

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate  
3 Bill No. 220 entitled “An act relating to professional regulation” respectfully  
4 reports that it has considered the same and recommends that the House propose  
5 to the Senate that the bill be amended as follows:

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

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

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

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

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

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

20 ~~(2)(A) The Office may inquire directly of the Vermont Crime~~

21 ~~Information Center, the Federal Bureau of Investigation, the National Crime~~

1 ~~Information Center, or other holders of official criminal record information,~~  
2 ~~and may arrange for such inquiries to be made by a commercial service.~~

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

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

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

1        Third: In Sec. 12 (clinical pharmacy prescribing; protocol implementation;  
2 target dates; rulemaking), in subsection (b) (Board of Pharmacy rulemaking  
3 deadlines), following “On or before” by striking out “January 1, 2021” and  
4 inserting in lieu thereof “July 1, 2021”

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

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

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

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

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

1       Sec. 38. EFFECTIVE DATES; APPLICATION

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

3               (1) this section shall take effect on passage;

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

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

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16              (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

FOR THE COMMITTEE