

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House
3 Bill No. 104 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 as follows:

6 First: In Sec. 2, 3 V.S.A. § 122 (Office of Professional Regulation), in
7 subdivision (17), following “~~Board of Radiologic Technology~~”, by striking out
8 “Technologists” and inserting in lieu thereof “Technology”

9 Second: In Sec. 4, 3 V.S.A. § 129a (unprofessional conduct), in
10 subdivision (26), following “Sexually harassing or exploiting a patient, client,
11 or consumer”, by inserting “, or doing so to a coworker in a manner that
12 impacts professional services”

13 Third: By adding a new section to be Sec. 4a to read:

14 Sec. 4a. 3 V.S.A. § 129b is amended to read:

15 § 129b. BOARD MEMBER AND ADVISOR APPOINTMENTS

16 * * *

17 (g) For advisor professions, ~~advisors~~:

18 (1) Advisors shall be appointed by the Secretary of State and shall serve
19 at the pleasure of the Secretary of State. Advisor appointments shall be subject
20 to the same conditions as those for board members under this section.

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 (2) The Office shall warn and conduct an open meeting including
2 advisors, program staff, and interested members of the public:

3 (A) at least once per year for each profession with 500 or fewer
4 active licensees; and

5 (B) at least twice per year for each profession with more than 500
6 active licensees.

7 **Fourth:** By adding a new section to be Sec. 5a to read:

8 Sec. 5a. PROFESSIONAL REGULATION; ANALYSIS OF STATE
9 REGULATORY STRUCTURES

10 (a) Findings.

11 (1) The General Assembly finds that multiple State agencies regulate a
12 variety of professions and occupations, resulting in professional regulatory
13 structures that vary throughout the State.

14 (2) The General Assembly further finds that the State should review
15 whether transferring the regulation of certain professions and occupations to a
16 different State agency would enhance the effectiveness of those professional
17 regulatory structures, including by improving public protection and customer
18 service, reducing unnecessary barriers to licensure, and increasing efficiencies
19 in the staffing, information technology, and other necessary costs associated
20 with professional regulation.

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 (b) Office of Professional Regulation and other specified agencies; analysis
2 and report.

3 (1) The Office of Professional Regulation and the Agency of Education,
4 the Agency of Human Services, the Agency of Natural Resources, the
5 Department of Public Safety, and the Department of Health shall collaborate in
6 analyzing the professions and occupations that each of those agencies regulate
7 in order to determine whether the effectiveness of those professional regulatory
8 structures, including the elements of effectiveness described in subdivision
9 (a)(2) of this section, would be enhanced by transferring an agency's
10 professional regulation to a different agency.

11 (2) In conducting their analysis, the agencies shall consider the
12 professional regulation reports and other information gathered as a result of
13 2016, Acts and Resolves No. 156, Secs. 20 and 21.

14 (3) The Office of Professional Regulation, as the State agency primarily
15 focused on professional licensing administration and enforcement, shall lead
16 this collaboration among all the agencies named in subdivision (1) of this
17 subsection, but is encouraged to seek any available grants from outside
18 resources that may enable the agencies to contract with an independent entity
19 to conduct this analysis.

20 (4) On or before January 15, 2020, the independent entity or, if a
21 contract with such an entity was not executed, the Office of Professional

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 Regulation shall report to the House and Senate Committees on Government
2 Operations with its findings and any recommendations for legislative action.

3 **Fifth:** By adding a new section to be Sec. 10a to read:

4 Sec. 10a. OFFICE OF PROFESSIONAL REGULATION; EVALUATION
5 OF PHARMACIST PRESCRIBING AUTHORITY

6 (a) The Office of Professional Regulation shall evaluate the costs and
7 benefits of incorporating prescribing authority into the scope of practice of
8 licensed pharmacists. This evaluation shall be conducted in consultation with
9 relevant stakeholders and shall include consideration of:

10 (1) approaches to clinical pharmacy in jurisdictions outside Vermont;

11 (2) potential impacts on patient safety and on primary and preventive
12 care delivered by other health care professionals;

13 (3) effects on patient access to care; and

14 (4) the appropriate extent, if any, of the prescribing authority.

15 (b) On or before January 15, 2020, the Office shall report its findings and
16 any recommendations for legislative action to the House and Senate

17 Committees on Government Operations, the House Committee on Health Care,
18 and the Senate Committee on Health and Welfare.

19 **Sixth:** In Sec. 13, 26 V.S.A. chapter 47 (opticians), in § 2672
20 (qualifications), in subdivision (1)(C), following “, including at least one year”,
21 by striking out “or” and inserting in lieu thereof “of”

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 Seventh: In Sec. 14, 26 V.S.A. chapter 51 (radiology), in § 2801
2 (definitions), in subdivision (6) (“licensed practitioner”), following “practice
3 medicine, osteopathy,” by striking out “nursing,” and inserting in lieu thereof
4 “advanced practice registered nursing,”

5 Eighth: In Sec. 19, 26 V.S.A. chapter 75 (acupuncturists), by striking out in
6 its entirety § 3401a (scope of practice) and inserting in lieu thereof the
7 following:

8 § 3401a. SCOPE OF PRACTICE

9 A licensed acupuncturist:

10 (1) May, in addition to the practice of acupuncture employing fine
11 needles, in a manner consistent with acupuncture theory, employ electrical,
12 magnetic, thermal, and mechanical skin stimulation techniques; non-laboratory
13 diagnostic techniques; nutritional, herbal, and manual therapies; exercise and
14 lifestyle counseling; acupressure; and massage.

15 (2) Shall not offer diagnosis of any human pathology except for a
16 functional diagnosis, based upon the physical complaint of a patient or
17 acupuncture theory, for purposes of developing and managing a plan of
18 acupuncture care, or as necessary to document to insurers and other payers the
19 reason a patient sought care.

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 Ninth: By striking out in its entirety Sec. 20, 26 V.S.A. chapter 81
2 (naturopathic physicians) and its accompanying reader assistance heading and
3 inserting in lieu thereof:

4 [Deleted.]

5

6

7

8 (Committee vote: _____)

9

10

11

Representative _____

FOR THE COMMITTEE