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TO: Senate Education Government Operations
FROM: Amy Fowler, Deputy Secretary
SUBJECT: Agency of Education
DATE: 3/5/2016

The Senate Bill S. 217 recommends key elements related to

1. A report from all licensing agencies to evaluate whether or not licensing could be more efficiently achieved under the Secretary of State's office due by October 15, 2016; and
2. Specific statutory changes to multiple Titles which would change licensing experiences for School Based Speech and Language Pathologists.

Over the course of testimony, it has been clearly articulated that proponents of the bill prefer a single licensing scheme that allows licensees to have a single license. To date, this has been suggested through a number of amendments to language in Title 16. The agency of Education objects to these changes because they

1. Alter the definitions of educators/teachers in ways that disrupt the entire class,
2. Introduce complexity and work effort on the part of both the Agency and Secretary of State to maintain current efforts for integrated work.
3. Undermine the role of the VSBPE as the entity which licenses educators.

We propose an alternative that may resolve the issue. In Title 26, each of the four currently licensed professions which have dual opportunities for licensure (nurses, school psychologist, social work, and speech-language pathologists) contain sections devoted to exemptions or exceptions. By modifying these sections to include the notion that individuals who are licensed by the Agency of Education and are solely operating in school settings, these individuals would be able to secure only one license to practice their work. Individuals who choose to work in both school settings and clinical or private practice would be required to have both licenses.

This solution would allow the following

1. Current practices relative to educator licenses for these professions meet or exceed the standards OPR uses; endorsements can be modified to ensure the public is protected where needed if the current AOE license references clinical license; for example, SLP endorsement requirements currently say "must have clinical license" and could be changed to "must have ASHA certification."
2. No data sharing agreements between OPR and AOE would be required, reducing cost to taxpayers.
3. Pension related issues would be resolved for educators as they would remain under the licensing authority of VSBPE per Title 16.

On the attached pages are recommended language which could assist in pursuing this option.

Title 26 : Professions And Occupations

Chapter 028 : Nursing

Subchapter 001 : General Provisions

§ 1583. Exemptions

This chapter does not prohibit:

- (1) Rendering assistance in the case of an emergency or disaster.
- (2) The practice of nursing that is incidental to their program of study by persons enrolled in approved nursing education programs approved by the Board.
- (3) The practice of any nurse who is employed by the United States government or any bureau, division, or agency thereof, while in the discharge of her or his official duties.
- (4) The practice of nursing in this State by any currently licensed nurse whose engagement was made outside of this State but required the nurse to accompany and care for the patient while in Vermont. This exception shall not exceed six months.
- (5) The care of the sick by domestic help of any type, whether employed regularly or because of illness, provided such person is employed primarily in a domestic capacity.
- (6) The work and duties of attendants in attendant care services programs.
- (7) The practice of any other occupation or profession licensed under the laws of this State.
- (8) The providing of care for the sick in accordance with the tenets of any church or religious denomination by its adherents if the individual does not hold himself or herself out to be a registered nurse, licensed practical nurse, or licensed nursing assistant and does not engage in the practice of nursing as defined in this chapter.
- (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. (Added 1979, No. 192 (Adj. Sess.), § 1; amended 1989, No. 75, § 2; 1993, No. 201 (Adj. Sess.), § 1; 2009, No. 54, § 88, eff. June 1, 2009; 2011, No. 79 (Adj. Sess.), § 30, eff. April 4, 2012; 2015, No. 38, § 7, eff. May 28, 2015.)
- (10) A person holding an educator's license with a nursing endorsement issued by the Agency of Education and solely practicing in a school setting as defined by 16 V.S.A. § 11 (a)(6)-(8) and 16 V.S.A. § 829(a)(2).

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§ 3004. Exceptions

This chapter shall not apply to

(a) a person engaged or acting:

(1) In the discharge of his or her duties as a student of psychology.

(2) In the discharge of his or her duties

a) as a psychologist in an accredited academic institution

(b) a person holding an educator's license with an educator psychologist endorsement issued by the Agency of Education and solely practicing in a school setting as defined by 16 V.S.A. § 11 (a)(6)-(8) and 16 V.S.A. § 829(a)(2).

(3) In the discharge of his or her duties in a business, corporation, or research laboratory, provided that he or she is performing those duties for which he or she is employed within the confines of the corporation or organization, and provided that the corporation or organization does not sell psychological services to the public for a fee.

(4) In clinical training for licensure as a clinical social worker or clinical mental health counselor or for certification as a marriage and family therapist or a psychoanalyst provided that the person's title indicates his or her training status and that the person does not identify himself or herself as a psychologist. (Added 1975, No. 228 (Adj. Sess.), § 2; amended 1981, No. 241 (Adj. Sess.), § 1; 1993, No. 222 (Adj. Sess.), § 1b; 1995, No. 126 (Adj. Sess.), § 11; 1997, No. 145 (Adj. Sess.), § 14; 1999, No. 52, § 24; 2007, No. 163 (Adj. Sess.), § 30; 2009, No. 3, § 12a, eff. Sept. 1, 2009; 2009, No. 103 (Adj. Sess.), § 21.)

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§ 3212a. Exceptions

(a) This chapter shall not apply to a person engaged or acting:

(1) In the discharge of his or her duties as a student of clinical social work or preparing for the practice of clinical social work provided that the person's title indicates his or her training status and that the preparation occurs under the supervision of a licensed practicing clinical social worker in recognized training institutions or facilities or in a training program approved by the office of professional regulation.

(2) In clinical training for licensure as a psychologist or clinical mental health counselor or for certification as a marriage and family therapist or a psychoanalyst provided that the person's title indicates his or her training status and that the person does not identify him or herself as a clinical social worker.

(3) A person holding an educator's license with a social work endorsement issued by the Agency of Education and solely practicing in a school setting as defined by 16 V.S.A. § 11 (a)(6)-(8) and 16 V.S.A. § 829(a)(2).

(b) Notwithstanding the provisions of subsection (a) of this section, this chapter shall apply to any person licensed as a clinical social worker under this chapter. (Added 1993, No. 222 (Adj. Sess.), § 7a; amended 1997, No. 145 (Adj. Sess.), § 21.)

[Title 26 : Professions And Occupations](#)

[Chapter 087 : Speech-language Pathologists](#)

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§ 4453. Exemptions

The provisions of section 4452 of this chapter shall not apply to

(a) a person enrolled in a course of study leading to a degree or certificate in speech-language pathology at a school accredited by the American Speech-Language Hearing Association, provided:

(1) the activities and services performed constitute part of a supervised course of study;

(2) the person is designated by a title which clearly indicates the person's student or trainee status; and

(3) the person is under the direct supervision of a speech-language pathologist licensed in this State. (Added 2001, No. 151 (Adj. Sess.), § 45, eff. July 1, 2003; amended 2015, No. 38, § 39, eff. Sept. 1, 2015.)

(b) A person holding an educator's license with a speech language pathologist endorsement issued by the Agency of Education and solely practicing in a school setting as defined by 16 V.S.A. § 11 (a)(6)-(8) and 16 V.S.A. § 829(a)(2).