

1 **DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION**

2 Introduced by Senate Committee on Government Operations

3 Referred to Committee on

4 Date:

5 Subject: State of emergency; local elections; professional regulation; sheriff
6 funding

7 Statement of purpose of bill as introduced: This bill proposes to provide
8 statutory provisions regarding local elections, professional regulation, and
9 sheriff funding that may be used in cases of emergency.

10 An act relating to emergency provisions for local elections, professional
11 regulation, and sheriff funding

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 * * * Local Elections * * *

14 Sec. 1. 17 V.S.A. 2643a is added read:

15 § 2643a. EMERGENCY PROVISION; MOVING DATE AND TIME OF

16 LOCAL ELECTION

17 Notwithstanding the provisions of sections 2641 and 2643 of this
18 subchapter or any other provisions of law to the contrary, during a state of
19 emergency declared within a municipality under 20 V.S.A. chapter 1, the

1 municipality’s legislative body may move the time and date of the
2 municipality’s upcoming annual or special meeting if the legislative body
3 determines that the circumstances of the state of emergency may harm the
4 public health, safety, or welfare if the meeting is held at its scheduled time and
5 date. If it makes such a determination, the legislative body shall schedule a
6 new time and date for the meeting so that it is held as soon as practicable, and
7 shall warn the meeting accordingly.

8 Sec. 2. 17 V.S.A. § 2680a is added to read:

9 § 2680a. EMERGENCY PROVISION; AUSTRALIAN BALLOT APPLIED

10 BY LEGISLATIVE BODY

11 (a) Notwithstanding the provisions of subsection 2680(a) of this subchapter
12 that require the voters of a municipality to vote to apply the provisions of the
13 Australian ballot system to the annual or special meeting of the municipality,
14 during a state of emergency declared within the municipality under 20 V.S.A.
15 chapter 1, the legislative body may vote to apply the Australian ballot system
16 to an upcoming annual or special meeting not less than 60 days in advance of
17 that meeting if the legislative body determines that it is necessary to do so in
18 order to protect the public health, safety, or welfare due to the circumstances of
19 the state of emergency.

20 (b) A legislative body that uses the authority set forth in subsection (a) of
21 this section shall not be subject to any statutory deadlines or other statutory

1 provisions, or provisions set forth in a school district’s articles of agreement,
2 related to the municipal meeting that conflict with the need to apply the
3 Australian ballot system to the meeting, to the extent necessary to enable the
4 municipality to apply the Australian ballot system to that meeting.

5 * * * Professional Regulation * * *

6 Sec. 3. 20 V.S.A. § 9 is amended to read:

7 § 9. EMERGENCY POWERS OF GOVERNOR

8 Subject to the provisions of this chapter, in the event of an all-hazards event
9 in or directed upon the United States or Canada that causes or may cause
10 substantial damage or injury to persons or property within the bounds of the
11 State in any manner, the Governor may proclaim a state of emergency within
12 the entire State or any portion or portions of the State. Thereafter, the
13 Governor shall have and may exercise for as long as the Governor determines
14 the emergency to exist the following additional powers within such area or
15 areas:

16 * * *

17 (12) In consultation with the head of the professional regulatory entity
18 of an agency under the Office of Governor, to extend for up to 90 days at a
19 time the expiration dates of current professional licenses or other
20 authorizations to practice a profession issued by that entity and to waive any
21 associated late fees for license or authorization renewal that would have

1 otherwise applied if the circumstances of the all-hazards event create a barrier
2 to obtaining renewal.

3 Sec. 4. 3 V.S.A. § 138 is added to read:

4 § 138. EMERGENCY PROVISIONS; EXTENSION OF LICENSE TERMS

5 Notwithstanding any provision of law to the contrary, during a state of
6 emergency declared under 20 V.S.A. chapter 1, the Director may extend for up
7 to 90 days at a time the expiration dates of current licenses to practice a
8 profession attached to the Office and to waive any associated late fees for
9 license that would have otherwise applied if the circumstances of the state of
10 emergency create a barrier to obtaining renewal.

11 Sec. 5. 3 V.S.A. § 139 is added to read:

12 § 139. EMERGENCY PROVISIONS; OUT-OF-STATE HEALTH CARE

13 PROFESSIONALS

14 (a) Notwithstanding any provision of law to the contrary, during a state of
15 emergency declared under 20 V.S.A. chapter 1, and in consultation with the
16 Commissioner of Health, the Director may authorize a health care professional,
17 including a mental health professional, who practices a profession attached to
18 the Office and who holds a valid license, certificate, or registration to provide
19 those health care services in any other U.S. jurisdiction, to be deemed to be
20 licensed, certified, or registered to provide health care services, including

1 mental health services, to a patient located in Vermont using telehealth or as
2 part of the staff of a licensed facility, provided the health care professional:

3 (1) is licensed, certified, or registered in good standing in the other U.S.
4 jurisdiction or jurisdictions in which the health care professional holds a
5 license, certificate, or registration;

6 (2) is not subject to any professional disciplinary proceedings in any
7 other U.S. jurisdiction; and

8 (3) is not affirmatively barred from practice in Vermont for reasons of
9 fraud or abuse, patient care, or public safety.

10 (b) A health care professional who is authorized under this section to
11 provide health care services in Vermont as part of the staff of a licensed
12 facility shall submit or have submitted on the individual's behalf the
13 individual's name, contact information, and the location or locations at which
14 the individual will be practicing to the Office.

15 (c) A health care professional who delivers health care services in Vermont
16 pursuant to subsection (a) of this section shall be deemed to consent to, and
17 shall be subject to, the regulatory and disciplinary jurisdiction of the Office.

1 (d) The authority to practice under this section shall remain in effect until
2 the termination of the declared state of emergency and provided the health care
3 professional remains licensed, certified, or registered in good standing.

4 Sec. 6. 3 V.S.A. § 140 is added to read:

5 § 140. EMERGENCY PROVISIONS; INACTIVE HEALTH

6 CARE PROFESSIONALS

7 (a)(1) Notwithstanding any provision of law to the contrary, during a state
8 of emergency declared under 20 V.S.A. chapter 1, and in consultation with the
9 Commissioner of Health, the Director may authorize a former health care
10 professional, including a mental health professional, who practiced a
11 profession attached to the Office and who left active practice not more than
12 three years earlier with the individual's Vermont license, certificate, or
13 registration in good standing to provide health care services, including mental
14 health services, to a patient located in Vermont using telehealth or as part of
15 the staff of a licensed facility after submitting, or having submitted on the
16 individual's behalf, to the Office the individual's name, contact information,
17 and the location or locations at which the individual will be practicing.

18 (2) A former health care professional who returns to the Vermont health
19 care workforce pursuant to this subsection shall be subject to the regulatory
20 jurisdiction of the Office.

1 (b) Notwithstanding any provision of law to the contrary, during a state of
2 emergency declared under 20 V.S.A. chapter 1, and in consultation with the
3 Commissioner of Health, the Director may authorize may permit former health
4 care professionals, including mental health professionals, who practiced a
5 profession attached to the Office and who left active practice more than three
6 but less than 10 years earlier with their Vermont license, certificate, or
7 registration in good standing to return to the health care workforce on a
8 temporary basis to provide health care services, including mental health
9 services, to patients in Vermont. The Director may issue temporary licenses to
10 these individuals at no charge and may impose limitations on the scope of
11 practice of returning health care professionals as the Director deems
12 appropriate.

13 Sec. 7. 3 V.S.A. § 141 is added to read:

14 § 141. EMERGENCY PROVISIONS; DIRECTOR; AUTHORITY TO ACT
15 FOR BOARDS

16 (a) During a state of emergency declared under 20 V.S.A. chapter 1, if the
17 Director finds that a board attached to the Office cannot reasonably, safely, and
18 expeditiously convene a quorum to transact business, and if authorized by the
19 Secretary of State, the Director may exercise the full powers and authorities of
20 that board, including disciplinary authority.

1 (b) The signature of the Director shall have the same force and effect as a
2 voted act of the board.

3 (c) A record of the actions of the Director taken pursuant to the authority
4 granted by this section shall be published conspicuously on the website of the
5 board on whose behalf the Director took the action.

6 Sec. 8. 3 V.S.A. § 142 is added to read:

7 § 142. EMERGENCY PROVISIONS; DIRECTOR; EMERGENCY

8 REGULATORY ORDERS

9 During a state of emergency declared under 20 V.S.A. chapter 1, the
10 Director may issue such orders governing regulated professional activities and
11 practices as may be necessary to protect the public health, safety, and welfare.
12 If the Director finds that a professional practice, act, offering, therapy, or
13 procedure by a person licensed or required to be licensed by the Office is
14 exploitative, deceptive, or detrimental to the public health, safety, or welfare,
15 or a combination of these, the Director may issue an order to cease and desist
16 from the applicable activity, which, after reasonable efforts to publicize or
17 serve the order on the affected persons, shall be binding upon all persons
18 licensed or required to be licensed by the Office, and a violation of the order
19 shall subject the person or persons to professional discipline, may be a basis
20 for injunction by the Superior Court, and shall be deemed a violation of 3
21 V.S.A. § 127.

1 Sec. 9. 26 V.S.A. § 1370 is added to read:

2 § 1370. EMERGENCY PROVISIONS; OUT-OF-STATE HEALTH CARE
3 PROFESSIONALS

4 (a) Notwithstanding any provision of law to the contrary, during a state of
5 emergency declared under 20 V.S.A. chapter 1, and when authorized by the
6 Commissioner of Health, the Executive Director may authorize a health care
7 professional, including a mental health professional, who practices a profession
8 regulated by the Board and who holds a valid license, certificate, or
9 registration to provide those health care services in any other U.S. jurisdiction,
10 to be deemed to be licensed, certified, or registered to provide health care
11 services, including mental health services, to a patient located in Vermont
12 using telehealth or as part of the staff of a licensed facility, provided the health
13 care professional:

14 (1) is licensed, certified, or registered in good standing in the other U.S.
15 jurisdiction or jurisdictions in which the health care professional holds a
16 license, certificate, or registration;

17 (2) is not subject to any professional disciplinary proceedings in any
18 other U.S. jurisdiction; and

19 (3) is not affirmatively barred from practice in Vermont for reasons of
20 fraud or abuse, patient care, or public safety.

1 (b) A health care professional who is authorized under this section to
2 provide health care services in Vermont as part of the staff of a licensed
3 facility shall submit or have submitted on the individual’s behalf the
4 individual’s name, contact information, and the location or locations at which
5 the individual will be practicing to the Board.

6 (c) A health care professional who delivers health care services in Vermont
7 pursuant to subsection (a) of this section shall be deemed to consent to, and
8 shall be subject to, the regulatory and disciplinary jurisdiction of the Board.

9 (d) The authority to practice under this section shall remain in effect until
10 the termination of the declared state of emergency and provided the health care
11 professional remains licensed, certified, or registered in good standing.

12 Sec. 10. 3 V.S.A. § 1371 is added to read:

13 § 1371. EMERGENCY PROVISIONS; INACTIVE HEALTH

14 CARE PROFESSIONALS

15 (a)(1) Notwithstanding any provision of law to the contrary, during a state
16 of emergency declared under 20 V.S.A. chapter 1, and when authorized by the
17 Commissioner of Health, the Executive Director may authorize a former health
18 care professional, including a mental health professional, who practiced a
19 profession regulated by the Board and who left active practice not more than
20 three years earlier with the individual’s Vermont license, certificate, or
21 registration in good standing to provide health care services, including mental

1 health services, to a patient located in Vermont using telehealth or as part of
2 the staff of a licensed facility after submitting, or having submitted on the
3 individual’s behalf, to the Board the individual’s name, contact information,
4 and the location or locations at which the individual will be practicing.

5 (2) A former health care professional who returns to the Vermont health
6 care workforce pursuant to this subsection shall be subject to the regulatory
7 jurisdiction of the Board.

8 (b) Notwithstanding any provision of law to the contrary, during a state of
9 emergency declared under 20 V.S.A. chapter 1, and when authorized by the
10 Commissioner of Health, the Executive Director may authorize may permit a
11 former health care professional, including a mental health professional, who
12 practiced a profession regulated by the Board and who left active practice more
13 than three but less than 10 years earlier with the individual’s Vermont license,
14 certificate, or registration in good standing to return to the health care
15 workforce on a temporary basis to provide health care services, including
16 mental health services, to patients in Vermont. The Executive Director may
17 issue temporary licenses to these individuals at no charge and may impose
18 limitations on the scope of practice of returning health care professionals as the
19 Executive Director deems appropriate.

1 Sec. 11. 26 V.S.A. § 1372 is added to read:

2 § 1372. EMERGENCY PROVISIONS; EXECUTIVE DIRECTOR;

3 AUTHORITY TO ACT FOR BOARD

4 (a) During a state of emergency declared under 20 V.S.A. chapter 1, if the
5 Executive Director finds that the Board cannot reasonably, safely, and
6 expeditiously convene a quorum to transact business, and if authorized by the
7 Commissioner of Health, the Executive Director may exercise the full powers
8 and authorities of the Board, including disciplinary authority.

9 (b) The signature of the Executive Director shall have the same force and
10 effect as a voted act of the Board.

11 (c) A record of the actions of the Executive Director taken pursuant to the
12 authority granted by this section shall be published conspicuously on the
13 website of the Board.

14 Sec. 12. 26 V.S.A. § 1373 is added to read:

15 § 1373. EMERGENCY PROVISIONS; EXECUTIVE DIRECTOR;

16 EMERGENCY REGULATORY ORDERS

17 During a state of emergency declared under 20 V.S.A. chapter 1, and when
18 authorized by the Commissioner of Health, the Executive Director may issue
19 such orders governing regulated professional activities and practices as may be
20 necessary to protect the public health, safety, and welfare. If the Executive
21 Director finds that a professional practice, act, offering, therapy, or procedure

1 by a person licensed or required to be licensed by the Board is exploitative,
2 deceptive, or detrimental to the public health, safety, or welfare, or a
3 combination of these, the Executive Director may issue an order to cease and
4 desist from the applicable activity, which, after reasonable efforts to publicize
5 or serve the order on the affected persons, shall be binding upon all persons
6 licensed or required to be licensed by the Board, and a violation of the order
7 shall subject the person or persons to professional discipline, may be a basis
8 for injunction by the Superior Court, and shall be deemed a violation of 3
9 V.S.A. § 127.

10 * * * Emergency Sheriff Funding * * *

11 Sec. 13. 24 V.S.A. § 313 is added to read:

12 § 313. EMERGENCY PROVISION; COUNTY RESERVE FUNDS;

13 FUNDING OF EMERGENCY SHERIFF NEEDS

14 (a) Funding.

15 (1) During a state of emergency declared within a county under 20
16 V.S.A. chapter 1, in order to support the emergency needs of sheriffs due to
17 that emergency, a county’s operations reserve funds and capital reserve funds
18 described in subsection 133(e) of this chapter may be allowed to be used for
19 the emergency needs of the county sheriff subject to the approval of the
20 assistant judges. As used in this section, “emergency needs” means the needs

1 to respond to the emergency and includes hiring deputies, dispatchers, and
2 other personnel and purchasing equipment and supplies.

3 (2) The funding of these emergency needs under this subsection shall be
4 in addition to the support of the sheriff's department set forth in section 73 of
5 this title.

6 (b) Reimbursement.

7 (1) Any sheriff who receives county reserve funds for emergency needs
8 under subsection (a) of this section shall apply to any applicable resources for
9 emergency relief, such as the Federal Emergency Management Agency
10 (FEMA), that are known to the sheriff for any allowable reimbursement.

11 (2) Within 30 days of receiving any such allowable reimbursement, the
12 sheriff shall provide those funds to the county in order to reimburse the county
13 for the funds allocated to the sheriff under subsection (a) of this section. A
14 sheriff shall only be responsible for reimbursing the county an amount equal to
15 the allowable reimbursement the sheriff received under subdivision (1) of this
16 subsection.

17 (c) Sunset. The authority for a sheriff to obtain funding for emergency
18 needs under subsection (a) of this section shall sunset two weeks after the day
19 the Governor terminates the state of emergency.

