

S.220

An act relating to professional regulation

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 2, 3 V.S.A. § 123 (duties of Office), by striking out subsection (j) in its entirety and inserting in lieu thereof a new subsection (j) to read as follows:

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

(A) licensed nursing assistants, licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under 26 V.S.A. chapter 28;

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

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

(D) osteopathic physicians licensed under 26 V.S.A. chapter 33.

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

~~(B) Background checks may be fingerprint-supported, and fingerprints so obtained may be retained on file and used to notify the Office of future triggering events~~ Prior to acting on an initial or renewal application, the Office may obtain with respect to the applicant a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation. Federal Bureau of Investigation background checks shall be fingerprint-supported, and fingerprints so obtained may be retained on file and used to notify the Office of future triggering events. Each applicant shall consent to the release of criminal history records to the Office on forms developed by the Vermont Crime Information Center.

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

Second: In Sec. 12 (clinical pharmacy prescribing; protocol implementation; target dates; rulemaking), in subsection (a) (Commissioner of Health State protocol deadlines), following “On or before” by striking out “January 1, 2021” and inserting in lieu thereof “July 1, 2021”

Third: In Sec. 12 (clinical pharmacy prescribing; protocol implementation; target dates; rulemaking), in subsection (b) (Board of Pharmacy rulemaking

deadlines), following “On or before” by striking out “January 1, 2021” and inserting in lieu thereof “July 1, 2021”

Fourth: In Sec. 29, 26 V.S.A. chapter 105 (massage therapists, bodyworkers, and touch professionals), in § 5401 (definitions), in subdivision (4)(A), (“massage” and “bodywork”), in subdivision (ii), following “provided to clients in a manner in which the clients” by striking out “remove street clothing and”

Fifth: In Sec. 29, 26 V.S.A. chapter 105 (massage therapists, bodyworkers, and touch professionals), in § 5404 (exemptions), in subdivision (a)(3), following “provided to clients in a manner in which the clients” by striking out “do not remove street clothing or”

Sixth: In Sec. 29, 26 V.S.A. chapter 105 (massage therapists, bodyworkers, and touch professionals), in § 5404 (exemptions), in subsection (b), following “nurses,” by inserting “including advanced practice registered nurses,”

Seventh: In Sec. 32 (OPR; massage therapists, bodyworkers, and touch professionals; regulatory review), following “On or before” by striking out “November 1, 2023” and inserting in lieu thereof “April 1, 2024”

Eighth: By striking out in its entirety Sec. 38 (effective dates; application) and inserting in lieu thereof a new Sec. 38 to read as follows:

Sec. 38. EFFECTIVE DATES; APPLICATION

This act shall take effect on October 1, 2020, except that:

(1) this section shall take effect on passage;

(2) Secs. 28 and 29 (massage therapists, bodyworkers, and touch professionals) shall take effect on April 1, 2021, except that the Director of the Office of Professional Regulation may begin rulemaking to administer those sections on passage; and

(3) Secs. 33–37 (State energy goals; education modules) shall take effect on July 1, 2021, except that all existing licensed, certified, or authorized professionals to whom these provisions apply shall be required to obtain the education module for initial licensure as a condition of their upcoming renewal and shall thereafter be required to obtain the education module for renewal at the subsequent renewal cycle.