

ANNOTATED VERSION

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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

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

2 (22) Boxing-

3 * * *

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

5 * * *

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

7 * * *

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

9 § 123. DUTIES OF OFFICE

10 * * *

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

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

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

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

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

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1 (B) whose spouse is a member of the U.S. Armed Forces and who

2 has been subject to a military transfer to Vermont; and

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

4 Vermont.

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

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

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

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1 resignation, separation from service, or changes in privileges which are
2 unrelated to:

3 * * *

4 * * * Barbers and Cosmetologists * * *

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

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

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

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

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

16 ~~(2)~~(3) Maintains a daily record of the attendance of each student and
17 regular class and instruction hours, establishes grades, and holds examinations
18 before issuing diplomas.

19 ~~(3)~~(4) Requires a school term of training,:

ANNOTATED VERSION

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

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

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

ANNOTATED VERSION

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

4 * * * Funeral Services * * *

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

6 § 1211. DEFINITIONS

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

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

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

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

ANNOTATED VERSION

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- 1 (4) “Practice of funeral service” means arranging, directing, or
2 providing for the care, preparation, or disposition of dead human bodies for a
3 fee or other compensation. This includes, ~~but is not limited to:~~
- 4 (A) meeting with the public to select a method of disposition or
5 funeral observance and merchandise;
- 6 (B) entering into contracts, either at-need or pre-need, for the
7 provision of dispositions, funeral observances, and merchandise;
- 8 (C) arranging, directing, or performing the removal or transportation
9 of a dead human body;
- 10 (D) securing or filing certificates, permits, forms, or other
11 documents;
- 12 (E) supervising or arranging a funeral, memorial, viewing, or
13 graveside observance;
- 14 (F) holding oneself out to be a licensed funeral director by using the
15 words or terms “funeral director,” “mortician,” “undertaker,” or any other
16 words, terms, title, or picture that, when considered in context, would imply
17 that such person is engaged in the practice of funeral service or is a licensed
18 funeral director.

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

4 (b) Nothing in this section shall prohibit:

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

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

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

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

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

20 Specifically, crematory personnel may:

ANNOTATED VERSION

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

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

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

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

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

10 § 1252. APPLICATION; QUALIFICATIONS

11 * * *

12 (d) Crematory establishment. A person, partnership, corporation,
13 association, or other organization desiring to operate a crematory establishment
14 shall apply, in writing, to the ~~board of funeral service~~ Board of Funeral Service
15 for a license. The applicant, if a partnership, corporation, association, or other
16 organization, must have a designated manager or co-owner who is responsible
17 for the operation of the establishment and who is registered with the Board
18 under subsection (e) of this section. The application for a license shall be
19 sworn to by the individual, or a partner or a duly authorized officer of a
20 corporation, shall be on the form prescribed and furnished by the ~~board~~ Board,

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1 and the applicant shall furnish information, as required by rule. The
2 application shall be accompanied by a licensing fee. However, the applicant
3 shall not be required to pay the fee under this subsection if the applicant pays
4 the fee under subsection (b) of this section.

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

13 (f) Removal personnel. Any person who desires to engage in removals
14 shall register with the ~~board of funeral service~~ Board of Funeral Service and
15 pay the fee established in subsection 1256(d) of this ~~title~~ chapter. The
16 applicant shall have attained the age of majority and be directly employed by a
17 licensed funeral or crematory establishment, ~~or the University of Vermont for~~
18 removals related to the University's anatomical gift program. The ~~board~~ Board
19 may prescribe, by rule, the forms for applicants, which may include proof of
20 completion of up to three hours of education and training in infectious diseases

ANNOTATED VERSION

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1 in programs approved by the ~~board~~ Board. Registrants under this section are
2 authorized to perform removals only, as defined by this chapter. Unregistered
3 personnel may accompany registered personnel to assist in removals so long as
4 they have been instructed in handling and precautionary procedures prior to
5 the call.

6 (g) Limited services establishment.

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

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

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

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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>	\$ 85.00
18	(G) <u>Limited services establishment license</u>	<u>\$ 540.00</u>

19 * * *

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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~~ that 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 * * *

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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~~ sell or fraudulently obtain or furnish any nursing degree,
6 diploma, certificate of registration, license, or any other related document or
7 record, or to aid or abet therein;

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

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

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

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

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

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

3 (8) [Deleted.]

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

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

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

11 § 1592. DEFINITIONS

12 As used in this subchapter:

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

16 * * *

17 (3) “Medication nursing assistant” means a licensed nursing assistant
18 holding a currently valid authorized by special endorsement authorizing the
19 delegation to the nursing assistant of tasks of issued by the Board to perform

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1 medication administration ~~activities performed~~ in a nursing home as defined by
2 rule.

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

4 § 1592a. MEDICATION NURSING ASSISTANT ENDORSEMENT OF
5 MEDICATION ADMINISTRATION FOR LICENSED NURSING
6 ASSISTANTS

7 (a) The ~~board~~ Board may issue ~~an endorsement of a medication~~
8 administration nursing assistant endorsement to a ~~current~~ licensed nursing
9 assistant who:

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

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

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

15 (3) has paid the application fee.

16 (b) The medication nursing assistant endorsement shall be renewed by the
17 medication nursing assistant according to a schedule established by the ~~board~~
18 Office of Professional Regulation and pursuant to ~~any other~~ requirements as
19 the ~~board~~ Board may establish by rule.

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

2 § 1595. REGULATORY AUTHORITY; UNPROFESSIONAL CONDUCT

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

7 * * *

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

9 (7) is habitually intemperate or is addicted to the use of habit-forming
10 substances; ~~or~~

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

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

14 ~~Sec. 12. REPEAL~~

15 ~~26 V.S.A. § 1599 (fees) is repealed.~~

16 * * * Pharmacy * * *

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

18 § 4201. DEFINITIONS

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

20 * * *

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

16 * * *

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

18 § 4215b. IDENTIFICATION

19 Only a patient for whom a prescription was written, the owner of an animal
20 for which a prescription was written, or a bona fide representative of the

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

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

14 § 2022. DEFINITIONS

15 As used in this chapter:

16 * * *

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

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

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

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

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

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

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

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

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

14 § 2211. DEFINITIONS

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

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

20 * * *

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

2 § 2214. TRUST AND ESCROW ACCOUNTS

3 * * *

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

9 * * *

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

11 § 2255. FEES

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

14 (1) Application

15 (A) Broker license \$ 50.00

16 (B) Salesperson license \$ 50.00

17 (C) Brokerage firm registration \$50.00

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

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

20 (D) Branch office registration \$ 50.00

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1	(2) Biennial renewal of broker or salesperson license	\$175.00
2	(3) Biennial <u>brokerage firm or branch office</u>	
3	registration renewal	<u>\$75.00</u>
4	(A) Corporation or partnership	\$75.00
5	(B) Sole proprietor	\$0.00
6	(4) Temporary permit	\$ 25.00
7	(5) Transfer of license	\$ 10.00
8	(6) Transfer to inactive status	\$ 25.00

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

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

14 § 2291. GENERAL PROVISIONS

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

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

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

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

2 § 2293. RENEWAL OF LICENSE; LAPSED LICENSE

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

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

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

ANNOTATED VERSION

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1 place until the applicant completes the continuing education required for the
2 previous renewal period.

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

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

16 (e) [Repealed.]

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

18 § 2294. CHANGE OF NAME OR LOCATION

19 (a) Whenever a licensed broker desires to be licensed under a different
20 name, the broker shall pay the fee established under section 2255 of this ~~title~~

ANNOTATED VERSION

Key: **yellow highlighting** = language potentially added to bill as introduced
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1 chapter. A license shall not be issued to a broker in a name other than the
2 broker's own, or transferred to a name other than the broker's own, unless he
3 or she has complied with 11 V.S.A. chapter 15 relating to registration of
4 business entities. If a licensee is a partnership, corporation, or association,
5 ~~notice~~ Notice of any change in the names and addresses of the ~~partners,~~
6 ~~officers, or associates~~ licensees shall be given to the ~~real estate commission~~
7 Commission within ~~ten~~ 30 days after the change becomes effective.

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

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

ANNOTATED VERSION

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

2 § 2299. DEATH OF BROKER; TEMPORARY LICENSE

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

12 * * * Opticians * * *

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

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

15 * * *

16 * * * Psychology * * *

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

18 § 3001. DEFINITIONS

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

20 * * *

ANNOTATED VERSION

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

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

4 § 3010. FEES; LICENSES

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

- | | | |
|----|---|---------------------|
| 7 | (1) Application for license | \$175.00 |
| 8 | (2) Biennial renewal of license | \$150.00 |
| 9 | (3) Psychological trainee registration | \$ 75.00 |
| 10 | (4) Biennial renewal of trainee registration | \$ 90.00 |

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

12 § 3011a. APPLICATIONS

13 * * *

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

ANNOTATED VERSION

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

4 * * * Private Investigative and Security Services * * *

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

6 § 3162. POWERS AND DUTIES

7 The ~~board~~ Board may:

8 * * *

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

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

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

ANNOTATED VERSION

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

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

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

9 * * *

10 * * * Social Workers * * *

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

12 CHAPTER 61. ~~CLINICAL~~ SOCIAL WORKERS

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

14 § 3201. DEFINITIONS

15 As used in this chapter:

16 (1) ~~“Clinical social work” is defined as providing a service, for a~~
17 ~~consideration, which is primarily drawn from the academic discipline of social~~
18 ~~work theory, in which a special knowledge of social resources, human~~
19 ~~capabilities, and the part that motivation plays in determining behavior, is~~
20 ~~directed at helping people to achieve a more adequate, satisfying, and~~

ANNOTATED VERSION

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1 productive psychosocial adjustment. The application of social work principles
2 and methods includes, but is not restricted to assessment, diagnosis,
3 prevention, and amelioration of adjustment problems and emotional and
4 mental disorders of individuals, families, and groups. The scope of practice for
5 licensed clinical social workers includes the provision of psychotherapy.

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

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

16 (3) ~~“Disciplinary action” or “disciplinary cases” includes any action~~
17 ~~taken by the secretary of state or an administrative law officer established by~~
18 ~~3 V.S.A. § 129(j) against a licensed clinical social worker or applicant~~
19 ~~premised on a finding of unprofessional conduct by the licensed clinical social~~
20 ~~worker or applicant. It includes all sanctions of any kind, refusal to grant or~~

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1 ~~renew a license, suspension or revocation of a license, issuing warnings, and~~
2 ~~other similar sanctions.~~ “Licensed master’s social worker” means a person
3 licensed under this chapter who practices social work. Psychotherapy is not
4 within the scope of practice of a licensed master’s social worker.

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

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

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

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

17 (D) If a person is employed by or under contract with the ~~agency of~~
18 ~~human services~~ Agency of Human Services, this definition does not apply to
19 persons with less than a master’s degree, to persons providing life skills
20 training or instruction, such as learning to make friends, to handle social

ANNOTATED VERSION

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1 situations, to do laundry, and to develop community awareness, or interactions
2 of employees or contracted individuals with clients whose job description or
3 contract specifications do not specifically mention “psychotherapy” as a job
4 responsibility or duty.

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

13 Sec. 32. TRANSITIONAL PROVISION; PERSONS CURRENTLY
14 LICENSED AS CLINICAL SOCIAL WORKERS

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

ANNOTATED VERSION

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1 Sec. 33. 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. 34. 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;

ANNOTATED VERSION

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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. 35. 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~~

ANNOTATED VERSION

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1 ~~during the period immediately preceding appointment and shall be actively~~
2 ~~engaged in the active practice of clinical social work~~ in Vermont during
3 incumbency.

4 (c) ~~The office of professional regulation~~ Director shall refer complaints and
5 disciplinary matters to an administrative law officer established under 3 V.S.A.
6 § 129(j).

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

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

13 § 3205. LICENSED MASTER'S SOCIAL WORKER ELIGIBILITY

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

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

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

ANNOTATED VERSION

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1 (3) completed ~~3,000~~ 1,200 hours of supervised practice of ~~clinical~~ social
2 work as defined by rule under the supervision of a ~~licensed physician or a~~
3 ~~licensed osteopathic physician who has completed a residency in psychiatry, a~~
4 ~~licensed psychologist, a licensed clinical mental health counselor, a person~~
5 ~~licensed or certified under this chapter, or a person licensed or certified in~~
6 another state or Canada ~~in one of these professions~~ as a licensed independent
7 clinical social worker or a licensed master's social worker or their substantial
8 equivalent.

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

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

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

ANNOTATED VERSION

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1 Sec. 37. 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
18 post-master's supervised practice in Vermont toward licensure as licensed
19 independent clinical social workers shall be entered on the roster of
20 nonlicensed, noncertified psychotherapists.

ANNOTATED VERSION

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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. 38. 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. 39. 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~~
19 ~~name is not disclosed to the director until the examination has been graded.~~
20 ~~Examinations shall include questions in such theoretical and applied fields as~~

ANNOTATED VERSION

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

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

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

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

17 § 3208. RENEWALS

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

ANNOTATED VERSION

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

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

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

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

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

16 § 3209. ~~LICENSING WITHOUT EXAMINATION~~ LICENSURE BY
17 ENDORSEMENT

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

ANNOTATED VERSION

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

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

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

8 § 3210. UNPROFESSIONAL CONDUCT

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

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

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

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

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

ANNOTATED VERSION

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- 1 (5) practicing outside or beyond a ~~clinical social worker's area of~~
2 licensee's education, training, experience, or competence ~~without appropriate~~
3 ~~supervision~~;
- 4 (6) ~~engaging in conflicts~~ having a conflict of interest that ~~interfere~~
5 interferes with the exercise of the ~~clinical social worker's~~ licensee's
6 professional responsibilities, discretion, and impartial judgment;
- 7 (7) failing to inform a client when a real or potential conflict of interest
8 arises, and failing to take reasonable steps to resolve the issue in a manner that
9 makes the client's interest primary and protects the client's interest to the
10 greatest extent possible;
- 11 (8) taking unfair advantage of any professional relationship or exploiting
12 others to further the ~~clinical social worker's~~ licensee's personal, religious,
13 political, or business interests;
- 14 (9) engaging in dual or multiple relationships with a client or former
15 client in which there is a risk of exploitation or potential harm to the client;
- 16 (10) failing to take steps to protect a client and to set clear, appropriate,
17 and culturally sensitive boundaries, in instances where dual or multiple
18 relationships are unavoidable;
- 19 (11) failing to clarify with all parties which individuals will be
20 considered clients and the nature of the ~~clinical social worker's~~ licensee's

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1 professional obligations to the various individuals who are receiving services,
2 when a ~~clinical social worker~~ licensee provides services to two or more people
3 who have a spousal, familial, or other relationship with each other;

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

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

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

14 § 3212. EXEMPTIONS

15 (a) The provisions of this chapter shall not apply to persons while engaged
16 in the course of their customary duties as clergy, licensed physicians, nurses,
17 osteopaths, optometrists, dentists, lawyers, psychologists, mental health
18 counselors, certified marriage and family therapists and psychoanalysts,
19 rostered psychotherapists, or licensed educators when performing their duties
20 consistent with the accepted standards of their respective professions;

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1 provided, however, that they do not describe themselves to the public by any
2 other title or description stating or implying that they are licensed independent
3 clinical social workers or ~~are licensed to practice clinical social work~~ master's
4 social workers.

5 * * *

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

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

10 § 3213. DISCLOSURE OF INFORMATION

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

ANNOTATED VERSION

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

10 * * * Clinical Mental Health Counselors * * *

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

12 § 3262a. BOARD OF ALLIED MENTAL HEALTH PRACTITIONERS

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

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

17 (1) Two members shall be licensed clinical mental health counselors;
18 one member shall be a ~~certified~~ licensed marriage and family therapist; one
19 member shall, at the time of appointment, be a nonlicensed and noncertified

ANNOTATED VERSION

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1 psychotherapist entered on the roster; and two members shall be public
2 members.

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

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

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

15 * * * Real Estate Appraisers * * *

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

17 § 3314. BOARD; POWERS AND DUTIES

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

ANNOTATED VERSION

Key: yellow highlighting = language potentially added to bill as introduced
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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

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1 screening. The Board may also make additional inquiries it deems necessary
2 into the character, integrity, and reputation of the applicant; and
3 (6) perform other functions and duties as may be necessary to carry out
4 the provisions of this chapter.

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

6 § 3319a. APPRAISER TRAINEE REGISTRATION

7 * * *

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

10 [Repealed.]

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

15 * * * Tattooists and Body Piercers * * *

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

17 § 4102. PROHIBITIONS

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

ANNOTATED VERSION

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

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

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

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

8 § 4104. ADVISORY APPOINTEES

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

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

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

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

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

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

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

4 § 4105. REGISTRATION; APPRENTICESHIP REQUIREMENTS

5 * * *

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

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

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

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

ANNOTATED VERSION

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

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

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

ANNOTATED VERSION

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

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

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

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

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

ANNOTATED VERSION

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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
4 the 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. 51. 26 V.S.A. § 4125 is amended to read:

11 § 4125. DIRECTOR; DUTIES

12 * * *

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

ANNOTATED VERSION

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

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

7 * * * Midwives * * *

8 Sec. 52. 26 V.S.A. § 4185 is amended to read:

9 § 4185. DIRECTOR; DUTIES

10 * * *

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

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

ANNOTATED VERSION

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

3 * * * Electrologists * * *

4 Sec. 53. 26 V.S.A. § 4402 is amended to read:

5 § 4402. DEFINITIONS

6 As used in this chapter:

7 * * *

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

16 * * *

17 Sec. 54. 26 V.S.A. § 4403 is amended to read:

18 § 4403. PROHIBITION; PENALTY

19 * * *

ANNOTATED VERSION

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

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

6 Sec. 55. 26 V.S.A. § 4404 is amended to read:

7 § 4404. DIRECTOR; DUTIES

8 * * *

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

14 Sec. 56. EFFECTIVE DATES

15 This act shall take effect on July 1, 2014, except this section and Sec. ~~31~~ ³²
16 (transitional provision; persons currently licensed as clinical social workers),
17 which shall take effect on passage.

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ANNOTATED VERSION

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(Committee vote: _____)

Representative Evans
FOR THE COMMITTEE