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

Secretary of State shall serve as the adopting authority for those rules.

1	* * *
2	(g) The Office of Professional Regulation shall ereate a process establish
3	uniform procedures applicable to all of the professions and boards set forth in
4	section 122 of this chapter, providing for:
5	(1) accepting appropriate recognition of education, training, or service
6	completed by a member of the U.S. Armed Forces toward the requirements of
7	professional licensure or certification; and
8	(2) creating a process for educational institutions under the supervision
9	of a licensing board to award educational credits to a member of the U.S.
10	Armed Forces for courses taken as part of the member's military training or
11	service that meet the standards of the American Council on Education; and
12	(3) expediting the expedited issuance of a professional license to a
13	person who is licensed in good standing in another regulatory jurisdiction and:
14	(A) who is certified or licensed in another state;
15	(B) whose spouse is a member of the U.S. Armed Forces and who
16	has been subject to a military transfer to Vermont; and
17	(C)(B) who left employment to accompany his or her spouse to
18	Vermont.
19	* * *

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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	(B) The Director shall detail in the annual report receipts and
2	expenses from these civil penalties.
3	* * *
4	(d)(1) A person whose license has expired for not more than one biennial
5	period may reinstate the license by meeting renewal requirements for the
6	profession, paying the profession's renewal fee, and paying the following
7	nondisciplinary reinstatement penalty:
8	(A) if reinstatement occurs within 30 days after the expiration date,
9	\$100.00; or
10	(B) if reinstatement occurs more than 30 days after the expiration
11	date, an amount equal to the renewal fee increased by \$40.00 for every
12	additional month or fraction of a month, provided the total penalty shall not
13	exceed \$1,500.00.
14	(2) Fees assessed under this subsection shall be deposited into the
15	Regulatory Fee Fund and credited to the appropriate fund for the profession of
16	the reinstating licensee.
17	(3) A licensee seeking reinstatement may submit a petition for relief
18	from the reinstatement penalty, which a board may grant only upon a finding
19	of exceptional circumstances or extreme hardship to the licensee; provided,
20	however, that fees under this subsection shall not be assessed for any period
21	during which a licensee was a member of the U.S. Armed Forces on
22	active duty.

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) Require proper operation and maintenance of any pollution
2	abatement facility necessary in the treatment or processing of the waste by
3	qualified personnel in accordance with standards established by the Secretary
4	and the Director of the Office of Professional Regulation. The Secretary may
5	require that a pollution abatement facility be operated by persons licensed
6	under 26 V.S.A. chapter 97 99 and may prescribe the class of license required.
7	The Secretary may require a laboratory quality assurance sample program to
8	ensure qualifications of laboratory analysts.
9	* * *
10	* * * Barbers and Cosmetologists * * *
11	Sec. 12. 26 V.S.A. chapter 6 is amended to read:
12	CHAPTER 6. BARBERS AND COSMETOLOGISTS
13	Subchapter 1. General Provisions
14	§ 271. DEFINITIONS
15	For the purposes of As used in this chapter:
16	(1) "Barbering" means engaging in the continuing performance, for
17	compensation, of any of the following activities: cutting, shampooing, or
18	styling hair; shaving the face, shaving around the vicinity of the ears and
19	neckline, or trimming facial hair; facials, skin care, or scalp massages, and
20	bleaching, coloring, straightening, permanent waving or permanent-waving
21	hair, or similar work by any means, with hands or mechanical or electrical
22	apparatus or appliances. Barbering also includes esthetics.

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) No \underline{A} person shall \underline{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) No \underline{A} person who owns or controls a shop or school of barbering or
18	cosmetology shall <u>not</u> 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

has completed training acceptable to the Commissioner of Corrections; or

1	(7) affect or prevent the practice of natural hair braiding or styling,
2	provided such practice does not involve cutting; the application of chemicals,
3	dyes, or heat; or other changes to the structure of hair.
4	§ 274. PENALTY
5	A person who violates any provision of section 272 of this title shall be
6	subject to the penalties provided in 3 V.S.A. § 127(c). [Repealed.]
7	Subchapter 2. Administration
8	§ 275. CREATION OF BOARD
9	(a) A board of barbers and cosmetologists is created, consisting of five
10	members. Members shall be appointed by the governor pursuant to 3 V.S.A.
11	§§ 129b and 2004. Members shall be residents of this state.
12	(b) One member of the board shall be a member of the public who has no
13	financial interest in barbering or cosmetology other than as a consumer or
14	possible consumer of its services. He or she shall have no financial interest
15	personally or through a spouse, parent, child, brother or sister.
16	(c) Two members of the board shall be licensed cosmetologists.
17	(d) One member of the board shall be a licensed barber.
18	(e) The remaining member shall be a person licensed under this chapter or
19	a public member.
20	(f) A majority of the members of the board shall constitute a quorum for
21	transacting business, and all action shall be taken upon a majority vote of the
22	members present and voting. [Repealed.]

1	§ 276. GENERAL POWERS AND DUTIES OF THE BOARD DIRECTOR
2	(a) The board <u>Director</u> 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 \underline{A} fee shall <u>not</u> 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	(b) The Director shall seek the advice of the advisor appointees in carrying
2	out the provisions of this chapter.

Subchapter 3. Licenses

§ 277. QUALIFICATIONS; BARBER

- (a) A person shall be eligible for licensure as a barber if the person is at least 18 years of age, has a high school or general educational development diploma, and has satisfactorily completed an accredited barber school program; or has satisfactorily completed an apprenticeship of not less than 12 months and not more than 36 months consisting of a minimum of 2,000 hours and a maximum of 3,000 hours in a manner prescribed by the board in addition to areas of study, prescribed by the board, by rule, has a high school or general educational development diploma, and has passed the examination described in section 283 of this title.
- (b) The board shall issue a limited barbering license, with an endorsement for cutting, shampooing, and styling hair and for mustache and beard trimming, to any person incarcerated in a state correctional facility who completes, while under the direct personal supervision of a barber licensed by the board, a course of training of not less than 10 hours in cutting, shampooing, and styling hair and trimming of mustache and beard. Such limited license shall be valid only within a state correctional facility. No fees shall be charged for a limited license issued under this subsection. [Repealed.]

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 \underline{A} school of barbering or cosmetology shall \underline{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,

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	<u>Director</u> , 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	<u>Director's</u> 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 \underline{A} shop shall <u>not</u> 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 <u>Director</u> 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 <u>has</u> 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 <u>place of</u> 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 \$13	30.00
2	(C) Nail technician \$13	30.00
3	(D) Esthetician \$13	30.00
4	(E) Shop \$22	25.00
5	(F) School \$33	30.00
6	(3) Reinspection \$10	00.00
7	[Repealed.]	
8	§ 288. UNPROFESSIONAL CONDUCT	
9	The conduct listed in this section and in 3 V.S.A. § 129a constitutes	r
10	unprofessional conduct when committed by a licensee. When that con	duct is
11	by an applicant or person who later becomes an applicant, it may const	itute
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 ex-	perience
15	of an applicant in the practice of the occupation, whether by commission	on 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 practic	æ.
19	(4) Harassing, intimidating, or abusing a client or customer.	
20	(5) Performing treatments or providing services which a license	e is not
21	qualified to perform or which are beyond the licensee's education, train	aing,
22	capabilities, experience, or scope of practice. [Repealed.]	

1	§ 289. LICENSURE BY ENDORSEMENT
2	The board may issue a license to an individual who is currently licensed or
3	certified in another jurisdiction in good standing, provided the individual has
4	been in active practice for at least three years immediately preceding
5	application or has 2,000 documented hours of practice in not less than one
6	year. [Repealed.]
7	Sec. 13. DIRECTOR OF PROFESSIONAL REGULATION; BARBERS
8	AND COSMETOLOGISTS; RULEMAKING
9	Prior to the effective date of Sec. 12 of this act, the Director of the Office of
10	Professional Regulation shall adopt rules in accordance with the amendments
11	to 26 V.S.A. chapter 6 (barbers and cosmetologists) contained in that section.
12	* * * Dentistry * * *
13	Sec. 14. 26 V.S.A. chapter 12 is amended to read:
14	CHAPTER 12. DENTISTS, DENTAL THERAPISTS, DENTAL
15	HYGIENISTS, AND DENTAL ASSISTANTS
16	* * *
17	Subchapter 3. Dentists
18	§ 601. LICENSE BY EXAMINATION
19	To be eligible for licensure as a dentist, an applicant shall:
20	(1) have attained the age of majority;
21	(2) be a graduate of:

1	(A) a dental college accredited by the Commission on Dental
2	Accreditation of the American Dental Association; or
3	(B) a program of foreign dental training and a postgraduate program
4	accredited by the Commission on Dental Accreditation of the American Dental
5	Association that is acceptable to the Board; and
6	(3) meet the certificate, examination, and training requirements
7	established by the board <u>Board</u> by rule.
8	* * *
9	Subchapter 6. Renewals, Continuing Education, and Fees
10	* * *
11	§ 663. LAPSED LICENSES OR REGISTRATIONS
12	(a) Failure to renew a license by the renewal date shall result in a lapsed
13	license subject to late renewal penalties pursuant to 3 V.S.A. § 125(a)(1).
14	(b) A person whose license or registration has lapsed may not practice and
15	may be subject to disciplinary action.
16	(c) Notwithstanding the provisions of subsection (a) of this section, a
17	person shall not be required to pay renewal fees or late renewal penalties for
18	years spent on active duty in the armed forces of the United States. A person
19	who returns from active duty shall be required to pay only the most current
20	biennial renewal fee. [Repealed.]

1	* * * Nursing * * *
2	Sec. 15. 26 V.S.A. chapter 28 is amended to read:
3	CHAPTER 28. NURSING
4	Subchapter 1. General Provisions
5	* * *
6	§ 1573. VERMONT STATE BOARD OF NURSING
7	(a) There is hereby created a the Vermont State Board of Nursing
8	consisting of six registered nurses, including at least two licensed as advanced
9	practice registered nurses; two practical nurses; one nursing assistant; and
10	two public members. Board members shall be appointed by the Governor
11	pursuant to 3 V.S.A. §§ 129b and 2004.
12	* * *
13	(d) Six members of the Board shall constitute a quorum.
14	§ 1579. ISSUANCE AND DURATION OF LICENSES
15	Licenses and endorsements shall be renewed every two years on a schedule
16	determined by the Office of Professional Regulation. [Repealed.]
17	* * *
18	§ 1584. PROHIBITIONS; OFFENSES
19	(a) It shall be a violation of this chapter for any person, including any
20	corporation, association, or individual, to:
21	* * *
22	(8) [Deleted.]

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 $\frac{1,600}{1,200}$ 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.

terms of the collaborative agreement.

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

1	(5) For an APRN who acts as the collaborating provider for an APRN
2	who is practicing under a collaboration agreement, allowing the mentored
3	APRN to perform a medical act that is outside the usual scope of the mentor's
4	own practice or that the mentored APRN is not qualified to perform by training
5	or experience or that is not consistent with the requirements of this chapter and
6	the rules of the Board. [Repealed.]
7	* * *
8	Subchapter 3. Registered Nurses and Practical Nurses
9	* * *
10	§ 1622. REGISTERED NURSE LICENSURE BY ENDORSEMENT
11	To be eligible for licensure as a registered nurse by endorsement, an
12	applicant shall:
13	(1) hold a current license to practice registered nursing in another U.S.
14	jurisdiction based on education in a U.S. nursing program acceptable to the
15	Board; and
16	(2) meet practice requirements set by the Board by rule.
17	* * *
18	§ 1626. PRACTICAL NURSE LICENSURE BY ENDORSEMENT
19	To be eligible for licensure as a practical nurse by endorsement, an
20	applicant shall:

1	(1) hold a current license to practice practical nursing in another U.S.
2	jurisdiction based on education in a U.S. nursing program acceptable to the
3	Board; and
4	(2) meet practice requirements set by the Board by rule.
5	* * *
6	Subchapter 4. Nursing Assistants
7	* * *
8	§ 1645. RENEWAL
9	(a) To renew a license, a nursing assistant shall meet active practice
10	requirements set by the Board by rule.
11	(b) The Board shall credit as active practice those activities, regardless of
12	title or obligation to hold a license, that reasonably tend to reinforce the
13	training and skills of a licensee.
14	* * *
15	Sec. 16. NURSING COMPACT ASSESSMENT
16	(a) The Board of Nursing and the Office of Professional Regulation shall
17	assess the costs and benefits of participation in licensure compacts for nurses at
18	various levels of licensure.
19	(b) On or before March 15, 2019, the Office shall report its assessment to
20	the House and Senate Committees on Government Operations. The report may
21	be in verbal form.

1	* * * Pharmacy * * *
2	Sec. 17. 26 V.S.A. chapter 36 is amended to read:
3	CHAPTER 36. PHARMACY
4	Subchapter 1. General Provisions
5	* * *
6	§ 2022. DEFINITIONS
7	As used in this chapter:
8	* * *
9	(4) "Disciplinary action" or "disciplinary cases" includes any action
10	taken by the Board against a licensee or others premised upon a finding of
11	wrongdoing or unprofessional conduct by the licensee. It includes all
12	sanctions of any kind, including obtaining injunctions, issuing warnings, and
13	other similar sanctions.
14	* * *
15	(7) "Drug outlet" means all pharmacies, nursing homes, convalescent
16	homes, extended care facilities, drug abuse treatment centers, family planning
17	clinics, retail stores, hospitals, wholesalers, manufacturers, any authorized
18	treatment centers, and mail order vendors other entities that are engaged in the
19	dispensing, delivery, or distribution of prescription drugs.
20	* * *
21	(10) "Manufacturer" means anyone who is engaged in manufacturing,
22	preparing, propagating, compounding, processing, packaging, repackaging, or

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	(17)(18) "Wholesale distribution" means distribution of prescription
2	drugs to persons other than a consumer or patient, but does not include:
3	* * *
4	(18)(19) "Wholesale drug distributor" means any person who is engaged
5	in wholesale distribution of prescription drugs, but does not include any for
6	hire for-hire carrier or person hired solely to transport prescription drugs.
7	(19)(20) "Collaborative practice agreement" means a written agreement
8	between a pharmacist and a health care facility or prescribing practitioner that
9	permits the pharmacist to engage in the practice of clinical pharmacy for the
10	benefit of the facility's or practitioner's patients.
11	* * *
12	Subchapter 2. Board of Pharmacy
13	§ 2031. CREATION; APPOINTMENT; TERMS; ORGANIZATION
14	(a)(1) There is hereby created the board of pharmacy Board of Pharmacy to
15	enforce the provisions of this chapter.
16	(2) The board Board shall consist of seven members, five of whom shall
17	be pharmacists licensed under this chapter with five years of experience in the
18	practice of pharmacy in this state State. Two members shall be members of the
19	public having no financial interest in the practice of pharmacy.
20	(b) Members of the board Board shall be appointed by the governor
21	Governor pursuant to 3 V.S.A. §§ 129b and 2004. A majority of members

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	* * *

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§ 2042b. PHARMACY TECHNICIANS; NONDISCRETIONARY TASKS;
SUPERVISION
* * *
(f)(1) A pharmacist on duty shall be directly responsible for the conduct of
a pharmacy technician.
(2) A pharmacist responsible for a pharmacy technician shall be on the
premises at all times, or in the case of a remote pharmacy approved by the
Board, immediately available by a functioning videoconference link.
(3) A pharmacist shall verify a prescription before medication is
provided to the patient.
* * *
§ 2044. RENEWAL OF LICENSES
Each person or entity licensed or regulated under the provisions of this
chapter shall apply for renewal biennially by a date established by the director
of the office of professional regulation. [Repealed.]
§ 2045. REINSTATEMENT
(a) The board may renew a license which has lapsed upon payment of the
required fee and the late renewal penalty, provided all the requirements for
renewal set by the board by rule, have been satisfied. The board shall not
require payment of renewal fees for years during which the license was lapsed.

1	(b) As a condition of renewal, the board may by rule set reinstatement
2	requirements for those whose licenses have lapsed for more than five years.
3	[Repealed.]
4	* * *
5	Subchapter 4. Discipline
6	§ 2051. UNPROFESSIONAL CONDUCT
7	The board of pharmacy may refuse to issue or renew, or may suspend,
8	revoke, or restrict the licenses of any person, pursuant to the procedures set
9	forth in section 2052 of this title, upon one or more of the following grounds
10	and upon the grounds set forth in 3 V.S.A. § 129a:
11	(1) Unprofessional conduct as that term is defined by the rules and
12	regulations of the board;
13	(2) Incapacity of a nature that prevents a pharmacist from engaging in
14	the practice of pharmacy with reasonable skill, competence, and safety to the
15	public;
16	(3) Fraud or intentional misrepresentation by a licensee in securing the
17	issuance or renewal of a license;
18	(4) Engaging or aiding and abetting an individual to engage in the
19	practice of pharmacy without a license or to falsely use the title of pharmacist;
20	(5) Being found by the board to be in violation of any of the provisions
21	of this chapter or rules and regulations adopted pursuant to this chapter.

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	(9) Nuclear.
2	§ 2064. VIOLATIONS AND PENALTIES
3	(a) No A drug outlet designated in section 2061 of this title subchapter
4	shall <u>not</u> be operated until a license has been issued to said that outlet by the
5	board Board. Upon the finding of a violation of this section, the board may
6	impose one or more of the penalties enumerated in section 2052 of this title.
7	(b) Reinstatement of a license that has been suspended, revoked, or
8	restricted by the board may be granted in accordance with the procedures
9	specified by subsection 2052(b) of this title Unauthorized operation of a drug
10	outlet may be penalized as provided in 3 V.S.A. § 127 and shall constitute
11	unprofessional conduct by the licensees involved.
12	Subchapter 6. Wholesale Drug Distributors
13	§ 2067. WHOLESALE DRUG DISTRIBUTOR; LICENSURE REQUIRED
14	(a) A person who is not licensed under this subchapter shall not engage in
15	wholesale drug distribution in this State.
16	(b) [Repealed.]
17	* * *
18	(d) An agent or employee of any licensed wholesale drug distributor shall
19	not be required to obtain a license under this subchapter and may lawfully
20	possess pharmaceutical drugs when that agent or employee is acting in the
21	usual course of business or employment.
22	* * *

1	§ 20/1. 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 \underline{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 aforesaid 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) <u>a licensed dental therapist;</u>
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 <u>licensed</u> 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 <u>Provisions</u>
19	§ 3151. DEFINITIONS
20	As used in this chapter:
21	* * *

1	(5) "Qualifying agent" means a licensed private investigator who is
2	responsible for a private investigative services agency or combination agency,
3	or a licensed security guard who is responsible for a private security services
4	agency or combination agency. A sole proprietor shall be the qualifying agent
5	of his or her agency and shall meet all qualifying agent licensure requirements.
6	(6) "Combination agency" means an agency that provides both private
7	investigative and private security services to the public.
8	§ 3151a. EXEMPTIONS
9	(a) The term "private investigator" shall not include:
10	* * *
11	(3) Persons regularly employed as investigators, exclusively by one
12	employer in connection with the affairs of that employer only, provided that
13	the employer is not a private investigative agency and the employee is engaged
14	directly as part of the ordinary payroll for tax, accounting, and insurance
15	<u>purposes</u> .
16	* * *
17	(b) The term "security guard" shall not include:
18	* * *
19	(3) Persons regularly employed as security guards exclusively by one
20	employer in connection with the affairs of that employer only, provided that
21	the employer is not a security agency and the employee is engaged directly as
22	part of the ordinary payroll for tax, accounting, and insurance purposes.

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	(iii) The Board may prioritize training subjects to require that
2	certain subject areas are covered in the initial eight hours of training required
3	for part-time employees.
4	(8) Adopt rules establishing continuing education requirements and
5	establish or approve continuing education programs to assist a licensee or
6	registrant in meeting these requirements.
7	§ 3163. FUNCTIONING OF LICENSING BOARD
8	(a) Annually, the board shall elect a chairperson, a vice chairperson, and a
9	secretary.
10	(b) Meetings may be called by the chairperson and shall be called upon the
11	request of two other members.
12	(c) Meetings shall be warned and conducted in accordance with 1 V.S.A.
13	chapter 5.
14	(d) A majority of the members of a board shall constitute a quorum, and all
15	action shall be taken upon a majority vote of the members present and voting.
16	(e), (f) [Deleted.] [Repealed.]
17	* * *
18	Subchapter 3. Licensing
19	* * *
20	§ 3173. PRIVATE INVESTIGATOR LICENSES
21	(a) A person shall not engage in the business of private investigation or
22	provide private investigator services in this State without first obtaining a

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 \underline{A} person shall <u>not</u> engage in the business of \underline{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:

1	* * *
2	(4) Evidence that the applicant has successfully passed the any
3	examination required by section 3175 of this title rule.
4	* * *
5	(c) The Board shall require that the <u>a</u> person <u>licensed to practice</u>
6	independently has had experience satisfactory to the Board in security work,
7	for a period of not less than two years. Such experience may include having
8	been licensed as a security guard in another state or regularly employed as a
9	security guard for a security agency licensed in this or another state, or <u>having</u>
10	been a sworn member of a federal, state, or municipal law enforcement agency
11	(d) An application for a license may be denied upon failure of the applicant
12	to provide information required; upon a finding that the applicant does not
13	meet a high standard as to character, integrity, and reputation; or for
14	unprofessional conduct defined in section 3181 of this title chapter.
15	* * *
16	§ 3176b. TEMPORARY REGISTRATION FOR EMPLOYEES OF
17	AGENCIES
18	(a) A 60-day temporary registration may be issued to a person who applies
19	for registration as an employee of a licensed private investigator or a licensed
20	security guard under section 3176 of this title. A temporary registration shall
21	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	(c) 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	* * * Clinical Mental Health Counselors * * *
2	Sec. 22. 26 V.S.A. chapter 65 is amended to read:
3	CHAPTER 65. CLINICAL MENTAL HEALTH COUNSELORS
4	* * *
5	§ 3262a. BOARD OF ALLIED MENTAL HEALTH PRACTITIONERS
6	(a) A <u>The</u> Board of Allied Mental Health Practitioners is established.
7	* * *
8	(c) A majority of the members of the Board shall constitute a quorum for
9	transacting business, and all action shall be taken upon a majority vote of the
10	members present and voting.
11	* * *
12	§ 3265. ELIGIBILITY
13	To be eligible for licensure as a clinical mental health counselor an
14	applicant shall satisfy all of the following have:
15	(1) Shall have completed a minimum of 60 graduate hours and received
16	Received a master's degree or higher degree in counseling or a related field,
17	from an accredited educational institution, after having successfully completed
18	a course of study as defined by the board, by rule, which included requiring a
19	minimum number of graduate credit hours established by the Board by rule
20	and a supervised practicum, internship, or field experience, as defined by the
21	board, Board by rule, in a mental health counseling setting.

(2) Shall have documented <u>Documented</u> a minimum of 3,000 hours of
supervised work in clinical mental health counseling over during a minimum
of two years of post-master's experience. Persons engaged in supervised work
shall be entered on the roster of nonlicensed, noncertified psychotherapists and
shall comply with the laws of that profession, and shall have documented a
minimum of, including at least 100 hours of face-to-face supervision over
during a minimum of two years of post-master's experience. Clinical work
shall be performed under the supervision of a licensed physician certified in
psychiatry by the American Board of Medical Specialties, a licensed
psychiatric nurse practitioner, a licensed psychologist, a licensed clinical social
worker, a licensed marriage and family therapist, a licensed clinical mental
health counselor, or a person certified or licensed in another jurisdiction in one
of these professions or in a profession which is the substantial equivalent, or a
supervisor trained by a regional or national organization which has been
approved by the board Persons engaged in supervised work shall be registered
on the roster of nonlicensed, noncertified psychotherapists and shall comply
with the laws applicable to registrants.
(3) Shall pass Passed the examinations required by board Board rules as
provided in section 3267 of this title.

20 § 3266. APPLICATION

To apply for licensure as a clinical mental health counselor, a person shall 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

remedies, exercise, nutritional and herbal therapies, therapeutic massage, and
lifestyle counselling treatment by means of mechanical, thermal, or electrical
stimulation effected by the insertion and manipulation of solid or filiform
needles to the human body; evaluation and management to determine a plan of
acupuncture care for the purpose of promoting health and well-being; and
development of a corresponding plan of acupuncture care, which may include
adjunctive therapies such as manual therapy, nonprescription remedies,
nutritional and herbal therapies, thermal therapies, therapeutic massage,
exercises, activities, and lifestyle counseling.
(B) "Acupuncture" or the "practice of acupuncture" does not include
medical diagnosis or medical management of illness.
* * *
§ 3408. RENEWALS
(a) Licenses shall be renewed every two years upon payment of the
required fee and furnishing satisfactory evidence of having completed 30 hours
of <u>approved</u> continuing education credit during the preceding two years. The
director may adopt rules for the approval of continuing education programs
and the awarding of credit.
(b) Biennially, the director shall forward a renewal form to each licensed
acupuncturist. Upon receipt of the completed form and the renewal fee, the
director shall issue a new license.

1	(c) A license that has expired for three years or less shall be renewed upon
2	meeting the renewal requirements and paying a late renewal penalty. A license
3	that has expired for more than three years shall not be renewed; the applicant
4	shall be required to apply for reinstatement. The director may adopt rules
5	relating to reinstatement to assure that the applicant is professionally qualified.
6	* * *
7	§ 3410. UNPROFESSIONAL CONDUCT
8	(a) A licensed acupuncturist or applicant shall not engage in unprofessional
9	conduct.
10	(b) Unprofessional conduct means any of the conduct listed in this section
11	and 3 V.S.A. § 129a, whether committed by a licensed acupuncturist or an
12	applicant:, and inappropriate sexual conduct toward a patient or former patient
13	(1) Using dishonest or misleading advertising.
14	(2) Addiction to narcotics, habitual drunkenness, or rendering
15	professional services to a patient if the acupuncturist is intoxicated or under the
16	influence of drugs.
17	(3) Sexual harassment of a patient.
18	(4) Engaging in sexual intercourse or other sexual conduct with a patien
19	with whom the licensed acupuncturist has had a professional relationship
20	within the previous two years.

1	(c) After hearing and upon a finding of unprofessional conduct, an
2	administrative law officer appointed under 3 V.S.A. § 129(j) may take
3	disciplinary action against a licensed acupuncturist or applicant.
4	* * *
5	§ 3412. ACUPUNCTURE DETOXIFICATION; SPECIALIZED
6	CERTIFICATION
7	(a) A person not licensed under this chapter may obtain a specialized
8	certification as an acupuncture detoxification technician to practice auricular
9	acupuncture according to the National Acupuncture Detoxification Association
10	protocol from the board for the purpose of the treatment of alcoholism,
11	substance abuse, or chemical dependency if he or she provides documentation
12	of successful completion of a board-approved training program in acupuncture
13	for the treatment of alcoholism, substance abuse, or chemical dependency
14	which meets or exceeds standards of training established by the National
15	Acupuncture Detoxification Association.
16	(b) Treatment permitted under this section may only take place in a state,
17	federal, or board-approved site under the supervision of an individual licensed
18	under this chapter and certified by the National Acupuncture Detoxification
19	Association.
20	(c) A person practicing under this section shall be subject to the
21	requirements of section 3410 of this title.

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.

1	* * * Effective Dates * * *
2	Sec. 25. EFFECTIVE DATES
3	This act shall take effect on July 1, 2018, except:
4	(1) this section and Sec. 13 (Director of Professional Regulation; barbers
5	and cosmetologists; rulemaking) shall take effect on passage; and
6	(2) Secs. 2, amending 3 V.S.A. § 125 (fees), and 12, amending
7	26 V.S.A. chapter 6 (barbers and cosmetologists), shall take effect on
8	January 1, 2019, except that in Sec. 2, 3 V.S.A. § 125, subdivision (b)(4)(A)
9	(social workers) shall take effect on passage.
10	
11	
12	(Committee vote:)
13	
14	Representative
15	FOR THE COMMITTEE