TO THE HOUSE OF REPRESENTATIVES:

The Committee on Government Operations to which was referred House Bill No. 104 entitled “An act relating to professions and occupations regulated by the Office of Professional Regulation” respectfully reports that it has considered the same and recommends that the bill be amended as follows:

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

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

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

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

§ 129b. BOARD MEMBER AND ADVISOR APPOINTMENTS

* * *

(g) For advisor professions, advisors:

(1) Advisors shall be appointed by the Secretary of State and shall serve at the pleasure of the Secretary of State. Advisor appointments shall be subject to the same conditions as those for board members under this section.
(2) The Office shall warn and conduct an open meeting including
advisors, program staff, and interested members of the public:

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

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

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

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

(a) Findings.

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

(2) The General Assembly further finds that the State should review
whether transferring the regulation of certain professions and occupations to a
different State agency would enhance the effectiveness of those professional
regulatory structures, including by improving public protection and customer
service, reducing unnecessary barriers to licensure, and increasing efficiencies
in the staffing, information technology, and other necessary costs associated
with professional regulation.
(b) Office of Professional Regulation and other specified agencies; analysis
and report.

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

(2) In conducting their analysis, the agencies shall consider the
professional regulation reports and other information gathered as a result of

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

(4) On or before January 15, 2020, the independent entity or, if a
contract with such an entity was not executed, the Office of Professional
Regulation shall report to the House and Senate Committees on Government Operations with its findings and any recommendations for legislative action.

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

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

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

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

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

(3) effects on patient access to care; and

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

(b) On or before January 15, 2020, the Office shall report its findings and any recommendations for legislative action to the House and Senate Committees on Government Operations, the House Committee on Health Care, and the Senate Committee on Health and Welfare.

Sixth: In Sec. 13, 26 V.S.A. chapter 47 (opticians), in § 2672 (qualifications), in subdivision (1)(C), following “, including at least one year”, by striking out “or” and inserting in lieu thereof “of”
Seventh: In Sec. 14, 26 V.S.A. chapter 51 (radiology), in § 2801 (definitions), in subdivision (6) (“licensed practitioner”), following “practice medicine, osteopathy,” by striking out “nursing,” and inserting in lieu thereof “advanced practice registered nursing.”

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

§ 3401a. SCOPE OF PRACTICE

A licensed acupuncturist:

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

(2) Shall not offer diagnosis of any human pathology except for a functional diagnosis, based upon the physical complaint of a patient or acupuncture theory, for purposes of developing and managing a plan of acupuncture care, or as necessary to document to insurers and other payers the reason a patient sought care.
Ninth: By striking out in its entirety Sec. 20, 26 V.S.A. chapter 81

(naturopathic physicians) and its accompanying reader assistance heading and

inserting in lieu thereof:

[Deleted.]