

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House
3 Bill No. 684 entitled “An act relating to professions and occupations regulated
4 by the Office of Professional Regulation” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

7 * * * Office of Professional Regulation * * *

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

9 § 123. DUTIES OF OFFICE

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

13 * * *

14 (9) Standardizing, to the extent feasible and with the advice of the
15 boards, all applications, licenses, and other related forms and procedures, and
16 adopting uniform procedural rules governing the investigatory and disciplinary
17 process for all boards set forth in section 122 of this chapter.

18 * * *

19 (11) Assisting the boards in ~~adopting, amending, and repealing~~
20 developing rules consistent with the principles set forth in 26 V.S.A.
21 chapter 57. Notwithstanding any provision of law to the contrary, the
22 Secretary of State shall serve as the adopting authority for those rules.

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(g) The Office of Professional Regulation shall ~~create a process~~ establish
uniform procedures applicable to all of the professions and boards set forth in
section 122 of this chapter, providing for:

(1) ~~accepting~~ appropriate recognition of education, training, or service
completed by a member of the U.S. Armed Forces toward the requirements of
professional licensure ~~or certification~~; and

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

(3) ~~expediting the~~ expedited issuance of a professional license to a
person who is licensed in good standing in another regulatory jurisdiction and:

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

(B) whose spouse is a member of the U.S. Armed Forces and who
has been subject to a military transfer to Vermont; and

(C)(B) who left employment to accompany his or her spouse to
Vermont.

* * *

1 Sec. 2. 3 V.S.A. § 125 is amended to read:

2 § 125. FEES

3 * * *

4 (b) Unless otherwise provided by law, the following fees shall apply to all
5 professions regulated by the Director in consultation with advisor appointees
6 under Title 26:

7 (1) Application for registration, \$75.00.

8 (2) Application for licensure or certification, \$100.00, except application
9 for cosmetology schools and shops, \$300.00.

10 (3) Optician trainee registration, \$50.00.

11 (4) Biennial renewal, \$200.00, except:

12 (A) Biennial renewal for independent clinical social workers and
13 master's social workers, \$150.00.

14 (B) Biennial renewal for occupational therapists and assistants,
15 \$150.00.

16 (C) Biennial renewal for physical therapists and assistants, \$100.00.

17 (D) Biennial renewal for optician trainees, \$100.00.

18 (E) Biennial renewal for barbers, cosmetologists, nail technicians,
19 and estheticians, \$130.00.

20 (F) Biennial renewal for cosmetology shops, \$300.00.

21 (5) Limited temporary license or work permit, \$50.00.

22 * * *

1 Sec. 3. 3 V.S.A. § 127 is amended to read:

2 § 127. UNAUTHORIZED PRACTICE

3 (a) When the Office receives a complaint of unauthorized practice, the
4 Director shall refer the complaint to ~~the appropriate board for investigation~~
5 Office investigators and prosecutors.

6 (b)(1) A person practicing a regulated profession without authority or an
7 employer permitting such practice may, upon the complaint of the Attorney
8 General or a State's Attorney or an attorney assigned by the Office of
9 Professional Regulation, be enjoined ~~there from~~ therefrom by the Superior
10 Court where the violation occurred or the Washington County Superior Court
11 and may be assessed a civil penalty of not more than \$1,000.00.

12 (2)(A) The Attorney General or an attorney assigned by the Office of
13 Professional Regulation may elect to bring an action seeking only a civil
14 penalty of not more than \$1,000.00 for practicing or permitting the practice of
15 a regulated profession without authority before the board having regulatory
16 authority over the profession or before an administrative law officer.

17 (B) Hearings shall be conducted in the same manner as disciplinary
18 hearings.

19 (3)(A) A civil penalty imposed by a board or administrative law officer
20 under this subsection (b) shall be deposited in the Professional Regulatory Fee
21 Fund established in section 124 of this ~~title~~ chapter for the purpose of
22 providing education and training for board members and advisor appointees.

1 * * *

2 Sec. 4. 3 V.S.A. § 128 is amended to read:

3 § 128. DISCIPLINARY ACTION TO BE REPORTED TO THE OFFICE

4 * * *

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

8 * * *

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

10 § 129. POWERS OF BOARDS; DISCIPLINE PROCESS

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

13 (1) ~~Adopt procedural~~ Consistent with other law and State policy,
14 develop administrative rules governing the investigatory and disciplinary
15 process establishing evidence-based standards of practice appropriate to secure
16 and promote the public health, safety, and welfare; open and fair competition
17 within the marketplace for professional services; interstate mobility of
18 professionals; and public confidence in the integrity of professional services.

19 * * *

1 Sec. 6. 3 V.S.A. § 129a is amended to read:

2 § 129a. UNPROFESSIONAL CONDUCT

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

9 * * *

10 (25) For providers of clinical care to patients, failing to have in place a
11 plan for responsible disposition of patient health records in the event the
12 licensee should become incapacitated or unexpectedly discontinue practice.

13 * * *

14 Sec. 7. 3 V.S.A. § 134 is added to read:

15 § 134. LICENSE RENEWAL

16 (a) A license expires if not renewed biennially on a schedule assigned by
17 the Office, or in the case of a provisional or temporary license, on the date
18 assigned by the Office.

19 (b) Practice with an expired license is unlawful and exposes a practitioner
20 to the penalties set forth in section 127 of this chapter.

1 Sec. 8. 3 V.S.A. § 135 is added to read:

2 § 135. UNIFORM STANDARD FOR RENEWAL FOLLOWING
3 EXTENDED ABSENCE

4 (a) Notwithstanding any provision of law to the contrary, when an
5 applicant seeks to renew an expired or lapsed license after fewer than five
6 years of absence from practice, readiness to practice shall be inferred from
7 completion of any continuing education that would have been required if the
8 applicant had maintained continuous licensure or by any less burdensome
9 showing set forth in administrative rules specific to the profession.

10 (b) When an applicant seeks to renew an expired or lapsed license after five
11 or more years of absence from practice, the Director may, notwithstanding any
12 provision of law to the contrary and as appropriate to ensure the continued
13 competence of the applicant, determine that the applicant has either:

14 (1) demonstrated retention of required professional competencies and
15 may obtain an unencumbered license; or

16 (2) not demonstrated retention of all required professional competencies
17 and should be reexamined or required to reapply in like manner to a new
18 applicant.

19 (c) The Director may consult with a relevant board or advisor appointees
20 for guidance in assessing continued competence under this section.

1 Sec. 9. 3 V.S.A. § 136 is added to read:

2 § 136. UNIFORM CONTINUING EDUCATION EVALUATION

3 If continuing education is required by law or rule, the Office shall apply
4 uniform standards and processes that apply to all professions regulated by the
5 Office for the assessment and approval or rejection of continuing education
6 offerings, informed by profession-specific policies developed in consultation
7 with relevant boards and advisor appointees.

8 Sec. 10. LICENSING FOR IMMIGRANTS SETTLING IN VERMONT;

9 REPORT

10 The Director of the Office of Professional Regulation, in consultation with
11 the State Refugee Coordinator, shall examine means of reducing unnecessary
12 barriers to professional licensure for qualified immigrants to Vermont from
13 foreign countries. On or before January 15, 2019, the Director shall submit to
14 the House and Senate Committees on Government Operations a report of his or
15 her findings and any recommendations for legislative action.

16 * * * Pollution Abatement Facility Operators * * *

17 Sec. 11. 10 V.S.A. § 1263 is amended to read:

18 § 1263. DISCHARGE PERMITS

19 * * *

20 (d) A discharge permit shall:

21 * * *

1 (2) ~~“Board” means the board of barbers and cosmetologists.~~

2 (3) “Cosmetology” means engaging in the continuing performance, for
3 compensation, of any of the following activities:

4 (A) Work on the hair of any person, including dressing, curling,
5 waving, cleansing, cutting, bleaching, coloring, or similar work by any means,
6 with hands or mechanical or electrical apparatus or appliances.

7 (B) Esthetics.

8 (C) Manicuring.

9 (3) “Director” means the Director of the Office of Professional
10 Regulation.

11 (4) ~~“Disciplinary action” or “disciplinary cases” includes any action~~
12 ~~taken by the board against a licensee, registrant, or applicant premised upon a~~
13 ~~finding of wrongdoing or unprofessional conduct by the licensee or applicant.~~
14 ~~It includes all sanctions of any kind, excluding obtaining injunctions, but~~
15 ~~including issuing warnings, other similar sanctions and ordering restitution.~~

16 (5) “Esthetics” means massaging, cleansing, stimulating, manipulating,
17 beautifying, or otherwise working on the scalp, face, or neck; by using
18 cosmetic preparations, antiseptics, tonics, lotions, or creams. “Esthetics” does
19 not include the sale or application of cosmetics to customers in retail stores or
20 customers’ homes.

21 (6) ~~“Financial interest” means being:~~

22 (A) ~~a licensed barber;~~

1 ~~(B) a licensed cosmetologist; or~~

2 ~~(C) a person who has invested anything of value in a business that~~
3 ~~provides barbering or cosmetology services.~~

4 ~~(7)~~(5) “Manicuring” or “nail technician practice” means the nonmedical
5 treatment of a person’s fingernails or toenails or the skin in the vicinity of the
6 nails, and includes the use of cosmetic preparations or appliances.

7 ~~(8)~~(6) “School of barbering or cosmetology” means a facility or
8 facilities regularly used to train or instruct persons in the practice of barbering
9 or cosmetology.

10 ~~(9)~~(7) “Shop” means a facility or facilities regularly used to offer or
11 provide barbering or cosmetology.

12 § 272. PROHIBITIONS; OFFENSES

13 (a) ~~Not~~ A person shall not practice or attempt to practice barbering or
14 cosmetology or use in connection with the person’s name any letters, words,
15 title, or insignia indicating or implying that the person is a barber or
16 cosmetologist unless the person is licensed in accordance with this chapter.

17 (b) ~~Not~~ A person who owns or controls a shop or school of barbering or
18 cosmetology shall not permit the practice of barbering or cosmetology unless
19 the shop or school is registered in accordance with this chapter.

20 (c) A person who violates a provision of this section shall be subject to the
21 penalties provided in 3 V.S.A. § 127.

1 § 273. EXEMPTIONS

2 The provisions of this chapter regulating barbers and cosmetologists
3 shall not:

4 (1) affect or prevent the practice of barbering or cosmetology by a
5 student at a school recognized by the ~~board~~ Director;

6 * * *

7 (3) prohibit a licensee from providing barbering or cosmetology services
8 outside a licensed shop so long as those services are limited to only:

9 (A) patients or residents within a hospital, nursing home, community
10 care home, or any similar facility;

11 (B) persons who are homebound, disabled, or in a hospice or similar
12 program, or to deceased persons in a funeral home;

13 (C) persons as part of a special ~~occasion~~ event ~~so long as those~~
14 ~~services are limited to hair styling and makeup and, provided~~ the sanitation
15 standards expected of licensees in licensed shops are followed;

16 * * *

17 (5) affect or prevent the practice of barbering or cosmetology outside a
18 registered shop or school by licensees in accordance with rules adopted by the
19 ~~board~~ Director;

20 (6) affect or prevent the practice of barbering or cosmetology within the
21 confines of a State correctional facility by a person incarcerated therein, who
22 has completed training acceptable to the Commissioner of Corrections; or

1 § 276. GENERAL POWERS AND DUTIES OF THE ~~BOARD~~ DIRECTOR

2 (a) The ~~board~~ Director shall:

3 (1) ~~Adopt~~ adopt rules that:

4 (A) ~~Prescribe~~ prescribe sanitary and safety standards for shops,
5 schools, and other facilities used for the practice of barbering and
6 cosmetology;

7 (B) ~~Prescribe~~ prescribe safe and sanitary practices for the
8 performance of activities related to the practice of barbering and cosmetology;

9 (C) ~~Establish~~ establish standards for apprenticeships, courses, and
10 examinations to be completed by an applicant for licensure under this chapter;

11 (D) establish qualifications for licensure under this chapter as:

12 (i) a barber, provided mandated formal training shall not exceed
13 750 hours;

14 (ii) a cosmetologist, provided mandated formal training shall not
15 exceed 1,000 hours;

16 (iii) an esthetician, provided mandated formal training shall not
17 exceed 500 hours; and

18 (iv) a nail technician, provided mandated formal training shall not
19 exceed 200 hours; and

20 (E)(i) establish criteria for apprenticeships that would enable a person
21 seeking licensure under this chapter to train under an appropriately qualified

1 Vermont licensee in order to attain licensure without mandated formal
2 training; and

3 (ii) limit the duration of a required apprenticeship to not more than
4 150 percent of the duration of the corresponding formal training.

5 (b)(1) The ~~board~~ Director may inspect shops and schools and other places
6 used for the practice of barbering and cosmetology.

7 (2) ~~No~~ A fee shall not be charged for initial inspections under this
8 subsection; however, if the ~~board~~ Director determines that it is necessary to
9 inspect the same premises in the same ownership more than once in any two-
10 year period, the ~~board~~ Director shall charge a reinspection fee.

11 (3) The ~~board~~ Director may waive all or a part of the reinspection fee in
12 accordance with criteria established by rule.

13 § 276a. ADVISOR APPOINTEES

14 (a)(1) The Secretary of State shall appoint one barber and one
15 cosmetologist for five-year staggered terms to serve at the Secretary's pleasure
16 as advisors in matters relating to barbering and cosmetology. One of the initial
17 appointments shall be for less than a five-year term.

18 (2) An appointee shall have not less than three years' experience as a
19 barber or cosmetologist immediately preceding appointment; shall be licensed
20 as a barber or cosmetologist in Vermont; and shall be actively engaged in the
21 practice of barbering or cosmetology in this State during incumbency.

1 § 278. QUALIFICATIONS; COSMETOLOGIST

2 A person shall be eligible for licensure as a cosmetologist if the person is at
3 least 18 years of age, has a high school or general educational development
4 diploma, and has satisfactorily completed the following:

5 (1) a course of study of at least 1,500 hours at a school of cosmetology
6 approved by an accrediting body recognized by the United States Department
7 of Education or approved by the board under standards that the board has
8 adopted by rule and passage of the examination described in section 283 of this
9 title; or

10 (2) an apprenticeship of not less than 12 months and not more than
11 36 months consisting of not less than 2,000 hours and a maximum of 3,000
12 hours in a manner prescribed by the board in addition to courses, as prescribed
13 by the board by rule, and passage of the examination described in section 283
14 of this title. [Repealed.]

15 § 279. QUALIFICATIONS; ESTHETICIAN

16 A person shall be eligible for licensure as an esthetician if the person is at
17 least 18 years of age, has a high school or general educational development
18 diploma, and has satisfactorily completed the following:

19 (1) a course of study in esthetics of at least 600 hours at a school of
20 cosmetology approved by an accrediting body recognized by the United States
21 Department of Education or approved by the board under standards that the
22 board has adopted by rule; or

1 ~~(2) an apprenticeship of not less than 12 months and not more than 18~~
2 ~~months, consisting of a minimum of 800 hours and a maximum of 1,200 hours,~~
3 ~~as prescribed by the board by rule; and has passed the examination described in~~
4 ~~section 283 of this title. [Repealed.]~~

5 § 280. QUALIFICATIONS; NAIL TECHNICIAN

6 ~~A person shall be eligible for licensure as a nail technician if the person is at~~
7 ~~least 18 years of age, has a high school or general educational development~~
8 ~~diploma, and has satisfactorily completed:~~

9 ~~(1) a course of study in manicuring of at least 400 hours at a school of~~
10 ~~cosmetology approved by an accrediting body recognized by the United States~~
11 ~~Department of Education or approved by the board under standards that the~~
12 ~~board has adopted by rule; or~~

13 ~~(2) an apprenticeship of not less than six months and not more than~~
14 ~~12 months consisting of a minimum of 600 hours and a maximum of 900~~
15 ~~hours, as prescribed by the board by rule, and has passed the examination~~
16 ~~described in section 283 of this title. [Repealed.]~~

17 § 280a. ELIGIBILITY FOR LICENSURE

18 An applicant for licensure as a barber, cosmetologist, esthetician, or nail
19 technician shall meet the qualifications for licensure established by the
20 Director under the provisions of subchapter 2 of this chapter.

1 § 281. POSTSECONDARY SCHOOL OF BARBERING AND
2 COSMETOLOGY; CERTIFICATE OF APPROVAL

3 (a) ~~No~~ A school of barbering or cosmetology shall not be granted a
4 certificate of approval unless the school:

5 * * *

6 (4) Requires a school term of training:-

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

13 ~~(B) in the case of a school of cosmetology, requires a school term of~~
14 ~~training of not less than 1,500 hours for a complete course that includes all or~~
15 ~~the majority of the practices of cosmetology, and includes practical~~
16 ~~demonstrations and theoretical studies in sanitation, sterilization, the use of~~
17 ~~antiseptics, cosmetics, and electrical appliances, consistent with the practical~~
18 ~~and theoretical requirements applicable to cosmetology or any practice of~~
19 ~~cosmetology consistent with formal training requirements established by rule,~~
20 ~~which shall include practical demonstrations and theoretical studies in~~
21 ~~sanitation, sterilization, the use of antiseptics, and the use of appliances,~~
22 ~~devices, treatments, and preparations relevant to the field of licensure.~~

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

8 * * *

9 § 282. SHOP; LICENSE

10 (a) ~~No~~ A shop shall not be granted a license unless the shop complies with
11 the rules of the ~~board~~ Director and has a designated licensee responsible for
12 overall cleanliness, sanitation, and safety of the shop.

13 (b) The practices of barbering and cosmetology shall be permitted only in
14 shops licensed by the ~~board~~ Director, except as provided in sections 273 and
15 281 of this ~~title~~ chapter and the rules of the ~~board~~ Director.

16 § 283. EXAMINATION

17 (a) An applicant who is otherwise eligible for licensure and has paid the
18 required fees shall be examined.

19 (b)(1) The examination for a license shall include both practical
20 demonstrations and written or oral tests in the area of practices for which a
21 license is applied and other related studies or subjects as the ~~board~~ Director
22 may determine necessary.

1 (2) The examination shall not be confined to any specific system or
2 method and shall be consistent with a prescribed curriculum as provided by
3 this chapter.

4 (c) The ~~board~~ Director may limit, by rule, the number of times a person
5 may take an examination.

6 § 284. ISSUANCE OF LICENSE

7 (a) The ~~board~~ Director shall issue a license to an applicant who has passed
8 the examination as determined by the ~~board~~ Director, has paid the required fee,
9 and has completed all the requirements for the particular license.

10 (b) The ~~board~~ Director shall issue a license to the person who owns or
11 controls a shop or school of barbering or cosmetology who has paid the
12 required fee and is in compliance with the rules of the ~~board~~ Director and the
13 provisions of this chapter.

14 (c) The license shall be conspicuously displayed for the customer in the
15 licensee's principal office, place of business, or place of employment.

16 § 285. LICENSES FROM OTHER JURISDICTIONS

17 Without requiring an examination, the ~~board~~ Director shall issue an
18 appropriate license to a person who is licensed or certified in good standing
19 under the laws of another jurisdiction with requirements ~~that the board~~
20 ~~considers to be:~~

21 (1) substantially equal to those of this ~~state~~ State; or

1 (2) materially less rigorous than those of this State, if the person has had
2 1,500 documented hours of practice in not less than one year.

3 § 286. ~~RENEWAL AND REINSTATEMENT~~

4 ~~The holder of a license issued by the board pursuant to this chapter may~~
5 ~~biennially renew the license upon payment of the renewal fee. A license that~~
6 ~~has not been renewed by the renewal date shall expire. Within three years of~~
7 ~~the date of expiration, the holder of the expired license may apply for~~
8 ~~reinstatement upon the payment of the renewal fee and a renewal penalty. If a~~
9 ~~license is not reinstated within three years of expiration, the applicant shall~~
10 ~~meet the requirements of section 284 or 285 of this title before the license may~~
11 ~~be reinstated. [Repealed.]~~

12 § 287. ~~FEES~~

13 ~~Applicants and persons regulated under this chapter shall pay the following~~
14 ~~fees:~~

15 ~~(1) Application:~~

16 (A) Barber	\$110.00
17 (B) Cosmetologist	\$110.00
18 (C) Nail technician	\$110.00
19 (D) Shop	\$330.00
20 (F) School	\$330.00

21 ~~(2) Biennial renewal:~~

22 (A) Barber	\$130.00
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1	(B) Cosmetologist	\$130.00
2	(C) Nail technician	\$130.00
3	(D) Esthetician	\$130.00
4	(E) Shop	\$225.00
5	(F) School	\$330.00
6	(3) Reinspection	\$100.00

7 [Repealed.]

8 § 288. UNPROFESSIONAL CONDUCT

9 ~~The conduct listed in this section and in 3 V.S.A. § 129a constitutes~~
10 ~~unprofessional conduct when committed by a licensee. When that conduct is~~
11 ~~by an applicant or person who later becomes an applicant, it may constitute~~
12 ~~grounds for denial of a license or other disciplinary action:~~

13 ~~(1) Practicing or offering to practice beyond the scope permitted by law.~~

14 ~~(2) Willfully materially misrepresenting the qualifications or experience~~
15 ~~of an applicant in the practice of the occupation, whether by commission or~~
16 ~~omission.~~

17 ~~(3) Failing to adequately supervise employees who are engaged in any~~
18 ~~of the practices of barbering or cosmetology and nail technician practice.~~

19 ~~(4) Harassing, intimidating, or abusing a client or customer.~~

20 ~~(5) Performing treatments or providing services which a licensee is not~~
21 ~~qualified to perform or which are beyond the licensee's education, training,~~
22 ~~capabilities, experience, or scope of practice. [Repealed.]~~

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

3 (c) ~~[Deleted.]~~

4 * * *

5 Subchapter 2. Advanced Practice Registered Nurses

6 * * *

7 § 1612. ~~PRACTICE GUIDELINES~~

8 ~~(a) APRN licensees who intend to or are engaged in clinical practice as an~~
9 ~~APRN shall submit for review individual practice guidelines and receive Board~~
10 ~~approval of the practice guidelines. Practice guidelines shall reflect current~~
11 ~~standards of advanced nursing practice specific to the APRN's role, population~~
12 ~~focus, and specialty.~~

13 ~~(b) Licensees shall submit for review individual practice guidelines and~~
14 ~~receive Board approval of the practice guidelines:~~

15 ~~(1) prior to initial employment;~~

16 ~~(2) if employed or practicing as an APRN, upon application for renewal~~
17 ~~of an APRN's registered nurse license; and~~

18 ~~(3) prior to a change in the APRN's employment or clinical role,~~
19 ~~population focus, or specialty. [Repealed.]~~

20 § 1613. TRANSITION TO PRACTICE

21 (a) ~~Graduates~~ An APRN with fewer than 24 months and 2,400 hours of
22 licensed active advanced nursing practice in an initial role and population

1 focus or fewer than 12 months and ~~1,600~~ 1,200 hours for any additional role
2 and population focus shall ~~have~~ be required in accordance with Board rule to:

3 (1) establish a formal agreement with a collaborating provider as
4 required by board rule. APRNs shall have and maintain signed and dated
5 copies of all required collaborative provider agreements as part of the practice
6 guidelines. An APRN required to practice with a collaborative provider
7 agreement may not engage in solo practice, except with regard to a role and
8 population focus in which the APRN has met the requirements of this
9 subsection; or

10 (2) document that the APRN's place of employment is a clinic, hospital,
11 or practice group that employs two or more additional individuals who have
12 been licensed for four or more years to practice medicine under chapter 23 or
13 33 of this title or advanced practice registered nursing under this chapter. One
14 of those more experienced licensees shall be primarily located on site when the
15 APRN is providing clinical health care services and accessible by phone or
16 otherwise by alternative means, as defined by Board rule.

17 (b) An APRN who satisfies the requirements to engage in solo practice
18 pursuant to subsection (a) of this section shall notify the ~~board~~ Board that these
19 requirements have been met.

1 § 1614. APRN RENEWAL

2 An APRN license renewal application shall include:

3 (1) documentation of completion of the APRN practice requirement;

4 (2) and possession of a current certification by a national APRN

5 specialty certifying organization;

6 (3) ~~current practice guidelines; and~~

7 (4) ~~a current collaborative provider agreement if required for transition~~

8 ~~to practice.~~

9 § 1615. ADVANCED PRACTICE REGISTERED NURSES;

10 REGULATORY AUTHORITY; UNPROFESSIONAL CONDUCT

11 (a) In addition to the provisions of 3 V.S.A. § 129a and section 1582 of this

12 chapter, the Board may deny an application for licensure, renewal, or

13 reinstatement, or may revoke, suspend, or otherwise discipline an advanced

14 practice registered nurse upon due notice and opportunity for hearing if the

15 person engages in the following conduct:

16 * * *

17 (4) Practice beyond those acts and situations that are within the ~~practice~~

18 ~~guidelines approved by the Board for an APRN and within the limits of the~~

19 ~~knowledge and experience of the APRN, and, for an APRN who is practicing~~

20 ~~under a collaborative agreement, practice beyond those acts and situations that~~

21 ~~are within both the usual scope of the collaborating provider's practice and the~~

22 ~~terms of the collaborative agreement.~~

1 ~~labeling of a prescription drug~~ a person, regardless of form, engaged in the
2 manufacturing of drugs or devices.

3 (11)(A) “Manufacturing” means the production, preparation,
4 propagation, conversion, or processing of a drug or device, either directly or
5 indirectly, by extraction from substances of natural origin or independently by
6 means of chemical or biological synthesis.

7 (B) “Manufacturing” includes the packaging or repackaging of a drug
8 or device or the labeling or relabeling of the container of a drug or device for
9 resale by a pharmacy, practitioner, or other person.

10 (12) “Nonprescription drugs” means nonnarcotic medicines or drugs
11 that may be sold without a prescription and that are prepackaged for use by the
12 consumer and labeled in accordance with the requirements of the statutes and
13 regulations of this State and the federal government.

14 ~~(12)~~(13) “Pharmacist” means an individual licensed under this chapter.

15 ~~(13)~~(14) “Pharmacy technician” means an individual who performs
16 tasks relative to dispensing only while assisting, and under the supervision and
17 control of, a licensed pharmacist.

18 ~~(14)~~(15)(A) “Practice of pharmacy” means:

19 (i) ~~the interpretation~~ interpreting and evaluation of evaluating
20 prescription orders;

21 (ii) ~~the~~ compounding, dispensing, and labeling of drugs and
22 legend devices (except labeling by a manufacturer, packer, or distributor of

1 nonprescription drugs and commercially packaged legend drugs and legend
2 devices);

3 (iii) ~~the participation~~ participating in drug selection and drug
4 utilization reviews;

5 (iv) ~~the proper and safe storage of~~ properly and safely storing
6 drugs and legend devices, and ~~the maintenance of~~ maintaining proper records
7 therefor;

8 (v) ~~the responsibility for~~ advising, where necessary or where
9 regulated, of therapeutic values, content, hazards, and use of drugs and legend
10 devices;

11 (vi) ~~the providing of~~ patient care services within the pharmacist's
12 authorized scope of practice;

13 (vii) ~~the optimizing of~~ drug therapy through the practice of clinical
14 pharmacy; and

15 (viii) ~~the offering or performing of~~ or offering to perform those
16 acts, services, operations, or transactions necessary in the conduct, operation,
17 management, and control of pharmacy.

18 (B) "Practice of clinical pharmacy" or "clinical pharmacy" means:

19 * * *

20 (ii) ~~the provision of~~ providing patient care services within the
21 pharmacist's authorized scope of practice, including medication therapy

1 management, comprehensive medication review, and postdiagnostic disease
2 state management services; or

3 (iii) ~~the practice of pharmacy by a pharmacist practicing pharmacy~~
4 pursuant to a collaborative practice agreement.

5 (C) ~~A rule shall not be adopted by the~~ The Board under this chapter
6 ~~that shall require~~ not adopt any rule requiring that pharmacists or pharmacies
7 be involved in the sale and distribution of nonprescription drugs by a licensed
8 pharmacist or under the supervision of a licensed pharmacist or otherwise
9 interfere with the sale and distribution of such medicines; provided, however,
10 that nothing in this subdivision (C) shall limit the authority of the Board to
11 adopt rules applicable to the elective sale or distribution of nonprescription
12 drugs by pharmacists or pharmacies.

13 ~~(15)~~(16) “Practitioner” means an individual authorized by the laws of
14 the United States or its jurisdictions or Canada to prescribe and administer
15 prescription drugs in the course of his or her professional practice and
16 permitted by that authorization to dispense, conduct research with respect to, or
17 administer drugs in the course of his or her professional practice or research in
18 his or her respective state or province.

19 ~~(16)~~(17) “Prescription drug” means any human drug required by federal
20 law or regulation to be dispensed only by a prescription, including finished
21 dosage forms and active ingredients subject to Section 503(b) of the Federal
22 Food, Drug and Cosmetic Act.

1 ~~shall constitute a quorum, and all action shall be taken upon a majority vote of~~
2 ~~the members present and voting.~~

3 * * *

4 Subchapter 3. Licensing

5 § 2041. UNLAWFUL PRACTICE

6 (a) It shall be unlawful for any person to engage in the practice of
7 pharmacy unless licensed to so practice under the provisions of this chapter;
8 provided, however, physicians, dentists, veterinarians, osteopaths, or other
9 practitioners of the healing arts who are licensed under the laws of this State
10 may dispense and administer prescription drugs to their patients in the practice
11 of their respective professions where specifically authorized to do so by statute
12 of this State.

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

16 ~~(2) For the purpose of enforcing this section, the Attorney General or a~~
17 ~~State's Attorney or an attorney assigned by the Office of Professional~~
18 ~~Regulation may commence a criminal action against any person unlawfully~~
19 ~~engaging in the practice of pharmacy, and upon conviction, the person,~~
20 ~~including a business entity, violating this section shall be subject to the~~
21 penalties provided in 3 V.S.A. § 127.

22 * * *

1 § 2042b. PHARMACY TECHNICIANS; NONDISCRETIONARY TASKS;
2 SUPERVISION

3 * * *

4 (f)(1) A pharmacist on duty shall be directly responsible for the conduct of
5 a pharmacy technician.

6 (2) A pharmacist responsible for a pharmacy technician shall be on the
7 premises at all times, or in the case of a remote pharmacy approved by the
8 Board, immediately available by a functioning videoconference link.

9 (3) A pharmacist shall verify a prescription before medication is
10 provided to the patient.

11 * * *

12 § 2044. RENEWAL OF LICENSES

13 ~~Each person or entity licensed or regulated under the provisions of this~~
14 ~~chapter shall apply for renewal biennially by a date established by the director~~
15 ~~of the office of professional regulation. [Repealed.]~~

16 § 2045. REINSTATEMENT

17 (a) ~~The board may renew a license which has lapsed upon payment of the~~
18 ~~required fee and the late renewal penalty, provided all the requirements for~~
19 ~~renewal set by the board by rule, have been satisfied. The board shall not~~
20 ~~require payment of renewal fees for years during which the license was lapsed.~~

1 ~~§ 2052. PENALTIES AND REINSTATEMENT~~

2 ~~(a)(1) Upon the finding, after notice and opportunity for hearing, of the~~
3 ~~existence of grounds for discipline of any person or any drug outlet holding a~~
4 ~~license, under the provisions of this chapter, the board of pharmacy may~~
5 ~~impose one or more of the following penalties:~~

6 ~~(A) Suspension of the offender's license for a term to be determined~~
7 ~~by the board;~~

8 ~~(B) Revocation of the offender's license;~~

9 ~~(C) Restriction of the offender's license to prohibit the offender from~~
10 ~~performing certain acts or from engaging in the practice of pharmacy in a~~
11 ~~particular manner for a term to be determined by the board;~~

12 ~~(D) Placement of the offender under the supervision of the board for~~
13 ~~a period to be determined and under conditions set by the board;~~

14 ~~(E) A requirement to perform up to 100 hours of public service, in a~~
15 ~~manner and at a time and place to be determined by the board;~~

16 ~~(F) A requirement of a course of education or training;~~

17 ~~(G) An administrative penalty as provided in 3 V.S.A. § 129a(d).~~

18 ~~(2) [Deleted.]~~

19 ~~(b) Any person or drug outlet whose license to practice pharmacy in this~~
20 ~~state has been suspended, revoked, or restricted pursuant to this chapter,~~
21 ~~whether voluntarily or by action of the board, shall have the right, at~~
22 ~~reasonable intervals, to petition the board for reinstatement of such license.~~

1 ~~Such petition shall be made in writing and in the form prescribed by the board.~~
2 ~~Upon hearing, the board may in its discretion grant or deny such petition or it~~
3 ~~may modify its original finding to reflect any circumstances which have~~
4 ~~changed sufficiently to warrant such modifications.~~

5 ~~(c) Nothing herein shall be construed as barring criminal prosecutions for~~
6 ~~violations of this chapter where such violations are deemed as criminal~~
7 ~~offenses in other statutes of this state or of the United States.~~

8 ~~(d) All final decisions by the board shall be subject to review pursuant to~~
9 ~~3 V.S.A. § 130a. [Repealed.]~~

10 Subchapter 5. Registration of Facilities

11 § 2061. REGISTRATION AND LICENSURE

12 (a) All drug outlets shall biennially register with the Board of Pharmacy.

13 (b) Each drug outlet shall apply for a license in one or more of the
14 following classifications:

15 (1) ~~Retail drug outlet.~~

16 (2) ~~Institutional drug outlet.~~

17 (3) ~~Manufacturing drug outlet~~ Manufacturer.

18 (4) ~~Wholesale drug outlet or wholesale drug~~ distributor.

19 (5) Investigative and research projects.

20 (6) Compounding.

21 (7) Outsourcing.

22 (8) Home infusion.

1 § 2071. APPLICATION OF FEDERAL GUIDELINES

2 (a) The requirements set forth in sections 2068 and 2069 of this ~~title~~
3 chapter shall conform to wholesale ~~drug~~ distributor licensing guidelines
4 formally adopted by the ~~United States~~ U.S. Food and Drug Administration
5 (FDA).

6 (b) In case of conflict between any wholesale ~~drug~~ distributor licensing
7 requirement imposed by the ~~board~~ Board under this chapter and any FDA
8 wholesale ~~drug~~ distributor licensing guideline, the latter shall control.

9 § 2072. ~~LICENSE RENEWAL~~

10 ~~Licenses and registrations shall be renewed biennially on a schedule as~~
11 ~~determined by the office of professional regulation. [Repealed.]~~

12 § 2073. RULES

13 (a) The ~~board~~ Board may adopt rules necessary to carry out the purposes of
14 the provisions of this subchapter.

15 (b) All rules adopted under this subchapter shall conform to wholesale ~~drug~~
16 distributor licensing guidelines formally adopted by the ~~Federal Drug~~
17 ~~Administration~~ FDA at 21 C.F.R. Part 205.

18 § 2074. ~~COMPLAINTS~~

19 ~~Complaints arising under this subchapter shall be handled according to the~~
20 ~~policies and procedures for handling complaints adopted by the director of the~~
21 ~~office of professional regulation. [Repealed.]~~

1 § 2075. ~~PENALTIES~~

2 ~~After notice and opportunity for hearing, the board may suspend, revoke,~~
3 ~~limit, or condition a license granted under this subchapter if the board finds~~
4 ~~that the licensee:~~

5 ~~(1) violated a provision of this subchapter or a rule adopted by the board~~
6 ~~under this subchapter; or~~

7 ~~(2) has been convicted of a violation of a federal or state drug law.~~

8 [Repealed.]

9 § 2076. INSPECTION POWERS; ACCESS TO WHOLESALE DRUG
10 DISTRIBUTOR RECORDS

11 (a) A person authorized by the ~~board~~ Board may enter, during normal
12 business hours, all open premises purporting or appearing to be used by a
13 wholesale ~~drug~~ distributor for purposes of inspection.

14 (b)(1) Wholesale ~~drug~~ distributors may keep records regarding purchase
15 and sales transactions at a central location apart from the principal office of the
16 wholesale ~~drug~~ distributor or the location at which the drugs were stored and
17 from which they were shipped, provided that such records shall be made
18 available for inspection within two working days of a request by the ~~board~~
19 Board.

20 (2) Records may be kept in any form permissible under federal law
21 applicable to prescription drugs ~~record keeping~~ record keeping.

22 * * *

1 Sec. 18. CREATION OF POSITION WITHIN THE OFFICE OF
2 PROFESSIONAL REGULATION; PHARMACY

3 (a) There is created within the Secretary of State’s Office of Professional
4 Regulation one new position: Executive Officer of Pharmacy.

5 (b) Any funding necessary to support the position created in subsection (a)
6 of this section shall be derived from the Office’s Professional Regulatory Fee
7 Fund, with no General Fund dollars.

8 * * * Real Estate Brokers and Salespersons * * *

9 Sec. 19. 26 V.S.A. § 2211 is amended to read:

10 § 2211. DEFINITIONS

11 (a) ~~When~~ As used in this chapter, the following definitions shall have the
12 following meanings except where the context clearly indicates that another
13 meaning is intended:

14 * * *

15 (4) “Real estate broker” or “broker” means any person who, for another,
16 for a fee, commission, salary, or other consideration, or with the intention or
17 expectation of receiving or collecting such compensation from another,
18 engages in or offers or attempts to engage in, either directly or indirectly, by a
19 continuing course of conduct, any of the following acts:

20 * * *

21 (5) “Real estate salesperson” or “salesperson” means any person who
22 for a fee, compensation, salary, or other consideration, or in the expectation or

1 upon the promise thereof, is employed by or associated with a licensed real
2 estate broker to do any act or deal in any transaction as provided in subdivision
3 (4) of this subsection ~~(a)~~ for or on behalf of ~~such a~~ licensed real estate broker.

4 (b) The terms “real estate broker,” “real estate salesperson,” or “broker”
5 shall not ~~be held to~~ include:

6 (1) Any person, partnership, association, or corporation who as a bona
7 fide owner performs any of the ~~aforsaid~~ acts set forth in subdivision (a)(4) of
8 this section with reference to property owned by them, nor shall it apply to
9 regular employees thereof, ~~where~~ when such acts are performed in the regular
10 course of or as an incident to the management of such property and the
11 investment therein. This subdivision (1) shall not apply to licensees.

12 * * *

13 * * * Radiologic Technicians * * *

14 Sec. 20. 26 V.S.A. § 2803 is amended to read:

15 § 2803. EXEMPTIONS

16 The prohibitions in section 2802 of this chapter shall not apply to dentists
17 licensed under chapter 12 of this title and actions within their scope of practice
18 nor to:

19 * * *

20 (5) Any of the following when operating dental radiographic equipment
21 to conduct intraoral radiographic examinations under the general supervision
22 of a licensed practitioner; and, any of the following when operating dental

1 radiographic equipment to conduct specialized radiographic examinations,
2 including tomographic, cephalometric, or temporomandibular joint
3 examinations, if the person has completed a course in radiography approved by
4 the Board of Dental Examiners and practices under the general supervision of a
5 licensed practitioner:

6 (A) a licensed dental therapist;

7 (B) a licensed dental hygienist;

8 ~~(B)~~(C) a registered dental assistant who has completed a course in
9 radiography approved by the Board of Dental Examiners; or

10 ~~(C)~~(D) a student of dental therapy, dental hygiene, or dental assisting
11 as part of the training program when directly supervised by a licensed dentist,
12 ~~certified~~ licensed dental therapist, licensed dental hygienist, or a registered
13 dental assistant.

14 * * *

15 * * * Private Investigators and Security Guards * * *

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

17 CHAPTER 59. PRIVATE INVESTIGATIVE AND SECURITY SERVICES

18 Subchapter 1. General Provisions

19 § 3151. DEFINITIONS

20 As used in this chapter:

21 * * *

1 Subchapter 2. State Board of Private Investigative and Security Services

2 * * *

3 § 3162. ~~POWERS AND DUTIES~~ BOARD RULEMAKING AUTHORITY

4 The Board may:

5 ~~(1) Adopt~~ adopt rules necessary for the performance of its duties,

6 including rules prescribing minimum standards and qualifications for:

7 (1) security guards who may:

8 (A) practice independently or head agencies; or

9 (B) practice within the hierarchy of an agency;

10 (2) private investigators who may:

11 (A) practice independently or head agencies; or

12 (B) practice within the hierarchy of an agency;

13 (3) agencies; and

14 (4) recognized trainers and training programs.

15 ~~(2) Conduct any necessary hearings in connection with the issuance,~~

16 ~~renewal, denial, suspension, or revocation of a license or registration or~~

17 ~~otherwise related to the disciplining of a licensee, registrant, or applicant.~~

18 ~~(3) Receive and investigate complaints and charges of unprofessional~~

19 ~~conduct against any holder of a license or registration, or any applicant. The~~

20 ~~Board shall investigate all complaints in which there are reasonable grounds to~~

21 ~~believe that unprofessional conduct has occurred.~~

1 ~~(4) Conduct examinations and pass upon the qualifications of applicants~~
2 ~~for a license or registration.~~

3 ~~(5) Issue subpoenas and administer oaths in connection with any~~
4 ~~authorized investigation, hearing, or disciplinary proceeding.~~

5 ~~(6) Take or cause depositions to be taken as needed in any investigation,~~
6 ~~hearing, or proceeding.~~

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

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

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

20 ~~(ii) As used in this subdivision (C), “part-time employee” means~~
21 ~~an employee who works no more than 80 hours per month.~~

1 license. The Board shall issue a license to a private investigator after obtaining
2 and approving all of the following:

3 * * *

4 (4) evidence that the applicant has successfully passed ~~the~~ any
5 examination required by ~~section 3175 of this title~~ rule.

6 * * *

7 (c) The Board shall require that ~~the~~ a person licensed to practice
8 independently has had appropriate experience in investigative work, for a
9 period of not less than two years, as determined by the Board. Such
10 experience may include having been regularly employed as a private detective
11 licensed in another state or as an investigator for a private detective licensed in
12 this or another state; or ~~has~~ having been a sworn member of a federal, state, or
13 municipal law enforcement agency.

14 (d) An application for a license may be denied upon failure of the applicant
15 to provide information required; upon a finding that the applicant does not
16 meet a high standard as to character, integrity, and reputation; or for
17 unprofessional conduct defined in section 3181 of this ~~title~~ chapter.

18 * * *

19 § 3174. SECURITY GUARD LICENSES

20 (a) ~~No~~ A person shall not engage in the business of a security guard or
21 provide guard services in this State without first obtaining a license. The
22 Board shall issue a license after obtaining and approving all of the following:

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* * *

* * *

(4) Evidence that the applicant has successfully passed ~~the~~ any examination required by ~~section 3175 of this title~~ rule.

(c) The Board shall require that ~~the~~ a person licensed to practice independently has had experience satisfactory to the Board in security work, for a period of not less than two years. Such experience may include having been licensed as a security guard in another state or regularly employed as a security guard for a security agency licensed in this or another state, or having been a sworn member of a federal, state, or municipal law enforcement agency.

(d) An application for a license may be denied upon failure of the applicant to provide information required; upon a finding that the applicant does not meet a high standard as to character, integrity, and reputation; or for unprofessional conduct defined in section 3181 of this ~~title~~ chapter.

* * *

§ 3176b. ~~TEMPORARY REGISTRATION FOR EMPLOYEES OF AGENCIES~~

~~(a) A 60-day temporary registration may be issued to a person who applies for registration as an employee of a licensed private investigator or a licensed security guard under section 3176 of this title. A temporary registration shall authorize a person to work as an unarmed private investigator or unarmed~~

1 ~~security guard while employed by a private investigator agency or security~~
2 ~~guard agency licensed by the board.~~

3 ~~(b) Temporary registrations shall expire at the end of the 60 day period or~~
4 ~~by final action on the application, whichever occurs first. For good cause~~
5 ~~shown, the board may extend a temporary registration one time for an~~
6 ~~additional period of 60 days. [Repealed.]~~

7 § 3176c. ~~TEMPORARY EMERGENCY REGISTRATION~~

8 ~~(a) If the board determines that the public health, safety, or welfare so~~
9 ~~requires, it may grant to an applicant a temporary registration to practice as a~~
10 ~~security guard. To qualify under this section, an applicant shall have a license~~
11 ~~in good standing to practice as a security guard in another jurisdiction within~~
12 ~~the United States that regulates the practice. The person seeking the temporary~~
13 ~~registration shall document to the board's satisfaction that the applicant will~~
14 ~~otherwise meet all state and federal requirements necessary to perform the~~
15 ~~specific security duties arising out of the emergency circumstances warranting~~
16 ~~temporary licensure.~~

17 ~~(b) The board may restrict or condition a temporary registration issued~~
18 ~~under this section, as it deems appropriate in light of the specific emergency, to~~
19 ~~a particular facility, industry, geographic area, or scope of duty.~~

20 ~~(c) Duration of practice under a temporary registration shall be determined~~
21 ~~by the board but shall not exceed 60 days unless the person granted a~~
22 ~~temporary registration has submitted an application for full registration under~~

1 ~~this chapter, prior to the expiration of the term of the temporary registration,~~
2 ~~and the board finds the emergency to be ongoing. [Repealed.]~~

3 * * *

4 § 3178. ~~RENEWALS AND REINSTATEMENT~~

5 ~~A license or registration issued under this chapter shall be renewed~~
6 ~~biennially upon payment of the required fee. [Repealed.]~~

7 * * *

8 § 3179. PENALTIES

9 (a) A person who engages in the practice or business of a private
10 investigator or security guard without being licensed under ~~to~~ this chapter shall
11 be subject to the penalties provided in 3 V.S.A § 127~~(e)~~.

12 * * *

13 Subchapter 4. Unprofessional Conduct and Discipline

14 § 3181. UNPROFESSIONAL CONDUCT

15 * * *

16 ~~(e) After conducting a hearing and upon a finding that a licensee, registrant,~~
17 ~~or applicant engaged in unprofessional conduct, the board may take~~
18 ~~disciplinary action. Discipline for unprofessional conduct may include denial~~
19 ~~of an application, revocation or suspension of a license or registration,~~
20 ~~supervision, reprimand, warning, or the required completion of a course of~~
21 ~~action.~~

1 (2) ~~Shall have documented~~ Documented a minimum of 3,000 hours of
2 supervised work in clinical mental health counseling ~~over~~ during a minimum
3 of two years of post-master's experience. ~~Persons engaged in supervised work~~
4 ~~shall be entered on the roster of nonlicensed, noncertified psychotherapists and~~
5 ~~shall comply with the laws of that profession, and shall have documented a~~
6 ~~minimum of, including at least~~ 100 hours of face-to-face supervision ~~over~~
7 during a minimum of two years of post-master's experience. ~~Clinical work~~
8 ~~shall be performed under the supervision of a licensed physician certified in~~
9 ~~psychiatry by the American Board of Medical Specialties, a licensed~~
10 ~~psychiatric nurse practitioner, a licensed psychologist, a licensed clinical social~~
11 ~~worker, a licensed marriage and family therapist, a licensed clinical mental~~
12 ~~health counselor, or a person certified or licensed in another jurisdiction in one~~
13 ~~of these professions or in a profession which is the substantial equivalent, or a~~
14 ~~supervisor trained by a regional or national organization which has been~~
15 ~~approved by the board~~ Persons engaged in supervised work shall be registered
16 on the roster of nonlicensed, noncertified psychotherapists and shall comply
17 with the laws applicable to registrants.

18 (3) ~~Shall pass~~ Passed the examinations required by ~~board~~ Board rules as
19 ~~provided in section 3267 of this title.~~

20 § 3266. APPLICATION

21 ~~To apply for licensure as a clinical mental health counselor, a person shall~~
22 ~~apply to the board on a form furnished by the board. The application shall be~~

1 ~~accompanied by payment of the specified fee and evidence of eligibility as~~
2 ~~requested by the board. [Repealed.]~~

3 § 3267. EXAMINATION

4 ~~(a) The board or its designee shall conduct written examinations under this~~
5 ~~chapter at least twice a year, except that examinations need not be conducted~~
6 ~~when no one has applied to be examined.~~

7 ~~(b) Examinations administered by the board and the procedures of~~
8 ~~administration shall be fair and reasonable and shall be designed and~~
9 ~~implemented to ensure that all applicants are granted licensure if they~~
10 ~~demonstrate that they possess the minimal occupational qualifications which~~
11 ~~are consistent with the public health, safety, and welfare. They shall not be~~
12 ~~designed or implemented for the purpose of limiting the number of license~~
13 ~~holders. The board with the advice of the clinical mental health counselors~~
14 ~~who are members of the special panel, shall establish, by rule, fixed criteria for~~
15 ~~passing the examination that shall apply to all persons taking the examination.~~

16 ~~(c) The board may contract with independent testing services, licensed~~
17 ~~clinical mental health counselors, or others to assist in the administration of~~
18 ~~written examinations. [Repealed.]~~

19 * * *

20 § 3269. RENEWALS

21 ~~(a) Licenses shall be renewed every two years upon payment of the~~
22 ~~required fee, provided the person applying for renewal completes at least~~

1 ~~40 hours fees and proof of such~~ continuing education, ~~approved by the board,~~
2 ~~during the preceding two-year period. The board shall establish, as the Board~~
3 ~~may require by rule, guidelines and criteria for continuing education credit.~~

4 (b) ~~Biennially, the director shall forward a renewal form to each license~~
5 ~~holder. Upon receipt of the completed form and the renewal fee, the director~~
6 ~~shall issue a new license.~~

7 (c) ~~Any application for renewal of a license which has expired shall be~~
8 ~~accompanied by the renewal fee and a reinstatement fee. A person shall not be~~
9 ~~required to pay renewal fees for years during which the license was lapsed.~~

10 (d) ~~[Deleted.]~~

11 * * * Acupuncturists * * *

12 Sec. 23. 26 V.S.A. chapter 75 is amended to read:

13 CHAPTER 75. ACUPUNCTURISTS

14 § 3401. DEFINITIONS

15 As used in this chapter:

16 (1)(A) “Acupuncture” or the “practice of acupuncture” means ~~the~~
17 ~~insertion of fine needles through the skin at certain points on the body, with or~~
18 ~~without the application of electric current or the application of heat to the~~
19 ~~needles or skin, or both, for the purpose of promoting health and balance as~~
20 ~~defined by traditional and modern Oriental theories. Acupuncture involves the~~
21 ~~use of traditional and modern Oriental diagnostic techniques, acupuncture~~
22 ~~therapy, and adjunctive therapies, including but not limited to: nonprescription~~

1 ~~remedies, exercise, nutritional and herbal therapies, therapeutic massage, and~~
2 ~~lifestyle counselling treatment by means of mechanical, thermal, or electrical~~
3 ~~stimulation effected by the insertion and manipulation of solid or filiform~~
4 ~~needles to the human body; evaluation and management to determine a plan of~~
5 ~~acupuncture care for the purpose of promoting health and well-being; and~~
6 ~~development of a corresponding plan of acupuncture care, which may include~~
7 ~~adjunctive therapies such as manual therapy, nonprescription remedies,~~
8 ~~nutritional and herbal therapies, thermal therapies, therapeutic massage,~~
9 ~~exercises, activities, and lifestyle counseling.~~

10 (B) “Acupuncture” or the “practice of acupuncture” does not include
11 medical diagnosis or medical management of illness.

12 * * *

13 § 3408. RENEWALS

14 (a) Licenses shall be renewed every two years upon payment of the
15 required fee and furnishing satisfactory evidence of having completed 30 hours
16 of approved continuing education credit during the preceding two years. ~~The~~
17 ~~director may adopt rules for the approval of continuing education programs~~
18 ~~and the awarding of credit.~~

19 ~~(b) Biennially, the director shall forward a renewal form to each licensed~~
20 ~~acupuncturist. Upon receipt of the completed form and the renewal fee, the~~
21 ~~director shall issue a new license.~~

1 ~~(d) Nothing in this section shall be construed to modify any of the~~
2 ~~requirements for licensure of acupuncturists contained in this chapter, nor shall~~
3 ~~it grant any rights to practice acupuncture which exceed the scope of this~~
4 ~~section.~~

5 ~~(e) The fee for obtaining a specialized certification or renewal of a~~
6 ~~specialized certification under this section shall be that established in 3 V.S.A.~~
7 ~~§ 125(b).~~

8 ~~(f) Anyone certified under this section, while practicing the National~~
9 ~~Acupuncture Detoxification Association protocol, shall be referred to as an~~
10 ~~acupuncture detoxification technician. [Repealed.]~~

11 Sec. 24. TRANSITIONAL PROVISION; ACTIVE CERTIFIED

12 ACUPUNCTURE DETOXIFICATION TECHNICIANS; ABILITY
13 TO RENEW CERTIFICATION

14 Notwithstanding the repeal of 26 V.S.A. § 3412 (acupuncture
15 detoxification; specialized certification) in Sec. 21 of this act, on the effective
16 date of this act, a person actively certified by the Office of Professional
17 Regulation as an acupuncture detoxification technician may renew that
18 certification biennially upon payment of the required fee and for as long as he
19 or she maintains continuous certification, may provide auricular acupuncture
20 consistent with National Acupuncture Detoxification Association protocol
21 under the supervision of a licensed acupuncturist within an Office-approved
22 setting as a complement to comprehensive addiction-treatment services.

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* * * Effective Dates * * *

Sec. 25. EFFECTIVE DATES

This act shall take effect on July 1, 2018, except:

(1) this section and Sec. 13 (Director of Professional Regulation; barbers and cosmetologists; rulemaking) shall take effect on passage; and

(2) Secs. 2, amending 3 V.S.A. § 125 (fees), and 12, amending 26 V.S.A. chapter 6 (barbers and cosmetologists), shall take effect on January 1, 2019, except that in Sec. 2, 3 V.S.A. § 125, subdivision (b)(4)(A) (social workers) shall take effect on passage.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE