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H.506

Introduced by Committee on Government Operations

Date:

Subject: Professions and occupations; Office of Professional Regulation;  
miscellaneous

Statement of purpose of bill as introduced: This bill proposes to make  
miscellaneous amendments to statutes governing professions and occupations  
regulated by the Office of Professional Regulation.

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

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

\* \* \* Office of Professional Regulation \* \* \*

Sec. 1. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

(a) The Office shall provide administrative, secretarial, financial,  
investigatory, inspection, and legal services to the boards. The ~~administrative~~  
services provided by the Office shall include:

\* \* \*

(h) Notwithstanding any provision of Title 26 of the Vermont Statutes  
Annotated to the contrary, the Office, on behalf of the Director or a board, may

1 use electronic mail to send notices and reminders that would otherwise be sent  
2 by mail, except certified mail, and may use online services to elicit information  
3 and sworn attestations that would otherwise be obtained on a paper form.

4 (i)(1) The Director shall actively monitor the actions of boards attached to  
5 the Office and shall ensure that all board actions pursued are lawful, consistent  
6 with State policy, reasonably calculated to protect the public, and not an undue  
7 restraint of trade.

8 (2) If the Director finds a board action does not meet those standards,  
9 the Director may, except in the case of disciplinary actions:

10 (A) provide written notice to the board explaining the perceived  
11 inconsistency, which notice shall have the effect of staying that action;

12 (B) schedule a public meeting with the board to resolve questions  
13 about the action and explore alternatives; and

14 (C) within 60 days following that meeting, issue a written directive  
15 finding that:

16 (i) the action is consistent with State policy, in which case the  
17 action shall be reinstated;

18 (ii) the action is inconsistent with State policy in form, but may be  
19 modified to achieve consistency, in which case the board may issue a modified  
20 action consistent with the Director's recommendation; or

1                   (iii) the action is inconsistent with State policy in purpose, in  
2                   which case the board shall terminate efforts to implement the action and shall  
3                   not spend further funds toward its implementation.

4                   (j)(1) The Office may inquire into the criminal background histories of  
5                   applicants for licensure and for biennial license renewal for the following  
6                   professions:

7                   (A) licensed nursing assistants, licensed practical nurses, registered  
8                   nurses, and advanced practice registered nurses licensed under 26 V.S.A.  
9                   chapter 59;

10                  (B) private investigators, security guards, and other persons licensed  
11                  under 26 V.S.A. chapter 59; and

12                  (C) real estate appraisers and other persons or business entities  
13                  licensed under 26 V.S.A. chapter 69.

14                  (2)(A) The Office may inquire directly of the Vermont Crime  
15                  Information Center, the Federal Bureau of Investigation, the National Crime  
16                  Information Center, or other holders of official criminal record information,  
17                  and may arrange for such inquiries to be made by a commercial service.

18                  (B) Background checks may be fingerprint-supported, and  
19                  fingerprints so obtained may be retained on file and used to notify the Office of  
20                  future triggering events.

1           (3) Applicants subject to background checks shall be notified that a  
2           check is required, if fingerprints will be retained on file, and that criminal  
3           convictions are not an absolute bar to licensure, and shall be provided such  
4           other information as may be required by federal law or regulation.

5           (k) When, by reason of disqualification, resignation, vacancy, or necessary  
6           absence, a board is unable to form a quorum or assign one or more members to  
7           assist in the investigation and prosecution of complaints or license  
8           applications, or to adjudicate a contested case, the Secretary of State may  
9           appoint ad hoc members, either as voting members to establish a quorum at a  
10           specific meeting or as nonvoting members to assist Office investigators and  
11           prosecutors.

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

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

15           (a)(1) Any hospital, clinic, community mental health center, or other health  
16           care institution in which a licensee performs professional services shall report  
17           to the ~~appropriate board~~ Office, along with supporting information and  
18           evidence, any disciplinary action taken by it or its staff, ~~after an initial~~  
19           ~~investigation or hearing in which the licensee has been afforded the~~  
20           ~~opportunity to participate, which~~ that limits or conditions the licensee's  
21           privilege to practice or leads to suspension or expulsion from the institution.

1           (2) The report shall be made within 10 days of the date the disciplinary  
2           action was taken, regardless of whether the action is the subject of a pending  
3           appeal, and in the case of a licensee who is employed by, or under contract  
4           with, a community mental health center, a copy of the report shall also be sent  
5           to the Commissioners of Mental Health and of Disabilities, Aging, and  
6           Independent Living.

7           (3) This section shall not apply to cases of resignation, separation from  
8           service, or changes in privileges ~~which~~ that are unrelated to:

9           ~~(1)~~(A) a disciplinary or adverse action;

10          ~~(2)~~(B) an adverse action report to the National Practitioner Data Bank;

11          ~~(3)~~(C) an unexpected adverse outcome in the care or treatment of a  
12          patient;

13          ~~(4)~~(D) misconduct or allegations of misconduct;

14          ~~(5)~~(E) the initiation or process of an action to limit, condition, or  
15          suspend a licensee's privilege to practice in an institution;

16          ~~(6)~~(F) an action to expel the licensee from an institution; or

17          ~~(7)~~(G) any other action ~~which~~ that could lead to an outcome described in  
18          subdivisions ~~(1)~~(A) through ~~(6)~~(F) of this ~~subsection~~ subdivision (3).

19          (b) Within 30 days of any judgment or settlements involving a claim of  
20          professional negligence by a licensee, any insurer of the licensee shall report

1 such information to the ~~appropriate board~~ Office, regardless of whether the  
2 action is the subject of a pending appeal.

3 (c) Information provided to ~~a board~~ Office under this section shall be  
4 confidential unless the board decides to treat the report as a complaint in which  
5 case the provisions of section 131 of this title shall apply.

6 \* \* \*

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

8 § 129. POWERS OF BOARDS; DISCIPLINE PROCESS

9 \* \* \*

10 ~~(c)(1) A board may assign one or more members of the board to investigate~~  
11 ~~complaints and license applications. These members shall have the assistance~~  
12 ~~of an investigator for the Office and an attorney assigned by the Office of~~  
13 ~~Professional Regulation who shall be responsible for prosecuting disciplinary~~  
14 ~~and licensing cases before the board. In the case of professions which have~~  
15 ~~advisor appointees, the Secretary may designate one or more of the advisor~~  
16 ~~appointees or other licensed or certified members of the profession to assist in~~  
17 ~~the investigation. While acting in this capacity, a board member or advisor~~  
18 ~~appointee shall not sit in adjudication of the case and Boards and~~  
19 ~~administrative law officers sitting in disciplinary cases shall do so impartially~~  
20 ~~and without ex parte knowledge of the case in controversy.~~

1           (2) A State prosecuting attorney assigned by the Office of Professional  
2           Regulation shall be responsible for prosecuting disciplinary cases before  
3           boards or administrative law officers.

4           (3) The Office may assign one or more board members or advisors to  
5           assist Office investigators and the prosecutor in relation to the investigation  
6           and prosecution of licensing and disciplinary matters. If a board member has  
7           served in this capacity, the member shall not participate in ex parte  
8           communications with other board members regarding the case and shall not  
9           participate in deliberating or deciding the case. A board member whose term  
10           ~~of office expires while an investigation is pending may continue through the~~  
11           ~~completion of the case. When a board is unable to assign one or more members~~  
12           ~~to investigate complaints or license applications by reason of disqualification,~~  
13           ~~resignation, vacancy, or necessary absence, the Secretary of State may, at the~~  
14           ~~request of the board, appoint ad hoc members to serve on the board for~~  
15           ~~investigation of that matter only. Ad hoc members shall have the same~~  
16           ~~qualifications as required by law for the absent members.~~

17                                   \* \* \*

18           (j) Notwithstanding the provisions of section 130a of this title, hearings  
19           involving denials of licensure or disciplinary matters concerning persons in  
20           professions that have advisor appointees shall be heard by an administrative  
21           law officer appointed by the Secretary of State. ~~A party aggrieved by a final~~

1 ~~decision of an administrative law officer may appeal to the Superior Court in~~  
2 ~~Washington County which shall review the matter on the basis of the record~~  
3 ~~created before the administrative law officer.~~

4 \* \* \*

5 Sec. 4. 3 V.S.A. § 129a is amended to read:

6 § 129a. UNPROFESSIONAL CONDUCT

7 (a) In addition to any other provision of law, the following conduct by a  
8 licensee constitutes unprofessional conduct. When that conduct is by an  
9 applicant or person who later becomes an applicant, it may constitute grounds  
10 for denial of a license or other disciplinary action. Any one of the following  
11 items, or any combination of items, whether or not the conduct at issue was  
12 committed within or outside the State, shall constitute unprofessional conduct:

13 \* \* \*

14 (10) Conviction of a crime related to the practice of the profession or  
15 conviction of a felony, whether or not related to the practice of the profession.

16 (11) Failing to report to the Office a conviction of any felony or ~~any~~  
17 misdemeanor offense ~~related to the practice of the profession~~ in a Vermont  
18 District Court, a Vermont Superior Court, a federal court, or a court outside  
19 Vermont within 30 days.

20 \* \* \*



1 (14) Failing to report to the Office within 30 days a change of  
2 name, e-mail, or mailing address.

3 \* \* \*

4 (16)(A) Impeding an investigation under this chapter or unreasonably  
5 failing to reply, cooperate, or produce lawfully requested records in relation to  
6 such investigation.

7 (B) The patient privilege set forth in 12 V.S.A. § 1612 shall not bar  
8 the licensee's obligations under this subsection (a) and a confidentiality  
9 agreement entered into in concluding a settlement of a civil claim shall not  
10 exempt the licensee from fulfilling his or her obligations under this  
11 subdivision.

12 (17) Advertising, promoting, or recommending a therapy or treatment in  
13 a manner tending to deceive the public or to suggest a degree of reliability or  
14 efficacy unsupported by competent evidence and professional judgment.

15 (18) Promotion by a treatment provider of the sale of drugs, devices,  
16 appliances, or goods provided for a patient or client in such a manner as to  
17 exploit the patient or client for the financial gain of the treatment provider, or  
18 selling, prescribing, giving away, or administering drugs for other than legal  
19 and legitimate therapeutic purposes.

20 (19) Willful misrepresentation in treatments of therapies.

1           (20) Offering, undertaking, or agreeing to cure or treat a disease or  
2           disorder by a secret method, procedure, treatment, or medicine.

3           (21) Permitting one's name or license to be used by a person, group, or  
4           corporation when not actually in charge of or responsible for the professional  
5           services provided.

6           (22) Prescribing, selling, administering, distributing, ordering, or  
7           dispensing any drug legally classified as a controlled substance for the  
8           licensee's own use or to an immediate family member as defined by rule.

9           (23) For any professional with prescribing authority, signing a blank or  
10          undated prescription form or negligently failing to secure electronic means of  
11          prescribing.

12          (24) For any mental health care provider, use of conversion therapy as  
13          defined in 18 V.S.A. § 8351 on a client younger than 18 years of age.

14                           \* \* \*

15        Sec. 5. 3 V.S.A. § 130a is amended to read:

16        § 130a. ~~APPEALS FROM BOARD DECISIONS~~

17           (a)~~(1)~~ A party aggrieved by a final decision of a board or administrative  
18          law officer may, within 30 days of the decision, appeal that decision by filing a  
19          notice of appeal with the Director who shall assign the case to an appellate  
20          officer.

1           (2)(A) The review shall be conducted on the basis of the record created  
2 before the board or administrative law officer.

3           (B) In cases of alleged irregularities in procedure before the board or  
4 administrative law officer, not shown in the record, proof on that issue may be  
5 taken by the appellate officer.

6           (b) The appellate officer shall not substitute his or her judgment for that of  
7 the board or administrative law officer as to the weight of the evidence on  
8 questions of fact. The appellate officer may affirm the decision, or may  
9 reverse and remand the matter with recommendations if substantial rights of  
10 the appellant have been prejudiced because the board's or administrative law  
11 officer's finding, inferences, conclusions, or decisions are:

12           (1) in violation of constitutional or statutory provisions;

13           (2) in excess of the statutory authority of the board or administrative law  
14 officer;

15           (3) made upon unlawful procedure;

16           (4) affected by other error of law;

17           (5) clearly erroneous in view of the evidence on the record as a whole;

18           (6) arbitrary or capricious; or

19           (7) characterized by abuse of discretion or clearly unwarranted exercise  
20 of discretion.

1 (c) A party aggrieved by a decision of the appellate officer may appeal to  
2 the Supreme Court, which shall review the matter on the basis of the records  
3 created before the board or administrative law officer and the appellate officer.

4 Sec. 6. 3 V.S.A. § 131 is amended to read:

5 § 131. ACCESSIBILITY AND CONFIDENTIALITY OF DISCIPLINARY  
6 MATTERS

7 \* \* \*

8 (c) The Secretary of State, through the Office of Professional Regulation,  
9 shall prepare and maintain a register of all complaints, which shall be a public  
10 record and which shall show:

11 \* \* \*

12 (2) only with respect to complaints resulting in filing of disciplinary  
13 charges or stipulations or the taking of disciplinary action, the following  
14 additional information:

15 (A) the name and business addresses of the licensee and complainant;

16 (B) formal charges, provided that they have been served or a  
17 reasonable effort to serve them has been made, and all subsequent pleadings  
18 filed by the parties;

19 (C) the findings, conclusions, rulings, and ~~order~~ orders of the board  
20 or administrative law officer;

1 (D) the transcript of the hearing, if one has been made, and exhibits  
2 admitted at the hearing;

3 (E) stipulations filed with the board or administrative law officer; and

4 (F) final disposition of the matter by the appellate officer or the  
5 courts.

6 \* \* \*

7 (d) Neither the Secretary nor the Office shall make public any other  
8 information regarding unprofessional conduct complaints, investigations,  
9 proceedings, and related records except the information required to be released  
10 under this section.

11 \* \* \*

12 (g) Nothing in this section shall prohibit the disclosure of any information  
13 regarding unprofessional conduct complaints pursuant, or investigations  
14 thereof, in response to an order from a court of competent jurisdiction, or to  
15 State or federal law enforcement or regulatory agencies, ~~the Department of~~  
16 ~~Health, the Department of Disabilities, Aging, and Independent Living, or the~~  
17 ~~Department of Financial Regulation in the course of their investigations,~~  
18 provided the receiving agency or department;

19 (1) agrees to maintain the confidentiality and privileged status of the  
20 information as provided in subsection (d) of this section; and

21 (2) has jurisdiction over the subject matter in question.

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\* \* \* Pharmacy \* \* \*

Sec. 7. 18 V.S.A. § 4215 is amended to read:

§ 4215. AUTHORIZED SALES BY PHARMACISTS

\* \* \*

(b)(1) The pharmacist filling a schedule II prescription shall write the date of filling and the pharmacist's own signature on the face of the prescription, or if an electronic prescription, shall enter the date of filling and the pharmacist's name into the electronic record.

(2) Pharmacists shall be subject to the requirements of 21 U.S.C. chapter 13.

(3) Notwithstanding the ~~foregoing~~ provisions of subdivision (1) or (2) of this subsection, ~~no~~ a prescription for a schedule II drug written without a future fill date ~~may~~ shall not be filled more than 30 days after the date the prescription was issued. ~~No~~ A prescription for a schedule II drug written to be filled at a future date ~~may~~ shall not be filled more than 90 days after the date the prescription was issued.

(4) A physician who dispenses regulated drugs as part of his or her regular fee or for an additional fee shall be subject to the same requirements as a pharmacist for the purposes of this section.

\* \* \*



1           (B) The statements on standards specified in this section shall be  
2 adopted by reference by the board pursuant to rulemaking, and shall be those  
3 developed for general application by the American Institute of Certified Public  
4 Accountants.

5   \* \* \*

6           (13) "Report" when used with reference to ~~financial statements~~ any  
7 attest or compilation service, means an opinion, report, or other form of  
8 language that states or implies assurance as to the reliability of ~~any~~ the attested  
9 information or compiled financial statements and that also includes or is  
10 accompanied by any statement or implication that the person or firm issuing it  
11 has special knowledge or competence in accounting or auditing.

12           (A) A statement or implication of special knowledge or competence  
13 may arise from use by the issuer of the report of names or titles indicating that  
14 the person or firm is an accountant or auditor, or from the language of the  
15 report itself.

16           (B) The term "report" includes any form of language ~~which~~ that  
17 disclaims an opinion when the form of language is conventionally understood  
18 to imply any positive assurance as to the reliability of the attested information  
19 or compiled financial statements referred to or special competence on the part  
20 of the person or firm issuing the language; and it includes any other form of



1 language that is conventionally understood to imply such assurance or such  
2 special knowledge or competence.

3 \* \* \*

4 Sec. 9. 26 V.S.A. § 74 is amended to read:

5 § 74. FIRMS; REGISTRATION AND OWNERSHIP

6 \* \* \*

7 (b) A firm that does not have an office in this ~~state~~ State may perform those  
8 services set forth in subdivision 13(1)(A)(ii), 13(1)(A)(v), or 13(3) of this ~~title~~  
9 chapter for a client with a home office in this ~~state~~ State may otherwise  
10 practice public accounting as authorized under this chapter, and may use the  
11 title “CPA” or “CPA firm” without a registration issued only if the firm:

12 (1) meets the qualifications set forth in subsections (c) and (d) of this  
13 section;

14 (2) meets the requirements of section 75c of this title; and

15 (3) performs services through an individual with practice privileges set  
16 forth under section 74c of this title.

17 \* \* \*

18 (e) Any individual licensee who is responsible for supervising attest  
19 services and signs or authorizes someone to sign the accountant’s report ~~on~~  
20 ~~financial statements~~ on behalf of the firm; shall meet the experience and

1 competency requirements set out in the professional standards for such  
2 services.

3 (f) Any individual exercising practice privileges pursuant to section 74c of  
4 this title, and who is responsible for supervising attest services and signs or  
5 authorizes someone to sign the accountant's report ~~on financial statements~~ on  
6 behalf of the firm, shall meet the experience and competency requirements set  
7 forth in the professional standards for those services.

8 \* \* \*

9 \* \* \* Dental Therapists \* \* \*

10 Sec. 10. 26 V.S.A. § 612 is amended to read:

11 § 612. LICENSE BY ENDORSEMENT

12 (a) The Board may grant a license as a dental therapist to an applicant who:

13 (1) is currently licensed in good standing to practice as a dental therapist  
14 in any jurisdiction of the United States or Canada that has licensing  
15 requirements deemed by the Board to be at least substantially equivalent to  
16 those of this State;

17 (2) has passed an examination testing the applicant's knowledge of the  
18 Vermont statutes and rules relating to the practice of dentistry approved by the  
19 Board;

20 (3) has successfully completed an emergency office procedure course  
21 approved by the Board;

1           (4) has met active practice requirements and any other requirements  
2 established by the Board by rule; and

3           (5) pays the application fee set forth in section 662 of this chapter.

4           (b) ~~Notwithstanding the provisions of subdivision 611(a)(2) of this~~  
5 ~~subchapter that require an applicant for dental therapist licensure by~~  
6 ~~examination to be a Vermont licensed dental hygienist, an applicant for dental~~  
7 ~~therapist licensure by endorsement under this section shall not be required to~~  
8 ~~obtain Vermont dental hygienist licensure if the Board determines that the~~  
9 ~~applicant otherwise meets the requirements for dental therapist licensure.~~

10       [Repealed.]

11   \* \* \* Funeral Directors \* \* \*

12       Sec. 11. 26 V.S.A. § 1252 is amended to read:

13       § 1252. APPLICATION; QUALIFICATIONS

14       (a)~~(1)~~ Funeral director.

15           (1) Any person holding a high school certificate or its equivalent shall  
16 be entitled to take an examination as a funeral director provided that he  
17 or she has:

18           (A) graduated from a school of funeral service accredited or  
19 approved by the American Board of Funeral Service Education in a course of  
20 instruction of not less than two academic years, or graduated from a school of  
21 funeral service accredited or approved by the American Board of Funeral

1 Service Education in a course of instruction of not less than one academic year  
2 or its equivalent as determined by the Board, with 30 additional credit hours in  
3 subjects approved by the Board and obtained in a college or university  
4 approved by the Board; and

5 \* \* \*

6 (3) Notwithstanding the provisions of subdivision (1)(A) of this  
7 subsection (a), the Board may by rule prescribe an alternative pathway to  
8 licensure for individuals who have not attended a school of funeral service but  
9 who have demonstrated through an approved program of apprenticeship and  
10 study the skills deemed necessary by the Board to ensure competence as a  
11 funeral director.

12 (b)(4) Embalmer.

13 (1) Any person holding a high school certificate or its equivalent shall  
14 be entitled to take an examination in embalming provided that he or she has:

15 \* \* \*

16 \* \* \* Pharmacy \* \* \*

17 Sec. 12. 26 V.S.A. § 2041 is amended to read:

18 § 2041. UNLAWFUL PRACTICE

19 \* \* \*

1 (b)(1) Any person who shall be found by the ~~board~~ Board after hearing to  
2 have unlawfully engaged in the practice of pharmacy shall be subject to  
3 disciplinary action.

4 (2) For the purpose of enforcing this section, the ~~attorney general~~  
5 Attorney General or a ~~state's attorney~~ State's Attorney or an attorney assigned  
6 by the ~~office of professional regulation~~ Office of Professional Regulation may  
7 commence a criminal action against any person unlawfully engaging in the  
8 practice of pharmacy, and upon conviction, the person shall be subject to the  
9 penalties provided in 3 V.S.A. § 127(e).

10 Sec. 13. 26 V.S.A. § 2061 is amended to read:

11 § 2061. REGISTRATION AND LICENSURE

12 \* \* \*

13 (h) Each individual licensee and each business licensed under this chapter  
14 shall provide to the Office of Professional Regulation a working, readily  
15 accessible e-mail address permitting communication with the Office.

16 \* \* \* Real Estate Brokers \* \* \*

17 Sec. 14. 26 V.S.A. § 2292 is amended to read:

18 § 2292. ELIGIBILITY

19 \* \* \*

1 (b)(1) A license as a real estate salesperson shall be granted to a person  
2 who satisfies all of the following:

3 ~~(1)(A)~~ Has has passed an examination as required by the commission;

4 ~~(2)(B)~~ Is is at least 18 years ~~old~~ of age;

5 ~~(3)(C)~~ Has has been employed by or become associated with a  
6 brokerage firm and that firm's principal broker; and

7 ~~(4)(D)~~ Has has completed a course of instruction, approved by the  
8 commission, of at least 40 hours.

9 (2)(A) An initial salesperson license shall expire 90 days from issuance.

10 (B) The license of a salesperson who has provided documentation to  
11 the Commission showing successful completion of eight hours of instruction  
12 addressing topics specified by the Commission relating to the salesperson's  
13 postlicensure practice of the profession shall be renewed without application or  
14 fee and remain valid until the end of the biennial licensing period.

15 \* \* \*

16 Sec. 15. 26 V.S.A. § 2293 is amended to read:

17 § 2293. RENEWAL OF LICENSE; ~~LAPSED~~ EXPIRED LICENSE

18 (a)~~(1)~~ Licenses shall be renewed every two years without examination and  
19 on payment of the required fees, provided that the person applying for renewal  
20 completes at least 24 hours of instruction for brokers and 16 hours of  
21 instruction for salespersons, approved by the Commission, during the

1 preceding two-year period. Four hours of this continuing education instruction  
2 shall address legislation and other topics specified by the Commission for each  
3 renewal period.

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

9 (b)(1) A broker or salesperson applying for reinstatement of a license that  
10 has ~~lapsed~~ expired shall be assessed both the renewal fee and late renewal  
11 penalty established by the Director of the Office of Professional Regulation  
12 and shall not be assessed renewal fees for the years during which the license  
13 was ~~lapsed~~ expired.

14 (2) Reinstatement shall not take place until the applicant completes the  
15 continuing education required for the previous renewal period.

16 (c)(1) If a broker or salesperson's license has ~~lapsed~~ expired for greater  
17 than five consecutive years, the broker or salesperson shall apply for  
18 reinstatement in accordance with the initial licensure requirements as set forth  
19 in section 2292 of this chapter, including a course of instruction and  
20 examination.

1           (2) The Commission may waive the reinstatement requirements based  
2 upon licensed practice in another state.

3   \* \* \*

4           Sec. 16. 26 V.S.A. § 2296 is amended to read:

5           § 2296. UNPROFESSIONAL CONDUCT; ~~DISCIPLINE OF LICENSEE~~

6           (a) Unprofessional conduct means the following conduct and the conduct  
7 set forth in 3 V.S.A. § 129a:

8   \* \* \*

9           (5) commingles money or other property to which the licensee's clients  
10 or other persons are entitled with the licensee's own, except to the extent  
11 nominal sums of the licensee's funds may be required to maintain an open trust  
12 account;

13           (6) fails to inform clients, establish trust and escrow accounts, maintain  
14 records, and otherwise act in accordance with the provisions of section 2214 of  
15 this chapter with respect to all monies received by the licensee as a real estate  
16 broker, or as escrow agent, or as the temporary custodian of the funds of  
17 others, in a real estate transaction;

18           (7) fails promptly to segregate any properties received which are to be  
19 held for the benefit of others;

20           (8) is found by the Commission to have engaged in any act or conduct,  
21 whether of the same or different character as that described in this section,



1 which contributes to or demonstrates incompetency or dishonest fraudulent  
2 dealings;

3 (9) fails to fully disclose to a buyer all material facts within the  
4 licensee's knowledge concerning the property being sold;

5 (10) fails to fully disclose to a buyer the existence of an agency  
6 relationship between the licensee and the seller.

7 ~~(b) The maintenance of nominal amounts of a licensee's funds in a trust  
8 account to meet bank service charges is not a violation of this chapter.~~

9 ~~(c) The Commission shall accept written complaints from any member of  
10 the public, any licensee, any state or federal agency, or the Attorney General.  
11 The Commission may initiate disciplinary action in response to any complaint  
12 against a licensee.~~

13 ~~(d) The burden of proof shall be on the State to show by a preponderance  
14 of the evidence that the licensee has engaged in unprofessional conduct.~~

15 ~~(e) After hearing and upon a finding of unprofessional conduct, the  
16 Commission may:~~

17 ~~(1) revoke a license;~~

18 ~~(2) suspend a license; or~~

19 ~~(3) issue a warning or reprimand or both to a licensee.~~

1       ~~(f) Before or after hearing, the Commission may approve a negotiated~~  
2       ~~agreement between the prosecutor and the licensee when it is in the best~~  
3       ~~interest of the public health, safety, or welfare to do so.~~

4             ~~(1) Such an agreement may include any of the following conditions or~~  
5       ~~restrictions which may be in addition to or in lieu of suspension:~~

6             ~~(A) a requirement that a licensee submit to care or counseling;~~

7             ~~(B) a restriction that a licensee practice only under supervision of a~~  
8       ~~named person or a person with specified credentials;~~

9             ~~(C) a requirement that a licensee participate in continuing education~~  
10       ~~in order to overcome specified practical deficiencies;~~

11            ~~(D) a requirement that the scope of practice permitted be restricted to~~  
12       ~~a specified extent.~~

13            ~~(2) Such an agreement may be modified by agreement of the prosecutor~~  
14       ~~and the licensee, after obtaining the approval of the Commission.~~

15       ~~(g) A complainant, the prosecutor, or the licensee may petition the~~  
16       ~~Commission for modification of the terms of an order under this section.~~

17       ~~(h) Where a license has been revoked, the Commission may reinstate the~~  
18       ~~license on terms and conditions it deems proper.~~

19       ~~(i) In the event the Commission takes disciplinary action, its findings and~~  
20       ~~decision shall be in writing and signed by the Chairperson. A certified copy of~~  
21       ~~the findings and decision either shall be served on the licensee in the same~~

1 ~~manner as a subpoena, or shall be mailed to the licensee at the licensee's last~~  
2 ~~known address by certified mail, return receipt requested.~~

3 \* \* \* Veterinarians \* \* \*

4 Sec. 17. 26 V.S.A. chapter 44 is amended to read:

5 CHAPTER 44. VETERINARY MEDICINE

6 Subchapter 1. General Provisions

7 § 2401. DEFINITIONS

8 As used in this chapter:

9 \* \* \*

10 (5) "Practice of veterinary medicine" means:

11 (A) for a consideration, to diagnose, treat, correct, change, relieve, or  
12 prevent animal disease, deformity, defect, injury, or other physical or mental  
13 conditions; including the prescription or administration of any drugs, biologic,  
14 apparatus, application, anesthetic, or other therapeutic or diagnostic substance  
15 or technique and the use of any manual or mechanical procedure for testing for  
16 pregnancy or for correcting sterility, or infertility, or to render advice or  
17 recommendation with regard to any of the ~~above~~ acts described in this  
18 subdivision (A);

19 (B) to represent, directly or indirectly, publicly or privately, an ability  
20 and willingness to do any act described in subdivision ~~(5)~~(A) of this ~~section~~  
21 subdivision (5);

1 (C) to use any title, words, abbreviation, or letters in a manner or  
2 under circumstances which induce the belief that the person using them is  
3 qualified to do any act described in subdivision ~~(5)~~(A) of this ~~section~~  
4 subdivision (5), except where such a person is a veterinarian;

5 \* \* \*

6 Subchapter 4. Unprofessional Conduct and Discipline

7 \* \* \*

8 § 2433. VETERINARIAN-CLIENT-PATIENT RELATIONSHIP;

9 VETERINARIAN OF RECORD

10 (a) The veterinarian-client-patient relationship (VCPR) exists when all of  
11 the following conditions have been met:

12 (1) The veterinarian has assumed the responsibility for making clinical  
13 judgments regarding the health of one or more animals and the need for  
14 medical treatment, and the client, who is the owner of the animals or their  
15 caretaker, has agreed to follow the veterinarian's instructions;

16 (2) The veterinarian has sufficient knowledge of those animals to initiate  
17 at least a general or preliminary diagnosis of the medical condition of the  
18 animals. This means that the veterinarian has recently seen and is personally  
19 acquainted with the keeping and care of the animals by virtue of an  
20 examination of the animals or by medically appropriate and timely visits to the  
21 premises where the animals are kept; and

1           (3) The veterinarian is readily available or has arranged for emergency  
2           coverage for follow-up evaluation of those animals in the event of adverse  
3           reactions or failure of the treatment regimen.

4           (b) Only a licensed veterinarian with a valid VCPR may:

5                 (1) authorize the dispensing of veterinary prescription drugs;

6                 (2) issue a valid veterinary feed directive;

7                 (3) authorize drug distributors to deliver veterinary prescription drugs to  
8           a specific client; or

9                 (4) prescribe, order, or otherwise authorize a pharmacist to dispense  
10           veterinary prescription drugs to a specific client.

11           (c)(1) The veterinarian of record (VOR) is the food animal veterinarian  
12           responsible for providing appropriate oversight of drug use on a farm premises  
13           for specific animals or group of animals.

14                 (2) If more than one veterinarian or veterinary practice has a working  
15           relationship on a farm premises, then the VCPR agreement shall establish  
16           which veterinarian has the responsibility for specific animals or animal groups.

17                 (3) A veterinarian who is not the VOR, when providing professional  
18           services, is responsible for making provisions for emergency follow-up care  
19           and must notify the VOR of his or her findings and recommendations.

20                 (d) Prescriptions from veterinarians are subject to Vermont prescription  
21           drug cost containment statutes set forth in 18 V.S.A. chapter 91.

1       (e) Establishment of a VCPR for the sole purpose of the sale of drugs or  
2       increased sales of a particular brand of drug product is not a valid or ethical  
3       reason for having a VCPR.

4                                   \* \* \* Opticians \* \* \*

5       Sec. 18. 26 V.S.A. § 2665 is amended to read:

6       § 2665. POWERS AND DUTIES OF THE DIRECTOR

7       (a) The Director shall:

8               (1) adopt only those rules necessary for the full and efficient  
9       performance of its duties;

10                                  \* \* \*

11               (3) establish standards of education required of applicants for licensing  
12       and establish, by appropriate rules ~~and regulations~~, the minimum standards for  
13       any school presenting a course for present or future opticians;

14                                  \* \* \*

15       (b) The Director shall not:

16               (1) adopt any rules ~~or regulations~~ prohibiting lawful advertising, the  
17       display of ophthalmic materials or merchandise, or limiting the place or  
18       location where opticians may practice; or

19                                  \* \* \*



1 practice in one of the postprimary modalities set forth in subsection (a) of this  
2 section, the licensee must first obtain postprimary certification from ARRT or  
3 NMTCB for that category, except:

4 (1) a person with a primary license in radiation therapy may perform CT  
5 for treatment simulation; and

6 (2) a person with a primary license in nuclear medicine technology may  
7 perform CT for attenuation correction on hybrid imaging equipment, such as  
8 PET/CT and SPECT/CT scanners.

9 \* \* \*

10 \* \* \* Private Investigative and Security Services \* \* \*

11 Sec. 21. 26 V.S.A. chapter 59 is amended to read:

12 CHAPTER 59. PRIVATE INVESTIGATIVE AND SECURITY SERVICES

13 \* \* \*

14 Subchapter 3. Licensing

15 \* \* \*

16 § 3173. PRIVATE INVESTIGATOR LICENSES

17 \* \* \*

18 (b) ~~The Board may inquire of the Vermont Crime Information Center for~~  
19 ~~any information on criminal records of the applicant, and the Center shall~~  
20 ~~provide such information to the Board. The Board, through the Vermont Crime~~  
21 ~~Information Center, may also inquire of the appropriate state criminal record~~



1 ~~repositories in all states in which it has reason to believe an applicant has~~  
2 ~~resided or been employed, and it may also inquire of the Federal Bureau of~~  
3 ~~Investigation, for any information on criminal records of the applicant. The~~  
4 ~~applicant shall bear the costs associated with fingerprinting. The Board may~~  
5 ~~also make additional inquiries it deems necessary into the character, integrity,~~  
6 ~~and reputation of the applicant.~~

7 \* \* \*

8 § 3174. SECURITY GUARD LICENSES

9 \* \* \*

10 (b) ~~The board may inquire of the Vermont criminal information center for~~  
11 ~~any information on criminal records of the applicant, and the center shall~~  
12 ~~provide such information to the board. The board, through the Vermont~~  
13 ~~criminal information center, may also inquire of the appropriate state criminal~~  
14 ~~record repositories in all states in which it has reason to believe an applicant~~  
15 ~~has resided or been employed, and it may also inquire of the Federal Bureau of~~  
16 ~~Investigation, for any information on criminal records of the applicant. When~~  
17 ~~fingerprinting is required, the applicant shall bear all costs. The board Board~~  
18 ~~may also make additional inquiries it deems necessary into the character,~~  
19 ~~integrity, and reputation of the applicant.~~

20 \* \* \*

1 § 3176. EMPLOYEES OF AGENCIES

2 \* \* \*

3 (d) ~~The Board may inquire of the Vermont Crime Information Center for~~  
4 ~~any information on criminal records of all agency employees registering with~~  
5 ~~the Board, and the Center shall provide such information to the Board. The~~  
6 ~~Board, through the Vermont Crime Information Center, may also inquire of the~~  
7 ~~appropriate state criminal record repositories in all states in which it has reason~~  
8 ~~to believe an employee has resided or been employed, and it may also inquire~~  
9 ~~of the Federal Bureau of Investigation for any information on criminal records~~  
10 ~~of the employee. The Board may also make such additional inquiries it deems~~  
11 ~~necessary into the character, integrity, and reputation of the employee.~~

12 \* \* \*

13 § 3178. RENEWALS AND REINSTATEMENT

14 (a) A license or registration issued under this chapter shall be renewed  
15 biennially upon payment of the required fee.

16 (b) ~~If an individual or agency fails to renew in a timely manner, the~~  
17 ~~individual or agency may renew the license within one year of the renewal date~~  
18 ~~by satisfying all the requirements for renewal and payment of an additional late~~  
19 ~~renewal penalty.~~

20 (c) ~~An individual or agency whose license or registration has lapsed or~~  
21 ~~been terminated for more than one year may be reinstated upon filing a new~~

1 ~~application and meeting all requirements for initial issuance of the license or~~  
2 ~~registration.~~

3 \* \* \*

4 \* \* \* Real Estate Appraisers \* \* \*

5 Sec. 22. 26 V.S.A. § 3314 is amended to read:

6 § 3314. BOARD; POWERS AND DUTIES

7 \* \* \*

8 (b) In addition to its other powers and duties under this chapter, the Board  
9 shall:

10 \* \* \*

11 ~~(5) Inquire of the Vermont Crime Information Center for any~~  
12 ~~information on criminal records of any and all applicants, and the Center shall~~  
13 ~~provide such information to the Board. The Board, through the Vermont Crime~~  
14 ~~Information Center, shall also inquire of the appropriate state criminal record~~  
15 ~~repositories in all states in which it has reason to believe an applicant has~~  
16 ~~resided or been employed, and it shall also inquire of the Federal Bureau of~~  
17 ~~Investigation for any information on criminal records of applicants. The Board~~  
18 ~~shall obtain fingerprints of the applicant, in digital form if practicable, and any~~  
19 ~~appropriate identifying information for submission to the Federal Bureau of~~  
20 ~~Investigation in connection with a state and national background check.~~  
21 ~~Applicants shall bear all costs associated with background screening. The~~

1 Board may ~~also~~ make ~~additional~~ inquiries it deems necessary into the  
2 character, integrity, and reputation of the applicant.

3 (6) Perform other functions and duties as may be necessary to carry out  
4 the provisions of this chapter or to comply with the requirements of the Act,  
5 including, at the Board's discretion, adopting rules defining appraisal  
6 management companies in a manner consistent with the Act and requiring that  
7 such appraisal management companies register with the Board prior to doing  
8 business in this State.

9 Sec. 23. 26 V.S.A. § 3320a is amended to read:

10 § 3320a. APPRAISAL MANAGEMENT COMPANIES

11 ~~(a) An appraisal management company acts as a broker in acquiring~~  
12 ~~finished appraisals from real estate appraisers and supplying the appraisals to~~  
13 ~~third parties, but appraisal management companies are not licensed to perform~~  
14 ~~real estate appraisals under this chapter. Acting as an appraisal management~~  
15 ~~company includes:~~

16 ~~(1) administering or assigning work to licensed real estate appraisers;~~  
17 ~~(2) receiving requests for real estate appraisals from clients;~~  
18 ~~(3) receiving a fee paid by clients for acquiring real estate appraisals; or~~  
19 ~~(4) entering into an agreement with one or more real estate appraisers to~~  
20 ~~perform appraisals.~~

21 ~~(b) An appraisal management company does not include:~~

- 1           ~~(1) a government agency;~~  
2           ~~(2) a bank, credit union, licensed lender, or savings institution;~~  
3           ~~(3) a person or entity that has as its primary business the performance of~~  
4 ~~appraisals in accordance with this chapter but who or which, in the normal~~  
5 ~~course of business, engages the services of a licensed appraiser to perform~~  
6 ~~appraisals or related services that the person or entity cannot perform because~~  
7 ~~of the location or type of property in question, workload, scope of practice~~  
8 ~~required by an assignment, or to otherwise maintain professional responsibility~~  
9 ~~to clients.~~

10           ~~(c) An appraisal management company shall register with the Board prior~~  
11 ~~to conducting business in this State. An application shall include a registration~~  
12 ~~fee and information required by the Board that is necessary to determine~~  
13 ~~eligibility for registration.~~

14           ~~(d) When contracting for the performance of real estate appraisal services,~~  
15 ~~an appraisal management company shall only engage the professional services~~  
16 ~~of an appraiser licensed and in good standing to practice pursuant to this~~  
17 ~~chapter.~~

18           ~~(e) A registrant's employee reviewing finished appraisals shall be certified~~  
19 ~~or licensed in good standing in one or more states and shall be certified at a~~  
20 ~~level that corresponds with or is higher than the level of licensure required to~~  
21 ~~perform the appraisal. The Board shall determine whether the regulation of~~

1 appraisal management companies is in the interest of the public and may adopt  
2 rules regulating appraisal management companies in conformity with the Act.

3 Sec. 24. BOARD OF REAL ESTATE APPRAISERS; RULEMAKING

4 AUTHORITY

5 The Board of Real Estate Appraisers may adopt the rules described in  
6 26 V.S.A. § 3320a (appraisal management companies) in Sec. 23 of this act  
7 prior to the effective date of that section.

8 \* \* \* Acupuncturists \* \* \*

9 Sec. 25. 26 V.S.A. § 3402 is amended to read:

10 § 3402. PROHIBITIONS; OFFENSES; EXEMPTIONS; EVALUATING

11 NONACUPUNCTURISTS

12 \* \* \*

13 (g) The Director, with cooperation of the relevant professional regulatory  
14 boards, shall monitor and evaluate whether nonacupuncturists employing  
15 acupuncture as a therapeutic modality are doing so safely, within their scopes  
16 of practice, and in a manner consistent with the public health, safety, and  
17 welfare.

18 Sec. 26. REPEAL

19 2016 Acts and Resolves No. 111, Sec. 1a (Director of Professional  
20 Regulation; evaluating nonacupuncturists) is repealed.

1 Sec. 27. 26 V.S.A. § 3405 is amended to read:

2 § 3405. ELIGIBILITY FOR LICENSURE

3 To be eligible for licensure as an acupuncturist, an applicant shall be at least  
4 18 years of age and shall furnish satisfactory proof that he or she has:

5 (1)~~(A)~~ completed a program in acupuncture and Oriental medicine and  
6 has received a degree or diploma from an educational institution in candidacy  
7 or accredited by the Accreditation Commission for Acupuncture and Oriental  
8 Medicine or an equivalent or successor accrediting organization approved by  
9 the United States Department of Education and the director. The training  
10 received in the program shall be for a period of not less than three academic  
11 years, and shall include a minimum of 800 hours of supervised clinical  
12 practice; or

13 ~~(2)~~~~(B)~~ completed a training program no later than December 31, 2010  
14 with a preceptor approved by the director where the training program is  
15 approved by the director and begun prior to December 31, 2007 and which  
16 shall include earning a minimum of 40 points earned in any one of the  
17 following categories or combination of categories:

18 ~~(A)~~~~(i)~~ self-directed study—10 points for study equivalent to one year  
19 of full-time academic work in acupuncture and Oriental medicine, for a  
20 maximum of two years or 20 points;

1           ~~(B)~~(ii) apprenticeship—10 points for each 1,000 documented contact  
2 hours, up to a maximum of 13.5 points per year;

3           ~~(C)~~(iii) completed academic work in an accredited acupuncture  
4 program as described in subdivision (1) of this section—five points for each  
5 six-month period of completed academic study in the field of acupuncture and  
6 Oriental medicine, up to a maximum of four periods or 20 points;

7           ~~(D)~~(iv) preceptors shall be licensed and in good standing and meet  
8 the standards of the National Certification Commission for Acupuncture and  
9 Oriental Medicine in order to be approved, with no preceptor having more than  
10 two apprentices at any one time; and

11           ~~(3)~~(2) passed the examination described in section 3406 of this title.

12           Sec. 28. [Deleted.]

13           \* \* \* Tattooists, Body Piercers, and Permanent Cosmetologists \* \* \*

14           Sec. 29. 26 V.S.A. chapter 79 is amended to read:

15           § 4101. DEFINITIONS

16           As used in this chapter:

17   \* \* \*

18           (3) “Disciplinary action” includes any action taken by an administrative  
19 law officer against a ~~registered~~ licensed tattooist or applicant premised on a  
20 finding of unprofessional conduct. Disciplinary action includes all appropriate  
21 remedies, including denial of an application for or renewal of a ~~registration~~



1 license, suspension or revocation of a ~~registration~~ license, limiting or  
2 conditioning of a ~~registration~~ license, issuing reprimands or warnings, and  
3 adopting consent orders.

4 \* \* \*

5 (4) "Operator" means any person who practices tattooing ~~or~~ body  
6 piercing, or permanent cosmetics.

7 \* \* \*

8 § 4102. PROHIBITIONS

9 (a) ~~No~~ A person shall not practice tattooing, permanent cosmetics, or body  
10 piercing unless that person is ~~registered~~ licensed in accordance with the  
11 provisions of this chapter.

12 (b) ~~No~~ A person under ~~the age of 18~~ may years of age shall not practice  
13 tattooing, permanent cosmetics, or body piercing.

14 \* \* \*

15 (d) A person who violates any of the provisions of this section shall be  
16 subject to the penalties provided in 3 V.S.A. § 127~~(e)~~.

17 § 4103. DIRECTOR; FUNCTION; COMMISSIONER OF HEALTH; RULES

18 (a) The ~~director~~ Director shall administer the requirements of this chapter  
19 and shall:

20 (1) Provide general information to applicants for ~~registration~~ licensure  
21 as an operator.

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\* \* \*

(3) Explain appeal procedures to ~~registered~~ licensed operators and applicants and complaint procedures to the public.

(4) Receive applications for ~~registration~~ licensure, ~~register~~ license applicants pursuant to this chapter, renew ~~registrations~~ licenses, and revoke, reinstate, or condition ~~registrations~~ licenses as ordered by an administrative law officer.

\* \* \*

(c) The ~~director~~ Director may adopt rules necessary to perform his or her duties pursuant to this chapter. These rules may include provisions governing the supervision and temporary licensure of tattoo artists, body piercers, and permanent cosmetologists, as may be necessary to allow this State to be a venue for appropriately regulated special events such as conventions, festivals, or professional conferences.

\* \* \*

§ 4104. ~~ADVISORY~~ ADVISOR APPOINTEES

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

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

(B) two ~~registered~~ licensed operators who have been practicing tattooing and body piercing for at least the three years immediately preceding

1 appointment and who shall actively be engaged in the practice of tattooing and  
2 body piercing in Vermont during incumbency.

3 \* \* \*

4 § 4105. ~~REGISTRATION~~; APPRENTICESHIP REQUIREMENTS FOR  
5 LICENSURE

6 (a) Initial registration.

7 (1) A person who intends to engage in the practice of tattooing,  
8 permanent cosmetics, or body piercing in this State shall register with the  
9 Office of Professional Regulation and shall pay the required fee.

10 (2) Registration shall be in the form required by the Director and shall  
11 include such information as the Director may require concerning the location  
12 of the registrant's practice, the registrant's qualification, and the nature of the  
13 services offered.

14 (b) Tattoists and body piercers.

15 (1)(A) As a prerequisite to ~~registration~~ licensure, a tattooist or body  
16 piercer applicant shall provide proof of an apprenticeship of at least 1,000  
17 hours of experience obtained within two calendar years working under the  
18 direct supervision of a body piercer or tattooist ~~registered~~ licensed and in good  
19 standing with this State or the state in which he or she is regulated, and who  
20 has been in practice a minimum of three years.

1            (B) Proof may be in the form of a sworn affidavit from the  
2 supervising tattooist or body piercer, including information as the Director may  
3 reasonably require on forms provided by the Director.

4            \* \* \*

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

12            (c) Permanent cosmetologists.

13            (1)(A) As a prerequisite to ~~registration~~ licensure for the practice of  
14 permanent cosmetics, an applicant shall provide proof of a course of approved  
15 study lasting at least 60 hours.

16            (B)(i) In addition, the applicant shall obtain at least 40 hours of  
17 practical experience, within two calendar years preceding the application,  
18 working under the direct supervision of a tattooist or permanent cosmetologist  
19 ~~registered~~ licensed and in good standing with this State or the state in which he  
20 or she is regulated, and who has been in practice a minimum of three years.

1                 (ii) Proof may be in the form of a sworn affidavit from the  
2                 supervising permanent cosmetologist or tattooist, including information as the  
3                 Director may reasonably require on forms provided by the Director.

4   \* \* \*

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

12                (d) Shops. ~~N~~ A shop shall not operate in this State without first  
13                registering with the Office of Professional Regulation and paying a fee of  
14                \$100.00. Registration shall be in the form required by the Director.

15                (1) ~~N~~ A shop shall not be granted registration unless the shop complies  
16                with this chapter and rules adopted under this chapter.

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

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

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

6 § 4106. RENEWALS

7 (a) ~~Registrations~~ Licenses and registrations shall be renewed every two  
8 years upon payment of the required fee.

9 (b) ~~Biennially, the director shall forward a renewal form to each registered~~  
10 ~~operator. Upon receipt of the completed form and the renewal fee, the director~~  
11 ~~shall issue a registration. [Repealed.]~~

12 (c) As a condition of renewal, a licensee or registrant shall submit to the  
13 ~~director~~ Director proof of at least three hours of continuing education in the  
14 area of universal precautions and infectious diseases.

15 § 4108. UNPROFESSIONAL CONDUCT

16 (a) A licensed or registered operator or applicant shall not engage in  
17 unprofessional conduct.

18 \* \* \*

19 (c) After hearing and upon a finding of unprofessional conduct, an  
20 administrative law officer may take disciplinary action against a licensed or  
21 registered ~~tattooist~~ operator or applicant.

1 § 4109. DISCLOSURE INFORMATION

2 The ~~director~~ Director shall adopt rules requiring ~~registered~~ licensed  
3 operators to disclose to each new client before the first treatment, the  
4 operator's professional qualifications and experience, the infection control  
5 procedures and public health practices to be followed to protect the public  
6 from communicable diseases, the actions that constitute unprofessional  
7 conduct, the method for filing a complaint or making a consumer inquiry, and  
8 provisions relating to the manner in which the information shall be displayed  
9 and signed by both the operator and the client.

10 Sec. 30. TRANSITIONAL PROVISION; TATTOOISTS, BODY PIERCERS,  
11 AND PERMANENT COSMETOLOGISTS; LICENSURE

12 On the effective date of this act, a tattooist, body piercer, or permanent  
13 cosmetologist registered under 26 V.S.A. chapter 79 shall be considered to be  
14 licensed under that chapter in accordance with Sec. 29 of this act.

15 \* \* \* Athletic Trainers \* \* \*

16 Sec. 31. 26 V.S.A. § 4151 is amended to read:

17 § 4151. DEFINITIONS

18 As used in this chapter:

19 \* \* \*

20 (3) "Athletic training" means the application of principles and methods  
21 of conditioning, the prevention, immediate care, recognition, evaluation,

1 assessment, and treatment of athletic and orthopedic injuries within the scope  
2 of education and training, the organization and administration of an athletic  
3 training program, and the education and counseling of athletes, coaches, family  
4 members, medical personnel, and communities in the area of care and  
5 prevention of athletic and orthopedic injuries. Athletic training may only be  
6 applied in the “traditional setting” and the “clinical setting”:

7 (A) Without further referral, to athletes participating in organized  
8 sports or athletic teams at an interscholastic, intramural, instructional,  
9 intercollegiate, amateur, or professional level.

10 (B) With a referral from a physician, osteopathic physician, advanced  
11 practice registered nurse, physician assistant, dentist, or chiropractor, to  
12 athletes or the physically active who have an athletic or orthopedic injury and  
13 have been determined, by a physician’s examination, to be free of an  
14 underlying pathology that would affect treatment.

15 \* \* \*

16 \* \* \* Speech-Language Pathologists \* \* \*

17 Sec. 32. 26 V.S.A. § 4456 is amended to read:

18 § 4456. DIRECTOR DUTIES

19 (a) The Director shall administer the application and renewal process for all  
20 licensees under this chapter, and shall:

21 \* \* \*



1 (6) with the advice of the advisor appointees, adopt rules necessary to  
2 implement the provisions of this chapter, which may include rules providing  
3 for the issuance of a restricted, provisional license to a person in the process of  
4 completing the postgraduate professional training required by subdivision  
5 4457(3) of this chapter;

6 \* \* \*

7 \* \* \* APRN Services in Nursing Homes \* \* \*

8 Sec. 33. 33 V.S.A. chapter 71, subchapter 3 is redesignated to read:

9 Subchapter ~~3~~4. Receivership Proceedings

10 Sec. 34. 33 V.S.A. chapter 71, subchapter 3 is added to read:

11 Subchapter 3. Health Care Services

12 § 7151. ADVANCED PRACTICE REGISTERED NURSES; SCOPE OF  
13 PRACTICE

14 Except to the extent prohibited under federal law for purposes of federal  
15 financial participation, a nursing home shall permit a licensed advanced  
16 practice registered nurse providing services at the nursing home to perform all  
17 services within the advanced practice registered nurse's scope of practice,  
18 including:

19 (1) when providing primary care services, serving as the primary care  
20 provider of record;

- 1           (2) performing acts of medical diagnosis, including ordering and  
2 interpreting diagnostic tests and procedures;  
3           (3) prescribing medications;  
4           (4) prescribing medical, therapeutic, and corrective measures;  
5           (5) initiating written and verbal orders to other health care  
6 providers; and  
7           (6) managing and evaluating care.

8                                   \* \* \* Effective Dates \* \* \*

9       Sec. 35. EFFECTIVE DATES

10       This act shall take effect on July 1, 2017, except:

- 11           (1) Sec. 23, 26 V.S.A. § 3320a (appraisal management companies) shall  
12 take effect on August 10, 2018; and  
13           (2) this section and the following sections shall take effect on passage:  
14               (A) Sec. 24 (Board of Real Estate Appraisers; rulemaking  
15 authority); and  
16               (B) Secs. 33 and 34 (regarding APRN services in nursing homes).