

**Summary of H.104 (OPR Bill), As Passed by House**

General Summary

The OPR Bill is an annual bill addressing the professions and occupations regulated by the Secretary of State's Office of Professional Regulation (OPR). The bill recommends amendments to Title 3, which governs OPR, as well as amendments to Title 26, which governs the individual professions regulated by OPR. Aside from recommending substantive changes to specific professions, the bill would eliminate T.26 language that duplicates T.3 provisions and provides other technical clean-up.

This summary highlights the main provisions of the bill.

Section-by-Section Summary

\* \* \* Office of Professional Regulation \* \* \*

Sec. 1 amends definitions relating to OPR, specifically amending "License" to include commissions (used by notaries public) and other official authorizations to undertake a regulated activity.

Sec. 2 adds notaries to the list of professions OPR regulates pursuant to [2018, Act 160](#). It also names radiologic technology and real estate appraisers—rather than those professions' boards—since this bill would convert those two professions from a board to an advisor model.

Sec. 3 increases permitted penalties for unauthorized practice.

Sec. 4 adds a new unprofessional conduct standard that applies to all OPR professions re: sexual harassment, exploitation, professional boundaries, and expectations of privacy, and increases the permitted administrative penalties for any unprofessional conduct.

Sec. 5 requires OPR to hold one or two public meetings each year for advisor professions, depending on the size of the profession.

- Pursuant to [3 V.S.A. § 129b\(c\) and \(d\)](#), board professions are already required to meet annually, at the call of the chair, and upon the request of two board members.

Sec. 6 permits the Director of OPR to allow a lapsed licensee to renew his/her license under requirements less burdensome than completing all education that would have been required during active licensure. (Statute currently only allows less burdensome requirements as set forth in rule.)

Sec. 7 requires OPR, AoE, AHS, ANR, DPS, and DoH to collaborate in analyzing the professions they regulate to determine whether their professional regulation should be transferred to different agency.

- Those agencies would need to consider the professional regulation reports and other info gathered as a result of [2016, Act No. 156](#) (2016 OPR Bill), Secs. 20 and 21 (professional regulation reports).
- OPR would lead this collaboration, but is encouraged to seek available grants from outside resources to enable these agencies to contract with an independent entity to conduct this analysis.
- By 1/15/20, the contracted independent entity (or OPR, if no contract was executed), shall report to committees of jurisdiction with findings and any recommendations for legislative action.

Sec. 8 creates a Licensing Administrator position within OPR, from OPR's Regulatory Fee Fund.

\* \* \* Accountants \* \* \*

Sec. 9 addresses **Accountants**. It eliminates foreign firm registration for temporary practice and requires accountants and firms to have a plan in place for handling client records in case of unexpected incapacity or firm dissolution.

## \* \* \* Dental Hygienists \* \* \*

Sec. 10 addresses **Dental Hygienists**. It allows the Board of Dental Examiners to set guidelines for “public-health hygienists,” who are hygienists that practice in out-of-office settings.

## \* \* \* Nursing \* \* \*

Sec. 11 addresses **Nursing**. It eliminates reference to the Board adopting rules re: standard LNAs, since there was a transfer of LNA education back to DAIL.

- § 1613 eliminates reference to APRN practice guidelines as a technical correction, since the requirement to have practice guidelines was eliminated in the [2018 OPR Bill](#) (pg. 45).

## \* \* \* Optometrists \* \* \*

Sec. 12 addresses **Optometrists**. It adds glaucoma treatment as part of the standard scope of practice, rather than requiring a special endorsement, and cleans up the optometry chapter, including by moving language to more appropriate locations within the chapter in accordance with the glaucoma-related changes.

- § 1708 requires the Board to adopt rules re: standards for continuing education.

Sec. 13 requires OPR to conduct a study—in consultation with stakeholders—to evaluate whether optometrists’ scope of practice should be enlarged to include advanced procedures.

- By 1/15/20, OPR shall reports its findings and any recommendations for legislative action to committees of jurisdiction.

## \* \* \* Pharmacy \* \* \*

Sec. 14 addresses **Pharmacy**.

- § 2022 includes reference to virtual manufacturing and distribution in the chapter’s definitions.
- § 2031 adds a pharmacy technician to the Board.
- § 2032 allows the Board to inspect regulated entities or commercial locations where drugs are manufactured or kept. It also eliminates the requirement for the Board to develop criteria for Rx pads (since this is under DEA control).
- § 2042b loosens pharm tech restrictions, since pharmacists have to perform actual pharmacy tasks.

- Subch. 6 adds reference to wholesale manufacturers needing to be licensed, in addition to current law's reference to licensed wholesale distributors.

Sec. 15 requires OPR, in consultation with relevant stakeholders, to evaluate whether pharmacists should have prescribing authority, with a report back to committees of jurisdiction by 1/15/20.

\* \* \* Real Estate Brokers and Salespersons \* \* \*

Sec. 16 addresses **Real Estate Brokers and Salespersons**. It eliminates an initial post-licensure continuing education requirement.

\* \* \* Opticians \* \* \*

Sec. 17 addresses **Opticians**. In § 2672, it adds a new apprenticeship pathway to licensure via a national program.

\* \* \* Radiology \* \* \*

Sec. 18 addresses **Radiology**. It converts this profession from a board model to an advisor model. The number and qualifications of advisor appointees would match those of the current Board members.

Sec. 19 provides that the Board's rules become the Director's rules.

\* \* \* Alcohol and Drug Abuse Counselors \* \* \*

Sec. 20 addresses **Alcohol and Drug Abuse Counselors**. It adds "process disorders" to their scope of practice.

\* \* \* Real Estate Appraisers \* \* \*

Sec. 21 addresses **Real Estate Appraisers**. It converts this profession from a board model to an advisor model. The number and qualifications of advisor appointees would match those of the current Board members.

Sec. 22 provides that the Board's rules become the Director's rules.

\* \* \* Acupuncture \* \* \*

Sec. 23 addresses **Acupuncture**. It amends the definition of the practice; specifies the scope of practice; amends the license eligibility requirements; and permits the unlicensed practice of auriculotherapy if certain conditions are met (and therefore repeals the specialized certification for acupuncture detoxification in § 3412).

\* \* \* Athletic Trainers \* \* \*

Sec. 24 addresses **Athletic Trainers**. It eliminates the restrictions on the settings where they may practice.

\* \* \* Applied Behavior Analysts \* \* \*

Sec. 25 addresses **Applied Behavior Analysts**. It provides technical cleanup.

\* \* \* Effective Date \* \* \*

Sec. 26 provides a July 1, 2019 effective date for all provisions.