraisers \* \* \*

9 Sec. 45. 26 V.S.A. § 3319a is amended to read:

10 § 3319a. APPRAISER TRAINEE REGISTRATION

11 \* \* \*

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

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

1                                   \* \* \* Tattooists and Body Piercers \* \* \*

2           Sec. 46. 26 V.S.A. § 4102 is amended to read:

3           § 4102. PROHIBITIONS

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

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

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

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

13          Sec. 47. 26 V.S.A. § 4104 is amended to read:

14          § 4104. ADVISORY APPOINTEES

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

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

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

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

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

8 Sec. 48. 26 V.S.A. § 4105 is amended to read:

9 § 4105. REGISTRATION; APPRENTICESHIP REQUIREMENTS

10 \* \* \*

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

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

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

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

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

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

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

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

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

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

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



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

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

8 (e) [Repealed.]

9 \* \* \* Naturopathic Physicians \* \* \*

10 Sec. 49. 26 V.S.A. § 4125 is amended to read:

11 § 4125. DIRECTOR; DUTIES

12 \* \* \*

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

1           (2) The committee shall be composed of at least seven members: two  
2           naturopathic physicians, two physicians licensed by the Board of Medical  
3           Practice, a pharmacologist, a pharmacist, and a member of the public.

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

6                               \* \* \* Midwives \* \* \*

7           Sec. 50. 26 V.S.A. § 4185 is amended to read:

8           § 4185. DIRECTOR; DUTIES

9                               \* \* \*

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

15           (2) The committee shall be composed of at least six members: three  
16           midwives licensed under this chapter, two physicians licensed by the Board of  
17           Medical Practice, and one advanced practice registered nurse midwife licensed  
18           by the Board of Nursing.

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

1   \* \* \* Electrologists \* \* \*

2       Sec. 51. 26 V.S.A. § 4402 is amended to read:

3       § 4402. DEFINITIONS

4           As used in this chapter:

5   \* \* \*

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

14   \* \* \*

15       Sec. 52. 26 V.S.A. § 4403 is amended to read:

16       § 4403. PROHIBITION; PENALTY

17   \* \* \*

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

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

3           Sec. 53. 26 V.S.A. § 4404 is amended to read:

4           § 4404. DIRECTOR; DUTIES

5   \* \* \*

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

10          Sec. 54. EFFECTIVE DATES

11          This act shall take effect on July 1, 2014, except this section and Sec. 31  
12 (transitional provision; persons currently licensed as clinical social workers) of  
13 this act, which shall take effect on passage.