1	H.282
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 make
7	miscellaneous amendments regarding professions and occupations regulated by
8	the Office of Professional Regulation.
0	
9 10	An act relating to professions and occupations regulated by the Office of 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. § 125 is amended to read:
14	§ 125. FEES
15	(a) In addition to the fees otherwise authorized by law, a board may charge
16	the following fees:
17	(1) Late renewal penalty, \$25.00 for a renewal submitted less than 30
18	days late. Thereafter, a board may increase the late renewal penalty by \$5.00
19	for every additional month or fraction of a month, provided that the total

1	penalty for a late renewal shall not exceed \$100.00. This penalty shall not
2	preclude disciplinary action for practicing without a valid license.
3	(2) Reinstatement of revoked or suspended license, \$20.00.
4	(3) Replacement of license, \$20.00.
5	(4) Verification of license, \$20.00.
6	(5)(2) An examination fee established by the Secretary, which shall be
7	no greater than the costs associated with examinations.
8	(6) [Repealed.]
9	(3) Reinstatement fees for expired licenses pursuant to section 127
10	(unauthorized practice) of this title.
11	* * *
12	Sec 2. 3 V.S.A. § 127 is amended to read:
13	§ 127. UNAUTHORIZED PRACTICE
14	* * *
15	(d)(1) A person whose license has expired for not more than one biennial
16	period may reinstate the license by meeting renewal requirements for the
17	profession, paying the profession's renewal fee, and paying the following
18	nondisciplinary reinstatement penalty:
19	(A) if reinstatement occurs within 30 days after the expiration date,
20	\$100.00; or

1	(B) if reinstatement occurs more than 30 days after the expiration
2	date, an amount equal to the renewal fee increased by \$40.00 for every
3	additional month or fraction of a month, provided the total penalty shall not
4	exceed \$1,500.00.
5	(2) Fees assessed under this subsection shall be deposited into the
6	Regulatory Fee Fund and credited to the appropriate fund for the profession of
7	the reinstating licensee.
8	(3) A licensee seeking reinstatement may submit a petition for relief
9	from the reinstatement penalty, which a board may grant only upon a finding
10	of exceptional circumstances or extreme hardship to the licensee.
11	(4) Practice by a licensee with an expired license that continues for more
12	than two years, or practicing at any time when the licensee knew or should
13	have known the license was expired, may be prosecuted by the State as
14	unauthorized practice under this section or as unprofessional conduct pursuant
15	to subdivision 129a(a)(3) of this title.
16	(e) A person practicing a licensed profession without authority shall not
17	institute any proceedings in this state State for the enforcement of any right or
18	obligation if at the time of the creation of the right or obligation the unlicensed
19	person was acting without authority.
20	(e)(f) The provisions of this section shall be in addition to any other
21	remedies or penalties for unauthorized practice established by law.

1	Sec. 3. 3 V.S.A. § 129 is amended to read:
2	§ 129. POWERS OF BOARDS; DISCIPLINE PROCESS
3	* * *
4	(f)(1) A board may appoint a hearing officer, who shall be an attorney
5	admitted to practice in this State, to conduct a hearing which that would
6	otherwise be heard by the board. A hearing officer appointed under this
7	subsection may administer oaths and exercise the powers of the board properly
8	incidental to the conduct of the hearing.
9	(2) When a hearing is conducted by a hearing officer, the officer shall
10	report findings of fact and conclusions of law to the board. The report shall be
11	made within 60 days of the conclusion of the hearing unless the board grants
12	an extension. The provisions of section 811 of this title regarding proposal for
13	decision shall not apply to the hearing officer report.
14	(3) The board may take additional evidence and may accept, reject, or
15	modify the findings and conclusions of the hearing officer. Judgment on the
16	findings shall be rendered by the board.
17	* * *
18	Sec. 4. 3 V.S.A. § 131 is amended to read:
19	§ 131. ACCESSIBILITY AND CONFIDENTIALITY OF DISCIPLINARY
20	MATTERS
21	* * *

1	(b) All meetings and hearings of boards shall be open to the public, except
2	in accord with 1 V.S.A. § 313 subject to the Open Meeting Law.
3	* * *
4	(d) Neither the Secretary nor the Office shall make public any other
5	information regarding disciplinary unprofessional conduct complaints,
6	investigations, proceedings or, and related records except the information
7	required to be released under this section.
8	(e) A licensee or applicant shall have the right to inspect and copy all
9	information in the possession of the Office pertaining to the licensee or
10	applicant, except investigatory files which have not resulted in charges of
11	unprofessional conduct and attorney work product The discovery rules for
12	conduct complaints shall apply to and govern the provision of investigatory
13	files to those charged with unprofessional conduct.
14	(f) For the purposes of As used in this section, "disciplinary action" means
15	an action based on a finding of unprofessional conduct that suspends, revokes,
16	limits, or conditions a license in any way, and includes including
17	administrative penalties, warnings, and reprimands.
18	(g) Nothing in this section shall prohibit the disclosure of <u>any</u> information
19	regarding disciplinary unprofessional conduct complaints pursuant to an order
20	from a court of competent jurisdiction, or to state State or federal law

enforcement agencies, the Department of Health, the Department of

1	Disabilities, Aging, and Independent Living, or the Department of Financial
2	Regulation in the course of their investigations, provided the agency or
3	department agrees to maintain the confidentiality and privileged status of the
4	information as provided in subsection (d) of this section.
5	Sec. 5. 3 V.S.A. § 133 is added to read:
6	§ 133. BUSINESS REGISTRATION
7	When professional services are required by law to be performed in or by a
8	business entity registered with the Office, the business entity shall:
9	(1) register with the Corporations Division of the Office of the Secretary
10	of State, if required by law; and
11	(2) separately register with the Office each name under which the
12	business entity will conduct business, register licensees, and advertise in
13	Vermont.
14	* * * Property Inspectors * * *
15	Sec. 6. 26 V.S.A. § 1091 is amended to read:
16	§ 1091. ELIGIBILITY FOR LICENSURE
17	(a) Each applicant for licensure as a property inspector shall meet the
18	following minimum requirements:
19	* * *
20	(4) Complete a minimum number of property inspections incidental to a
21	program of study in a property inspection training program administered by an

1	independent, nationally recognized organization. The Director shall identify
2	by rule the minimum number of inspections and acceptable organizations
3	required by this subdivision (4). [Repealed.]
4	(5)(b) Provide proof Proof of certification issued by an independent,
5	nationally recognized organization that provides certification for property
6	inspectors satisfies the eligibility requirements set forth in subdivisions (a)(2)
7	and (3) of this section. The Director shall identify by rule acceptable
8	organizations for certification. The Director shall issue a license to practice to
9	any person who in addition to the requirements of subdivision (a)(1) of this
10	section is certified by an acceptable organization identified by the Director.
11	* * * Nursing * * *
12	Sec. 7. 26 V.S.A. chapter 28, subchapter 1 is amended to read:
13	Subchapter 1. Registered and Licensed Practical Nursing
14	General Provisions
15	§ 1571. PURPOSE AND EFFECT
16	In order to safeguard the life and health of the people of this state State, no a
17	person shall <u>not</u> practice; or offer to practice; registered or practical nursing <u>or</u>
18	as a nursing assistant unless currently licensed under this chapter.
19	§ 1572. DEFINITIONS
20	As used in this chapter:
21	* * *

1	(3)(A) "Licensed practical nursing" means a directed scope of nursing
2	practice which that includes, but is not limited to:
3	(i)(A) Contributing contributing to the assessment of the health status
4	of individuals and groups-:
5	(ii)(B) Participating participating in the development and
6	modification of the strategy of care-:
7	(iii)(C) Implementing implementing the appropriate aspects of the
8	strategy of care as defined by the board. Board;
9	(iv)(D) Maintaining maintaining safe and effective nursing care
10	rendered directly or indirectly-:
11	(v)(E) Participating participating in the evaluation of responses to
12	interventions-:
13	(vi)(F) Delegating delegating nursing interventions that may be
14	performed by others and that do not conflict with this chapter-; and
15	(B)(G) A licensed practical nurse functions functioning at the
16	direction of a registered nurse, advanced practice registered nurse, licensed
17	physician, or licensed dentist in the performance of activities delegated by that
18	health care professional.
19	(4) "Advanced practice registered nurse" or "APRN" means a licensed
20	registered nurse authorized to practice in this state State who, because of
21	specialized education and experience, is endorsed licensed and authorized to

1	perform acts of medical diagnosis and to prescribe medical, therapeutic, or
2	corrective measures under administrative rules adopted by the board Board.
3	(5) "License" means a current authorization permitting the practice of
4	nursing as a registered nurse, licensed practical nurse, or advanced practice
5	registered nurse, or the practice as a nursing assistant.
6	§ 1573. VERMONT STATE BOARD OF NURSING
7	* * *
8	(c) Each member of the board Board shall be a citizen of the United States,
9	and a resident of this state State.
10	(1) The registered nurse licensed members shall have the following in
11	their respective categories of licensure:
12	(A) Hold a An active license to practice registered nursing in
13	Vermont <u>÷.</u>
14	(B) Have at At least five years' licensed experience in the practice of
15	registered nursing. Three of these five years shall have been immediately
16	preceding appointment.
17	(2) The licensed practical nurse members shall:
18	(A) Hold a license to practice practical nursing in Vermont;
19	(B) Have at least five years' experience in the practice of practical
20	nursing. Three of these five years shall have been immediately preceding
21	appointment.

(3) The public members shall not be members of any other
health-related licensing boards, licensees of any health-occupation boards, or
employees of any health agencies or facilities, and shall not derive primary
livelihood from the provision of health services at any level of responsibility.
(d) Any vacancy occurring on the board shall be filled for the unexpired
term by appointment to be made by the governor Six members of the Board
shall constitute a quorum.
§ 1573a. APRN SUBCOMMITTEE
The board shall appoint a subcommittee to study and report to the board or
matters relating to advanced practice registered nurse practice. The
subcommittee shall be composed of at least five members. The majority shall
be advanced practice registered nurses who are licensed and in good standing
in this state. At least one member shall be a member of the public, and at least
one member shall be a physician designated by the board of medical practice.
Members of the subcommittee shall be entitled to compensation at the rate
provided in 32 V.S.A. § 1010. [Repealed.]
§ 1574. POWERS AND DUTIES
(a) The board In addition to the powers granted by 3 V.S.A. § 129, the
Board shall:

* * *

1	(2) Conduct business at any meeting only if five members are present to
2	constitute a quorum; and keep a record of its proceedings which shall be a
3	public record; Adopt rules necessary to perform its duties under this chapter.
4	(3) Prescribe Adopt rules setting standards for educational approval of
5	nursing assistant and nursing education programs and approve such nursing
6	education programs in Vermont as meet the requirements of this chapter and
7	board rules;, including all clinical facilities. The Board may require
8	reimbursement for actual and necessary costs incurred for site surveys.
9	(4) Adopt rules for medication nursing assistant education and
10	competency evaluation programs and survey and approve those programs that
11	meet the rules.
12	(A) After an opportunity for a hearing, the Board may deny or
13	withdraw approval or take lesser action when a program fails to meet the rules
14	requirements.
15	(B) The Board may reinstate a program whose approval has been
16	denied or withdrawn when the Board is satisfied that deficiencies have been
17	remedied and the requirements have been met.
18	(5) Establish Adopt rules setting standards required for registration and
19	licensure of individuals for the practice of as a nursing, including the assistant,
20	practical nurse, registered nurse, or advanced practice registered nurse, and for

endorsement of advanced practice registered those nurses and those in special

1	areas of nursing practice which that require additional education and
2	experience;.
3	(5)(6) Examine, register, license, and renew the licenses of duly
4	qualified applicants and keep a record of all persons registered by this state, all
5	persons currently licensed as <u>nursing assistants</u> , <u>practical nurses</u> , registered
6	nurses, and practical advanced practice registered nurses, and all persons
7	meeting standards which may be established in defined special areas of nursing
8	practice;
9	(6)(7) Adopt rules setting active practice requirements for licensure and
10	<u>renewal.</u>
11	(8) Provide standards Adopt rules for and approve education programs
12	for the benefit of nurses who are reentering practice following a lapse of five
13	or more years <u>;</u>
14	(7)(9) Investigate complaints and charges of unauthorized practice, or
15	unprofessional conduct, or incompetency against any person and take proper
16	action under section 1582 or 1584 of this title chapter, as the case may be;.
17	(8) Compel the attendance of witnesses and the furnishing of evidentiary
18	material in connection with a hearing by subpoenas issued by the executive
19	officer of the board with the approval of the board; and
20	(9)(10) Adopt rules necessary to perform its duties under this
21	subchapter, and may adopt rules establishing a program to serve as an

1	alternative to the disciplinary process for nurses and nursing assistants with
2	chemical dependencies or other professional practice issues as designated by
3	the board <u>Board</u> .
4	(b) In consultation with the Board, the Director of the Office of
5	Professional Regulation may employ an Executive Director or the Board and
6	contract for such persons as may be necessary to carry out the work of the
7	Board.
8	§ 1575. STAFF
9	With the approval of the board, the director of the office of professional
10	regulation may employ or contract for such persons as may be necessary to
11	carry on the work of the board. [Repealed.]
12	§ 1575a. CRIMINAL BACKGROUND CHECKS
13	(a) An applicant for licensure under this chapter shall provide appropriate
14	identifying information including fingerprints for a State and national
15	background check.
16	(b) The Board shall obtain from the Vermont Criminal Information Center:
17	(1) information regarding criminal records of any applicant;
18	(2) information regarding criminal records from all states where the
19	Board has reason to believe an applicant has resided or been employed; and
20	(3) information from the Federal Bureau of Investigation regarding the
21	criminal record of any applicant.

1	(c) An applicant shall bear all costs associated with criminal record checks.
2	§ 1576. REGISTERED NURSE AND PRACTICAL NURSE
3	REGISTRATION AND LICENSURE
4	(a) Qualifications of applicants. An applicant for registration and a license
5	to practice registered or practical nursing shall submit to the Board evidence
6	deemed satisfactory to it that the applicant has completed all requirements in
7	an approved nursing education program preparing individuals for the practice
8	of either registered or practical nursing.
9	(b) Registration and licensure by examination.
10	(1) The applicant shall be required to pass an examination in such
11	subjects as the Board considers necessary to determine the ability of the
12	applicant to practice registered or practical nursing.
13	(2) Upon passing the required examination, the Board shall register and
14	issue to the applicant a current license to practice as a registered nurse (R.N.)
15	or a licensed practical nurse (L.P.N.).
16	(3) The Board shall hold at least one examination annually for registered
17	nurse candidates and one for practical nurse candidates at such place and at
18	such time as the Board shall determine.
19	(4) Any qualified applicant shall be entitled to reexaminations.
20	(c) Registration and licensure by endorsement. The Board shall register
21	and issue a current license to practice registered or practical nursing to an

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applicant who has been duly licensed by examination as a registered nurse or a practical nurse under the laws of another state, territory, or foreign country if the applicant meets the qualifications required in this State and has previously achieved passing scores on the licensing examination required in this State or its equivalent as determined by the Board, and has met active practice requirements established by the Board by rule. (d) Temporary licenses. The Board may issue a temporary license to practice nursing for a period not to exceed 90 days to a registered nurse or licensed practical nurse currently licensed in another jurisdiction of the United States and who has applied for licensure by endorsement in accordance with the rules of the Board. (e) Notwithstanding the provisions of this section and any other provision of law, a nurse who holds an unrestricted license in all jurisdictions in which the nurse is currently licensed, who certifies to the Vermont Board of Nursing that he or she will limit his or her practice in Vermont to providing pro bono

services at a free or reduced fee clinic in Vermont and who meets the criteria

of the Board, shall be licensed by the Board within 60 days of the licensee's

certification without further examination, interview, fee, or any other

requirement for Board licensure. The nurse shall file with the Board, on forms

provided by the Board and based on criteria developed by the Board,

information on nursing qualifications, professional discipline, criminal record,

1	malpractice claims, or any other such information as the Board	may require. A
2	license granted under this subsection shall authorize the license	ee to practice
3	nursing on a voluntary basis in Vermont. [Repealed.]	
4	§ 1577. FEES	
5	Applicants and persons regulated under this subchapter chapter	oter shall pay
6	the following fees:	
7	(1) Nursing Assistants	
8	(A) Application	\$ 20.00
9	(B) Biennial renewal	\$ 45.00
10	(2) Practical Nurses and Registered Nurses	
11	(A) Application	\$ 60.00
12	(2)(B) Registered nurse application by endorsement	\$ 150.00
13	(3)(C) Biennial renewal	\$ 140.00
14	(4) Limited temporary license	\$ 25.00
15	(5)(3) Advanced Practice Registered Nurses	
16	(A) Initial endorsement of advanced practice	
17	registered nurses	\$ 75.00
18	(6)(B) Biennial renewal of advanced practice	
19	registered nurses	\$ 75.00

1	§ 15/8. EXISTING LICENSES
2	Any person registered or licensed to practice registered or practical nursing
3	by the board on or before July 1, 1980 shall retain all rights and privileges
4	granted thereunder as if registered or licensed under this chapter. [Repealed.]
5	§ 1579. RENEWAL ISSUANCE AND DURATION OF LICENSE
6	<u>LICENSES</u>
7	(a) Licenses and endorsements shall be renewed by the board for periods of
8	up to every two years on a schedule determined by the Office of Professional
9	Regulation.
10	(b) Any registrant who has held a valid license and practiced nursing within
11	the past five years may apply for renewal without further examination or
12	qualifying requirements not otherwise imposed on current licensees.
13	(c) All applicants for renewal of a license to practice shall have practiced
14	nursing within the last five years as defined in section 1572 of this title or
15	comply with the requirements for updating knowledge and skills as defined by
16	board rules.
17	* * *
18	§ 1581. NURSING EDUCATION PROGRAMS
19	(a) The board shall, by rule, establish standards for the creation and
20	conduct of nursing education programs, including all clinical facilities used for

1	learning experiences. The board shall survey programs and approve those
2	programs which meet the requirements of this subchapter and the board rules.
3	(b) A postsecondary educational institution within the state of Vermont
4	desiring to conduct a nursing education program shall apply to the board and
5	submit evidence that its nursing program is designed to meet the standards
6	established by the board. If upon investigation, the board finds that the
7	program meets the established standards for nursing education programs, it
8	shall approve the applicant program.
9	(c) The board shall periodically survey and evaluate approved nursing
10	education programs and shall publish a list of approved programs. A nursing
11	education program shall reimburse the board for actual and necessary costs
12	incurred for site surveys.
13	(d) The board may deny or withdraw approval or take such action as it
14	deems necessary when nursing education programs fail to meet the standards
15	established by the board, provided that such action shall be in accordance with
16	this chapter, board rules, and the Administrative Procedure Act.
17	(e) Reinstatement of approval. The board shall reinstate approval of a
18	nursing education program based on satisfactory evidence that the program
19	meets the standards established by the board. [Repealed.]

1	§ 1582. REGULATORY AUTHORITY; UNPROFESSIONAL CONDUCT
2	(a) The board Board may deny an application for registration, licensure, or
3	relicensure renewal, or reinstatement; revoke or suspend any license to practice
4	nursing issued by it; or discipline or in other ways condition the practice of a
5	registrant an applicant or licensee upon due notice and opportunity for hearing
6	in compliance with the provisions of 3 V.S.A. chapter 25 if the person engages
7	in the following conduct or the conduct set forth in 3 V.S.A. § 129a:
8	(1) Has made making or caused causing to be made a false, fraudulent,
9	or forged statement or representation in procuring or attempting to procure
10	registration or renew a license to practice nursing;
11	(2) Whether or not committed in this state, has been convicted of a
12	crime related to the practice of nursing or a felony which evinces an unfitness
13	to practice nursing;
14	(3) Is unable to practice nursing competently by reason of any cause;
15	(4) Has willfully or repeatedly violated any of the provisions of this
16	chapter;
17	(5) Is habitually intemperate or is addicted to the use of habit-forming
18	drugs;
19	(6) Has a mental, emotional, or physical disability, the nature of which
20	interferes with ability to practice nursing competently diverting or attempting

to divert drugs or equipment or supplies for unauthorized use;

1	(7)(3) Engages engaging in conduct of a character likely to deceive,
2	defraud, or harm the public;
3	(8)(4) Has willfully omitted willfully failing to file or record, or has
4	willfully impeded impeding or obstructed a obstructing filing or recording, or
5	has induced inducing another person to omit to file or record medical reports
6	required by law;
7	(9)(5) fraudulent or deceitful submission of any information or records
8	to the Board;
9	(6) leaving a nursing assignment without properly advising appropriate
10	personnel;
11	(7) violating confidentiality by inappropriately revealing information or
12	knowledge about a patient or client;
13	(8) Has knowingly aided or abetted knowingly aiding or abetting a
14	health care provider who is not legally practicing within the state State in the
15	provision of health care services;
16	(10)(9) Has permitted his or her permitting one's name or license to be
17	used by a person, group, or corporation when not actually in charge of or
18	responsible for the treatment given;
19	(11)(10) Has failed failing to comply with the patient bill of rights
20	provisions of 18 V.S.A. § 1852 or other statutes governing the profession; or

1	(12)(11) Has committed any sexual sexual misconduct that exploits the
2	provider-patient relationship, including sexual contact with a patient,
3	surrogates, or key third parties;
4	(12) abusing or neglecting a patient or misappropriating patient
5	property:
6	(13) failing to report to the Board any violation of this chapter or of the
7	Board's rules; or
8	(14) failing to take appropriate action to safeguard a patient from
9	incompetent health care.
10	(b) Procedure. The board shall establish a discipline process based on this
11	chapter and the Administrative Procedure Act.
12	(c) Appeals. Any person or institution aggrieved by any action of the board
13	under this section or section 1581 of this title may appeal as provided in
14	3 V.S.A. § 130a.
15	(d) A person shall not be liable in a civil action for damages resulting from
16	the good faith reporting of information to the board Board about incompetent,
17	unprofessional, or unlawful conduct of a nurse licensee.
18	§ 1583. EXCEPTIONS EXEMPTIONS
19	This chapter does not prohibit:
20	(1) The furnishing of Rendering assistance in the case of an emergency
21	or disaster.

(2) The practice of nursing which that is incidental to their program of	
study by persons enrolled in approved nursing education programs approved	
by the board, or graduates of approved nursing education programs pending	
the results of the first licensing examination scheduled by the board following	
graduation. Graduates shall so practice under supervision of a professional	
nurse and shall have an application for registration and licensure by	
examination on file Board.	
* * *	
(9) A person holding an unencumbered license in another United States	
jurisdiction from practicing nursing for no more than 30 days in any calendar	
year under the supervision of a Vermont licensed registered nurse as part of an	
educational offering.	
* * *	
Sec. 8. REPEAL	
26 V.S.A. chapter 28, subchapter 2 (nursing assistants) (§§ 1591–1601) is	
repealed.	
Sec. 9. 26 V.S.A. chapter 28, subchapter 3 is amended to read:	
Subchapter 3 2. Advanced Practice Registered Nurses	
§ 1611. ADVANCED PRACTICE REGISTERED NURSE LICENSURE	
To be eligible for an APRN license, an applicant shall:	

and specialty practice; and

(1) have <u>Have</u> a degree or certificate from a Vermont graduate nursing
program approved by the board Board or a United States graduate program
approved by a state or a national accrediting agency that includes a curriculum
substantially equivalent to <u>Vermont</u> programs approved by the <u>board</u> <u>Board</u> .
The educational program shall meet the educational standards set by the
national accrediting board and the national certifying board. Programs shall
include a supervised clinical component in the role and population focus of the
applicant's certification. The program shall prepare nurses to practice
advanced nursing in a role as a nurse practitioner, certified nurse midwife,
certified nurse anesthetist, or clinical nurse specialist in psychiatric or mental
health nursing and shall include, at a minimum, graduate level courses in:
(A) advanced pharmacotherapeutics;
(B) advanced patient assessment; and
(C) advanced pathophysiology; .
(2) hold a degree or certificate from an accredited graduate-level
educational program preparing the applicant for one of the four recognized
APRN roles described in subdivision (1) of this section and have educational
preparation consistent with the applicant's certification, role, population focus,

1	(3) hold Hold current advanced nursing certification in a role and
2	population focus granted by a national certifying organization recognized by
3	the board <u>Board</u> .
4	§ 1611a. FEE WAIVER; PRO BONO PRACTICE
5	(a) An advanced practice registered nurse who holds an unrestricted license
6	in all jurisdictions in which the nurse is currently licensed, who certifies to the
7	Board that he or she will limit his or her practice in Vermont to providing pro
8	bono services at a free or reduced fee clinic, and who meets the requirements
9	for licensure shall be licensed by the Board without payment of the licensing
10	application fee.
11	(b) A license granted under this section shall authorize the licensee to
12	practice advanced practice registered nursing on a voluntary basis in Vermont.
13	§ 1612. PRACTICE GUIDELINES
14	(a) APRN licensees who intend to or are engaged in clinical practice as an
15	APRN shall submit for review individual practice guidelines and receive board
16	Board approval of the practice guidelines. Practice guidelines shall reflect
17	current standards of advanced nursing practice specific to the APRN's role,
18	population focus, and specialty.
19	(b) Licensees shall submit for review individual practice guidelines and
20	receive board Board approval of the practice guidelines:
21	(1) prior to initial employment;

1	(2) if employed or practicing as an APRN, upon application for renewal
2	of an APRN's registered nurse license; and
3	(3) prior to a change in the APRN's employment or clinical role,
4	population focus, or specialty.
5	* * *
6	§ 1615. <u>ADVANCED PRACTICE REGISTERED NURSES;</u>
7	REGULATORY AUTHORITY; UNPROFESSIONAL CONDUCT
8	(a) The board In addition to the provisions of 3 V.S.A. § 129a and section
9	1582 of this chapter, the Board may deny an application for licensure or,
10	renewal, or reinstatement, or may revoke, suspend, or otherwise discipline an
11	advanced practice registered nurse upon due notice and opportunity for hearing
12	in compliance with the provisions of 3 V.S.A. chapter 25 if the person engages
13	in the following conduct set forth in 3 V.S.A. § 129a or section 1582 of this
14	title or any of the following:
15	* * *
16	(9) Administering or promoting the sale of medication, devices,
17	appliances, or other patient goods and services in a manner that exploits the
18	patient.
19	(10) Selling, prescribing, giving away, or administering drugs for other
20	than legal and legitimate therapeutic purposes.

1	(11) Agreeing with clinical or bioanalytical laboratories to make
2	payments to such laboratories for individual tests or test series for patients,
3	unless the APRN discloses on the bills to patients or third party payers the
4	name of such laboratory, the amount or amounts to such laboratory for
5	individual tests or test series, and the amount of his or her processing charge or
6	procurement, if any, for each specimen taken.
7	(12) Willful misrepresentation in treatments.
8	(13) Permitting one's name or license to be used by a person, group, or
9	corporation when not actually in charge of or responsible for the treatment
10	given.
11	* * *
12	§ 1615a. APRN SUBCOMMITTEE
13	(a) The Board shall appoint a subcommittee to study and report to the
14	Board on matters relating to advanced practice registered nurse practice.
15	(b) The subcommittee shall be composed of at least five members.
16	(1) The majority shall be advanced practice registered nurses who are
17	licensed and in good standing in this State.
18	(2) At least one member shall be a member of the public, and at least
19	one member shall be a physician designated by the Board of Medical Practice.
20	(c) Members of the subcommittee shall be entitled to compensation and
21	reimbursement of expenses as provided in 32 V.S.A. § 1010.

1	Sec. 10. REPEAL
2	26 V.S.A. chapter 28, subchapter 4 (sexual assault nurse examiners)
3	(§§ 1621–1624) is repealed.
4	Sec. 11. 26 V.S.A. chapter 28, subchapter 3 is added to read:
5	Subchapter 3. Registered Nurses and Practical Nurses
6	§ 1621. REGISTERED NURSE LICENSURE BY EXAMINATION
7	To be eligible for licensure as a registered nurse by examination, an
8	applicant shall complete:
9	(1) an approved United States registered nursing education program
10	meeting requirements set by the Board by rule; and
11	(2) examinations as determined by the Board;
12	§ 1622. REGISTERED NURSE LICENSURE BY ENDORSEMENT
13	To be eligible for licensure as a registered nurse by endorsement, an
14	applicant shall:
15	(1) hold a current license to practice registered nursing in another United
16	States jurisdiction based on education in a United States nursing program; and
17	(2) meet practice requirements set by the Board by rule.
18	§ 1623. LICENSURE FOR REGISTERED NURSES EDUCATED
19	OUTSIDE THE UNITED STATES
20	To be eligible for licensure under this chapter, a registered nurse applicant
21	who was educated outside the United States shall:

1	(1) hold a current registered nurse license from a country outside the
2	United States;
3	(2) complete secondary education;
4	(3) graduate from a registered nursing education program meeting the
5	requirements of rules set by the Board;
6	(4) demonstrate English language proficiency, if the nursing education
7	program was conducted in a language other than English; and
8	(5) complete examinations as determined by the Board.
9	§ 1624. REGISTERED NURSE LICENSE RENEWAL
10	To renew a license, a registered nurse shall meet active practice
11	requirements set by the Board by rule.
12	§ 1625. PRACTICAL NURSE LICENSURE BY EXAMINATION
13	To be eligible for licensure as a practical nurse by examination, an applicant
14	<u>shall:</u>
15	(1) complete an approved United States practical nursing education
16	program meeting requirements set by the Board by rule; and
17	(2) complete examinations as determined by the Board;
18	§ 1626. PRACTICAL NURSE LICENSURE BY ENDORSEMENT
19	To be eligible for licensure as a practical nurse by endorsement, an
20	applicant shall:

1	(1) hold a current license to practice practical nursing in another United
2	States jurisdiction based on education in a United States nursing program; and
3	(2) meet practice requirements set by the Board by rule.
4	§ 1627. LICENSURE FOR PRACTICAL NURSES EDUCATED OUTSIDE
5	THE UNITED STATES
6	To be eligible for licensure under this chapter, a practical nurse applicant
7	who was educated outside the United States shall:
8	(1) hold a current practical nurse license from a country outside the
9	United States;
10	(2) complete secondary education;
11	(3) graduate from a practical nursing education program meeting the
12	requirements of rules set by the Board;
13	(4) demonstrate English language proficiency if the nursing education
14	program was conducted in a language other than English; and
15	(5) complete examinations as determined by the Board.
16	§ 1628. PRACTICAL NURSE LICENSE RENEWAL
17	To renew a license, a practical nurse shall meet active practice requirements
18	set by the Board by rule.
19	§ 1629. FEE WAIVER; PRO BONO PRACTICE
20	(a) A nurse who holds an unrestricted license in all jurisdictions in which
21	the nurse is currently licensed, who certifies to the Board that he or she will

1	limit his or her practice in Vermont to providing pro bono services at a free or
2	reduced fee clinic, and who meets the requirements for licensure shall be
3	licensed by the Board without payment of the licensing application fee.
4	(b) A license granted under this section shall authorize the licensee to
5	practice nursing on a voluntary basis in Vermont.
6	Sec. 12. 13 V.S.A. chapter 167, subchapter 5 is added to read:
7	Subchapter 5. Sexual Assault Nurse Examiners
8	§ 5431. DEFINITION
9	As used in this subchapter, "SANE" means a sexual assault nurse examiner
10	§ 5432. SANE BOARD
11	(a) The SANE Board is created for the purpose of regulating sexual assault
12	nurse examiners.
13	(b) The SANE Board shall be composed of the following members:
14	(1) the Executive Director of the Vermont State Nurses Association or
15	designee;
16	(2) the President of the Vermont Association of Hospitals and Health
17	Systems;
18	(3) the Director of the Vermont Forensic Laboratory or designee;
19	(4) the Director of the Vermont Network Against Domestic and Sexual
20	Violence or designee;

1	(5) an attorney with experience prosecuting sexual assault crimes,
2	appointed by the Attorney General;
3	(6) the Executive Director of the Vermont Center for Crime Victim
4	Services or designee;
5	(7) a law enforcement officer assigned to one of Vermont's special units
6	of investigation, appointed by the Commissioner of Public Safety;
7	(8) a law enforcement officer employed by a municipal police
8	department, appointed by the Executive Director of the Vermont Criminal
9	Justice Training Council;
10	(9) three sexual assault nurse examiners, appointed by the Attorney
11	General;
12	(10) a physician whose practice includes the care of victims of sexual
13	assault, appointed by the Vermont Medical Society;
14	(11) a pediatrician whose practice includes the care of victims of sexual
15	assault, appointed by the Vermont Chapter of the American Academy of
16	Pediatrics;
17	(12) the Coordinator of the Vermont Victim Assistance Program or
18	designee;
19	(13) the President of the Vermont Alliance of Child Advocacy Centers
20	or designee;
21	(14) the Chair of the Vermont State Board of Nursing or designee; and

1	(15) the Commissioner for Children and Families or designee.
2	§ 5433. SANE PROGRAM CLINICAL COORDINATOR
3	A grant program shall be established by the Vermont Center for Crime
4	Victim Services, subject to available funding, to fund a clinical coordinator
5	position for the purpose of staffing the SANE program. The position shall be
6	contracted through the Vermont Network Against Domestic and Sexual
7	Violence. The Clinical Coordinator shall consult with the SANE Board in
8	performing the following duties:
9	(1) overseeing the recruitment and retention of SANEs in the State of
10	<u>Vermont;</u>
11	(2) administering a statewide training program, including:
12	(A) the initial SANE certification training:
13	(B) ongoing training to ensure currency of practice for SANEs; and
14	(C) advanced training programs as needed;
15	(3) providing consultation and technical assistance to SANEs and
16	hospitals regarding the standardized sexual assault protocol; and
17	(4) providing training and outreach to criminal justice and
18	community-based agencies as needed.
19	§ 5434. SANE BOARD DUTIES
20	(a) A person licensed under 26 V.S.A. chapter 28 (nursing) may obtain a
21	specialized certification as a sexual assault nurse examiner if he or she

1	demonstrates compliance with the requirements for specialized certification as
2	established by the SANE Board by rule.
3	(b) The SANE Board shall adopt the following by rule:
4	(1) educational requirements for obtaining specialized certification as a
5	sexual assault nurse examiner and statewide standards for the provision of
6	education;
7	(2) continuing education requirements and clinical experience necessary
8	for maintenance of the SANE specialized certification;
9	(3) a standardized sexual assault protocol and kit to be used by all
10	physicians and hospitals in this State when providing forensic examinations of
11	victims of alleged sexual offenses;
12	(4) a system of monitoring for compliance; and
13	(5) processes for investigating complaints, revoking certification, and
14	appealing decisions of the Board.
15	(c) The SANE Board may investigate complaints against a sexual assault
16	nurse examiner and may revoke certification as appropriate.
17	Sec. 13. RECODIFICATION
18	(a) 26 V.S.A. chapter 28, subchapter 4 (sexual assault nurse examiners) is
19	recodified as 13 V.S.A. chapter 167, subchapter 5. During statutory revision,
20	the Office of Legislative Council shall revise accordingly in the Vermont

1	Statutes Annotated any references to 26 V.S.A. chapter 28, subchapter 4 or the
2	statutes therein.
3	(b) Any references in session law and adopted rules to 26 V.S.A.
4	chapter 28, subchapter 4 as previously codified shall be deemed to refer to
5	13 V.S.A. chapter 167, subchapter 5.
6	Sec. 14. 26 V.S.A. chapter 28, subchapter 4 is added to read:
7	Subchapter 4. Nursing Assistants
8	§ 1641. DEFINITIONS
9	As used in this subchapter:
10	(1) "Medication nursing assistant" means a licensed nursing
11	assistant who:
12	(A) is under the supervision of a nurse holding a currently valid
13	endorsement authorizing the delegation to the nursing assistant of tasks of
14	medication administration performed in a nursing home;
15	(B) has completed a Board-approved medication administration
16	education program and an examination as set forth by rules adopted by the
17	Board; and
18	(C) is endorsed by the Board and authorized to administer medication
19	in a nursing home.
20	(2) "Nursing assistant" means an individual who performs nursing or
21	nursing-related functions under the supervision of a licensed nurse.

1	(3) "Nursing or nursing-related functions" means nursing-related
2	activities as defined by rule, which include basic nursing and restorative duties
3	for which a nursing assistant is prepared by education and supervised practice.
4	§ 1642. NURSING ASSISTANT LICENSURE BY EXAMINATION
5	The Board may issue a license to practice as a nursing assistant to an
6	applicant who:
7	(1) is no less than 16 years of age;
8	(2) has completed an approved nursing assistant education program; and
9	(3) has successfully completed the competency examination.
10	§ 1643. NURSING ASSISTANT LICENSURE BY ENDORSEMENT
11	The Board may issue a license to practice as a nursing assistant to an
12	applicant who:
13	(1) is licensed or registered in another United States jurisdiction; and
14	(2) who has met the practice requirements set by the Board by rule.
15	§ 1644. PROHIBITIONS; OFFENSES
16	(a) A person shall not use any letters, words, or insignia in connection with
17	the person's name that indicate or imply that the person is a nursing assistant
18	unless the person is licensed in accordance with this subchapter.
19	(b) A person shall not practice nursing or nursing-related functions as
20	defined in section 1641 of this subchapter without being licensed by the Board

1	(c) A person who violates this section shall be subject to the penalties set
2	forth in 3 V.S.A. § 127.
3	<u>§ 1645. RENEWAL</u>
4	To renew a license, a nursing assistant shall meet active practice
5	requirements set by the Board by rule.
6	§ 1646. EXEMPTIONS
7	(a) Nothing in this subchapter shall be construed to prohibit other licensed
8	or certified professionals from carrying on in the usual manner any of the
9	functions of their professions.
10	(b) This subchapter does not prohibit the performance of nursing or
11	nursing-related functions that are incidental to their program of study by
12	persons enrolled in approved nursing assistant education and competency
13	evaluation programs.
14	(c) Nothing in this subchapter shall be construed to conflict with the
15	administration of medication by nonlicensees pursuant to the residential care
16	home licensing rules adopted by the Department of Disabilities, Aging, and
17	Independent Living.
18	* * * Osteopathic Physicians * * *
19	Sec. 15. 26 V.S.A. § 1752 is amended to read:
20	§ 1752. PROHIBITION; PENALTY
21	(a) No A person shall not perform any of the following acts:

1	* * *
2	(b) A person violating any of the provisions of subsection (a) of this section
3	shall be subject to the penalties provided in 3 V.S.A. § 127(e) 3 V.S.A. § 127.
4	Sec. 16. 26 V.S.A. § 1791 is amended to read:
5	§ 1791. COMPOSITION OF THE BOARD; QUALIFICATIONS; TERM OF
6	OFFICE
7	* * *
8	(b)(1) Three members of the board Board shall be osteopathic physicians
9	licensed and in good standing in this state State who are graduates of an
10	accredited school of osteopathic medicine and who reside and have resided and
11	actively practiced osteopathic medicine in this state State during the two years
12	immediately preceding their appointments.
13	(2) Two members shall be public members. A public member shall not
14	be a member of any other health-related licensing board, nor have a financial
15	interest personally or through a spouse, parent, child, brother, or sister in the
16	activities regulated under this chapter, other than as a consumer or possible
17	consumer of osteopathic medical services.
18	* * *
19	Sec. 17. 26 V.S.A. § 1792 is amended to read:
20	§ 1792. POWERS; DUTIES
21	* * *

1	(b) The board Board may:
2	(1) Adopt adopt rules necessary for the performance of its duties.
3	(2) Issue subpoenas to compel the attendance of witnesses at any
4	investigation or hearing.
5	(3) Issue orders relating to discovery in the same manner as a judge
6	under the Vermont Rules of Civil Procedure.
7	(c) The board shall lack the power to condition, limit, or alter in any way
8	the express terms of this chapter.
9	Sec. 18. 26 V.S.A. § 1830 is amended to read:
10	§ 1830. APPLICATION
11	To apply for licensure as an osteopathic physician a person shall apply to
12	the board on a form furnished by the board. The application shall be
13	accompanied by payment of the required fees and evidence of eligibility as
14	requested by the board. [Repealed.]
15	Sec. 19. 26 V.S.A. § 1832a is amended to read:
16	§ 1832a. LICENSURE WITHOUT EXAMINATION
17	* * *
18	(b) A person shall be entitled to licensure without examination if, at the
19	time of application, he or she produces satisfactory evidence of the following
20	and, in the judgment of the board Board, he or she is qualified in all respects
21	for a license:

1	(1) Licensure licensure in another state United States or Canadian
2	jurisdiction whose requirements are substantially equivalent to the
3	requirements of this chapter-; and
4	(2) The the person has been granted a diploma by an accredited school
5	or college of osteopathic medicine.
6	(c) Applicants for licensure under subsection (b) of this section may be
7	required to appear for a personal interview before the board. [Repealed.]
8	Sec. 20. 26 V.S.A. § 1834 is amended to read:
9	§ 1834. LIMITED TEMPORARY LICENSE
10	(a) An applicant for a limited temporary license shall meet the following
11	requirements:
12	(1) Have have attained the age of majority:
13	(2) Be be a graduate of an accredited school or college of osteopathic
14	medicine-;
15	(3) Be be appointed as an intern, resident, fellow, or medical officer in
16	an approved hospital or in a clinic which is affiliated with an approved
17	hospital, or in any hospital or institution maintained by the state State, or in
18	any clinic or outpatient clinic affiliated with or maintained by the state.
19	State; and
20	(4) pass Parts 1 and 2 of the Comprehensive Osteopathic Medical
21	Licensing Examination – USA (COMLEX) or Parts 1 and 2 of the United

1	States Medical Licensing Examination (USMLE) or their successor or
2	equivalent examinations approved by the Board, unless the applicant is exempt
3	from all or a part of the examination under the provisions of section 1832 or
4	1832a of this chapter.
5	* * *
6	Sec. 21. 26 V.S.A. § 1836 is amended to read:
7	§ 1836. BIENNIAL RENEWAL OF LICENSE; CONTINUING
8	EDUCATION
9	* * *
10	(d) A lapsed license shall be reinstated upon payment of the biennial
11	renewal fee, the late renewal penalty, and compliance with the other provisions
12	of this section. [Repealed.]
13	Sec. 22. REPEAL
14	The following sections set forth in 26 V.S.A. chapter 33 (osteopathy) are
15	repealed:
16	(1) § 1837 (health maintenance organization; medical director);
17	(2) § 1841 (preliminary decisions);
18	(3) § 1843 (disciplinary action);
19	(4) § 1844 (appeal);
20	(5) § 1851 (license requirement);
21	(6) § 1852 (issuance of license);

1	(7) § 1853 (effect of license);
2	(8) § 1854 (patient medical records);
3	(9) § 1855 (sanctions); and
4	(10) § 1856 (fees).
5	* * * Pharmacy * * *
6	Sec. 23. 26 V.S.A. § 2022 is amended to read:
7	§ 2022. DEFINITIONS
8	As used in this chapter:
9	* * *
10	(7) "Drug outlet" means all pharmacies, nursing homes, convalescent
11	homes, extended care facilities, drug abuse treatment centers, penal
12	institutions, family planning clinics, retail stores, hospitals, wholesalers,
13	manufacturers, any authorized treatment centers, and mail order vendors which
14	are engaged in dispensing, delivery, or distribution of prescription drugs.
15	* * *
16	Sec. 24. REPEAL
17	26 V.S.A. chapter 36, subchapter 7 (emergency contraception) is repealed.
18	Sec. 25. 18 V.S.A. § 4240 is amended to read:
19	§ 4240. PREVENTION AND TREATMENT OF OPIOID-RELATED
20	OVERDOSES
21	(a) As used in this section:

(1) "Health care professional" means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, a physician's physician assistant certified licensed to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 31, or an advanced practice registered nurse authorized to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 28, or a pharmacist licensed pursuant to 26 V.S.A. chapter 36.

* * *

(c)(1) A health care professional acting in good faith <u>and within his or her scope of practice</u> may directly or by standing order prescribe, dispense, and distribute an opioid antagonist to the following persons, provided the person has been educated about opioid-related overdose prevention and treatment in a manner approved by the Department:

13 ***

(e) A person acting on behalf of a community-based overdose prevention program or a licensed pharmacist shall be immune from civil or criminal liability for providing education on opioid-related overdose prevention or for purchasing, acquiring, distributing, or possessing an opioid antagonist unless the person's actions constituted recklessness, gross negligence, or intentional misconduct.

20 ***

1	* * * Real Estate Brokers and Salespersons * * *
2	Sec. 26. 26 V.S.A. § 2298 is amended to read:
3	§ 2298. DIRECTOR OF THE OFFICE OF PROFESSIONAL REGULATION
4	AS PROCESS AGENT
5	Every nonresident applicant shall file a stipulation appointing the director of
6	the office of professional regulation and the director's successor in office as
7	the applicant's true and lawful attorney, upon whom may be served all lawful
8	process in any action or proceeding against the applicant. Such appointment
9	shall contain an express agreement by the applicant that any lawful process
10	against the applicant which is served on such attorney shall have the same legal
11	force and effect as if served upon the applicant, and that the authority given in
12	such appointment shall continue in force so long as any liability to any resident
13	of this state remains unsatisfied. [Repealed.]
14	* * * Radiologic Technologists * * *
15	Sec. 27. 26 V.S.A. § 2803 is amended to read:
16	§ 2803. EXEMPTIONS
17	The prohibitions in section 2802 of this chapter shall not apply to dentists
18	licensed under chapter 12 of this title and actions within their scope of practice
19	nor to:
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(2) Students of medicine, dentistry, podiatry, naturopathic medicine, or chiropractic when participating in a program approved or recognized by the board of medical practice Board of Medical Practice, dentistry Board of Dental Examiners, or ehiropractic Board of Chiropractic, as appropriate, and when under the general supervision of an instructor who is a licensed practitioner and when acting within the scope of practice for that licensed practitioner's field. (3) Students in an approved school of radiologic technology under the general supervision of a licensed practitioner or licensed radiologic technologist. * * * (5) Any of the following when operating dental radiographic equipment to conduct intraoral radiographic examinations under the general supervision of a licensed practitioner; and, any of the following when operating dental radiographic equipment to conduct specialized radiographic examinations including tomographic, cephalometric, or temporomandibular joint examinations, if the person has completed a course in radiography approved by the board of dental examiners Board of Dental Examiners and practices under the general supervision of a licensed practitioner:

(A) a certified licensed dental hygienist;

* * *

1	(6) Licensees certified in one of the three primary modalities set forth in
2	section 2821a of this chapter preparing for postprimary certification in
3	accordance with ARRT or NMTCB under the direct personal general
4	supervision of a licensee already certified in the specific postprimary modality
5	at issue.
6	* * *
7	Sec. 28. 26 V.S.A. § 2804 is amended to read:
8	§ 2804. COMPETENCY REQUIREMENTS OF CERTAIN LICENSED
9	PRACTITIONERS
10	(a) Unless the requirements of subdivision 2803(1) of this title chapter have
11	been satisfied, no a physician, as defined in chapter 23 of this title, podiatrist,
12	as defined in chapter 7 of this title, osteopathic physician, as defined in chapter
13	33 of this title, or naturopathic physician, as defined in chapter 81 of this title,
14	or chiropractor, as defined in chapter 10 of this title, shall not apply ionizing
15	radiation to human beings without first having satisfied the board of his or her
16	competency to do so.
17	(b) The board Board shall:
18	(1) consult with the appropriate licensing boards concerning suitable
19	performance standards. The board shall,; and
20	(2) by rule, provide for periodic recertification of competency.

1	(c) A person subject to the provisions of this section shall be subject to the
2	fees established under subdivisions 2814(4) and (5) of this title chapter.
3	(d) This section does not apply to radiologists who are certified or eligible
4	for certification by the American Board of Radiology and nuclear cardiologists
5	who are certified or eligible for certification by the Certification Board of
6	Nuclear Cardiology.
7	* * * Psychologists * * *
8	Sec. 29. 26 V.S.A. § 3001 is amended to read:
9	§ 3001. DEFINITIONS
10	As used in this chapter:
11	* * *
12	(6) "Disciplinary action" or "disciplinary cases" includes any action
13	taken by a board against a licensee or, applicant, or person engaged in
14	supervised practice toward licensure as a psychologist, premised upon a
15	finding of wrongdoing or unprofessional conduct by the licensee or applicant
16	that individual. It includes all sanctions authorized under this chapter, but
17	excluding obtaining injunctions.
18	* * *

community mental health center.

Sec. 30. 26 V.S.A. § 3006 is amended to read:

2	§ 3006. BOARD; ESTABLISHMENT
3	The board of psychological examiners Board of Psychological Examiners is
4	established, which shall consist of five members.
5	(1) The board Board shall be composed of three licensed psychologists
6	and two other persons who are consumers but neither of whom are
7	psychologists. Consumer members shall have no financial interest in the
8	practice of psychology, either personally or through a spouse, parent, child,
9	brother, or sister. At least one but not more than two of the psychologists shall
10	represent the practice of psychology within the agency of human services or a

(2) All members of the board Board shall have been residents of the state of Vermont State for at least two years prior to their appointment to the board Board. When a person who is an employee of or under contract with a community mental health center is subject to disciplinary action and the agency of human services member or the community mental health center member has a conflict of interest, the secretary of state shall appoint a psychologist who is an employee of another community mental health center to serve as an ad hoc member of the board.

1	* * * Social Workers * * *
2	Sec. 31. 26 V.S.A. chapter 61 is amended to read:
3	CHAPTER 61. CLINICAL SOCIAL WORKERS
4	§ 3201. DEFINITIONS
5	As used in this chapter:
6	(1) "Clinical social work" is defined as providing a service, for a
7	consideration, which is primarily drawn from the academic discipline of social
8	work theory, in which a special knowledge of social resources, human
9	capabilities, and the part that motivation plays in determining behavior, is
10	directed at helping people to achieve a more adequate, satisfying, and
11	productive psychosocial adjustment. The application of social work principles
12	and methods includes, but is not restricted to assessment, diagnosis,
13	prevention, and amelioration of adjustment problems and emotional and
14	mental disorders of individuals, families, and groups. The scope of practice for
15	licensed clinical social workers includes the provision of psychotherapy a
16	specialty practice of social work within the practice of master's social work
17	and requires the application of social work theory, knowledge, methods, ethics,
18	and the professional use of self to restore or enhance social, psychosocial, or
19	biopsychosocial functioning of individuals, couples, families, groups,
20	organizations and communities.

1	(A) The practice of clinical social work requires the application of
2	specialized clinical knowledge and advanced clinical skills in the areas of
3	assessment, diagnosis, and treatment of mental, emotional, and behavioral
4	disorders, conditions, and addictions.
5	(B) Treatment methods include the provision of individual, marital,
6	couple, family and group counseling, and psychotherapy, which may occur in
7	diverse settings.
8	(C) The practice of clinical social work may include private practice
9	and the provision of clinical supervision.
10	(D) Licensed independent clinical social workers are qualified to use
11	the Diagnostic and Statistical Manual of Mental Disorders (DSM), the
12	International Classification of Diseases (I.C.D.), and other diagnostic
13	classification systems used in diagnosis and other activities.
14	(2) "Clinical social worker" means a person who practices clinical social
15	work in some or all of its aspects and is licensed to practice clinical social
16	work in this state "Director" means the Director of the Office of Professional
17	Regulation.
18	(3) "Disciplinary action" or "disciplinary cases" includes any action
19	taken by the secretary of state or an administrative law officer established by
20	3 V.S.A. § 129(j) against a licensed clinical social worker or applicant
21	premised on a finding of unprofessional conduct by the licensed clinical social

1	worker or applicant. It includes all sanctions of any kind, refusal to grant or
2	renew a license, suspension or revocation of a license, issuing warnings, and
3	other similar sanctions "Licensed independent clinical social worker" means a
4	person licensed under this chapter to practice clinical social work.
5	(4) "Licensed master's social worker" is a person licensed under this
6	chapter to practice master's social work. Psychotherapy is not within the scope
7	of practice of a "licensed master's social worker." The practice of a licensed
8	master's social worker engaged in supervised practice toward licensure as a
9	licensed independent clinical social worker may include the practices reserved
10	for licensed independent clinical social workers.
11	(5) "Master's social work" means the application of social work theory,
12	knowledge, methods, and ethics, and the professional use of self to restore or
13	enhance social, psychosocial, or biopsychosocial functioning of individuals,
14	couples, families, groups, organizations, and communities.
15	(A) Master's social work practice includes the application of
16	specialized knowledge and advanced practice skills in the areas of assessment,
17	treatment planning, implementation and evaluation, case management,
18	information and referral, supportive counseling, supervision, consultation,
19	education, research, advocacy, community organization, and the development,
20	implementation, and administration of policies, programs, and activities.

1	(B) Under supervision as provided in this chapter, the practice of
2	master's social work may include the practices reserved for clinical social
3	workers.
4	(6) "Office" means the Office of Professional Regulation.
5	(7) "Psychotherapy" means the provision of treatment, diagnosis,
6	evaluation, or counseling services to individuals or groups, for a consideration,
7	for the purpose of alleviating mental disorders.
8	(A) "Psychotherapy" involves the application of therapeutic
9	techniques to understand unconscious or conscious motivation, resolve
10	emotional, relationship, or attitudinal conflicts, or modify behavior which that
11	interferes with effective emotional, social, or mental functioning.
12	(B) "Psychotherapy" follows a systematic procedure of
13	psychotherapeutic intervention which that takes place on a regular basis over a
14	period of time, or, in the case of evaluation and brief psychotherapies, in a
15	single or limited number of interventions.
16	(C) If a person is employed by or under contract with the agency of
17	human services Agency of Human Services, this definition does not apply to
18	persons with less than a master's degree, to persons providing life skills
19	training or instruction, such as learning to make friends, to handle social
20	situations, to do laundry, and to develop community awareness, or interactions
21	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	§ 3202. PROHIBITION, OFFENSES
4	(a) No A person shall not practice or attempt to practice licensed
5	independent clinical social work or licensed master's social work, nor shall any
6	person use in connection with the person's name any letters, words, or insignia
7	indicating or implying that the person is a licensed independent clinical social
8	worker or a licensed master's social worker unless the person is licensed in
9	accordance with this chapter.
10	(b) A person who violates any of the provisions of subsection (a) of this
11	section shall be subject to the penalties provided in 3 V.S.A. § 127(c)
12	<u>3 V.S.A. § 127</u> .
13	§ 3203. DIRECTOR OF THE OFFICE OF PROFESSIONAL
14	REGULATION; DUTIES
15	(a) The director of professional regulation <u>Director</u> 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 <u>licensed</u>
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	<u>Canada</u> .
8	(b) The director Director, with the advice of two licensed elinical social
9	workers appointed under section 3204 of this title chapter, may adopt rules
10	necessary to enable the director Director to perform his or her duties under
11	subsection (a) of this section.
12	§ 3204. ADVISOR APPOINTEES
13	(a) The secretary of state Secretary of State shall appoint two individuals
14	licensed elinical social workers under this chapter to serve as advisors in
15	matters relating to licensed elinical social workers. They shall be appointed as
16	set forth in 3 V.S.A. § 129b and shall serve at the pleasure of the secretary
17	Secretary. One of the initial appointments may be for less than a full term.
18	(b) Appointees shall not have less than three years' <u>licensed</u> experience as a
19	clinical social worker certified or licensed under this chapter during the period
20	immediately preceding appointment and shall be actively engaged in the active

practice of clinical social work in Vermont during incumbency.

1	(c) The office of professional regulation <u>Director</u> shall refer complaints and
2	disciplinary matters to an administrative law officer established under
3	3 V.S.A. § 129(j).
4	(d) The director Director shall seek the advice of the elinical social workers
5	advisors appointed under this section in carrying out the provisions of this
6	chapter. Such members shall be entitled to compensation and expenses as
7	provided in 32 V.S.A. § 1010 for attendance at any meeting called by the
8	director Director for this purpose.
9	§ 3205. <u>LICENSED MASTER'S SOCIAL WORKER</u> ELIGIBILITY
10	To be eligible for licensing as a elinical licensed master's social worker, an
11	applicant must have:
12	(1) Received received a master's degree or doctorate doctoral degree
13	from an accredited social work education program; and
14	(2) [Repealed.]
15	(3) Completed 3,000 hours of supervised practice of clinical social work
16	as defined by rule under the supervision of a licensed physician or a licensed
17	osteopathic physician who has completed a residency in psychiatry, a licensed
18	psychologist, a licensed clinical mental health counselor, a person licensed or
19	certified under this chapter, or a person licensed or certified in another state or
20	Canada in one of these professions or their substantial equivalent. The
21	supervisor must be licensed or certified in the jurisdiction where the supervised

1	practice occurs. Persons engaged in post masters supervised practice in
2	Vermont shall be entered on the roster of nonlicensed, noncertified
3	psychotherapists;
4	(4) Submitted the names and addresses of three persons who can attest
5	to the applicant's professional competence. Such person shall be a licensed
6	physician or a licensed osteopathic physician who has completed a residency in
7	psychiatry, a licensed psychologist, a licensed clinical mental health counselor,
8	a person licensed or certified under this chapter, or a person licensed in another
9	state or Canada in one of these professions; and
10	(5) Passed an examination to the satisfaction of the Director of the
11	Office of Professional Regulation within five years prior to applying for
12	licensure, passed the examinations designated by the Director.
13	§ 3205a. LICENSED INDEPENDENT CLINICAL SOCIAL WORKER
14	<u>ELIGIBILITY</u>
15	(a) To be eligible for licensure as a licensed independent clinical social
16	worker, an applicant must have:
17	(1) received a master's degree or doctoral degree from an accredited
18	social work education program;
19	(2) passed the examinations designated by the Director within five years
20	prior to applying for licensure; and

1	(3) completed 3,000 hours of supervised practice of independent clinical
2	social work as defined by rule under the supervision of a:
3	(A) licensed independent clinical social worker;
4	(B) licensed clinical mental health counselor;
5	(C) licensed psychologist;
6	(D) licensed physician or a licensed osteopathic physician who has
7	completed a residency in psychiatry; or
8	(E) person licensed or certified in another state or Canada in one of
9	these professions or their substantial equivalent.
10	(b) A person not licensed as a master's social worker who engages in
11	post-master's supervised practice in Vermont toward licensure as a licensed
12	independent clinical social worker shall be entered on the roster of
13	nonlicensed, noncertified psychotherapists.
14	(c) A licensed master's social worker who engages in post-master's
15	supervised practice in Vermont to become a licensed independent clinical
16	social worker must first register with the Office as set forth by rule.
17	§ 3206. APPLICATION
18	A person who desires to be licensed as a clinical social worker under this
19	chapter shall apply to the secretary in writing on a using an application form
20	furnished by available from the secretary Office, accompanied by payment of
21	the specified fee.

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§ 3207. EXAMINATION EXAMINATIONS

(a) The director of professional regulation shall conduct examinations under this chapter at least once a year at a time and place designated by it, provided, however, that examinations need not be conducted at times when there are no applicants requesting to be examined. Examinations shall be written. Each applicant shall be designated by a number so that his or her name is not disclosed to the director until the examination has been graded. Examinations shall include questions in such theoretical and applied fields as the director deems most suitable to test an applicant's knowledge and competence to engage in the practice of clinical social work. The director of professional regulation, with the advice of the clinical social workers appointed under section 3204 of this title, shall establish by rule fixed criteria for passing an examination that shall apply to all persons taking the examination. (b) Examinations administered by the director and the procedures of administration shall be fair and reasonable and shall be designed and implemented to ensure that all applicants are granted a license if they demonstrate that they possess the minimal occupational qualifications which are consistent with the public health, safety, and welfare. They shall not be designed or implemented for the purpose of limiting the number of licenses

1	(c) The director of the office of professional regulation <u>Director</u> may
2	contract with elinical social workers or with independent testing services for
3	the preparation and administration of the exam examinations.
4	§ 3208. RENEWALS
5	(a) Licenses shall be renewed every two years on a scheduled determined
6	by the Office upon payment of the required fee.
7	(b) An application for renewal reinstatement of a license which that has
8	lapsed expired shall be accompanied by the renewal fee in addition to the
9	reinstatement fee other fees set forth in 3 V.S.A. chapter 5. A person shall not
10	be required to pay renewal fees for the years during which the license was
11	lapsed.
12	(c) The director may, after notice and an opportunity for hearing, revoke a
13	person's right to renew his or her license if such license has lapsed for five
14	years. [Repealed.]
15	* * *
16	(e) The Director may prescribe, by rule, reinstatement standards for persons
17	wishing to resume practice after five years since holding an active license.

1	§ 3209. LICENSING WITHOUT EXAMINATION LICENSURE BY
2	<u>ENDORSEMENT</u>
3	The director of the office of professional regulation Director may, upon
4	payment of the required fee, grant a license without examination if the
5	applicant:
6	(1) is licensed the applicant holds an active license to practice elinical
7	licensed master's social work or licensed independent clinical social work in
8	another state United States or Canadian jurisdiction; and
9	(2) the requirements for licensing in that state jurisdiction are, in the
10	judgment of the director of the office of professional regulation Director,
11	essentially substantially equivalent to the requirements of this chapter.
12	§ 3210. UNPROFESSIONAL CONDUCT
13	(a) The following conduct and the conduct set forth in 3 V.S.A. § 129a by a
14	person licensed social worker under this chapter constitutes unprofessional
15	conduct. When that conduct is by an applicant or a person who later becomes
16	an applicant, it may constitute grounds for denial or discipline of a license:
17	* * *
18	(2) conduct which that evidences unfitness to practice licensed master's
19	or licensed independent clinical social work;
20	* * *

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

parties involved and to take appropriate action to minimize any conflicts of

interest, when the clinical social worker anticipates a conflict of interest among
the individuals receiving services or anticipates having to perform in
conflicting roles such as testifying in a child custody dispute or divorce
proceedings involving clients.

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

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§ 3212. EXEMPTIONS

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

20 ***

(c) 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. [Repealed.]
§ 3213. DISCLOSURE OF INFORMATION
(a) The office of professional regulation Director, in consultation with the
advisor appointees, shall adopt rules requiring licensed clinical social workers
<u>licensees</u> to disclose to each client the licensed clinical social worker's
<u>licensee's</u> 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 elinical social worker
licensee 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) A licensed master's social worker employed by an agency that provides
each client disclosure information equivalent to that described in subsection (a)
of this section meets this section's disclosure requirements.

1	Sec. 32. TRANSITIONAL PROVISIONS; LICENSED INDEPENDENT
2	CLINICAL SOCIAL WORKERS; LICENSED MASTER'S SOCIAI
3	WORKERS
4	(a) Licensed independent clinical social workers. A person licensed as a
5	clinical social worker immediately prior to July 1, 2017 is deemed to be
6	licensed at the level of a licensed independent clinical social worker on July 1.
7	2017 and may within the limits of his or her education, training, and
8	experience practice all aspects of social work without restriction.
9	(b) Licensed master's social workers.
10	(1) Licensure of master's social workers shall take effect beginning on
11	July 1, 2017.
12	(2) An individual who has a master's degree in social work from an
13	accredited social work education program and who can document one year of
14	full-time employment in Vermont in a setting where he or she was supervised
15	or was otherwise accountable to an employer as a social worker may be
16	licensed as a master's social worker without examination until July 1, 2018.
17	* * * Clinical Mental Health Counselors * * *
18	Sec. 33. 26 V.S.A. § 3274 is amended to read:
19	§ 3274. DISCLOSURE OF INFORMATION
20	The board Board shall adopt rules requiring licensed clinical mental health
21	counselors to disclose to each client the clinical mental health counselor'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 clinical mental health
counselor and the client. The rules may include provisions for applying or
modifying these requirements in cases involving <u>clients of designated</u>
agencies, institutionalized clients, minors, and adults under the supervision of a
guardian.
* * * Audiologists and Hearing Aid Dispensers * * *
Sec. 34. 26 V.S.A. chapter 67 is amended to read:
CHAPTER 67. <u>AUDIOLOGISTS AND</u> HEARING AID DISPENSERS
Subchapter 1. General Provisions
§ 3281. DEFINITIONS
As used in this chapter:
(1) "Audiologist" means any a person who has at least an M.A. or M.S.
degree in audiology, at least 300 hours of supervised practical training, and is
eligible for the American Speech-Language-Hearing Association Certificate of
Clinical Competence in audiology, and provides services to the public under
any title incorporating the terms audiology, audiologist, audiological, hearing
clinic, hearing clinician, hearing or aural rehabilitation, or hearing specialist
licensed to practice audiology under this chapter.

1	(2) "Audiology" means the application of principles, methods, and
2	procedures related to hearing and the disorders of hearing, and to related
3	language and speech disorders, which includes all conditions that impede the
4	normal process of human communication, including disorders of auditory
5	sensitivity, acuity, function, or processing.
6	(3) "Director" means the Director of the Office of Professional
7	Regulation.
8	(4) "Disciplinary action" includes any action taken by an administrative
9	law officer established by 3 V.S.A. § 129(j) against a licensed audiologist or
10	hearing aid dispenser or an applicant premised on a finding that the licensee or
11	applicant has engaged in unprofessional conduct. "Disciplinary action"
12	includes all appropriate remedies, including obtaining injunctions, refusing to
13	grant or renew a license, suspending or revoking a license or issuing warnings.
14	(3) "Dispensing hearing aids" means conducting and interpreting hearing
15	tests for the purpose of selecting suitable hearing aids, making earmolds or
16	impressions, and providing instruction, and includes all acts pertaining to
17	selling, renting, leasing, pricing, delivering, and giving warranties for hearing
18	aids.
19	(4)(5) "Hearing aid" means an amplifying device to be worn by a person
20	who is hard of hearing to improve hearing, including any accessories

specifically used in connection with such a device, but excluding theater- or

1	auditorium-wide-area listening devices, telephone amplifiers, or other devices
2	designed to replace a hearing aid for restricted situations.
3	(5)(6) "Hearing aid dispenser" includes any means a person who
4	dispenses licensed under this chapter to dispense hearing aids in or into
5	Vermont .
6	(6) "Director" means the Director of the Office of Professional
7	Regulation.
8	(7) "Practice of audiology" includes the following services which may
9	be provided to persons of all ages:
10	(A) facilitating the conservation of auditory system function, and
11	developing and implementing environmental and occupational hearing
12	conservation programs;
13	(B) screening, identifying, assessing, and interpreting, diagnosing,
14	preventing, and rehabilitating peripheral and central auditory system
15	dysfunctions;
16	(C) providing and interpreting behavioral and electro-physiological
17	measurements of auditory, vestibular, and facial nerve functions;
18	(D) selecting, fitting, and dispensing of hearing aids, amplification,
19	assistive listening and alerting devices, implantable devices, and other systems
20	and providing training in their use;

1	(E) dispensing hearing aids, including conducting and interpreting
2	hearing tests for the purpose of selecting suitable hearing aids;
3	(F) making ear molds or impressions;
4	(G) providing instruction to patients on the care and use of hearing
5	aids, auditory system functions, and hearing conservation;
6	(H) all acts pertaining to selling, renting, leasing, pricing, delivering,
7	and giving warranties for hearing aids;
8	(I) providing aural rehabilitation and related counseling services to
9	individuals who are hard of hearing and their families;
10	(J) screening of speech-language and other factors affecting
11	communication function for the purposes of an audiologic evaluation, or initial
12	identification of individuals with other communication disorders; and
13	(K) management of cerumen.
14	(8) "Practice of dispensing hearing aids" includes the following services
15	which may only be provided to persons 18 years of age or older:
16	(A) the measurement of the sensitivity of human hearing by means of
17	appropriate behavioral testing for the sole purpose of fitting air-conduction
18	hearing aids;
19	(B) the otoscopic observation of the outer ear in connection with the
20	measurement of hearing and the fitting of hearing aids and for the purpose of
21	referral to other professionals;

1	(C) the production of ear impressions for earmolds for the purpose of
2	selecting and fitting hearing aids;
3	(D) the analysis of hearing aid function by means of the appropriate
4	testing equipment;
5	(E) the selection and fitting of hearing aids with appropriate
6	instruction, orientation, counseling, and management regarding the use and
7	maintenance of these devices and other accessories; and
8	(F) the modification and general servicing of hearing aids.
9	(9) "Secretary" means the Secretary of State.
10	* * *
11	§ 3283. PRICES TO BE DISCLOSED
12	A licensee shall disclose in a clear and conspicuous manner the range of
13	retail prices charged for hearing aids goods and accessories services. The
14	disclosure schedule shall be posted in each <u>licensee's office and</u> retail
15	establishment in which the licensee works, and a written copy given to each
16	client, patient, or customer prior to any sale. Disclosures shall be in the
17	manner set forth by the secretary Director by rule.
18	§ 3284. TERMS OF SALE; 45-DAY TRIAL PERIOD
19	(a)(1) All Any sales contracts contract for hearing aids equipment,
20	including a hearing aid, sold by a licensee to persons a person in this state
21	State, shall contain a clause which that requires the hearing aid dispenser

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1	<u>licensee</u> to refund the full product price of the <u>hearing aid</u> <u>equipment</u> , except
2	for the cost of earmolds and service, up to 45 days from the date of delivery of
3	any new or substantially refabricated aid equipment if, in the opinion of the
4	consumer, the aid equipment is not satisfactory.
5	(2) If the returned hearing aid equipment is damaged while in the
6	possession of the consumer, the amount refunded shall be reduced by the
7	reasonable amount of the damage.
8	(3) The hearing aid may equipment shall not be sold thereafter as new.
9	(4) For purposes of As used in this subsection, "cost of service" means
10	the actual cost of the service provided to fit the a hearing aid or install or
11	prepare the equipment, but shall not exceed five percent of the sale price or
12	\$50.00, whichever is greater.
13	(b) The complete terms of the sale, including the terms of the 45-day trial
14	period, the individual prices for goods and services sold, and such other
15	information as the director Director may require shall be disclosed in writing to
16	the consumer before the sale is completed.
17	(c) If a hearing aid the equipment is in the possession of the hearing aid
18	dispenser licensee, manufacturer, repairperson, or their agents during the trial

period, the period of time the aid equipment is in such possession shall not be

included in the calculation of the 45-day trial period.

1	§ 3285. PROHIBITIONS; PENALTIES
2	(a) A person shall not:
3	(1) practice or attempt to practice audiology or dispense hearing aids or
4	hold oneself out as being permitted to do so in this State unless the person is
5	licensed in accordance with this chapter;
6	(2) use in connection with the person's name an insignia or any letters or
7	words that indicate the person is an audiologist or a hearing aid dispenser
8	unless the person is licensed in accordance with this chapter; or
9	(3) practice audiology or dispense hearing aids after the person's license
10	under this chapter has been suspended or revoked.
11	(b) A person who violates a provision of this section or who obtains a
12	license by fraud or misrepresentation shall be subject to the pertinent penalties
13	provided in 3 V.S.A. § 127.
14	§ 3286. EXEMPTIONS
15	The provisions of section 3285 of this chapter shall not apply to a person
16	enrolled in a course of study leading to a degree or certificate in audiology at a
17	school accredited by the American Speech-Language Hearing Association,
18	provided:
19	(1) the activities and services performed constitute part of a supervised
20	course of study;

1	(2) the person is designated by a title which clearly indicates the
2	person's student or trainee status; and
3	(3) the person is under the direct supervision of an audiologist licensed
4	in this State.
5	Subchapter 2. Administration
6	§ 3287. ADVISOR APPOINTEES
7	(a) The secretary Secretary shall appoint three licensed hearing aid
8	dispensers one otolaryngologist, one audiologist, one hearing aid dispenser
9	who is neither an otolaryngologist nor an audiologist, and one member of the
10	public to serve as advisors in matters related to audiologists and hearing aid
11	dispensers. Of the licensed hearing aid dispensers, one member shall be an
12	otolaryngologist; one shall be an audiologist; and one shall be a hearing aid
13	dispenser who is neither an otolaryngologist nor an audiologist.
14	(1) The public member shall be an individual with significant hearing
15	impairment who uses a hearing aid regularly.
16	(2) The members shall be appointed as set forth in 3 V.S.A. § 129b and
17	shall serve at the pleasure of the secretary Secretary.
18	* * *
19	§ 3288. DIRECTOR OF THE OFFICE OF PROFESSIONAL
20	REGULATION; DUTIES
21	The director Director shall:

1	(1) provide information to applicants for licensure as a <u>an audiologist or</u>
2	hearing aid dispenser;
3	* * *
4	(5) refer all complaints and disciplinary matters to an administrative law
5	officer established under 3 V.S.A. § 129(j); and
6	(6) seek with the advice of the hearing aid dispensers who are advisor
7	appointees before proposing to, adopt or amend any rules under necessary to
8	implement the provisions of this chapter.
9	Subchapter 3. Licenses and Examinations
10	§ 3290. ELIGIBILITY FOR AUDIOLOGIST LICENSE
11	To be eligible for licensure as an audiologist, an applicant shall have:
12	(1) A master's degree or equivalent in audiology or speech-language
13	pathology from an educational institution approved by the Director, with
14	course work completed in areas specified by rule.
15	(2) Completed a supervised clinical practicum in audiology, the length
16	and content of which shall be established by rule.
17	(3) Completed a period, as determined by rule, of postgraduate
18	professional training in audiology as approved by the Director.
19	(4) Passed an examination in audiology approved by the Director, which
20	shall include a section that is equivalent to the hearing aid dispensers
21	examination described in section 3295 of this chapter. An audiologist who has

1	passed this examination is not required to take the hearing aid dispensers
2	examination required by section 3295.
3	§ 3291. LICENSE REQUIRED <u>FOR HEARING AID DISPENSERS</u>
4	* * *
5	(b) A person who violates a provision of this chapter or who obtains a
6	license by fraud or misrepresentation shall be subject to the <u>pertinent</u> penalties
7	provided in 3 V.S.A. § 127(c) 3 V.S.A. § 127.
8	(c) Audiologists An audiologist licensed pursuant to this chapter 87 of this
9	title may dispense hearing aids consistent with the requirements of that this
10	chapter. Licensed audiologists are not required to obtain a separate license to
11	dispense hearing aids.
12	* * *
13	§ 3293. ELIGIBILITY <u>FOR HEARING AID DISPENSER LICENSE</u>
14	To be eligible for licensure under this chapter as a hearing aid dispenser, an
15	applicant shall:
16	(1) have attained the age of majority; and
17	(2) pass a written examination administered by the secretary <u>Director</u>
18	under section 3295 of this title chapter.

§ 3294. APPLICATION <u>FOR LICENSURE AS HEARING AID</u>

DISPENSER

Applications An application for licensure as a hearing aid dispenser shall be made on a form furnished by the <u>director Director</u> and shall be accompanied by the application and examination fees and evidence of eligibility as requested by the <u>director Director</u>.

§ 3295. EXAMINATION FOR LICENSURE AS HEARING AID

DISPENSER

- (a) If any applications are pending, the Director shall conduct examinations under this chapter at least twice each year. Examinations shall be administered in the manner and places designated by the Director.
- (b) The examination shall cover the following: the basic physics of sound, anatomy, and physiology of the ear, structure and function of hearing aids, pure tone audiometry, voice and recorded speech audiometry, interpretation of audiograms as related to hearing aid usage, selection and adaptation of hearing aids, counseling people who are hard of hearing in the appropriate use of hearing aids, identifying situations in which referrals to a physician are appropriate, knowledge of medical and rehabilitation facilities for people who are hard of hearing in this State, and State and federal laws relating to dispensing hearing aids and other areas of knowledge determined by the Director to be necessary.

1	* * *
2	§ 3295a. TEMPORARY LICENSURE <u>OF HEARING AID DISPENSER</u>
3	WITHOUT EXAMINATION
4	(a) A temporary license may be issued to a person who applies for the first
5	time to practice as a hearing aid dispenser, under section 3293 of this title
6	chapter, is employed by a licensed hearing aid dispenser, and satisfies the
7	provisions of subdivision (1) of that section.
8	(b)(1) A temporary license allows a person to practice as a hearing aid
9	dispenser while directly supervised by a hearing aid dispenser licensed under
10	section 3295 of this title chapter until he or she takes the next examination
11	provided by the director Director and a determination is made of his or her
12	qualifications to practice in this state State.
13	(2) The supervising hearing aid dispenser shall personally observe the
14	temporary licensee while conducting and interpreting hearing tests and making
15	earmolds or impressions, for a period of two months following issuance of a
16	license under this section or until the license expires, whichever occurs first.
17	(c) Temporary licenses shall be issued on payment of the specified fee and
18	shall remain in force no longer than 60 days following examination and shall
19	not be extended except for good and exceptional cause shown by the applicant
20	Not more than one temporary license may be issued to the same person. No

<u>An</u> extension shall <u>not</u> be granted to an applicant who fails the examination.

1	§ 3296. RENEWALS AND REINSTATEMENT FOR AUDIOLOGISTS
2	AND HEARING AID DISPENSERS
3	(a) Licenses shall be renewed every two years upon payment of the
4	renewal fee.
5	(b) Biennially, the director shall forward a renewal form to each licensee.
6	Upon receipt of the completed form and the renewal fee, the director Director
7	shall issue a new license.
8	(c) A license which has lapsed for a period of three years or less may be
9	renewed upon application and payment of the renewal fee and the
10	reinstatement fee. The director Director may make such rules as may be
11	reasonably necessary for the protection of the public to assure the director
12	ensure that an applicant for reinstatement under this subsection is
13	professionally qualified.
14	* * *
15	§ 3298. MAINTENANCE OF BUSINESS ADDRESS; DISPLAY OF
16	LICENSE
17	A licensee shall maintain a Vermont business address, office, and telephone
18	number at which the licensee can normally be reached and shall conspicuously
19	display a copy of the license at each place of business the licensee maintains
20	for dispensing hearing aids. [Repealed.]

1	Subchapter 4. Unprofessional Conduct and Discipline
2	§ 3301. UNPROFESSIONAL CONDUCT OF HEARING AID
3	<u>DISPENSERS</u>
4	* * *
5	§ 3302. UNPROFESSIONAL CONDUCT OF AUDIOLOGISTS
6	(a) A licensee or applicant shall not engage in unprofessional conduct.
7	(b) Unprofessional conduct means the following conduct and the conduct
8	set forth in 3 V.S.A. § 129a:
9	(1) willfully making or filing false reports or records in the practice of
10	audiology, willfully impeding or obstructing the proper making or filing of
11	reports or records, or willfully failing to file the proper report or record;
12	(2) aiding or abetting a person, directly or indirectly, to commit an
13	unauthorized practice;
14	(3) giving, offering to give, or causing to be given, directly or indirectly,
15	money or anything of value to any person who advises another in a
16	professional capacity, as an inducement for the professional to influence others
17	to purchase goods or services from the licensee;
18	(4) advertising or making a representation that is intended or has a
19	tendency to deceive the public, including:
20	(A) advertising a particular type of service, equipment, or hearing aid
21	when the particular service, equipment, or hearing aid is not available;

1	(B) stating or implying that the use of a hearing aid will retard the
2	progression of a hearing impairment;
3	(C) advertising or making any statement related to the practice of
4	audiology that is intended to or tends to deceive or mislead the public; and
5	(D) using, promoting, or causing the use of any misleading,
6	deceiving, improbable, or untruthful advertising matter, promotional literature
7	testimonial guarantee, warranty, label, brand, insignia, or any other
8	representation;
9	(5) engaging in any unfair or deceptive act or practice within the
10	meaning of 9 V.S.A. § 2453, relating to consumer protection;
11	(6) willfully failing to honor any representation, promise, agreement, or
12	warranty to a client or consumer;
13	(7) professional negligence or malpractice;
14	(8) any of the following, except when reasonably undertaken in an
15	emergency situation in order to protect life or health:
16	(A) practicing or offering to practice beyond the scope permitted
17	by law;
18	(B) accepting and performing professional or occupational
19	responsibilities that the licensee knows or has reason to know the licensee is
20	not competent to perform; or

1	(C) performing professional or occupational services that have not
2	been authorized by the consumer or his or her legal representative;
3	(9) failing to make available, upon request of a person using the
4	licensee's services, copies of records or documents in the possession or under
5	the control of the licensee, when those records or documents have been
6	prepared in connection with the furnishing of services or goods to the
7	requesting persons;
8	(10) sexual harassment of a patient or client;
9	(11) engaging in a sexual act as defined in 13 V.S.A. § 3251 with a
10	patient;
11	(12) conviction of a crime related to the practice of audiology or
12	conviction of a felony, whether or not related to the practice of the profession;
13	(13) discouraging clients or consumers in any way from exercising their
14	right to a refund within a 45-day trial period, unreasonably delaying payment
15	of such refunds as may be due, or deducting amounts from refunds beyond
16	those allowed by law;
17	(14) failing to inform a consumer prior to sale of a hearing aid that a
18	medical evaluation of hearing loss prior to purchasing a hearing aid is in the
19	consumer's best health interest;
20	(15) engaging in fraud in connection with any State or federally assisted
21	medical assistance programs; or

1	(16) violating any part of the Code of Ethics of the American
2	Speech-Language-Hearing Association or the American Academy of
3	Audiology.
4	Sec. 35. TRANSITIONAL PROVISIONS; AUDIOLOGISTS
5	(a)(1) As of September 1, 2015, any audiologist currently licensed and in
6	good standing with the Agency of Education shall be deemed licensed by the
7	Secretary of State's Office of Professional Regulation.
8	(2) The Office of Professional Regulation shall reissue initial licenses at
9	no charge after that date and shall establish a single expiration and renewal
10	date for all of these licensees.
11	(b) An audiologist employed in a school and holding an endorsement from
12	the Agency of Education shall retain that endorsement and shall renew it with
13	the Agency as required by law, in addition to licensure with the Office of
14	Professional Regulation.
15	* * * Marriage and Family Therapists * * *
16	Sec. 36. 26 V.S.A. § 4032 is amended to read:
17	§ 4032. DISCLOSURE OF INFORMATION
18	The board Board shall adopt rules requiring licensed marriage and family
19	therapists to disclose to each client the marriage and family therapist's
20	professional qualifications and experience, those actions that constitute
21	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 marriage and family therapist and the client. The rules may include provisions for applying or modifying these requirements in cases involving clients for designated agencies, institutionalized clients, minors, and adults under the supervision of a guardian.

- * * * Rostered Psychotherapists * * *
- 8 Sec. 37. 26 V.S.A. § 4090 is amended to read:
- 9 § 4090. DISCLOSURE OF INFORMATION

The board Board shall adopt rules requiring persons entered on the roster to disclose to each client the psychotherapist's professional qualifications and experience, those actions that constitute unprofessional conduct, and 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 rostered psychotherapist and the client. The rules may include provisions for applying or modifying these requirements in cases involving clients of designated agencies, institutionalized clients, minors, and adults under the supervision of a guardian.

1	* * * Electrologists * * *
2	Sec. 38. 26 V.S.A. § 4403 is amended to read:
3	§ 4403. PROHIBITION; PENALTY; CONSTRUCTION
4	(a) No \underline{A} person shall <u>not</u> use in connection with the person's name any
5	letters, words, or insignia indicating or implying that the person is a licensed
6	electrologist unless the person is licensed in accordance with this chapter.
7	(b) No \underline{A} person shall \underline{not} practice or attempt to practice electrology, or
8	hold himself or herself out as being able to do so, in this State without first
9	having obtained a license as required by this chapter.
10	* * *
11	(e) This chapter shall not be construed to limit or restrict in any way the
12	right of a practitioner of another occupation that is regulated by this State from
13	performing services within the scope of his or her professional practice.
14	* * * Speech-Language Pathologists * * *
15	Sec. 39. 26 V.S.A. chapter 87 is amended to read:
16	CHAPTER 87. SPEECH-LANGUAGE PATHOLOGISTS AND
17	AUDIOLOGISTS
18	§ 4451. DEFINITIONS
19	As used in this chapter:
20	(1) "Audiologist" means a person licensed to practice audiology under
21	this chapter.

(2) "Audiology" means the application of principles, methods, and
procedures related to hearing and the disorders of hearing, and to related
language and speech disorders, which includes all conditions that impede the
normal process of human communication, including disorders of auditory
sensitivity, acuity, function, or processing.
(3) "Board" means the Vermont Standards Board for Professional
Educators unless the context clearly requires otherwise.
(4) "Agency" means the Agency of Education.
(5) "Director" means the Director of the Office of Professional
Regulation.
(6)(2) "Disciplinary action" means any action taken by the
administrative law officer appointed pursuant to 3 V.S.A. § 129(j) against a
licensee or applicant for licensure under this chapter, premised on a finding
that the person has engaged in unprofessional conduct. "Disciplinary action"
includes all sanctions of any kind, including obtaining injunctions, refusal to
give an examination, refusal to grant or renew a license, suspension or
revocation of a license, placement of limitations or restrictions upon a license
issuance of warnings, ordering restitution, and other similar sanctions.
(7) "Hearing aid" means an amplifying device to be worn by a person
who is hard of hearing to improve hearing, including any accessories
specifically used in connection with such a device, but excluding theater or

1	auditorium wide area listening devices, telephone amplifiers, or other devices
2	designed to replace a hearing aid for restricted situations.
3	(8) "Practice of audiology" includes:
4	(A) facilitating the conservation of auditory system function, and
5	developing and implementing environmental and occupational hearing
6	conservation programs;
7	(B) screening, identifying, assessing and interpreting, diagnosing,
8	preventing, and rehabilitating peripheral and central auditory system
9	dysfunctions;
10	(C) providing and interpreting behavioral and electro-physiological
11	measurements of auditory, vestibular, and facial nerve functions;
12	(D) selecting, fitting, and dispensing of hearing aids, amplification,
13	assistive listening and alerting devices, implantable devices, and other systems
14	and providing training in their use;
15	(E) dispensing hearing aids, including conducting and interpreting
16	hearing tests for the purpose of selecting suitable hearing aids;
17	(F) making ear molds or impressions;
18	(G) providing instruction to patients on the care and use of hearing
19	aids, auditory system functions, and hearing conservation;
20	(H) all acts pertaining to selling, renting, leasing, pricing, delivering,
21	and giving warranties for hearing aids;

1	(I) providing aural rehabilitation and related counseling services to
2	individuals who are hard of hearing and their families;
3	(J) screening of speech language and other factors affecting
4	communication function for the purposes of an audiologic evaluation, or initial
5	identification of individuals with other communication disorders; and
6	(K) management of cerumen.
7	(3) "Office" means the Office of Professional Regulation.
8	(9)(4) "The practice "Practice of speech-language pathology" includes:
9	(A) screening, identifying, assessing and interpreting, diagnosing,
10	rehabilitating, treating, and preventing disorders of language and speech,
11	including disorders involving articulation, fluency, and voice;
12	* * *
13	(E) providing aural rehabilitation, speech-language, and related
14	counseling services to individuals who are hard of hearing or experiencing
15	auditory processing problems and their families;
16	(F) enhancing speech-language proficiency and communication
17	effectiveness, including accent reduction modification; and
18	* * *
19	(10) "Private practice" means any work performed by a licensed speech-
20	language pathologist or audiologist that is not within the jurisdiction of the
21	Board.

1	(11)(5) "Secretary" means the Secretary of State.
2	(12)(6) "Speech-language pathologist" means a person licensed to
3	practice speech-language pathology under this chapter.
4	(13)(7) "Speech-language pathology" means the application of
5	principles, methods, and procedures related to the development and disorders
6	of human communication, which include any and all conditions that impede
7	the normal process of human communication.
8	(14) "Within the jurisdiction of the Board" means conduct or work
9	performed by a licensed speech-language pathologist or audiologist on behalf
10	of a supervisory union or public school district in Vermont or an independent
11	school approved for special education purposes, or conduct otherwise subject
12	to discipline under the licensing rules of the Board.
13	(8) "Speech-language pathology assistant" means a person who has met
14	the conditions of this chapter and is licensed to perform selected
15	speech-language pathology interventions and related tasks that have been
16	assigned by a supervising speech-language pathologist.
17	§ 4452. PROHIBITIONS; PENALTIES
18	(a) No A person shall not:
19	(1) practice or attempt to practice audiology or speech-language
20	pathology, practice or attempt to practice as a speech-language pathology

1	assistant, or hold oneself out as being permitted to do so in this state State
2	unless the person is licensed in accordance with this chapter;
3	(2) use in connection with the person's name, an insignia or any letters
4	or words which that indicate the person is an audiologist or a speech-language
5	pathologist or speech-language pathologist assistant unless the person is
6	licensed in accordance with this chapter; or
7	(3) practice audiology or speech-language pathology or practice as a
8	speech-language pathologist assistant after the person's license under this
9	chapter has been suspended or revoked.
10	(b) A person who violates a provision of this section or who obtains a
11	license by fraud or misrepresentation shall be subject to the pertinent penalties
12	provided in 3 V.S.A. § 127(c) 3 V.S.A. § 127.
13	§ 4453. EXEMPTIONS
14	The provisions of section 4452 of this title chapter shall not apply to the
15	following persons:
16	(1) A a person enrolled in a course of study leading to a degree or
17	certificate in audiology or speech-language pathology at a school accredited by
18	the American Speech-Language Hearing Association or a person enrolled in a
19	course of study leading to a degree or certificate as a speech-language
20	pathology assistant, provided:

1	(A)(1) the activities and services performed constitute part of a
2	supervised course of study;
3	(B)(2) the person is designated by a title which clearly indicates the
4	person's student or trainee status; and
5	(C)(3) the person is under the direct supervision of an audiologist or a
6	speech-language pathologist licensed in this state State.
7	(2) A hearing aid dispenser performing services within the scope of a
8	license under chapter 67 of this title.
9	§ 4454. CONSTRUCTION
10	(a) This chapter shall not be construed to limit or restrict in any way the
11	right of a practitioner of another occupation which that is regulated by this
12	state State from performing services within the scope of his or her professional
13	practice.
14	(b) This chapter shall not be construed to limit the authority of the board to
15	determine and evaluate the qualifications of, issue licenses to, or discipline
16	licensees who are within the jurisdiction of the board.
17	§ 4455. ADVISOR APPOINTEES
18	(a) The Secretary, in consultation with the Secretary of Education, shall
19	appoint two individuals to serve as advisors in matters related to audiology and
20	speech-language pathology. One advisor Both advisors shall be a licensed
21	speech-language pathologist, and one advisor shall be an audiologist. Advisors

1	who are speech-language pathologists or audiologists pathologists, shall have
2	not less than three years' experience as audiologists or speech-language
3	pathologists immediately preceding appointment, and shall be actively engaged
4	in the practice of audiology or speech-language pathology in Vermont during
5	incumbency. The advisors shall be appointed for staggered terms of three
6	years, and shall serve at the pleasure of the Secretary. One of the initial
7	appointments may be for less than a three-year term.
8	(b) The Secretary Director shall seek the advice of the individuals
9	appointed under this section in matters related to qualifications or alleged
10	misconduct not within the jurisdiction of the Board carrying out the provisions
11	of this chapter. The advisors shall be entitled to compensation and necessary
12	expenses as provided in 32 V.S.A. § 1010 for meetings called by the Director.
13	(c) The Secretary may seek the advice of other audiologists and
14	speech-language pathologists licensed under this chapter.
15	§ 4456. SECRETARY OF EDUCATION; DIRECTOR DUTIES
16	(a) The Secretary of Education Director shall administer the application
17	and renewal process for all licensees under this chapter, and shall:
18	* * *
19	(5) receive applications for licensure, grant licensure under this chapter,
20	renew licenses, and deny, revoke, suspend, reinstate, or condition licenses as

directed by the an administrative law officer;

1	(6) refer all complaints and disciplinary matters not within the
2	jurisdiction of the Board to the Secretary of State;
3	(7) with the advice of the advisor appointees, adopt rules necessary to
4	implement the provisions of this chapter, including standards of practice
5	related to the supervision and delegation of tasks to speech-language pathology
6	assistants;
7	(8)(7) prepare and maintain a registry of licensed speech-language
8	pathologists and audiologists and speech-language pathology assistants; and
9	(9)(8) issue to each person licensed a certificate of licensure which that
10	shall be prima facie evidence of the right of the person to whom it is issued to
11	practice as a licensed audiologist or speech-language pathologist or
12	speech-language pathology assistant, subject to the conditions and limitations
13	of this chapter.
14	(b) The Agency may contract with the Secretary of State for provision of
15	adjudicative services of one or more administrative law officers and other
16	investigative, legal, and administrative services related to licensure and
17	discipline of speech-language pathologists and audiologists. [Repealed.]
18	§ 4457. LICENSURE; APPLICATIONS; ELIGIBILITY
19	Applicants An applicant for licenses licensure under this chapter shall
20	submit an application to the department Office on a form furnished by the
21	department Office, along with payment of the specified fee and evidence of the

1	eligibility qualifications established by the board which Director that shall
2	include, at a minimum:
3	(1) Speech language pathologist:
4	(A) A a master's degree or equivalent in audiology or speech-
5	language pathology from an educational institution approved by the
6	department Director with course work completed in areas specified by rule-:
7	(2)(B) Completion completion of a supervised clinical practicum, the
8	length and content of which shall be established by rule-;
9	(3)(C) Completion completion of a period, as determined by rule, of
10	postgraduate professional training as approved by the department.
11	Director; and
12	(4)(D) Passing passing an examination in audiology or speech-language
13	pathology approved by the department, which, in the case of the audiology
14	examination, shall include a section which is equivalent to the hearing aid
15	dispensers examination described in section 3295 of this title. Audiologists
16	who have passed an examination chosen by the department are not required to
17	take the hearing aid dispensers examination required by section 3295 Director
18	(2) Speech-language pathology assistant:
19	(A)(i) an associate degree or a bachelor degree in a speech-language
20	pathologist assistant or communications disorders program; or

1	(ii) an associate's degree or bachelor degree in other fields with an
2	additional 21 credits in a speech-language pathology assistant program; and
3	(B) a minimum of 100 hours of clinical experience supervised by a
4	licensed speech-language pathologist.
5	§ 4458. RENEWALS; CONTINUING EDUCATION
6	(a) A license shall be renewed at an interval determined by the board which
7	shall be no fewer than every two years and no more than every seven years on
8	a schedule set by the Director upon payment of the renewal fee, provided the
9	person applying for renewal completes professional development activities in
10	accord with the processes approved by the department or the board, during the
11	interval <u>Director</u> . The board <u>Director</u> shall establish, by rule, guidelines and
12	criteria for the renewal or reinstatement of licenses issued under this chapter.
13	(b) At the time interval required for renewal, the department shall forward a
14	renewal form to each licensee. Upon receipt of the completed application and
15	the renewal fee, the department shall issue a new license.
16	§ 4459. FEES
17	(a) Each applicant and licensee shall be subject to pay the following fees:
18	(1) Initial processing of application \$35.00
19	(2) Issuance of initial license \$35.00 per year for
20	the term of the license

1	(3) Renewal of license \$35.00 per year for
2	the term of the renewal
3	(4) Replacement of license \$10.00
4	(5) Duplicate license \$3.00
5	(b) Fees collected under this section shall be credited to special funds
6	established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and
7	shall be available to the department to offset the costs of providing those
8	services set forth in 3 V.S.A. § 125.
9	* * *
10	§ 4464. UNPROFESSIONAL CONDUCT
11	(a) A licensee or applicant shall not engage in unprofessional conduct.
12	(b) Unprofessional conduct means the following conduct and the conduct
13	set forth in 3 V.S.A. § 129a:
14	(1) Willfully making or filing false reports or records in the practice of
15	audiology, dispensing hearing aids or speech-language pathology, willfully
16	impeding or obstructing the proper making or filing of reports or records, or
17	willfully failing to file the proper report or record;
18	* * *
19	(4) Advertising or making a representation which that is intended or has
20	a tendency to deceive the public, including:

1	(A) advertising a particular type of service, or equipment, or hearing
2	aid when the particular service, or equipment, or hearing aid is not available;
3	(B) stating or implying that the use of a hearing aid will retard the
4	progression of a hearing impairment;
5	(C) advertising or making any statement related to the practice of
6	speech-language pathology or audiology which that is intended to or tends to
7	deceive or mislead the public;
8	(D)(C) using or promoting or causing the use of any misleading,
9	deceiving, improbable, or untruthful advertising matter, promotional literature,
10	testimonial guarantee, warranty, label, brand, insignia, or any other
11	representation;
12	* * *
13	(6) Willfully failing to honor any representation, promise, or agreement,
14	or warranty to a client or consumer;
15	(7) Professional negligence or malpractice;
16	(8) Any of the following, except when reasonably undertaken in an
17	emergency situation in order to protect life or health:
18	(A) practicing or offering to practice beyond the scope permitted
19	by law;

1	(B) accepting and performing professional or occupational
2	responsibilities which that the licensee knows or has reason to know the
3	licensee is not competent to perform; or
4	(C) performing professional or occupational services which that have
5	not been authorized by the consumer or his or her legal representative;
6	* * *
7	(12) Conviction of a crime related to the practice of audiology or
8	speech-language pathology or conviction of a felony, whether or not related to
9	the practice of the profession;
10	(13) Discouraging clients or consumers in any way from exercising their
11	right to a refund within a 45-day trial period, unreasonably delaying payment
12	of such refunds as may be due, or deducting amounts from refunds beyond
13	those allowed by law; [Repealed.]
14	(14) Failing to inform a consumer prior to sale of a hearing aid that a
15	medical evaluation of hearing loss prior to purchasing a hearing aid is in the
16	consumer's best health interest; [Repealed.]
17	(15) Engaging in fraud in connection with any state State or
18	federally assisted medical assistance programs; or
19	(16) Violating any part of the Code of Ethics of the American
20	Speech-Language-Hearing Association.

1	Sec. 40. REPEAL
2	The following sections set forth in 26 V.S.A. chapter 87 (speech-language
3	pathologists) are repealed:
4	(1) § 4460 (records and equipment);
5	(2) § 4461 (prices to be disclosed);
6	(3) § 4462 (terms of sale; 45-day trial period); and
7	(4) § 4463 (maintenance of business address; display of license).
8	Sec. 41. TRANSITIONAL PROVISION
9	(a)(1) As of September 1, 2015, any speech-language pathologist licensed
10	and in good standing with the Agency of Education shall be deemed licensed
11	by the Secretary of State's Office of Professional Regulation.
12	(2) The Office of Professional Regulation shall re-issue initial licenses
13	speech-language pathologist licenses at no charge after that date and shall
14	establish a single expiration and renewal date for all of those licensees.
15	(b) A speech-language pathologist employed in a school and holding an
16	endorsement from the Agency of Education shall retain that endorsement and
17	shall renew it with the Agency as required by law, in addition to licensure with
18	the Office of Professional Regulation.

1	* * * Naturopathic Physicians * * *
2	Sec. 42. 2012 Acts and Resolves No. 116, Sec. 64(e) (transitional provisions)
3	is amended to read:
4	(e) Formulary sunset; transition to examination.
5	(1) Subsection (c) of this section (formulary authorization) shall be
6	repealed on July 1, 2015 <u>2016</u> .
7	(2) Any naturopathic physician who is authorized to prescribe, dispense,
8	and administer any prescription medicines under subsection (c) of this section
9	shall have until July 1, 2015 2016 to successfully complete the naturopathic
10	pharmacology examination set forth in 26 V.S.A. § 4125(d) in order to be able
11	to continue to prescribe, dispense, and administer any prescription medicines.
12	* * * Abuse of Vulnerable Adults * * *
13	Sec. 43. 33 V.S.A. § 6911 is amended to read:
14	§ 6911. RECORDS OF ABUSE, NEGLECT, AND EXPLOITATION
15	* * *
16	(c) The Commissioner or the Commissioner's designee may disclose
17	Registry information only to:
18	* * *
19	(10) The Office of Professional Regulation for the purpose of evaluating
20	an applicant, licensee, holder of a certification, or registrant for possible
21	unprofessional conduct.

1	* * *
2	* * * Effective Dates * * *
3	Sec. 44. EFFECTIVE DATES
4	This act shall take effect on passage, except that:
5	(1) Sec. 34 (amending 26 V.S.A. chapter 67 (audiologists and hearing
6	aid dispensers)) shall take effect on September 1, 2015;
7	(2) Secs. 39 (amending 26 V.S.A. chapter 87 (speech-language
8	pathologists)) and 40 (repeal of sections in 26 V.S.A. chapter 87) shall take
9	effect on September 1, 2015;
10	(3) 26 V.S.A. § 1575a (criminal background checks) in Sec. 7 shall take
11	effect on July 1, 2017; and
12	(4) Sec. 31 (amending 26 V.S.A. chapter 61 (social workers)) shall take
13	effect on July 1, 2017.