

1 S.233

2 Introduced by Senators Collamore, White and Clarkson

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; Office of Professional Regulation; well

6 drillers; Standards Board for Professional Educators; Electricians'

7 Licensing Board; Board of Medical Practice; Plumber's Examining

8 Board; military credentials; criminal backgrounds; continuing

9 education; endorsements

10 Statement of purpose of bill as introduced: This bill proposes to require

11 specified professional regulatory entities to create uniform standards for their

12 licensure processes in the areas of military credentials, criminal backgrounds,

13 continuing education, and endorsements from other states.

14 An act relating to uniform licensing standards

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

16 \* \* \* Professions Attached to the Office of Professional Regulation \* \* \*

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

18 § 123. DUTIES OF OFFICE

19 \* \* \*



1       (k) For any profession attached to it, the Office shall provide a pre-  
2 application determination of an individual’s criminal background. This  
3 determination shall not be binding on the Office in a future application if the  
4 individual violates probation or parole or is convicted of another crime  
5 following the determination.

6           (1) The Office shall initiate this determination upon an individual’s  
7 “second chance” determination request. This request shall provide  
8 documentation related to the individual’s conviction or convictions, evidence  
9 of rehabilitation, and identification of the profession or professions for which  
10 the individual seeks licensure.

11           (2) The individual shall submit this request online, accompanied by the  
12 fee for pre-application determinations set forth in section 125 of this  
13 subchapter.

14           (3) The Office shall:

15                   (A) process a request within 30 days of receiving a complete request;

16                   (B) assess the nature of the underlying conviction or convictions, the  
17 nexus to the profession or professions for which the individual seeks licensure,  
18 and the provided evidence of rehabilitation; and

19                   (C) respond to the individual’s request in writing.

20           (1) When, by reason of disqualification, resignation, vacancy, or necessary  
21 absence, a board is unable to form a quorum or assign one or more members to

1 assist in the investigation and prosecution of complaints or license  
2 applications, or to adjudicate a contested case, the Secretary of State may  
3 appoint ad hoc members, either as voting members to establish a quorum at a  
4 specific meeting or as nonvoting members to assist Office investigators and  
5 prosecutors.

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

7 § 125. FEES

8 (a) In addition to the fees otherwise authorized by law, a board or advisor  
9 profession may charge the following fees:

10 \* \* \*

11 (5) A pre-application criminal background determination, \$25.00.

12 \* \* \*

13 (d) Pursuant to qualifications and procedures determined by the Director,  
14 the Office shall, upon request, waive application fees to qualified military  
15 members and military spouses.

16 Sec. 3. 3 V.S.A. § 136 is amended to read:

17 § 136. UNIFORM CONTINUING EDUCATION EVALUATION; SUNSET

18 REVIEW

19 (a) If continuing education is required by law or rule, the Office shall apply  
20 uniform standards and processes that apply to all professions regulated by the  
21 Office for the assessment and approval or rejection of continuing education

1 offerings, informed by profession-specific policies developed in consultation  
2 with relevant boards and advisor appointees.

3 (b)(1) Not less than once every five years, each profession attached to the  
4 Office shall review its continuing education and other continuing competency  
5 requirements. The review results shall be in writing and address the following:

6 (A) the renewal requirements of the profession;

7 (B) the renewal requirements in other jurisdictions, particularly in the  
8 Northeast region;

9 (C) the cost of the renewal requirements for the profession's  
10 licensees;

11 (D) an analysis of the utility and effectiveness of the renewal  
12 requirements with respect to public protection; and

13 (E) recommendations to the Director on whether the continuing  
14 education or other continuing competency requirements should be modified.

15 (2) The Director shall respond to the profession within 45 days of its  
16 submitted review results. The Director may require a profession to reduce,  
17 modify, or otherwise change the renewal requirements, including by proposing  
18 any necessary amendments to statute or rule.

1 Sec. 4. 3 V.S.A. § 136a is added to read:

2 § 136a. UNIFORM PROCESS FOR ENDORSEMENT FROM OTHER  
3 STATES

4 (a) Except as provided in subsection (b) of this section, all professions  
5 attached to the Office shall have an endorsement process that requires not more  
6 than three years of practice in good standing in another jurisdiction, regardless  
7 of whether that jurisdiction has licensing requirements substantially similar to  
8 those of this State.

9 (b) Any profession determining that three years of demonstrated practice in  
10 another jurisdiction is not adequately protective of the public shall provide its  
11 rationale to the Director, who may propose any necessary statutory or rule  
12 amendments in order to implement more restrictive requirements for  
13 endorsement.

14 (c) The Director may issue to an endorsement applicant a waiver of the  
15 profession's practice requirement if there is a showing that the waiver follows  
16 State policy and the public is adequately protected.

17 \* \* \* Well Drillers \* \* \*

18 Sec. 5. 10 V.S.A. § 1395a is amended to read:

19 § 1395a. LICENSES; RULES

20 (a) Licenses. The Department shall issue licenses under this subchapter. A  
21 licensee may be authorized to perform more than one class of activities under a

1 single license. The Department shall, by rule, establish appropriate  
2 application, testing, and renewal procedures for each class of activity under a  
3 license. The rule shall include the opportunity for an applicant to take the  
4 licensing test orally or by demonstration if the applicant fails the written test.

5 The classes of activities under a license shall be as follows:

6 (1) Water well driller. This class shall consist of any person engaged in  
7 the business of constructing wells for the purpose of locating, extracting, or  
8 recharging groundwater, or for the purpose of transferring heat to or from the  
9 earth's subsurface.

10 (2) Monitoring well driller. This class shall consist of any person  
11 engaged in the business of constructing, servicing, or closing wells drilled for  
12 the purpose of monitoring groundwater quantity or quality.

13 \* \* \*

14 (b) Military credentials. The Department may evaluate specific military  
15 credentials to determine equivalency to credentials for well drillers. The  
16 determinations shall be adopted through written policy that shall be posted on  
17 the Department's website.

18 (c) Criminal background; pre-application determination. The Department  
19 shall provide a pre-application determination of an individual's criminal  
20 background. This determination shall not be binding on the Department in a

1 future application if the individual violates probation or parole or is convicted  
2 of a crime another crime following the determination.

3 (1) The Department shall initiate this determination upon an individual's  
4 "second chance" determination request. This request shall provide  
5 documentation related to the individual's conviction or convictions, evidence  
6 of rehabilitation, and identification of the profession or professions for which  
7 the individual seeks licensure.

8 (2) The individual shall submit this request online, accompanied by a  
9 fee of \$25.00.

10 (3) The Department shall:

11 (A) process a request within 30 days of receiving a complete request;

12 (B) assess the nature of the underlying conviction or convictions, the  
13 nexus to the profession or professions for which the individual seeks licensure,  
14 and the provided evidence of rehabilitation; and

15 (C) respond to the individual's request in writing.

16 (d) Continuing education; sunset review.

17 (1) Not less than once every five years, the Department shall review its  
18 continuing education and other continuing competency requirements for well  
19 drillers. The review results shall be in writing and address the following:

20 (A) the renewal requirements of the profession;

1           (B) the renewal requirements in other jurisdictions, particularly in the  
2 Northeast region;

3           (C) the cost of the renewal requirements for the profession's  
4 licensees;

5           (D) an analysis of the utility and effectiveness of the renewal  
6 requirements with respect to public protection; and

7           (E) recommendations to the Secretary on whether the continuing  
8 education or other continuing competency requirements should be modified.

9           (2) The Secretary shall respond to the Department within 45 days of its  
10 submitted review results. The Secretary may require the Department to reduce,  
11 modify, or otherwise change the renewal requirements, including by proposing  
12 any necessary amendments to statute or rule.

13           (e) Uniform process for endorsement from other states.

14           (1) The Department shall issue licenses for well drillers who have been  
15 licensed in good standing in another jurisdiction for at least three years,  
16 regardless of whether that jurisdiction has licensing requirements substantially  
17 similar to those of this State.

18           (2) The Secretary may issue to an endorsement applicant a waiver of the  
19 practice requirement if there is a showing that the waiver follows State policy  
20 and the public is adequately protected.





1 required by this subdivision (B) if it finds that licensure by reciprocity for the  
2 endorsement does not fulfill the goals set forth in section 1691 of this chapter.

3 (4) Oversee and monitor the application and licensing process  
4 administered by the office. The Standards Board may, by adoption of a written  
5 policy that is posted on the Agency's website, allow specific military  
6 credentials to satisfy one or more requirements for licensure.

7 \* \* \*

8 Sec. 7. 16 V.S.A. § 1695a is added to read:

9 § 1695a. PRE-APPLICATION CRIMINAL BACKGROUND

10 DETERMINATION

11 An individual may request a pre-application determination of the  
12 individual's criminal background. The pre-application determination shall  
13 adhere to the process set forth in section 254 of this title. Results of a pre-  
14 application determination shall not be binding on the Secretary in a future  
15 application.

16 (1) The individual's request for a pre-application determination shall  
17 include documentation related to criminal conviction or substantiation,  
18 evidence of rehabilitation or mitigation, and identification of which license and  
19 any endorsement the individual will seek.





1       ~~(e)~~(3) The Governor shall appoint one of the members of the Board to  
2       serve as its chair.

3       (c) Criminal background; pre-application determination. The Board shall  
4       provide a pre-application determination of an individual's criminal  
5       background. This determination shall not be binding on the Board in a future  
6       application if the individual violates probation or parole or is convicted of  
7       another crime following the determination.

8             (1) The Board shall initiate this determination upon an individual's  
9       "second chance" determination request. This request shall provide  
10       documentation related to the individual's conviction or convictions and  
11       evidence of rehabilitation.

12            (2) The individual shall submit this request online, accompanied by the  
13       fee for pre-application determinations set forth in section 905 of this chapter.

14            (3) The Board shall:

15                (A) process a request within 30 days of receiving a complete request;

16                (B) assess the nature of the underlying conviction or convictions, the  
17       nexus to the electrician profession, and the provided evidence of rehabilitation;  
18       and

19                (C) respond to the individual's request in writing.



1        (h) Pursuant to qualifications and procedures determined by the  
2        Commissioner, the Board shall, upon request, waive application fees for  
3        qualified military members and military spouses.

4        Sec. 11. 26 V.S.A. § 906 is amended to read:

5        § 906. EXAMINATIONS NOT REQUIRED

6        (a) Generally. A license for an individual who is licensed by another state  
7        or who has received designation by the U.S. Armed Forces as a 12R  
8        ~~Electrician~~ electrician or equivalent shall be issued without examination as  
9        provided pursuant to this section on payment of the required fee.

10       (b)(1) Reciprocity. A master's or journeyman's license, as the case may  
11       be, shall be issued to a person to whom a master electrician's license or a  
12       journeyman electrician's license has been previously issued by another state,  
13       whose standards are equivalent to those of this State, if under the laws or  
14       regulations of the state issuing the license a similar privilege is granted to  
15       electricians licensed under the laws of this State.

16       (2) Uniform process for endorsement from other states.

17       (A) The Board shall issue a license to master and journeyman  
18       electricians who have been licensed in good standing in another jurisdiction for  
19       at least three years, regardless of whether that jurisdiction has licensing  
20       requirements substantially similar to those of this State.





1           (b) Without examination, the Board may issue a license to a reputable  
2           physician who is a resident of a foreign country and who shall furnish the  
3           Board with satisfactory proof that he or she has been appointed to the faculty  
4           of a medical college accredited by the Liaison Committee on Medical  
5           Education (LCME) and located within the State of Vermont.

6           (1) An applicant for a license under this subsection shall furnish the  
7           Board with satisfactory proof that he or she has attained the age of majority, is  
8           of good moral character, is licensed to practice medicine in his or her country  
9           of residence, and that he or she has been appointed to the faculty of an LCME  
10          accredited medical college located within the State of Vermont. The  
11          information submitted to the Board concerning the applicant's faculty  
12          appointment shall include detailed information concerning the nature and term  
13          of the appointment and the method by which the performance of the applicant  
14          will be monitored and evaluated.

15          (2) A license issued under this subsection shall be for a period no longer  
16          than the term of the applicant's faculty appointment and may, in the discretion  
17          of the Board, be for a shorter period. A license issued under this subsection  
18          shall expire automatically upon termination for any reason of the licensee's  
19          faculty appointment.

20          (c) [Repealed.]



1           (2) The individual shall submit this request online, accompanied by the  
2           fee for pre-application determinations set forth in section 1401a of this chapter.

3           (3) The Board shall:

4                 (A) process a request within 30 days of receiving a complete request;

5                 (B) assess the nature of the underlying conviction or convictions, the  
6           nexus to the profession or professions for which the individual seeks licensure,  
7           and the provided evidence of rehabilitation; and

8                 (C) respond to the individual's request in writing.

9           (d) The Board shall establish uniform procedures applicable to all of the  
10           professions under its jurisdiction, providing for:

11                 (1) appropriate recognition of education, training, or service completed  
12           by a member of the U.S. Armed Forces toward the requirements of  
13           professional licensure;

14                 (2) expedited issuance of a professional license to a person who is  
15           licensed in good standing in another regulatory jurisdiction;

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

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

20                 (3) The Board may evaluate specific military credentials to determine  
21           equivalency to credentials within the Board's jurisdiction. The determinations

1 shall be adopted through written policy that shall be posted on the Board's  
2 website.

3 Sec. 15. 26 V.S.A. § 1400 is amended to read:

4 § 1400. RENEWAL OF LICENSE; CONTINUING MEDICAL  
5 EDUCATION

6 \* \* \*

7 (h)(1) Not less than once every five years, the Board shall review the  
8 continuing education and other continuing competency requirements for each  
9 of the professions it regulates. The review results shall be in writing and  
10 address the following:

11 (A) the renewal requirements of the profession;

12 (B) the renewal requirements in other jurisdictions, particularly in the  
13 Northeast region;

14 (C) the cost of the renewal requirements for the profession's  
15 licensees;

16 (D) an analysis of the utility and effectiveness of the renewal  
17 requirements with respect to public protection; and

18 (E) recommendations to the Commissioner of Health on whether the  
19 continuing education or other continuing competency requirements should be  
20 modified.





1 license or may take other disciplinary action against a licensee for any of the  
2 following reasons:

3 \* \* \*

4 (d) Military credentials. The Board may evaluate specific military  
5 credentials to determine equivalency to credentials within its jurisdiction. The  
6 determinations shall be adopted through written policy that shall be posted on  
7 the Board's website.

8 (e) Criminal background; pre-application determination. The Board shall  
9 provide a pre-application determination of an individual's criminal  
10 background. This determination shall not be binding on the Board in a future  
11 application if the individual violates probation or parole or is convicted of  
12 another crime following the determination.

13 (1) The Board shall initiate this determination upon an individual's  
14 "second chance" determination request. This request shall provide  
15 documentation related to the individual's conviction or convictions, evidence  
16 of rehabilitation, and identification of the profession or professions for which  
17 the individual seeks licensure.

18 (2) The individual shall submit this request online, accompanied by the  
19 fee for pre-application determinations set forth in section 2193 of this chapter.

20 (3) The Board shall:

21 (A) process a request within 30 days of receiving a complete request;

1           (B) assess the nature of the underlying conviction or convictions, the  
2           nexus to the profession or professions for which the individual seeks licensure,  
3           and the provided evidence of rehabilitation; and

4           (C) respond to the individual's request in writing.

5           (f) Continuing education; sunset review.

6           (1) Not less than once every five years, the Board shall review  
7           plumbers' continuing education and other continuing competency  
8           requirements. The review results shall be in writing and address the following:

9           (A) the renewal requirements of the profession;

10           (B) the renewal requirements in other jurisdictions, particularly in the  
11           Northeast region;

12           (C) the cost of the renewal requirements for the profession's  
13           licensees;

14           (D) an analysis of the utility and effectiveness of the renewal  
15           requirements with respect to public protection; and

16           (E) recommendations to the Commissioner on whether the continuing  
17           education or other continuing competency requirements should be modified.

18           (2) The Commissioner shall respond to the Board within 45 days of its  
19           submitted review results. The Commissioner may require the Board to reduce,  
20           modify, or otherwise change the renewal requirements, including by proposing  
21           any necessary amendments to statute or rule.

1 Sec. 19. 26 V.S.A. § 2193 is amended to read:

2 § 2193. APPLICATIONS AND EXAMINATIONS; FEES

3 \* \* \*

4 (c) License and renewal fees are as follows:

5 \* \* \*

6 (8) Pre-application criminal background determination \$25.00

7 \* \* \*

8 (e) Pursuant to qualifications and procedures determined by the  
9 Commissioner, the Board shall, upon request, waive application fees to  
10 qualified military members and military spouses.

11 Sec. 20. 26 V.S.A. § 2194 is amended to read:

12 § 2194. EXAMINATIONS NOT REQUIRED; TEMPORARY LICENSES

13 (a) Generally.

14 (1) Reciprocity.

15 (A) Appropriate licenses without examination may be issued to a  
16 person to whom a master plumber's license or a journeyman plumber's license  
17 or a specialty license or equivalent has been previously issued by another state  
18 or municipality upon the payment of the required fee if:

19 ~~(A)(i)~~ that state or municipality maintained a standard of

20 requirements equivalent to those of this State; and

1           ~~(B)~~(ii) the applicant presents satisfactory proof to the Board that he  
2 or she is a bona fide licensee.

3           ~~(2)~~(B) An applicant under this ~~subsection~~ subdivision (1) shall be  
4 exempt from examination only if the applicant holds a license from a foreign  
5 state or municipality and if under the laws or regulations of the foreign state or  
6 municipality issuing the license a like exemption or reciprocal agreement, or  
7 both, is granted to licensees under the laws of this State.

8           (2) Uniform process for endorsement from other states.

9           (A) The Board shall issue licenses for master plumbers and  
10 journeyman plumbers and specialists who have been licensed in good standing  
11 in another jurisdiction for at least three years, regardless of whether that  
12 jurisdiction has licensing requirements substantially similar to those of this  
13 State.

14           (B) The Commissioner may issue to an endorsement applicant a  
15 waiver of the practice requirement if there is a showing that the waiver follows  
16 State policy and the public is adequately protected.

17           (b) Service members and veterans.

18           (1) Except as otherwise provided by law, a journeyman's license shall  
19 be issued without examination and upon payment of the required fee to an  
20 applicant who is a service member or veteran who:

