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Legislative Committee on Administrative Rules (LCAR)

To: Sen. Jeanette White, Chair, Senate Committee on Government Operations  
Rep. Sarah Copeland-Hanzas, Chair, House Committee on Government Operations  
Sen. Michael Sirotkin, Chair, Senate Committee on Economic Development, Housing, and General Affairs  
Rep. Thomas Stevens, Chair, House Committee on General, Housing, and Military Affairs

From: Legislative Committee on Administrative Rules

CC: Joseph Benard, Deputy Director, Department of Public Safety  
BetsyAnn Wrask, Legislative Counsel

Date: July 11, 2019

Subject: Request to review use of "foreign state" in plumbing statute and rule

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On June 20, 2019, LCAR approved Rule 19-P25 (Department of Public Safety, Plumbers' Examining Board/2018 Vermont Plumbing Rules), which provides rules regarding the use and practice of plumbing.

During its review, LCAR noted the use of the phrase "foreign state or municipality" in § 8(E) of the rule. Subsection 8(E) is in regard to a plumbing license applicant being exempted from the standard plumbing examination if the applicant already has a plumbing license from a "foreign state or municipality" that 1) has licensure qualifications equivalent to those of Vermont; and 2) reciprocally grants Vermont licensees such an exemption.

Subsection 8(E) of the rule is based on the plumbing statute [26 V.S.A. § 2194\(a\)\(2\)](#), which provides the same examination exemption for applicants already licensed in such a "foreign state or municipality."

Neither the statute nor the rule define "foreign state or municipality." It is LCAR's understanding that "foreign state or municipality" means a state within the United States that is not Vermont, or a municipality of such a state.

However, pursuant to [3 V.S.A. § 817\(e\)](#), LCAR requests that your committees consider whether 26 V.S.A. § 2194(a)(2) should be clarified to define this term in

accordance with its currently-understood meaning or whether instead, the statute should be amended to provide this examination exemption to plumbing license applicants who are already licensed in a jurisdiction outside the United States, if that jurisdiction has licensure qualifications equivalent to those of Vermont and would be willing to grant Vermont licensees such an exemption.

For reference, multiple professions currently allow licensure without examination—often called “licensure by endorsement”—if an applicant already has a Canadian license to practice from a Canadian jurisdiction that has license qualifications equivalent or substantially equivalent to Vermont.<sup>1</sup> Moreover, at least several other professions allow licensure by endorsement for applicants similarly licensed in any other territory or country.<sup>2</sup>

Thank you for your consideration of this issue. If you need additional information, please contact BetsyAnn Wrask in the Office of Legislative Council.

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<sup>1</sup> See e.g. chiropractors in [26 V.S.A. § 533](#); dentists in [26 V.S.A. § 602](#); veterinarians in [26 V.S.A. § 2424](#); land surveyors in [26 V.S.A. § 2592a](#) (Vermont-specific exam still required); and social workers in [26 V.S.A. § 3209](#).

<sup>2</sup> See landscape architects in [26 V.S.A. § 2624\(a\)\(1\)](#) (Vermont-specific exam still required); opticians in [26 V.S.A. § 2675](#); and respiratory therapists in [26 V.S.A. § 4709](#).