

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House  
3 Bill No. 438 entitled “An act relating to the Board of Medical Practice and the  
4 licensure of physicians and podiatrists” respectfully reports that it has  
5 considered the same and recommends that the Senate propose to the House that  
6 the bill be amended by striking out all after the enacting clause and inserting in  
7 lieu thereof the following:

8 \* \* \* Board of Medical Practice and Physician Licensure \* \* \*

9 Sec. 1. 26 V.S.A. chapter 23 is amended to read:

10 CHAPTER 23. MEDICINE

11 Subchapter 1. General Provisions

12 § 1311. DEFINITIONS

13 ~~For the purposes of~~ As used in this chapter:

14 (1) “Practice of medicine” means:

15 (A) using the designation “Doctor,” “Doctor of Medicine,”  
16 “Physician,” “Dr.,” “M.D.,” or any combination thereof in the conduct of any  
17 occupation or profession pertaining to the prevention, diagnosis, or treatment  
18 of human disease or condition unless the designation additionally contains the  
19 description of another branch of the healing arts for which one holds a valid  
20 license in Vermont;

1           (B) advertising, holding out to the public, or representing in any  
2 manner that one is authorized to practice medicine in the jurisdiction;

3           (C) offering or undertaking to prescribe, order, give, or administer  
4 any drug or medicine for the use of any other person;

5           (D) offering or undertaking to prevent, diagnose, correct, or treat in  
6 any manner or by any means, methods, or devices any disease, illness, pain,  
7 wound, fracture, infirmity, defect, or abnormal physical or mental condition of  
8 any person, including the management of all aspects of pregnancy, labor and  
9 delivery, and ~~parturition~~ postpartum care;

10           (E) offering or undertaking to perform any surgical operation upon  
11 any person;

12           (F) rendering a written or otherwise documented medical opinion  
13 concerning the diagnosis or treatment of a patient or the actual rendering of  
14 treatment to a patient within the State by a physician located outside the State  
15 as a result of the transmission of individual patient data by electronic or other  
16 means from within the State to the physician or his or her agent; or

17           (G) rendering a determination of medical necessity or a decision  
18 affecting the diagnosis or treatment of a patient.

19           (2) “Board” means the ~~State~~ Board of Medical Practice established  
20 under section 1351 of this title.



1 duty status, or to any person giving aid, assistance, or relief in emergency or  
2 accident cases, pending the arrival of a regularly licensed physician;

3 (3) a A nonresident physician coming into this State to consult or using  
4 telecommunications to consult with a duly licensed practitioner herein;

5 (4) a A duly licensed physician in another state, in Canada, or in another  
6 nation as approved by the Board, who is visiting a medical school or a teaching  
7 hospital in this State to receive or conduct medical instruction for a period not  
8 to exceed three months, provided the practice is limited to that instruction and  
9 is under the supervision of a physician licensed by the Board;

10 (5) a A physician who is duly licensed and in good standing in another  
11 state, territory, or jurisdiction of the United States or in Canada if the physician  
12 is employed as or formally designated as the team physician by an athletic  
13 team visiting Vermont for a specific sporting event and the physician limits the  
14 practice of medicine in this State to medical treatment of the members,  
15 coaches, and staff of the sports team employing or designating the physician.

16 (6) A student who is enrolled in an accredited educational program that  
17 leads to the issuance of a degree that would satisfy the educational requirement  
18 for a profession licensed or certified by the Board, who is engaged in an  
19 organized clinical training program, and who engages in acts constituting the  
20 practice of medicine while under the supervision of a Vermont-licensed or  
21 Vermont-certified health care professional who is qualified to supervise any

1 acts by the student that constitute the practice of medicine. This exemption  
2 does not apply to postgraduate trainees who are required to obtain a training  
3 license.

4 \* \* \*

5 § 1317. UNPROFESSIONAL CONDUCT TO BE REPORTED TO BOARD

6 (a) Required reporters. Any hospital, clinic, community mental health  
7 center, or other health care institution in which a licensee performs  
8 professional services shall report to the Board, along with supporting  
9 information and evidence, any reportable disciplinary action taken by it or its  
10 staff ~~that significantly limits the licensee's privilege to practice or leads to~~  
11 ~~suspension or expulsion from the institution, a nonrenewal of medical staff~~  
12 ~~membership, or the restrictions of privileges at a hospital taken in lieu of, or in~~  
13 ~~settlement of, a pending disciplinary case related to unprofessional conduct as~~  
14 ~~defined in sections 1354 and 1398 of this title. The Commissioner of Health~~  
15 ~~shall forward any such information or evidence he or she receives immediately~~  
16 ~~to the Board. The report shall be made within 10 days of the date such~~  
17 ~~disciplinary action was taken, and, in the case of disciplinary action taken~~  
18 ~~against a licensee based on the provision of mental health services, a copy of~~  
19 ~~the report shall also be sent to the Commissioner of Mental Health and the~~  
20 ~~Commissioner of Disabilities, Aging, and Independent Living. This section~~

1 ~~shall not apply to cases of resignation or separation from service for reasons~~  
2 ~~unrelated to disciplinary action.~~

3 (b) ~~Within 30 days of any judgment or settlements involving a claim of~~  
4 ~~professional negligence by a licensee, any insurer of the licensee shall report~~  
5 ~~the information to the Commissioner of Health and, to the extent the claim~~  
6 ~~relates to the provision of mental health services, to the Commissioner of~~  
7 ~~Mental Health.~~

8 Definition of reportable disciplinary action. A reportable disciplinary  
9 action is an action based on one or more of the following:

10 (1) Acts or omissions of a licensee that relate to the licensee’s fitness or  
11 competence to practice medicine under the license held.

12 (2) Acts or omissions of the licensee that constitute a violation of a law  
13 or rule that relates in any way to the practice of medicine.

14 (3) Acts or omissions of the licensee that occur in the course of practice  
15 and result in one or more of the following:

16 (A) Resignation, leave of absence, termination, or nonrenewal of an  
17 employment relationship or contract. This includes a licensee’s own initiation  
18 of such action following notification to the licensee by the reporter that the  
19 reporter or an affiliated entity is conducting an investigation or inquiry  
20 regarding an event that, assuming the accuracy of the information or allegation,  
21 is likely to result in reportable disciplinary action. The reporter or affiliated

1 entity shall complete the investigation or inquiry even if the licensee initiates a  
2 resignation, leave of absence, termination, or nonrenewal, and shall make a  
3 report to the Board if the investigation results in a finding of a reportable  
4 disciplinary action. Resignations and leaves of absence that are entirely  
5 voluntary by the licensee, and terminations and nonrenewals of employment or  
6 contract by a required reporter that are not related to acts or omissions of the  
7 licensee, are not reportable disciplinary actions.

8 (B) Revocation, suspension, restriction, relinquishment, or  
9 nonrenewal of a right or privilege. This includes a licensee’s own initiation of  
10 such action following notification to the licensee by the reporter that the  
11 reporter or an affiliated entity is conducting an investigation or inquiry  
12 regarding an event that, assuming the accuracy of the information or allegation,  
13 is likely to result in reportable disciplinary action. The reporter or affiliated  
14 entity shall complete the investigation or inquiry even if the licensee initiates a  
15 resignation, leave of absence, termination, or nonrenewal, and shall make a  
16 report to the Board if the investigation results in a finding of a reportable  
17 disciplinary action. Relinquishments of privileges that are entirely voluntary  
18 by the licensee, and revocations, nonrenewals, or other limitations on  
19 privileges by a required reporter that are not related to acts or omissions of the  
20 licensee, are not reportable disciplinary actions.

1           (C) Written discipline that constitutes a censure, reprimand, or  
2           admonition, if it is the second or subsequent censure, reprimand, or admonition  
3           within a 12-month period for the same or related acts or omissions that  
4           previously resulted in written censure, reprimand, or admonition. The same or  
5           related acts or omissions includes similar behavior or behavior involving the  
6           same parties, or both. Oral censure, oral reprimand, and oral admonition are  
7           not considered reportable disciplinary actions, and notation of an oral censure,  
8           oral reprimand, or oral admonition in a personnel or supervisor’s file does not  
9           transform the action from oral to written.

10           (D) Fine or any other form of monetary penalty imposed as a form of  
11           discipline.

12           (E) Required education, remedial counseling, or monitoring that is  
13           imposed as a result of a completed, contested disciplinary process. This  
14           includes recommendation or referral for services from the Vermont  
15           Practitioner Recovery Network established pursuant to section 1401a of this  
16           chapter, or from an employer wellness program or similar program, as a result  
17           of a completed, contested disciplinary process.

18           (c) Timing of reports. A required report of reportable disciplinary action  
19           under subsection (b) of this section shall be made within 30 days following the  
20           date on which the disciplinary action was taken or upon completion of an  
21           investigation or inquiry pursuant to subdivision (b)(3)(A) or (B) of this section.







1 shall constitute a quorum for the transaction of business. The affirmative vote  
2 of the majority of the members present and voting shall be required to carry  
3 any motion or resolution, to adopt any rule, to pass any measure, or to  
4 authorize any decision or order of the Board.

5 \* \* \*

6 § 1353. POWERS AND DUTIES OF THE BOARD

7 The Board shall have the following powers and duties to:

8 (1) License and certify health professionals pursuant to this title.

9 (2) Investigate all complaints and charges of unprofessional conduct  
10 against any holder of a license or certificate, or any medical practitioner  
11 practicing pursuant to section 1313 of this title, and to hold hearings to  
12 determine whether such charges are substantiated or unsubstantiated. The  
13 Board may employ or contract with one or more hearing officers to schedule,  
14 oversee prehearing processes, preside over hearings, and assist with the  
15 preparation of reports and decisions.

16 (3) Issue subpoenas and administer oaths in connection with any  
17 investigations, hearings, or disciplinary proceedings held under this chapter.

18 Any individual or entity served with a subpoena issued by the Board shall  
19 comply notwithstanding the patient's privilege established in 12 V.S.A.

20 § 1612.



1           (A) Inquire into the criminal history backgrounds of applicants for  
2           licensure and for biennial license renewal for all professionals licensed or  
3           certified by the Board. In obtaining these background checks, the Board may  
4           inquire directly of the Vermont Crime Information Center, the Federal Bureau  
5           of Investigation, the National Crime Information Center, or other holders of  
6           official criminal record information, and may arrange for these inquiries to be  
7           made by a commercial service.

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

16           (C) An applicant or licensee shall bear any cost of obtaining a  
17           required criminal history background check.

18           (D) The Board shall comply with all laws regulating the release of  
19           criminal history records and the protection of individual privacy.

20           (E) No person shall confirm the existence or nonexistence of criminal  
21           history record information to any person who would not be eligible to receive

1 the information pursuant to this chapter. As used in this subdivision, “criminal  
2 history record” ~~is as defined~~ has the same meaning as in 20 V.S.A. § 2056a.

3 \* \* \*

4 § 1354. UNPROFESSIONAL CONDUCT

5 (a) The Board shall find that any one of the following, or any combination  
6 of the following, whether the conduct at issue was committed within or outside  
7 the State, constitutes unprofessional conduct:

8 \* \* \*

9 (23) revocation of a license to practice medicine or surgery ~~in~~, or other  
10 disciplinary sanction, by another jurisdiction on one or more of the grounds  
11 specified in this section;

12 \* \* \*

13 (27) failure to comply with provisions of federal ~~or State~~ statutes or  
14 regulations, or the statutes or rules of this or any other state, governing the  
15 practice of medicine or surgery;

16 \* \* \*

17 § 1355. ~~COMPLAINTS; HEARING COMMITTEE~~

18 ~~(a) Any person, firm, corporation, or public officer may submit a written~~  
19 ~~complaint to the Board alleging any person practicing medicine in the State~~  
20 ~~committed unprofessional conduct, specifying the grounds therefor. The~~  
21 ~~Board shall initiate an investigation of the physician when a complaint is~~

1 ~~received or may act on its own initiative without having received a complaint.~~

2 ~~The Chair shall designate four members, including one public member, to~~

3 ~~serve as a committee to hear or investigate and report upon such charges.~~

4 ~~(b) The Chair may designate a hearing committee constituting less than a~~  
5 ~~quorum of the Board, to conduct hearings that would otherwise be heard by the~~

6 ~~Board. A hearing committee shall consist of at least one physician member of~~

7 ~~the Board and one public member of the Board. No member of the hearing~~

8 ~~committee shall have been a member of the investigative committee that~~

9 ~~reviewed the matter at the investigative stage. When the Board is unable to~~

10 ~~assign one or more members to investigate a complaint or serve on a hearing~~

11 ~~committee by reason of disqualification, resignation, vacancy, or necessary~~

12 ~~absence, the Commissioner may, at the request of the Board, appoint ad hoc~~

13 ~~members to serve on the investigation or the hearing for that matter only.~~

14 ~~When a hearing is conducted by a hearing committee, the committee shall~~

15 ~~report its findings and conclusions to the Board, within 60 days of the~~

16 ~~conclusion of the hearing unless the Board grants an extension. The Board~~

17 ~~may take additional evidence and may accept, reject, or modify the findings~~

18 ~~and conclusions of the Committee. Judgment on the findings shall be rendered~~

19 ~~by the Board. Nothing herein is intended to limit the discretion of the Board to~~

20 ~~determine whether a matter will proceed to hearing before a hearing committee~~

21 ~~under this subsection or by a quorum of the Board.~~

1       ~~(c) A person or organization shall not be liable in a civil action for damages~~  
2       ~~resulting from the good faith reporting of information to the Board about~~  
3       ~~alleged incompetent, unprofessional, or unlawful conduct of a licensee.~~

4       ~~(d) The hearing committee may close portions of hearings to the public if~~  
5       ~~the hearing committee deems it appropriate in order to protect the~~  
6       ~~confidentiality of an individual or for medical and other protected health~~  
7       ~~information pertaining to any identifiable person that is otherwise confidential~~  
8       ~~by State or federal law.~~

9       ~~(e) In any proceeding under this section that addresses an applicant's or~~  
10       ~~licensee's alleged sexual misconduct, evidence of the sexual history of the~~  
11       ~~victim of the alleged sexual misconduct shall neither be subject to discovery~~  
12       ~~nor be admitted into evidence. Neither opinion evidence nor evidence of the~~  
13       ~~reputation of the victim's sexual conduct shall be admitted. At the request of~~  
14       ~~the victim, the hearing committee may close portions of hearings to the public~~  
15       ~~if the Board deems it appropriate in order to protect the identity of the victim~~  
16       ~~and the confidentiality of his or her medical records. [Repealed.]~~

17       § 1356. SPECIFICATION OF CHARGES

18       ~~If the Board or committee determines that a hearing is warranted, the~~  
19       ~~Secretary shall prepare a specification of the charge or charges of~~  
20       ~~unprofessional conduct made against a medical practitioner, a copy of which~~



1 shall be served upon the person complained against, together with a notice of  
2 the hearing, as provided in section 1357 of this title. [Repealed.]

3 § 1357. ~~TIME AND NOTICE OF HEARING~~

4 The time of hearing shall be fixed by the Secretary as soon as convenient,  
5 but not earlier than 30 days after service of the charge upon the person  
6 complained against. The Secretary shall issue a notice of hearing of the  
7 charges, which notice shall specify the time and place of hearing and shall  
8 notify the person complained against that he or she may file with the Secretary  
9 a written response within 20 days of the date of service. The notice shall also  
10 notify the person complained against that a stenographic record of the  
11 proceeding will be kept, that he or she will have the opportunity to appear  
12 personally and to have counsel present, with the right to produce witnesses and  
13 evidence in his or her own behalf, to cross-examine witnesses testifying  
14 against him or her and to examine such documentary evidence as may be  
15 produced against him or her. [Repealed.]

16 § 1358. ~~SUBPOENAS; CONTEMPT~~

17 Subpoenas may be issued by the Board to compel the attendance of  
18 witnesses at any investigation or hearing. The Board shall issue subpoenas at  
19 the request and on the behalf of the person complained against. [Repealed.]

1       § 1359. ~~REPORT OF HEARING~~

2           ~~Within 30 days after holding a hearing under the provisions of section 1357~~  
3       ~~of this title, the committee shall make a written report of its findings of fact~~  
4       ~~and its recommendations, and the same shall be forthwith transmitted to the~~  
5       ~~Secretary, with a transcript of the evidence. [Repealed.]~~

6       § 1360. ~~HEARING BEFORE BOARD~~

7           ~~(a) If the Board deems it necessary, the Board may, after further notice to~~  
8       ~~the person complained against, take testimony at a hearing before the Board,~~  
9       ~~conducted as provided for hearings before the hearing committee. In any~~  
10       ~~event, whether the Board makes its determination on the findings of the~~  
11       ~~hearing committee, on the findings of the committee as supplemented by a~~  
12       ~~second hearing before the Board, or on its own findings, the Board shall~~  
13       ~~determine the charge or charges upon the merits on the basis of the evidence in~~  
14       ~~the record before it. Five members of the Board, including at least one public~~  
15       ~~member, shall constitute a quorum for purposes of this section.~~

16           ~~(b) Members of the committee designated under section 1355 of this title to~~  
17       ~~investigate the complaint shall not sit with the Board when it conducts hearings~~  
18       ~~under this section.~~

19           ~~(c) In any proceeding under this section that addresses an applicant's or~~  
20       ~~licensee's alleged sexual misconduct, evidence of the sexual history of the~~  
21       ~~victim of the alleged sexual misconduct shall neither be subject to discovery~~

1 ~~nor be admitted into evidence. Neither opinion evidence of nor evidence of the~~  
2 ~~reputation of the victim's sexual conduct shall be admitted. At the request of~~  
3 ~~the victim, the hearing committee may close portions of hearings to the public~~  
4 ~~if the Board deems it appropriate to close portions of the hearing in order to~~  
5 ~~protect the identity of the victim and the confidentiality of his or her medical~~  
6 ~~records.~~

7 ~~(d) The Board may close portions of hearings to the public if the Board~~  
8 ~~deems it appropriate in order to protect the confidentiality of an individual or~~  
9 ~~for medical and other protected health information pertaining to any~~  
10 ~~identifiable person that is otherwise confidential by State or federal law.~~

11 ~~[Repealed.]~~

12 ~~§ 1361. DECISION AND ORDER~~

13 ~~(a) If a majority of the members of the Board vote in favor of finding the~~  
14 ~~person complained against guilty of unprofessional conduct as specified in the~~  
15 ~~charges, or any of them, the Board shall prepare written findings of fact,~~  
16 ~~conclusions, and order, a copy of which shall be served upon the person~~  
17 ~~complained against.~~

18 ~~(b) In such order, the Board may reprimand the person complained against,~~  
19 ~~as it deems appropriate; condition, limit, suspend, or revoke the license,~~  
20 ~~certificate, or practice of the person complained against; or take such other~~  
21 ~~action relating to discipline or practice as the Board determines is proper,~~

1 including imposing an administrative penalty not to exceed \$1,000.00 for each  
2 act that constitutes an unprofessional conduct violation. Any money received  
3 from the imposition of an administrative penalty imposed under this subsection  
4 shall be deposited into the Board of Medical Practice Regulatory Fee Fund for  
5 the purpose of providing education and training for Board members and  
6 licensees. The Commissioner shall detail in the annual report receipts and  
7 expenses from money received under this subsection.

8 (c) If the person complained against is found not guilty, or the proceedings  
9 against him or her are dismissed, the Board shall forthwith order a dismissal of  
10 the charges and the exoneration of the person complained against.

11 (d) Any order issued under this section shall be in full force and effect until  
12 further order of the Board or a court of competent jurisdiction. [Repealed.]

13 \* \* \*

14 § 1365. NOTICE OF CONVICTION OF CRIME; INTERIM SUSPENSION  
15 OF LICENSE

16 (a) The Board shall treat a certified copy of the judgment notice of  
17 conviction of a crime for which a licensee may be disciplined under section  
18 1354 of this title as an unprofessional conduct complaint. The record A  
19 certified copy of the judgment of conviction shall be conclusive evidence of  
20 the fact that the conviction occurred. ~~If a person licensed under this chapter is~~  
21 ~~convicted of a crime by a court in this State, the clerk of the court shall within~~

1 ~~10 days of such conviction transmit a certified copy of the judgment of~~  
2 ~~conviction to the Board.~~

3 \* \* \*

4 § 1366. OUT-OF-STATE DISCIPLINE; INTERIM SUSPENSION OF  
5 LICENSE

6 (a) The Board shall treat a certified copy of an order revoking or  
7 suspending the license of a person licensed to practice medicine or surgery in  
8 another jurisdiction on grounds for which a licensee may be disciplined under  
9 subdivision 1354(a)(23) of this title as an unprofessional conduct complaint.

10 ~~The~~ A certified copy of the order of revocation or suspension shall be  
11 conclusive evidence of the fact that the revocation or suspension occurred.

12 (b) The Board shall treat ~~a certified copy as an unprofessional conduct~~  
13 complaint any notice of a statement of a licensing entity in another jurisdiction  
14 that verifies that a person licensed to practice medicine or surgery in that  
15 jurisdiction failed to renew, surrendered, or otherwise terminated his or her  
16 license during, or prior to initiation of, proceedings to revoke or suspend his or  
17 her license ~~as an unprofessional conduct complaint.~~ The A certified copy of  
18 the statement shall be conclusive evidence of the fact that such termination  
19 occurred.

20 (c) Upon receipt of the certified copy of an order or statement referred to in  
21 ~~subsections~~ subsection (a) or (b) of this section, the Board shall follow the

1 procedures for interim suspension set forth in subsection 1365(b) of this ~~title~~  
2 chapter.

3 (d) The sole issue to be determined at the disciplinary hearing on a  
4 complaint filed under subsection (a) of this section shall be the nature of the  
5 disciplinary action to be taken by the Board.

6 \* \* \*

7 § 1370. COMPLAINTS; INVESTIGATIVE COMMITTEE

8 (a)(1) Any individual, organization, or public officer may submit a written  
9 complaint to the Board alleging that any individual practicing medicine in the  
10 State committed unprofessional conduct or that an individual practiced without  
11 being licensed in violation of section 1314 of this chapter. The complaint shall  
12 specify the grounds on which the allegations of unprofessional conduct are  
13 based.

14 (2) A person or organization shall not be liable in a civil action for  
15 damages resulting from the good faith reporting of information to the Board  
16 about alleged incompetent, unprofessional, or unlawful conduct of a licensee.

17 (b)(1) The Board shall initiate an investigation of the individual  
18 complained against whenever a complaint is received. The Board may also act  
19 on its own initiative without having received a complaint.

20 (2) The Executive Director shall designate three or more members,  
21 including at least one public member, to serve as an investigative committee to

1 investigate and report to the Board its findings regarding the complaint and  
2 whether an evidentiary hearing is warranted. If there is an insufficient number  
3 of members to investigate a complaint by reason of disqualification,  
4 resignation, vacancy, or necessary absence, the Commissioner of Health may,  
5 at the request of the Board, appoint ad hoc members to serve on the  
6 investigative committee for that matter only.

7 (3) If the investigative committee determines that an evidentiary hearing  
8 is warranted, the Executive Director shall prepare a specification of the charge  
9 or charges of unprofessional conduct made against the individual licensed by  
10 the Board, a copy of which shall be served upon the subject of the charge or  
11 charges, together with the notice of hearing set forth in subsection 1372(b) of  
12 this chapter.

13 § 1371. ACCESS TO DOCUMENTS; DISCOVERY

14 (a)(1) A licensee who is notified that a specification of one or more charges  
15 of unprofessional conduct have been made against the individual in accordance  
16 with subdivision 1370(b)(3) of this chapter shall be entitled to inspect and copy  
17 all information in the possession of the Department of Health pertaining to the  
18 licensee, except:

19 (A) investigatory files that have not resulted in charges of  
20 unprofessional conduct;

21 (B) materials that constitute attorney work product; and

1           (C) any other document or information that the Board has an  
2           obligation to protect from disclosure.

3           (2) The Executive Director shall notify the licensee of the right to  
4           inspect and copy information as provided in subsection 1372(b) of this chapter.

5           (b) A licensee who is notified that a specification of one or more charges of  
6           unprofessional conduct have been made against the individual in accordance  
7           with subdivision 1370(b)(3) of this chapter shall be entitled to produce fact  
8           witnesses, expert witnesses, and evidence on the licensee’s own behalf, to  
9           cross-examine witnesses testifying against the licensee, and to engage in other  
10          methods of discovery as set forth by order of the Board or its hearing officer.

11          (c) A licensee who is notified that a specification of one or more charges of  
12          unprofessional conduct have been made against the individual in accordance  
13          with subdivision 1370(b)(3) of this chapter shall be entitled to request to  
14          depose witnesses by motion to the Board or its hearing officer. Any deposition  
15          so ordered shall be subject to:

16               (1) the provisions of section 1376 of this chapter, relating to  
17               confidentiality and the inadmissibility of certain evidence;

18               (2) limitations or conditions necessary to protect witnesses who are  
19               minors or who are adults subject to a guardianship or conservatorship; and

20               (3) such other reasonable limitations as the Board or its hearing officer  
21               may provide in the interests of justice and consistent with the provisions of



1 3 V.S.A. § 810, relating to rules of evidence and official notice in contested  
2 cases.

3 § 1372. HEARING PANEL

4 (a) Composition of hearing panel.

5 (1) The Executive Director may designate a hearing panel constituting  
6 less than a quorum of the Board to conduct hearings that would otherwise be  
7 heard by the full Board. A hearing panel shall consist of at least three  
8 members, including at least one physician member of the Board and at least  
9 one public member of the Board. No member of the hearing panel shall have  
10 been a member of the investigative committee that reviewed the matter at the  
11 investigative stage. A party may move to disqualify a member of a hearing  
12 panel due to a conflict of interest.

13 (2) If there is an insufficient number of members to serve on a hearing  
14 panel by reason of disqualification, resignation, vacancy, or necessary absence,  
15 the Commissioner of Health may, at the request of the Board, appoint ad hoc  
16 members to serve on the hearing panel for that matter only.

17 (b) Time and notice of hearing.

18 (1) The Executive Director or a hearing officer shall set a time for the  
19 evidentiary hearing as soon as convenient following the determination by the  
20 investigative committee that an evidentiary hearing is warranted, subject to the  
21 discovery needs of the parties as established in any prehearing or discovery

1 conference or in any orders regulating discovery and depositions, or both, but  
2 no earlier than 30 days after service of the charge upon the individual  
3 complained against. A party may file motions to extend the time of the hearing  
4 for good cause.

5 (2) The Executive Director shall issue a notice of the evidentiary hearing  
6 on the charges, which notice shall specify the time and place of the hearing and  
7 shall notify the individual complained against that he or she may file with the  
8 Executive Director a written response within 20 days of the date of service.  
9 The notice shall also notify the individual complained against that a record of  
10 the proceeding will be kept, that he or she will have the right to inspect and  
11 copy information as set forth in section 1371 of this chapter, and that he or she  
12 will have the opportunity to appear personally and to have counsel present,  
13 with the right to produce witnesses and evidence on his or her own behalf, to  
14 cross-examine witnesses testifying against him or her, and to examine such  
15 documentary evidence as may be produced against him or her.

16 (c) Hearing panel report. Within 60 days after holding an evidentiary  
17 hearing under this section, unless the Board grants an extension, the hearing  
18 panel shall provide a written report of its findings of fact and its  
19 recommendations to the full Board, with a transcript of the evidence.

1        § 1373. HEARING BEFORE THE BOARD

2            (a) If the Board deems it necessary, following receipt of the report of the  
3        hearing panel pursuant to section 1372 of this chapter and after further notice  
4        to the individual complained against, the Board may take additional evidence  
5        at a hearing before the Board, which shall be conducted according to the same  
6        process as provided for the hearing panel.

7            (b)(1) Five members of the Board, including at least one physician member  
8        and at least one public member, shall constitute a quorum for purposes of this  
9        section.

10           (2) Members of the investigative committee designated pursuant to  
11        section 1370 of this chapter shall not sit with the Board when it conducts  
12        hearings under this section.

13        § 1374. DECISION AND ORDER

14           (a) Regardless of whether the Board makes its determination on the  
15        findings of the hearing panel pursuant to section 1372 of this chapter alone, on  
16        the findings of the hearing panel as supplemented by a hearing before the  
17        Board pursuant to section 1373 of this chapter, or on its own findings, the  
18        Board shall render its decision on the merits of the charge or charges on the  
19        basis of the evidence in the record before it.

20           (b)(1) If a majority of the members of the Board present and voting find  
21        that the individual complained against committed unprofessional conduct as

1 specified in one or more of the charges, the Board shall prepare written  
2 findings of fact, conclusions, and an order, copies of which shall be served  
3 upon the individual complained against.

4 (2)(A) In its order, the Board may do one or more of the following:

5 (i) reprimand the individual complained against;

6 (ii) condition, limit, suspend, or revoke the license, certificate, or  
7 practice of the individual complained against; or

8 (iii) take such other action relating to discipline or practice as the  
9 Board determines appropriate, including imposing an administrative penalty of  
10 not more than \$1,000.00 for each act that constitutes an unprofessional conduct  
11 violation.

12 (B) Any monies received from the imposition of an administrative  
13 penalty imposed pursuant to this subdivision (2) shall be deposited into the  
14 Board of Medical Practice Regulatory Fee Fund for the purpose of providing  
15 education and training for Board members and licensees. The Commissioner  
16 of Health's accounting under section 1351 of this chapter shall detail the  
17 receipts of administrative penalties and the purposes for which such monies  
18 were used.

19 (c) If the Board finds the individual complained against not guilty of the  
20 charge or charges, or the charges against the individual are dismissed, the

1 Board shall promptly order a dismissal of the charges and issue a statement  
2 that the charges were not proved.

3 (d) Any order issued by the Board under this section shall be in full force  
4 and effect until further order of the Board or of a court of competent  
5 jurisdiction.

6 § 1375. SUBPOENAS; CONTEMPT

7 (a) The Board may issue subpoenas to compel the attendance of witnesses  
8 at any investigation or hearing.

9 (b) The Board shall issue subpoenas on behalf of the individual complained  
10 against at the request of such person.

11 § 1376. CONFIDENTIALITY; INADMISSIBILITY OF CERTAIN

12 EVIDENCE

13 (a) A hearing panel or the Board, or both, may close portions of a hearing  
14 or hearings to the public if the panel or Board deems it appropriate in order to  
15 protect the confidentiality of an individual or for medical and other protected  
16 health information pertaining to any identifiable person that is otherwise  
17 confidential under State or federal law.

18 (b) In any proceeding under section 1372 or 1373 of this chapter that  
19 addresses an applicant's or licensee's alleged sexual misconduct, evidence of  
20 the sexual history of a victim of the alleged sexual misconduct shall neither be  
21 subject to discovery nor be admitted into evidence. Neither opinion evidence

1 nor evidence of the reputation of a victim’s sexual conduct shall be admitted.

2 At the request of a victim, a hearing panel or the Board may close portions of  
3 hearings to the public if the panel or Board deems it appropriate in order to  
4 protect the identity of a victim and the confidentiality of his or her medical  
5 records.

6 § 1377. NONDISCIPLINARY FINANCIAL PENALTY

7 (a) For violations of statutes and Board rules of an administrative nature,  
8 the Board may, in its sole discretion, elect to offer a licensee the opportunity to  
9 pay a nondisciplinary financial penalty of not more than \$250.00 for each  
10 instance of noncompliance. If the licensee accepts the offer and submits the  
11 required payment, the matter shall be considered to be closed in lieu of  
12 investigating the failure to comply with the rule or statute as unprofessional  
13 conduct.

14 (b) A matter closed by payment of a nondisciplinary financial penalty shall  
15 not be considered to be a disciplinary action, and the matter shall remain  
16 confidential in the manner of dismissed charges in accordance with section  
17 1318 of this chapter.

18 (c) The Board shall not be required to offer the option of a nondisciplinary  
19 financial penalty in any particular case and may elect to process any matter as  
20 a disciplinary action.



- 1           (2) An applicant shall submit evidence of identity acceptable to the  
2           Board as set forth by rule and shall establish that the applicant:
- 3                   (A) is at least 18 years of age;
- 4                   (B) has completed high school, or the equivalent, and at least two  
5           years of undergraduate postsecondary school;
- 6                   (C) has graduated from a medical school accredited by an  
7           organization that is acceptable to the Board, or from a medical school that has  
8           been approved by the Board by rule, with a degree of doctor of medicine or an  
9           equivalent as may be determined by the Board; and
- 10                  (D) is of sound moral character and professional competence as  
11           evidenced by:
- 12                    (i) references submitted in accordance with rules adopted by the  
13           Board;
- 14                    (ii) a personal interview, as may be required in the discretion of  
15           the Board; and
- 16                    (iii) the applicant’s entire personal history, as established by  
17           information about the applicant’s academic, licensing examination,  
18           employment, professional credentialing, professional certification, professional  
19           regulation, civil litigation, and criminal records submitted by the applicant or  
20           otherwise obtained by the Board in the application process.



1       ~~(b) If a person successfully completes the examination, he or she may then~~  
2       ~~apply for licensure to practice medicine in the State of Vermont. In addition,~~  
3       ~~each applicant may be interviewed by a Board member~~

4       Postgraduate training requirements.

5       (1) A graduate of a U.S. or Canadian medical school accredited by a  
6       body that is acceptable to the Board shall submit evidence of the successful  
7       completion of at least two years of postgraduate training in a U.S. or Canadian  
8       program accredited by an organization that is acceptable to the Board and that  
9       meets such other requirements as the Board may establish by rule.

10       (2) A graduate of a Board-approved medical school outside the United  
11       States or Canada shall submit evidence of success of completing at least three  
12       years of postgraduate training in a U.S. or Canadian program accredited by an  
13       organization that is acceptable to the Board and that meets such other  
14       requirements as the Board may establish by rule.

15       ~~(c) Students who have completed the studies of anatomy, physiology,~~  
16       ~~chemistry, and histology may be examined after presenting a certificate from~~  
17       ~~the secretary of the college or university in which they are pursuing their~~  
18       ~~studies that they have completed the work of the second year. The fee that~~  
19       ~~shall accompany such certificate shall be half of that for the final examination~~  
20       ~~and shall be credited to the student as a part of the whole fee when he or she~~  
21       ~~takes his or her final examination, which examination shall not include the~~

1 ~~subjects in which such student was found qualified by such previous~~  
2 ~~examination~~

3 Examination. An applicant shall satisfy the Board's requirements for  
4 medical licensing examination as established by the Board by rule. The Board  
5 may identify which examinations are accepted, set passing standards, and set  
6 limits on time and numbers of attempts for exams. The Board may establish  
7 by rule exceptions or alternative means to meet examination requirements.

8 ~~(d) In its discretion, the Board may refuse applicants who are graduates of~~  
9 ~~foreign universities or medical schools unless their credentials have first been~~  
10 ~~passed upon and approved by the educational council for foreign medical~~  
11 ~~graduates~~

12 ECFMG certificate. A graduate of a medical school outside the United  
13 States or Canada shall also submit evidence of certification by the Educational  
14 Commission for Foreign Medical Graduates unless the individual qualifies for  
15 licensure as a Fifth Pathway applicant, as established by the Board by rule.

16 ~~(e) An applicant for limited temporary license, who shall furnish the Board~~  
17 ~~with satisfactory proof that he or she has attained the age of majority, is of~~  
18 ~~good moral character, is a graduate of a legally chartered medical school of~~  
19 ~~this country or of a foreign country that is recognized by the Board and which~~  
20 ~~has power to grant degrees in medicine, that all other eligibility requirements~~  
21 ~~for house officer status have been met, and that he or she has been appointed~~

1 ~~an intern, resident, fellow, or medical officer in a licensed hospital or in a~~  
2 ~~clinic that is affiliated with a licensed hospital, or in any hospital or institution~~  
3 ~~maintained by the State, or in any clinic or outpatient clinic affiliated with or~~  
4 ~~maintained by the State, may upon the payment of the required fee, be granted~~  
5 ~~a limited temporary license by the Board as a hospital medical officer for a~~  
6 ~~period of up to 54 weeks and such license may be renewed or reissued, upon~~  
7 ~~payment of the fee, for the period of the applicant's postgraduate training,~~  
8 ~~internship, or fellowship program. Such limited temporary license shall entitle~~  
9 ~~the said applicant to practice medicine only in the hospital or other institution~~  
10 ~~designated on his or her certificate of limited temporary license and in clinics~~  
11 ~~or outpatient clinics operated by or affiliated with such designated hospital or~~  
12 ~~institution and only if such applicant is under the direct supervision and control~~  
13 ~~of a licensed physician. Such licensed physician shall be legally responsible~~  
14 ~~and liable for all negligent or wrongful acts or omissions of the limited~~  
15 ~~temporary licensee and shall file with the Board the name and address both of~~  
16 ~~himself or herself and the limited temporary licensee and the name of such~~  
17 ~~hospital or other institution. Such limited temporary license shall be revoked~~  
18 ~~upon the death or legal incompetency of the licensed physician or, upon ten~~  
19 ~~days written notice, by withdrawal of his or her filing by such licensed~~  
20 ~~physician. The limited temporary licensee shall at all times exercise the same~~  
21 ~~standard of care and skill as a licensed physician, practicing in the same~~

1 ~~specialty, in the State of Vermont. Termination of appointment as intern,~~  
2 ~~resident, fellow, or medical officer of such designated hospital or institution~~  
3 ~~shall operate as a revocation of such limited temporary license. An application~~  
4 ~~for limited temporary license shall not be subject to subsection 1391(d) of this~~  
5 ~~title.~~

6 Current medical practice. An applicant for licensure shall have actively  
7 engaged in the practice of medicine, as defined by section 1311 of this chapter,  
8 within three years prior to the date on which the application for licensure  
9 becomes complete. In its discretion, the Board may license an applicant who  
10 does not meet this practice requirement but who agrees to such conditions as  
11 the Board may reasonably require to verify or confirm the applicant's readiness  
12 to reenter the practice of medicine.

13 (f) License by faculty appointment.

14 (1) The Board may issue a license without examination to a reputable  
15 physician who is a resident of a foreign country and who furnishes to the  
16 Board satisfactory proof of appointment to the faculty of a medical college in  
17 Vermont that is accredited by the Liaison Committee on Medical Education  
18 (LCME). The Board may establish additional conditions and requirements by  
19 rule for this type of license.

20 (2) An applicant for a license pursuant to this subsection shall furnish to  
21 the Board satisfactory proof that the applicant is at least 18 years of age, has

1 good moral character, is licensed to practice medicine in the applicant's  
2 country of residence, and has been appointed to the faculty of an LCME-  
3 accredited medical college located in Vermont. The application shall include  
4 detailed information concerning the nature and term of the appointment, the  
5 method by which the applicant's performance will be monitored and evaluated,  
6 and any other information the Board may require by rule.

7 (3) A license issued pursuant to this subsection shall be for a period not  
8 to exceed the term of the faculty appointment and may, in the Board's  
9 discretion, be for a shorter period.

10 (4) A license issued pursuant to this subsection shall expire  
11 automatically upon termination for any reason of the licensee's faculty  
12 appointment.

13 § 1392. LIMITED TEMPORARY LICENSE FOR POSTGRADUATE  
14 TRAINING

15 (a) Qualifications for limited training license.

16 (1) An applicant for a limited training license to practice medicine in a  
17 postgraduate training program shall meet each of requirements set forth in  
18 subdivisions (2)(A) through (E) of this subsection. A requirement may be met  
19 either by satisfying the requirement on its own terms or by qualifying for an  
20 exception established in this chapter or by the Board by rule.

1           (2) An applicant shall submit evidence of identity acceptable to the  
2 Board and shall establish that the applicant:

3                   (A) is at least 18 years of age;

4                   (B) has graduated from a medical school accredited by an  
5 organization that is acceptable to the Board, or from a medical school that has  
6 been approved by the Board by rule;

7                   (C) has been accepted to participate in a postgraduate medical  
8 training program accredited by a body approved by the Board by rule;

9                   (D) is of sound moral character and professional competence as  
10 evidenced by the applicant’s entire personal history, as established by  
11 information about the applicant’s academic, licensing examination,  
12 employment, professional credentialing, professional certification, professional  
13 regulation, civil litigation, and criminal records submitted by the applicant or  
14 otherwise obtained by the Board in the application process; and

15                   (E) will be practicing in a program under the supervision of a  
16 Vermont-licensed physician who has acknowledged in writing:

17                           (i) the responsibility to ensure that the program operates in  
18 accordance with the requirements of the accrediting body; and

19                           (ii) the responsibility to ensure that physicians in training practice  
20 only under the close supervision and control of Vermont-licensed physicians.

21           (b) Terms of limited training license.

1           (1) A limited training license shall be issued for the period of a “training  
2           year,” which shall run from July 1 through June 30. All limited training  
3           licenses shall expire at 12:00 midnight on July 1, regardless of when issued,  
4           unless the holder leaves the program before that date, in which case the license  
5           expires upon the holder leaving the program. The Board may issue a limited  
6           training license up to 90 days prior to the beginning of a training year.

7           (2) A limited training license shall be renewed annually for each  
8           licensee who intends to continue to practice in a training program, in  
9           accordance with such requirements as the Board may provide by rule.

10           (3) A limited training license authorizes the holder to practice only  
11           within the approved training program and only at sites that are part of the  
12           hospital or other facility hosting the training program, along with such other  
13           locations as may be formally designated as a training site of the program.

14           (4) A limited training license shall become invalid 14 days after the  
15           supervising physician described in subdivision (a)(2)(E) of this subsection  
16           stops supervising the program for any reason, unless documentation of a new  
17           supervising physician is filed with the Board prior to the expiration of the 14-  
18           day period.

19           (5) A physician practicing under a limited training license is subject to  
20           the provisions of section 1354 of this chapter.

1 § 1393. **EXAMINATIONS**

2 ~~The examinations shall be wholly or partly in writing, in the English~~  
3 ~~language, and shall be of a practical character, sufficiently strict to test the~~  
4 ~~qualifications of the applicant. In its discretion the Board may use multiple~~  
5 ~~choice style examinations provided by the National Board of Medical~~  
6 ~~Examiners or by the Federation of State Medical Boards, or as determined by~~  
7 ~~rule. The examination shall embrace the general subjects of anatomy,~~  
8 ~~physiology, chemistry, pathology, bacteriology, hygiene, practice of medicine,~~  
9 ~~surgery, obstetrics, gynecology, materia medica, therapeutics, and legal~~  
10 ~~medicine. The subjects covered by the National Board of Medical Examiners~~  
11 ~~examination shall be considered to have met the requirements of this section.~~  
12 ~~If the applicant passes the examination approved by the Board and meets the~~  
13 ~~other standards for licensure, he or she will qualify for licensure. [Repealed.]~~

14 § 1394. **REEXAMINATIONS**

15 ~~A person failing an examination may be reexamined. The limitation on the~~  
16 ~~number of reexaminations shall be determined by the Board, by rule. The fee~~  
17 ~~for reexamination shall be as required by subsection 1391(a) of this title.~~

18 [Repealed.]

19 \* \* \*



1        § 1396. ~~REQUIREMENTS FOR ADMISSION TO PRACTICE~~

2            ~~(a) The standard of requirements for admission to practice in this State,~~  
3        ~~under section 1395 of this title, shall be as follows:~~

4            ~~(1) Academic: Preliminary requirements to be a high school education~~  
5        ~~or its equivalent, such as would admit the student to a recognized university,~~  
6        ~~and a two years' course of study in a college of arts and sciences.~~

7            ~~(2) Medical: Be a graduate of a medical college approved by the Board~~  
8        ~~or approved by an accrediting body satisfactory to the Board.~~

9            ~~(3) Postgraduate training: Have completed at least a one year hospital~~  
10       ~~program of postgraduate training approved by the Board or approved by an~~  
11       ~~accrediting body satisfactory to the Board.~~

12           ~~(4) Moral: Shall present letters of reference as to moral character and~~  
13       ~~professional competence from the chief of service and two other active~~  
14       ~~physician staff members at the hospital where he or she was last affiliated. In~~  
15       ~~the discretion of the Board, letters from different sources may be presented.~~

16           ~~(5) Language: Shall demonstrate competence in reading, writing, and~~  
17       ~~speaking the English language.~~

18           ~~(6) Examination: The examination in writing shall have embraced 13~~  
19       ~~subjects of 90 questions, viz.: anatomy, physiology, chemistry, pathology,~~  
20       ~~bacteriology, hygiene, practice of medicine, surgery, obstetrics, gynecology,~~  
21       ~~materia medica, therapeutic, and legal medicine. The grade achieved in each~~

1 ~~subject must have been at least 75 percent, and a license shall not be~~  
2 ~~recognized when a lower rating was obtained.~~

3 ~~(7) Practice: Shall have practiced medicine within the last three years as~~  
4 ~~defined in section 1311 of this title or shall comply with the requirements for~~  
5 ~~updating knowledge and skills as defined by Board rules.~~

6 ~~(b) In cases it deems appropriate, the Board may waive the requirements of~~  
7 ~~subdivisions (a)(1) and (2) of this section for an applicant who is a graduate of~~  
8 ~~a medical college that is neither approved by the Board nor by an accrediting~~  
9 ~~body satisfactory to the Board. As a condition of granting a waiver, the Board~~  
10 ~~may require that the applicant complete up to three years of postgraduate~~  
11 ~~training satisfactory to the Board. A waiver granted under this section shall be~~  
12 ~~in writing and shall include a statement of the Board reasons for granting the~~  
13 ~~waiver. [Repealed.]~~

14 \* \* \*

15 § 1398. REFUSAL OR REVOCATION OF LICENSES

16 ~~(a) The Board may refuse to issue the licenses provided for in section 1391~~  
17 ~~of this title to persons a license or certificate to an applicant who applies to be~~  
18 ~~licensed or certified under this chapter and who, by false or fraudulent~~  
19 ~~representations, ~~have~~ has obtained or sought to obtain practice in ~~their~~ the~~  
20 ~~profession, or by false or fraudulent representations ~~of their profession in~~~~  
21 ~~practice, have has obtained or sought to obtain money or any other thing of~~

1 value, or who assume ~~names~~ a name other than ~~their~~ the applicant's own for  
2 the purpose of misleading others, or for any other immoral, unprofessional, or  
3 dishonorable conduct. ~~However, a~~

4 (b) A license or certificate shall not be suspended, except as provided in  
5 section 1365 or 1366 of this chapter; revoked; or refused until the holder or  
6 applicant:

7 (1) is given a hearing before the Board using the same procedures as a  
8 hearing on disciplinary matters as set forth in sections 1372 through 1376 of  
9 this chapter;

10 (2) is offered and declines or fails to attend a hearing; or

11 (3) agrees to the action.

12 (c) In the event of a revocation, the holder of any license or certificate so  
13 revoked shall ~~forthwith~~ promptly relinquish the ~~same~~ license or certificate to  
14 the Secretary of the Board.

15 § 1400. RENEWAL OF LICENSE; CONTINUING MEDICAL

16 EDUCATION

17 (a) Every person licensed to practice medicine by the Board shall apply  
18 biennially for the renewal of his or her license. At least one month prior to the  
19 date on which renewal is required, the Board shall send to each licensee a  
20 license renewal application form and notice of the date on which the existing  
21 license will expire. On or before the renewal date, the licensee shall file an

1 application for license renewal and pay the required fee. The Board shall  
2 register the applicant and issue the renewal license. Within one month  
3 following the date renewal is required, the Board shall pay the license renewal  
4 fees into the ~~Medical Practice Board Special~~ Board of Medical Practice  
5 Regulatory Fee Fund.

6 \* \* \*

7 (f) A person who practices medicine and who fails to renew his or her  
8 license in accordance with the provisions of this section shall be deemed an  
9 illegal practitioner and shall forfeit the right to so practice or to hold himself or  
10 herself out as a person licensed to practice medicine in the State until reinstated  
11 by the Board, ~~but nevertheless~~ except that a physician while on extended active  
12 duty ~~in the uniformed services of the United States or as a member of the~~  
13 ~~National Guard, State Guard, or reserve component~~ as a member of the U.S.  
14 Armed Forces, a reserve component of the U.S. Armed Forces, the National  
15 Guard, or the State Guard who is licensed as a physician at the time of an  
16 activation or deployment shall receive an extension of licensure up to 90 days  
17 following the physician's return from activation or deployment, provided the  
18 physician notifies the Board of his or her activation or deployment prior to the  
19 expiration of the current license and certifies that the circumstances of the  
20 activation or deployment impede good faith efforts to make timely application  
21 for renewal of the license.

1 \* \* \*

2 Sec. 2. INVESTIGATIVE PROCEDURES

3 On or before July 1, 2020, the Board of Medical Practice shall post on its  
4 website an operations manual, covering topics including procedures for  
5 initiating investigations, procedures for notifying licensees of investigations,  
6 and standards for investigators' visiting practices. The Board shall inform  
7 licensees that the operations manual has been posted and is available for  
8 review and comment.

9 \* \* \* Licensure of Podiatrists \* \* \*

10 Sec. 3. 26 V.S.A. § 371 is amended to read:

11 § 371. ELIGIBILITY

12 To be eligible for licensure as a podiatrist, an applicant must:

13 \* \* \*

14 (4) successfully complete all required steps of the examinations given  
15 by the National Board of Podiatry Podiatric Medical Examiners, as set forth by  
16 the Board by rule; and

17 \* \* \*

18 Sec. 4. 26 V.S.A. § 373 is amended to read:

19 § 373. RENEWAL OF LICENSURE

20 (a) A person licensed by the Board to practice podiatry shall apply  
21 biennially for the renewal of his or her license. At least one month prior to the

1 date on which renewal is required, the Board shall send to each licensee a  
2 license renewal application form and notice of the date on which the existing  
3 license will expire. On or before the renewal date, the licensee shall file an  
4 application for license renewal and pay the required fee; however, any  
5 podiatrist while on extended active duty ~~in the uniformed services of the~~  
6 ~~United States or as a member of the National Guard, State Guard, or reserve~~  
7 ~~component~~ as a member of the U.S. Armed Forces, a reserve component of the  
8 U.S. Armed Forces, the National Guard, or the State Guard who is licensed as  
9 a podiatrist at the time of an activation or deployment shall receive an  
10 extension of licensure up to 90 days following the podiatrist's return from  
11 activation or deployment, provided the podiatrist notifies the Board of his or  
12 her activation or deployment prior to the expiration of the current license and  
13 certifies that the circumstances of the activation or deployment impede good  
14 faith efforts to make timely application for renewal of the license. The Board  
15 shall register the applicant and issue the renewal license. Within one month  
16 following the date by which renewal is required, the Board shall pay the  
17 license renewal fees into the ~~Medical Practice Board Special~~ Board of Medical  
18 Practice Regulatory Fee Fund.

19 (b) A license that has lapsed for up to 364 days may be reinstated on  
20 payment of a renewal fee and a late renewal penalty. A license that has lapsed  
21 for one year or longer may be reinstated upon payment of the reinstatement fee

1 and completion of the reinstatement application as set forth by the Board by  
2 rule. The applicant shall not be required to pay renewal fees during periods  
3 when the license was lapsed. However, if such license remains lapsed for a  
4 period of three years or longer, the Board may, after notice and an opportunity  
5 for hearing, require reexamination ~~as a condition~~ or other conditions of  
6 renewal.

7 Sec. 5. 26 V.S.A. § 373(b) is amended to read:

8 (b) A license that has lapsed for up to 364 days may be reinstated on  
9 payment of a renewal fee and a late renewal penalty. A license that has lapsed  
10 for one year or longer may be reinstated upon payment of the reinstatement fee  
11 and completion of the reinstatement application as set forth by the Board by  
12 rule. The applicant shall not be required to pay renewal fees during periods  
13 when the license was lapsed. However, if such license remains lapsed for a  
14 period of three years or longer, the Board may, ~~after notice and an opportunity~~  
15 ~~for hearing, require reexamination or other conditions of renewal~~ require the  
16 licensee to update his or her knowledge and skills as defined by Board rules.

17 \* \* \*

1       \* \* \* Addition of Board of Medical Practice to Description of Professional  
2               Licensing Boards Entitled to Inspect Prescription Records \* \* \*

3       Sec. 6. 18 V.S.A. § 4211 is amended to read:

4       § 4211. RECORDS CONFIDENTIAL

5               Prescriptions, orders, and records required by this chapter, and stocks of  
6       regulated drugs, shall be open for inspection only to federal or state officers or  
7       their specifically authorized agent whose duty it is to enforce the federal drug  
8       laws or this chapter, ~~or to~~ authorized agents of professional licensing boards, as  
9       that term is defined under 3 V.S.A. chapter 5, or authorized agents of the  
10       Board of Medical Practice. No person having knowledge by virtue of his or  
11       her office of any such prescription, order, or record shall divulge such  
12       knowledge, except in connection with a prosecution, or proceeding before the  
13       Board of Health, Board of Pharmacy, Board of Medical Practice, or another  
14       licensing or registration board, to which prosecution or proceeding the person  
15       to whom such prescriptions, orders, or records relate is a party.

16       \* \* \* Revisions to Maintenance of Licensure Rulemaking Requirement \* \* \*

17       Sec. 7. 2011 Acts and Resolves No. 61, Sec. 10 is amended to read:

18       Sec. 10. ADOPTION OF RULES

19               The state board of medical practice ~~shall~~ may adopt maintenance of  
20       licensure rules for podiatrists, physicians, and physician assistants ~~by~~  
21       September 1, 2012.



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\* \* \* Effective Dates \* \* \*

Sec. 8. EFFECTIVE DATES

(a) Sec. 1 (26 V.S.A. chapter 23) shall take effect on July 1, 2020, except that 26 V.S.A. § 1377 (nondisciplinary financial penalty) shall take effect upon the Board’s adoption of a rule setting forth the schedule of statutory and rule violations and penalties.

(b) Secs. 2 (investigative procedures), 3 (26 V.S.A. § 371), 4 (26 V.S.A. § 373), 6 (18 V.S.A. § 4211), 7 (adoption of rules), and this section shall take effect on July 1, 2020.

(c) Sec. 5 (26 V.S.A. § 373(b)) shall take effect 60 days after the Board’s adoption of a maintenance of licensure rule for podiatrists in accordance with 2011 Acts and Resolves No. 61, Sec. 10.

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

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE