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OPR BILL PROVISIONS

* * * Office of Professional Regulation * * *

Sec. 1. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

The Office of Professional Regulation is created within the Office of the Secretary of State. The Office shall have a director who shall be appointed by the Secretary of State and shall be an exempt employee. The following boards or professions are attached to the Office of Professional Regulation:

* * *

(28) Audiologists and Hearing Aid Dispensers

* * *

(41) ~~Audiologists and~~ Speech-Language Pathologists

* * *

Sec. 2. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

(a) The Office shall provide administrative, secretarial, financial, investigatory, inspection, and legal services to the boards. The services provided by the Office shall include:

* * *

1 (C) within 60 days following that meeting, issue a written directive
2 finding that:

3 (i) the ~~action~~ exercise of board authority or discretion is consistent
4 with State policy, in which case the action shall be reinstated;

5 (ii) the ~~action~~ exercise of board authority or discretion is
6 inconsistent with State policy in form, but may be modified to achieve
7 consistency, in which case the board may issue a modified action consistent
8 with the Director’s recommendation; or

9 (iii) the ~~action~~ exercise of board authority or discretion is
10 inconsistent with State policy in purpose, in which case ~~the board shall~~
11 ~~terminate efforts to implement the action and shall not spend further funds~~
12 ~~toward its implementation~~ any alternative prescribed by the Director shall
13 stand as the regulatory policy of the State.

14 (j)(1) The Office may inquire into the criminal background histories of
15 applicants for initial licensure and for ~~biennial~~ license renewal for the
16 following professions:

17 (A) licensed nursing assistants, licensed practical nurses, registered
18 nurses, and advanced practice registered nurses licensed under 26 V.S.A.
19 chapter 28;

20 (B) private investigators, security guards, and other persons licensed
21 under 26 V.S.A. chapter 59;

1 (C) real estate appraisers and other persons or business entities
2 licensed under 26 V.S.A. chapter 69; and

3 (D) osteopathic physicians licensed under 26 V.S.A. chapter 33.

4 (2)(A) The Office may inquire directly of the Vermont Crime
5 Information Center, the Federal Bureau of Investigation, the National Crime
6 Information Center, or other holders of official criminal record information,
7 and may arrange for such inquiries to be made by a commercial service.

8 ~~(B) Background checks may be fingerprint supported, and~~
9 ~~fingerprints so obtained may be retained on file and used to notify the Office of~~
10 ~~future triggering events.~~

11 (3) ~~Applicants subject to background checks shall be notified that a~~
12 ~~check is required, if fingerprints will be retained on file, and that criminal~~
13 ~~convictions are not an absolute bar to licensure, and shall be provided such~~
14 ~~other information as may be required by federal law or regulation~~ Prior to
15 acting on an initial or renewal application, the Office may obtain with respect
16 to the applicant a Vermont criminal history record, an out-of-state criminal
17 history record, and a criminal history record from the Federal Bureau of
18 Investigation. Federal Bureau of Investigation background checks shall be
19 fingerprint-supported, and fingerprints so obtained may be retained on file and
20 used to notify the Office of future triggering events. Each applicant shall

1 consent to the release of criminal history records to the Office on forms
2 developed by the Vermont Crime Information Center.

3 (k) When, by reason of disqualification, resignation, vacancy, or necessary
4 absence, a board is unable to form a quorum or assign one or more members to
5 assist in the investigation and prosecution of complaints or license
6 applications, or to adjudicate a contested case, the Secretary of State may
7 appoint ad hoc members, either as voting members to establish a quorum at a
8 specific meeting or as nonvoting members to assist Office investigators and
9 prosecutors.

10 Sec. 3. 3 V.S.A. § 125 is amended to read:

11 § 125. FEES

12 * * *

13 (b) Unless otherwise provided by law, the following fees shall apply to all
14 professions regulated by the Director in consultation with advisor appointees
15 under Title 26:

16 (1) Application for registration, \$75.00, except application for:

17 (A) Private investigator and security services employees, unarmed
18 registrants, \$60.00.

19 (B) Private investigator and security service employees, transitory
20 permits, \$60.00.

1 (C) Private investigator and security service employees, armed
2 registrants, \$120.00.

3 (2) Application for licensure or certification, \$100.00, except application
4 for:

5 * * *

6 (F) Private investigator or security services agency, \$340.00.

7 (G) Private investigator and security services agency, \$400.00.

8 (H) Private investigator or security services sole proprietor, \$250.00.

9 (I) Private investigator or security services unarmed licensee,
10 \$150.00.

11 (J) Private investigator or security services armed licensee, \$200.00.

12 (K) Private investigator and security services instructor, \$120.00.

13 (3) Optician trainee registration, \$50.00.

14 (4) Biennial renewal, \$240.00, except biennial renewal for:

15 * * *

16 (M) Private investigator or security services agency, or both,
17 \$300.00.

18 (N) Private investigator or security services unarmed licensee,
19 \$120.00.

20 (O) Private investigator or security services armed licensee, \$180.00.

1 (P) Private investigator or security services unarmed registrant,

2 \$80.00.

3 (Q) Private investigator or security services armed registrant,

4 \$130.00.

5 (R) Private investigator or security services sole proprietor, \$250.00.

6 (S) Private investigator or security services instructor, \$180.00.

7 * * *

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

9 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR

10 PROFESSIONS; DISCIPLINE PROCESS

11 (a) In addition to any other provisions of law, a board or the Director, in the
12 case of professions that have advisor appointees, may exercise the following
13 powers:

14 * * *

15 (c)(1) Boards and administrative law officers sitting in disciplinary cases
16 shall do so impartially and without ex parte knowledge of the case in
17 controversy.

18 (2) A State prosecuting attorney assigned by the Office of Professional
19 ~~Regulation~~ shall be responsible for prosecuting disciplinary cases before
20 boards or administrative law officers.

21 * * *

1 (d) A board or the Director shall notify parties, in writing, of their right to
2 appeal final decisions of the board. A board or the Director shall also notify
3 complainants in writing of the result of any disciplinary investigation made
4 with reference to a complaint brought by them to the board or Director. When
5 a disciplinary investigation results in a stipulation filed with the board, the
6 board or the Director shall provide the complainant with a copy of the
7 stipulation and notice of the stipulation review scheduled before the board.
8 The complainant shall have the right to be heard at the stipulation review.

9 (e)(1) When a board or the Director, in the case of professions that have
10 advisor appointees, intends to deny an application for a license, the board or
11 Director shall send the applicant written notice of the decision by certified
12 mail. The notice shall include a statement of the reasons for the action and
13 shall advise the applicant that the applicant may file a petition within 30 days
14 of the date on which the notice is mailed with the board or the Director for
15 review of its or his or her preliminary decision.

16 (2) At the hearing, the applicant shall bear the burden of proving that the
17 preliminary denial should be reversed and that the license should be granted.

18 (3) After the hearing, the board or Director shall affirm or reverse the
19 preliminary denial, explaining the reasons therefor in writing.

20 (f)(1)(A) ~~A board~~ The Director may appoint a hearing officer, who shall be
21 an attorney admitted to practice in this State, to conduct a hearing that would

1 otherwise be heard by ~~the~~ a board. A hearing officer appointed under this
2 subsection may administer oaths and exercise the powers of the board properly
3 incidental to the conduct of the hearing.

4 (B) When disciplinary charges are pending concurrently against a
5 single individual or entity, in one profession or multiple, the Director is
6 authorized to order that the matters be consolidated in a single proceeding.

7 (2) ~~When~~ In board professions, when a hearing is conducted by a
8 hearing officer, the officer shall report findings of fact and conclusions of law
9 to the board. The report shall be made within 60 days of the conclusion of the
10 hearing unless the board grants an extension. The provisions of section 811 of
11 this title regarding proposals for decision shall not apply to the hearing officer
12 report.

13 (3) The board may take additional evidence and may accept, reject, or
14 modify the findings and conclusions of the hearing officer. Judgment on the
15 findings shall be rendered by the board.

16 * * *

17 (h)(1) A board member, hearing officer, or administrative law officer
18 having a personal or pecuniary interest or the appearance of a personal or
19 pecuniary interest in the outcome of any board decision shall not participate in
20 deciding the matter.

1 (2)(A) A board member, hearing officer, or administrative law officer
2 whose disqualification is sought shall either disqualify himself or herself or,
3 without ruling on the request for disqualification, refer the request to the
4 Secretary of State, who shall rule on the request.

5 (B) The ruling of the Secretary of State on a request for
6 disqualification shall be final and shall be subject to review only upon appeal
7 of a final order of a board under section 130a of this title or of an
8 administrative law officer under subsection (j) of this section. ~~When a board is~~
9 ~~unable to convene a quorum by reason of disqualification, resignation,~~
10 ~~vacancy, or necessary absence, the Secretary of State shall appoint ad hoc~~
11 ~~members to serve on the board for that matter only, after consulting with the~~
12 ~~chair of the board involved. Ad hoc members shall have the same~~
13 ~~qualifications as required by law for the absent members.~~

14 * * *

15 (j) ~~Notwithstanding the provisions of section 130a of this title, hearings~~
16 Hearings involving denials of licensure or disciplinary matters concerning
17 persons in professions that have advisor appointees shall be heard by an
18 administrative law officer appointed by the Secretary of State.

19 (k)(1) Whenever completion of certain continuing education requirements
20 is a condition of renewal, the board may require the applicant to develop and
21 complete a specific corrective action plan, to be completed within 90 days.

1 ~~(2)~~ A board may grant a temporary renewal license pending the
2 completion of the required continuing education.

3 (1) Unless a disciplinary order expressly provides to the contrary, discipline
4 against any license or credential issued by a regulatory body attached to the
5 Office to an individual or entity shall be applicable as a matter of law to all
6 other licenses issued to that licensee by that regulatory body.

7 * * *

8 * * * Accountants * * *

9 Sec. 5. 26 V.S.A. chapter 1 is amended to read:

10 CHAPTER 1. ACCOUNTANTS

11 * * *

12 Subchapter 2. Board of Public Accountancy

13 * * *

14 § 54. GENERAL POWERS AND DUTIES OF THE BOARD

15 * * *

16 ~~(c) The Board annually may submit a proposed budget to the Secretary of~~
17 ~~State.~~ [Repealed.]

18 * * *

19 § 56. FEES

20 Applicants and persons regulated under this chapter shall pay the following
21 fees:

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(4) ~~Registration of foreign firm for temporary practice~~ \$~~50.00~~

[Repealed.]

* * *

Subchapter 3. Licenses

* * *

§ 74. FIRMS; REGISTRATION AND OWNERSHIP

(a) A firm shall be required to obtain registration pursuant to this section if the firm:

* * *

(3) does not have an office in this State but performs services described in subdivision 13(1)(A)(i), (iii), or (iv) of this ~~title~~ chapter for a client with a home office in this State.

(b) A firm that does not have an office in this State may perform those services set forth in subdivision 13(1)(A)(ii), 13(1)(A)(v), or 13(3) of this chapter for a client with a home office in this State, may otherwise practice public accounting as authorized under this chapter, and may use the title “CPA” or “CPA firm” without a registration issued only if the firm:

(1) meets the qualifications set forth in subsections (c) and (d) of this section;

1 (2) meets the requirements of ~~section 75e~~ subsection 75(c) of this ~~title~~
2 chapter, as applicable; and

3 (3) performs services through an individual with practice privileges set
4 forth under section 74c of this ~~title~~ chapter.

5 * * *

6 (d) Any CPA or RPA firm as defined in this chapter may include
7 nonlicensee owners, provided that:

8 (1) The firm designates a licensee of this State or, in the case of a firm
9 that is required to have a registration pursuant to subsection (a) of this section,
10 a licensee who meets the requirements set forth in section 74c of this ~~title~~
11 chapter who is responsible for the proper registration of the firm, and identifies
12 that individual to the Board.

13 * * *

14 (f) Any individual exercising practice privileges pursuant to section 74c of
15 this ~~title~~ chapter, and who is responsible for supervising attest services and
16 signs or authorizes someone to sign the accountant's report on behalf of the
17 firm, shall meet the experience and competency requirements set forth in the
18 professional standards for those services.

19 * * *

20 Subchapter 4. Discipline

21 * * *

1 § 78. ~~DISCIPLINARY MATTERS~~

2 ~~(a) In addition to other powers specifically established by law, the Board~~
3 ~~may:~~

4 ~~(1) Refuse to accept the return of a license tendered by the subject of a~~
5 ~~disciplinary investigation;~~

6 ~~(2) Refuse to license a person who is under investigation in another~~
7 ~~jurisdiction for an offense that would constitute unprofessional conduct in this~~
8 ~~State; and~~

9 ~~(3) Issue warnings and reprimands, condition, suspend, revoke, or~~
10 ~~reinstate licenses, and order restitution to aggrieved consumers.~~

11 ~~(b) The Board shall accept complaints from any member of the public, any~~
12 ~~licensee, any state or federal agency, or the Attorney General. The Board may~~
13 ~~initiate disciplinary action in any complaint against a licensee and may act~~
14 ~~without having received a complaint.~~

15 ~~(c) After hearing, the Board may take disciplinary action against a licensee,~~
16 ~~registrant, or applicant found guilty of unprofessional conduct.~~

17 ~~(d) On petition, the Board may reinstate any license or registration it earlier~~
18 ~~conditioned, revoked, or suspended.~~

19 ~~(e) Appeals from final Board decisions shall be taken in accordance with~~

20 ~~3 V.S.A. § 130a. [Repealed.]~~

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* * * Funeral Services * * *

Sec. 6. 26 V.S.A. § 1252 is amended to read:

§ 1252. APPLICATION; QUALIFICATIONS

(a) Funeral director.

(1) Any person holding a high school certificate or its equivalent shall be entitled to take an examination as a funeral director provided that he or she has:

* * *

(3) Notwithstanding the provisions of subdivision (1)(A) of this subsection (~~a~~), the Director may by rule prescribe an alternative pathway to licensure for individuals who have not attended a school of funeral service but who have demonstrated through an approved program of apprenticeship and study the skills deemed necessary by the Director to ensure competence as a funeral director.

(b) Embalmer.

(1) Any person holding a high school certificate or its equivalent shall be entitled to take an examination in embalming provided that he or she has:

* * *

(3) Notwithstanding the provisions of subdivision (1)(A) of this subsection, the Director may by rule prescribe an alternative pathway to licensure for individuals who have not attended a school of funeral service but

1 who have demonstrated through an approved program of apprenticeship and
2 study the skills deemed necessary by the Director to ensure competence as an
3 embalmer.

4 * * *

5 * * * Nursing * * *

6 Sec. 7. 26 V.S.A. chapter 28 is amended to read:

7 CHAPTER 28. NURSING

8 Subchapter 1. General Provisions

9 * * *

10 § 1573. VERMONT STATE BOARD OF NURSING

11 * * *

12 (c) Each member of the Board shall be a ~~citizen of the United States and a~~
13 resident of this State.

14 * * *

15 § 1574. POWERS AND DUTIES

16 (a) In addition to the powers granted by 3 V.S.A. § 129, the Board shall:

17 * * *

18 (3) Adopt rules setting standards for approval of medication nursing
19 assistant and nursing education programs in Vermont, including all clinical
20 facilities. The Board may require reimbursement for actual and necessary
21 costs incurred for site surveys.

1 (A) After an opportunity for a hearing, the Board may deny or
2 withdraw approval or take lesser action when a program fails to meet the rules
3 requirements.

4 (B) The Board may reinstate a program whose approval has been
5 denied or withdrawn when the Board is satisfied that deficiencies have been
6 remedied and the requirements have been met.

7 (C) Standards for nursing education programs and clinical facilities
8 shall:

9 (i) rely upon the standards of recognized national accrediting
10 bodies without duplicating the function of those bodies;

11 (ii) call for the annual reporting of data, including graduation rates
12 and examination pass rates, appropriate to verify that programs are capable of
13 meeting national standards and sustaining responsible operation in the interests
14 of the public; and

15 (iii) be waivable by the Director of Professional Regulation if the
16 Director finds that a program has exhausted reasonable efforts to comply and
17 that such waiver will not compromise a program's educational integrity.

18 (4) [Repealed.]

19 ~~(A) After an opportunity for a hearing, the Board may deny or~~
20 ~~withdraw approval or take lesser action when a program fails to meet the rules~~
21 ~~requirements.~~

1 ~~(B) The Board may reinstate a program whose approval has been~~
2 ~~denied or withdrawn when the Board is satisfied that deficiencies have been~~
3 ~~remedied and the requirements have been met.~~

4 * * *

5 Sec. 8. REPEAL OF BOARD OF NURSING FACULTY REQUIREMENTS
6 IN RULE

7 The rules of the Board of Nursing governing the faculty of bachelor and
8 associate degree programs and the faculty of practical nursing programs, set
9 forth in Administrative Rules of the Board of Nursing, CVR 03-030-170,
10 §§ 4.23 (faculty, bachelor and associate degree programs) and 4.24 (faculty,
11 practical nursing programs), are repealed.

12 * * * Optometry * * *

13 Sec. 9. 26 V.S.A. chapter 30 is amended to read:

14 CHAPTER 30. OPTOMETRY

15 * * *

16 Subchapter 3. Examinations and Licenses

17 * * *

18 § 1718. FEES

19 Applicants and persons regulated under this chapter shall pay the following
20 fees:

- 21 (1) Application \$225.00

1 (2) Biennial renewal ~~\$425.00~~ \$350.00

2 * * *

3 * * * Osteopathy * * *

4 Sec. 10. 26 V.S.A. § 1794 is amended to read:

5 § 1794. FEES

6 (a) Applicants and persons regulated under this chapter shall pay the
7 following fees:

8 (1) Application

9 (A) Licensure \$500.00

10 (B) Limited temporary license \$ 50.00

11 (2) Biennial license renewal ~~\$350.00~~ \$300.00

12 * * *

13 * * * Pharmacy * * *

14 Sec. 11. 26 V.S.A. chapter 36 is amended to read:

15 CHAPTER 36. PHARMACY
16 Subchapter 1. General Provisions

17 * * *

18 § 2022. DEFINITIONS

19 As used in this chapter:

20 * * *

21 (15)(A) “Practice of pharmacy” means:

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(vii) ~~optimizing drug therapy through~~ the practice of clinical pharmacy; and

* * *

(B) “Practice of clinical pharmacy” or “clinical pharmacy” means:

(i) the health science discipline in which, in conjunction with the patient’s other practitioners, a pharmacist provides patient care to optimize medication therapy and to promote disease prevention and the patient’s health and wellness;

(ii) providing patient care services within the pharmacist’s authorized scope of practice, including medication therapy management, comprehensive medication review, and postdiagnostic disease state management services; ~~or~~

(iii) practicing pharmacy pursuant to a collaborative practice agreement; or

(iv) prescribing as provided under section 2023 of this subchapter.

* * *

§ 2023. CLINICAL PHARMACY; PRESCRIBING

(a) In accordance with rules adopted by the Board, a A pharmacist may engage in the practice of clinical pharmacy, including prescribing as set forth in subsection (b) of this section, provided that a pharmacist shall not, under any

1 circumstance, prescribe a regulated drug as defined in 18 V.S.A. § 4201, a
2 compounded drug, or a biological product as defined in 18 V.S.A. § 4601,
3 except that a pharmacist may prescribe vaccines.

4 (b) A pharmacist may prescribe in the following contexts:

5 (1) Collaborative practice agreement. A pharmacist may prescribe, for
6 the patient or patients of a prescribing clinician licensed pursuant to this title,
7 within the scope of a written collaborative practice agreement with that
8 primary prescriber. The collaborative practice agreement shall not permit the
9 pharmacist to diagnose any condition and shall require the pharmacist and
10 collaborating clinician to contemporaneously notify each other of any change
11 in the patient’s pharmacotherapy or known medical status.

12 (2) State protocol. A pharmacist may prescribe in a manner consistent
13 with valid State protocols approved by the Commissioner of Health or by the
14 Director of Professional Regulation in consultation with the Board:

15 (A) opioid antagonists;

16 (B) epinephrine auto-injectors;

17 (C) tobacco cessation products;

18 (D) tuberculin purified protein derivative products;

19 (E) hormonal contraceptives; and

1 (F) drugs, drug categories, or devices that are prescribed in
2 accordance with the product’s federal Food and Drug Administration-approved
3 labeling and that are limited to conditions that:

4 (i) do not require a new diagnosis;

5 (ii) are minor and generally self-limiting; or

6 (iii) have a test that is used to guide diagnosis or clinical decision-
7 making and are waived under the federal Clinical Laboratory Improvement
8 amendments of 1988.

9 (3) Accessory devices. A pharmacist may prescribe accessory-type
10 devices, such as spacers, needles, and diabetic testing supplies, where
11 clinically indicated in the judgment of the pharmacist.

12 (4) Fluoride. A pharmacist may prescribe dietary fluoride supplements
13 consistent with the American Dental Association’s recommendations for
14 persons whose drinking water is proven to have a fluoride content below the
15 U.S. Department of Health and Human Services’ recommended concentration.

16 (5) Prescriber-authorized substitution. A prescribing clinician licensed
17 pursuant to this title may authorize a pharmacist to substitute a drug with
18 another drug in the same therapeutic class that would, in the opinion of the
19 pharmacist, have substantially equivalent therapeutic effect even though the
20 substitute drug is not a therapeutic equivalent drug, provided:

1 (A) the prescriber has clearly indicated that drug product substitution
2 is permissible by indicating “therapeutic substitution allowed” or similar
3 designation;

4 (B) the drug product substitution is intended to ensure formulary
5 compliance with the patient’s health insurance plan or otherwise to minimize
6 cost to the patient;

7 (C) the patient’s voluntary, informed consent is obtained in writing;
8 and

9 (D) the pharmacist or designee notifies the prescriber within five
10 days of dispensing.

11 (6) Over-the-counter availability. A pharmacist may prescribe drugs
12 lawfully available to consumers without prescription where appropriate to
13 reduce costs to the patient, such as by drawing from a health savings account
14 or flexible spending account.

15 (7) Exigency. A pharmacist may prescribe in the absence of a
16 collaborative practice agreement as described in subdivision (1) of this
17 subsection or of a State protocol as described in subdivision (2) of this
18 subsection in cases where inability to immediately dispense would, in the
19 professional judgment of the pharmacist, unnecessarily jeopardize the health or
20 safety of the patient. In such cases, the pharmacist may only provide sufficient
21 quantity to the patient until the patient is able to be seen by another provider

1 and shall take all reasonable measures to notify the patient’s primary care
2 provider of record.

3 * * *

4 Subchapter 5. ~~Registration of Facilities~~ Drug Outlets

5 § 2061. REGISTRATION AND LICENSURE

6 * * *

7 (g) Any nonpharmacist owner of a retail or institutional drug outlet may be
8 denied the right to own another pharmacy for a period to be determined by the
9 Board, if he or she is found to be in violation of any of the grounds listed under
10 ~~section 2051 of this title~~ 3 V.S.A. § 129a.

11 * * *

12 § 2063. NOTIFICATIONS

13 (a) All licensed drug outlets shall report to the Board of Pharmacy within
14 48 hours the occurrence of any of the following changes:

15 * * *

16 (3) any and all other matters and occurrences as the Board may properly
17 require by ~~rules and regulations~~ rule.

18 * * *

19 ~~Subchapter 6. Wholesale Distributors and Manufacturers~~

20 * * *

* * * Physical Therapists * * *

Sec. 12. 26 V.S.A. § 2103 is amended to read:

§ 2103. EXAMINATION

* * *

(e) An applicant for licensure who does not pass the examination on the first attempt may retake the examination one additional time without reapplication for licensure within six months of the first examination. Before the Director may approve an applicant for subsequent testing beyond two attempts, an applicant shall reapply for licensure and shall submit evidence satisfactory to the Director of having successfully completed additional clinical training or course work, or both, as determined by the Director.

* * *

* * * Veterinary Medicine * * *

Sec. 13. 26 V.S.A. § 2414 is amended to read:

§ 2414. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application \$ 100.00
- (2) Biennial renewal ~~\$ 200.00~~ \$175.00

1 * * * Landscape Architects * * *

2 Sec. 14. 26 V.S.A. § 2613 is amended to read:

3 § 2613. EXEMPTIONS

4 (a) This chapter shall not affect or prevent:

5 * * *

6 (7) the design of irrigation systems; ~~and~~ or

7 (8) officers or employees of the federal government from working in
8 connection with their employment.

9 * * *

10 * * * Review of Regulatory Laws * * *

11 Sec. 15. 26 V.S.A. chapter 57 is amended to read:

12 CHAPTER 57. REVIEW OF REGULATORY LAWS

13 * * *

14 § 3105. CRITERIA AND STANDARDS

15 (a) A profession or occupation shall be regulated by the State only when:

16 (1) it can be demonstrated that the unregulated practice of the profession
17 or occupation can clearly harm or endanger the health, safety, or welfare of the
18 public, and the potential for the harm is recognizable and not remote or
19 speculative;

20 (2) the public can reasonably be expected to benefit from an assurance
21 of initial and continuing professional ability; and

1 (3) the public cannot be effectively protected by other means.

2 * * *

3 (d) Prior to review under this chapter and consideration by the General
4 Assembly of any bill to regulate a profession or occupation and upon the
5 request of the House or Senate Committee on Government Operations, the
6 Office shall make, in writing, a preliminary assessment of whether any
7 particular request for regulation meets the criteria set forth in subsection (a) of
8 this section. The Office shall report its preliminary assessment to the
9 ~~appropriate House or~~ and Senate Committee Committees on Government
10 Operations.

11 (e) After the review of a proposal to regulate a profession or to amend the
12 scope of a regulated profession, the Office may decline to conduct an analysis
13 and evaluation ~~of the proposed regulation~~ if it finds that:

14 (1) the proposed regulatory scheme appears to regulate fewer than 250
15 individuals; ~~and~~

16 (2) the Office previously conducted an analysis and evaluation of the
17 proposed regulation of the same profession or occupation, and no new
18 information has been submitted that would cause the Office to alter or modify
19 the recommendations made in its earlier report on that proposed regulation; or

20 (3) a proposal presented by petition would, in the opinion of the
21 Director, call for the unwarranted expenditure of State resources.

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§ 3107. INFORMATION REQUIRED OF APPLICANTS

Prior to review under this chapter and prior to consideration by the General Assembly of any bill that proposes to regulate a profession or occupation, the profession or occupation being reviewed or seeking regulation shall explain each of the following factors, in writing, to the extent requested by the House or Senate Committee on Government Operations:

(1) Why regulation is necessary, including:

* * *

(2) The extent to which practitioners are autonomous, as indicated by:

* * *

(3) The efforts that have been made to address the concerns that give rise to the need for regulation, including:

* * *

(4) Why the alternatives to licensure specified in this subdivision would not be adequate to protect the public interest:

* * *

(5) The benefit to the public if regulation is granted, including:

* * *

(6) The form and powers of the regulatory entity, including:

* * *

1 (7) The extent to which regulation might harm the public, including:

2 * * *

3 (8) How the standards of the profession or occupation will be
4 maintained, including:

5 * * *

6 (9) A profile of the practitioners in this State, including a list of
7 associations, organizations, and other groups representing the practitioners and
8 including an estimate of the number of practitioners in each group.

9 (10) The effect that registration, certification, or licensure will have on
10 the costs of the services to the public.

11 * * *

12 § 3108. PRELIMINARY ASSESSMENT OF SCOPE OF PRACTICE

13 (a) Office preliminary assessment.

14 (1) Prior to review under this chapter and consideration by the General
15 Assembly of any bill to materially amend the scope of practice permitted for a
16 regulated profession or occupation, and upon the request of the House or
17 Senate Committee on Government Operations or upon the direct petition from
18 a regulated profession or occupation, the Office shall make, in writing, a

1 preliminary assessment of whether the proposed scope of practice amendment
2 is consistent with the principles and standards set forth in this chapter.

3 (2) The Office shall report its preliminary assessment to the House and
4 Senate Committees on Government Operations and, where a report pertains to
5 a health care profession, to the House Committee on Health Care and the
6 Senate Committee on Health and Welfare.

7 (b) Required supporting information. Persons proposing a material
8 amendment of a scope of practice shall explain each of the following factors,
9 in writing, to the extent requested by the Office or the House or Senate
10 Committee on Government Operations, not later than July 1 of the year
11 preceding the next regular session of the General Assembly:

12 (1) A description of the practices and activities that the profession or
13 occupation would be permitted to engage in if the scope of practice is
14 amended;

15 (2) Public health, safety, or welfare benefits, including economic
16 benefits that the requestor believes will be achieved if the request is

1 implemented and, if applicable, a description of any harm to public health if
2 the request is be implemented;

3 (3) The impact the amendment of the scope of practice will have on the
4 public’s access to occupational services;

5 (4) A description of the current laws and regulations, both federal and
6 State, pertaining to the profession, including a description of the current
7 education, training, and examination requirements and any relevant
8 certification requirements applicable to the profession for which the amended
9 scope of practice is being sought;

10 (5) The extent to which the public can be confident that a practitioner is
11 competent to perform the activities and practices permitted under the amended
12 scope of practice, including a description of the nature and duration of the
13 education and training for performing these activities and practices, if any.
14 The description of the education and training shall include the following
15 information:

16 (A) whether the educational requirement includes a substantial
17 amount of supervised practical experience;

18 (B) a description of the courses and professional educational
19 programs, including relevant syllabi and curricula, training professionals to
20 perform the activities and practices being proposed under the expanded scope
21 of practice;

1 (C) whether educational programs exist in this State;

2 (D) whether there will be an experience requirement;

3 (E) whether the experience must be acquired under a registered,
4 certified, or licensed practitioner;

5 (F) whether there are alternative routes of entry or methods of
6 satisfying the eligibility requirements and qualifications; and

7 (G) whether all applicants will be required to pass an examination
8 and, if an examination is required, by whom it will be developed and how the
9 costs of development will be met;

10 (6) A description of how the request relates to the profession’s ability to
11 practice to the full extent of the profession’s education and training;

12 (7) For health care professionals, a description of the impact an
13 amendment to the scope of practice will have within the health care system,
14 including:

15 (A) the anticipated economic impact such an expansion will have for
16 the system, for patients, and for other health care providers; and

17 (B) identification of any health care professions that can reasonably
18 be anticipated to be directly impacted by the request, the nature of the impact,
19 and efforts made by the requestor to discuss the request with such health care
20 professionals;

21 (8) A summary of the known scope of practice changes either requested

1 or enacted in the State concerning the profession in the five-year period
2 preceding the date of the current request;

3 (9) A summary of regional and national trends, legislation, laws, and
4 regulations concerning licensure of the profession making the request, and a
5 summary of relevant scope of practice provisions enacted in other states;

6 (10) How the standards of the profession or occupation will be
7 maintained, including whether effective quality assurance standards pertaining
8 to the activities and practices permitted under the proposed expanded scope of
9 practice exist in the profession or occupation, such as legal requirements
10 associated with specific programs that define or enforce standards; and

11 (11) A profile of the practitioners in this State, including a list of
12 associations, organizations, and other groups representing the practitioners and
13 including an estimate of the number of practitioners in each group.

14 (c) Exemption. In lieu of submitting a scope of practice request as
15 described in subsection (b) of this section, a person proposing an amendment
16 to a scope of practice may submit a request for an exemption. The request for
17 exemption shall be submitted to the Office not later than July 1 of the year
18 preceding the next regular session of the General Assembly and shall include a
19 plain language description of the request. The Office may grant the exemption
20 if:

1 (1) There exist exigent circumstances that necessitate an immediate
2 response to the request, and the delay imposed by analysis would threaten the
3 public health, safety, or welfare;

4 (2) There is not substantial dispute concerning the scope of practice
5 request; or

6 (3) The requested amendment is not material, meaning the amendment
7 would not alter the balance of risks and harms to the public health, safety, or
8 welfare; the regulatory burdens on any other group; or the enforcement
9 authority or character of the regulatory program.

10 (d) Impacted persons.

11 (1) Any person acting on behalf of a profession that may be directly
12 impacted by a scope of practice request submitted pursuant to this section may
13 submit to the Office a written statement identifying the nature of the impact not
14 later than October 1 of the year preceding the next regular session of the
15 General Assembly. That person shall indicate the nature of the impact by
16 taking into consideration the criteria set forth in subsection (b) of this section
17 and shall provide a copy of the written impact statement to the requestor.

18 (2) Not later than October 15 of that year, the requestor shall submit a
19 written response to the Office and the person that provided the written impact
20 statement. The requestor's written response shall include a description of areas
21 of agreement and disagreement between the respective professions.

1 * * * Private Investigative and Security Services * * *

2 Sec. 16. 26 V.S.A. chapter 59 is amended to read:

3 CHAPTER 59. PRIVATE INVESTIGATIVE AND SECURITY SERVICES

4 Subchapter 1. General Provisions

5 § 3151. DEFINITIONS

6 As used in this chapter:

7 (1)(A) “Director” means the Director of the Office.

8 (B) ~~“Board” means the State Board of Private Investigative and~~
9 ~~Security Services~~ “Office” means the Office of Professional Regulation.

10 * * *

11 Subchapter 2. ~~State Board of Private Investigative and Security Services~~
12 Administration

13 § 3161. ~~STATE BOARD~~ REGULATION OF PRIVATE INVESTIGATIVE
14 AND SECURITY SERVICES; DIRECTOR; ADVISOR
15 APPOINTEES

16 ~~The State Board of Private Investigative and Security Services is created.~~
17 ~~The Board shall consist of five members appointed by the Governor: one shall~~
18 ~~be a provider of private investigative services; one shall be a provider of~~
19 ~~private security services; two shall be members of the public with no financial~~
20 ~~interest in either service other than as a consumer or potential consumer. The~~
21 ~~remaining member shall be a provider of private investigative services or a~~

1 ~~provider of private security services, or a provider of both types of services.~~

2 ~~Board members shall be appointed by the Governor pursuant to 3 V.S.A. §§~~

3 ~~129b and 2004.~~

4 (a)(1) The Director shall administer the provisions of this chapter.

5 (2) The Director shall consult the advisor appointees prior to exercising
6 interpretive discretion, adopting or amending rules, and determining any
7 substantial regulatory question presented in the course of administering this
8 chapter.

9 (b)(1) The Secretary of State shall appoint five persons of suitable
10 qualifications in accordance with this section to advise the Director in matters
11 concerning private investigative and security services.

12 (A) Two advisors shall be members of the public with no financial
13 interest, either personally or through a spouse, in private investigative services
14 or security services.

15 (B) One advisor shall be a provider of private investigative services.

16 (C) One advisor shall be a provider of private security services.

17 (D) The remaining member shall be a provider of private
18 investigative services or a provider of private security services, or a provider of
19 both types of services.

1 (2) The Secretary of State shall appoint the advisors for five-year
2 staggered terms. Four of the initial appointments shall be for four-, three-,
3 two-, and one-year terms.

4 § 3162. ~~BOARD RULEMAKING AUTHORITY~~ DIRECTOR; POWERS
5 AND DUTIES

6 The ~~Board may~~ Director shall adopt rules necessary for the performance of
7 ~~its duties~~ effective administration of this chapter, including rules prescribing
8 minimum standards and qualifications for:

9 * * *

10 Subchapter 3. Licensing

11 § 3171. LICENSING

12 * * *

13 (c) Individual registrations may be transferred upon approval by the ~~Board~~
14 Director.

15 § 3172. LICENSES

16 The ~~Board~~ Director shall issue agency licenses for private investigative
17 services, private security guard services, or combination guard agency licenses
18 to applicants that submit all of the following:

19 * * *

1 § 3173. PRIVATE INVESTIGATOR LICENSES

2 (a) ~~A person shall not engage in the business of private investigation or~~
3 ~~provide private investigator services in this State without first obtaining a~~
4 ~~license.~~ The ~~Board~~ Director shall issue a license to a private investigator after
5 obtaining and approving all of the following:

6 (1) ~~an application filed in proper form~~ evidence that the applicant has
7 attained the age of majority;

8 (2) ~~the application fee~~ evidence that the applicant has successfully
9 passed any examination required by rule; and

10 (3) ~~evidence that the applicant has attained the age of majority; and~~

11 (4) ~~evidence that the applicant has successfully passed any examination~~
12 ~~required by rule~~ the application fee.

13 (b) The ~~Board~~ Director may make inquiries ~~if~~ he or she deems necessary
14 into the character, integrity, and reputation of the applicant.

15 (c) The ~~Board~~ Director shall require that a person ~~licensed~~ seeking
16 licensure to practice independently as a private investigator has had
17 appropriate experience in investigative work, for a period of not less than two
18 years, as determined by the ~~Board~~ Director. Such experience may include
19 having been regularly employed as a private ~~detective~~ investigator licensed in
20 another state or as an investigator for a private ~~detective~~ investigative agency

1 licensed in this or another state or having been a sworn member of a federal,
2 state, or municipal law enforcement agency.

3 * * *

4 § 3174. SECURITY GUARD LICENSES

5 ~~(a) A person shall not engage in the business of a security guard or provide~~
6 ~~guard services in this State without first obtaining a license.~~ The Board
7 Director shall issue a license to a security guard after obtaining and approving
8 all of the following:

9 (1) ~~an application filed in proper form~~ evidence that the applicant has
10 attained the age of majority;

11 (2) ~~the application fee~~ evidence that the applicant has successfully
12 passed any examination required by rule; and

13 (3) ~~evidence that the applicant has attained the age of majority;~~

14 (4) ~~evidence that the applicant has successfully passed any examination~~
15 ~~required by rule~~ the application fee.

16 (b) The Board Director may make inquiries ~~if~~ he or she deems necessary
17 into the character, integrity, and reputation of the applicant.

18 (c) The Board Director shall require that a person ~~licensed~~ seeking
19 licensure to practice independently as a security guard has had experience
20 satisfactory to the Board Director in security work for a period of not less than
21 two years. Such experience may include having been licensed as a security

1 guard in another state or regularly employed as a security guard for a security
2 agency licensed in this or another state or having been a sworn member of a
3 federal, state, or municipal law enforcement agency.

4 * * *

5 § 3175. EXAMINATIONS

6 The ~~Board~~ Director shall prepare, or have prepared, and administer,
7 separate examinations for private investigators and private security services.
8 Each examination shall be designed to test the competency of the applicant
9 with respect to the lawful and safe provision of each respective service to the
10 public.

11 § 3175a. FIREARMS INSTRUCTOR LICENSURE; PROGRAM OF
12 INSTRUCTION

13 (a) The ~~Board~~ Director shall license firearms training course instructors of
14 private investigators and security guards licensed under this chapter and shall
15 adopt rules governing the licensure of instructors and the approval of firearms
16 and guard dog training programs.

17 (b) The ~~Board~~ Director shall not issue a license as a firearms training
18 program instructor without first obtaining and approving all of the following:

19 (1) ~~the application filed in the proper form~~ evidence that the applicant
20 has attained the age of majority;

1 (2) ~~the application fee established in subdivision 3178a(a)(5)(A) of this~~
2 ~~title~~ a copy of the applicant's training program;

3 (3) ~~evidence that the applicant has obtained the age of majority~~ proof of
4 certification as an instructor from an instructor's course approved by the
5 Director;

6 (4) ~~a copy of the applicant's training program~~ federal background check;
7 and

8 (5) ~~proof of certification as an instructor from an instructor's course~~
9 ~~approved by the Board;~~

10 (6) ~~a federal background check~~ the application fee.

11 (c) ~~Instructors licensed under this section are subject to the same renewal~~
12 ~~requirements as others licensed under this chapter, and prior to renewal are~~
13 ~~required to show proof of current instructor licensure and pay the renewal fee~~
14 ~~established in subdivision 3178a(a)(5)(B) of this title. [Repealed.]~~

15 § 3175b. GUARD DOG TRAINING INSTRUCTOR LICENSE

16 (a) An applicant for a license to provide guard dog services shall
17 demonstrate to the ~~Board~~ Director competence in the handling of guard dogs in
18 a guard dog training program approved by the ~~Board~~ Director and taught by an
19 instructor currently licensed under this section.

20 (b) The ~~Board~~ Director shall not issue a license as a guard dog training
21 program instructor without first obtaining and approving all of the following:

1 (1) ~~the application filed in the proper form~~ evidence that the applicant
2 has attained the age of majority;

3 (2) ~~the application fee set forth in section 3178 of this title~~ a copy of the
4 applicant’s training program;

5 (3) ~~evidence that the applicant has obtained the age of majority~~ proof of
6 certification as an instructor from an instructor’s course approved by the
7 Director;

8 (4) ~~a copy of the applicant’s training program~~ federal background check;
9 and

10 (5) ~~proof of certification as an instructor from an instructor’s course~~
11 approved by the Board;

12 (6) ~~a federal background check~~ the application fee.

13 § 3175c. FIREARMS TRAINING AND CERTIFICATION

14 (a) A licensee seeking a firearms certification shall ~~meet the following~~
15 requirements:

16 (1) ~~An applicant for a private investigator or security guard license to~~
17 ~~provide armed services shall~~ demonstrate to the ~~Board~~ Director competence in
18 the safe use of firearms by successfully completing a firearms training program
19 approved by the ~~Board.~~ Director;

20 (2) ~~An applicant shall~~ pay the required fee.;

1 (3) ~~An applicant shall obtain~~ provide the Director with evidence that the
2 applicant has attained the age of majority; and

3 (4) ~~An applicant shall~~ receive a satisfactory federal background check.

4 (b) ~~No~~ A licensee ~~may~~ shall not possess a firearm while performing
5 professional services unless certified and in good standing under this section.

6 § 3176. EMPLOYEES OF AGENCIES

7 * * *

8 (b) An agency shall register all agency investigative and security
9 employees with the ~~Board~~ Office. Employees shall carry identification ~~in a~~
10 ~~form satisfactory to the Board~~ indicating the licensee by whom the person is
11 employed.

12 (c) An employee of a licensee shall not function as an armed private
13 investigator, armed guard, armed courier, or handler of guard dogs unless the
14 employee ~~demonstrates to the Board competency in a manner deemed~~
15 ~~appropriate by the Board~~ holds an active specialty designation authorizing the
16 use of firearms or guard dogs, as applicable.

17 (d) ~~The Board~~ Director may make inquiries it deems necessary into the
18 character, integrity, and reputation of the employee.

19 (e) As a prerequisite to registration, all investigative and security
20 employees shall take and successfully complete a training program approved
21 by the ~~Board~~ Director.

1 (f) A licensed agency or other entity conducting a training program
2 approved by the ~~Board~~ Director pursuant to this section shall maintain training
3 records for not less than five years. The retained records shall include, at a
4 minimum, records of the courses taught, subjects covered, and persons who
5 have received instruction. Training records shall be made available to the
6 ~~Office of Professional Regulation~~ upon request. A licensed agency shall
7 maintain its training records at its regular place of business within the State of
8 Vermont.

9 § 3176a. TRANSITORY PRACTICE

10 The Director ~~of the Office of Professional Regulation~~, under rules adopted
11 by the ~~Board~~ Director, may grant a transitory permit to practice as a private
12 investigator to a person who is not a resident of Vermont and has no
13 established place of business in this State, if that person is legally qualified by
14 license to practice as a private investigator in any state or country that regulates
15 such practice. Practice under a transitory permit shall not exceed 30 days in
16 any calendar year.

17 * * *

18 § 3178a. ~~FEES~~

19 ~~(a) Applicants and persons regulated under this chapter shall pay the~~
20 ~~following fees:~~

21 ~~(1) Application for agency license:~~

- 1 ~~(A) Investigative agency~~ _____ \$ 340.00
- 2 ~~(B) Security agency~~ _____ \$ 340.00
- 3 ~~(C) Investigative/security agency~~ _____ \$ 400.00
- 4 ~~(D) Sole proprietor~~ _____ \$ 250.00
- 5 ~~(2) Application for individual license:~~
- 6 ~~(A) Unarmed licensee~~ _____ \$ 150.00
- 7 ~~(B) Armed licensee~~ _____ \$ 200.00
- 8 ~~(3) Application for employee registration:~~
- 9 ~~(A) Unarmed registrants~~ _____ \$ 60.00
- 10 ~~(B) Armed registrants~~ _____ \$ 120.00
- 11 ~~(C) Transitory permits~~ _____ \$ 60.00
- 12 ~~(4) Biennial renewal:~~
- 13 ~~(A) Investigative agency~~ _____ \$ 300.00
- 14 ~~(B) Security agency~~ _____ \$ 300.00
- 15 ~~(C) Investigative/security agency~~ _____ \$ 300.00
- 16 ~~(D) Unarmed licensee~~ _____ \$ 120.00
- 17 ~~(E) Armed licensee~~ _____ \$ 180.00
- 18 ~~(F) Unarmed registrants (agency employees)~~ _____ \$ 80.00
- 19 ~~(G) Armed registrants (agency employees)~~ _____ \$ 130.00
- 20 ~~(H) Sole proprietor~~ _____ \$ 250.00
- 21 ~~(5) Instructor licensure:~~

1 * * * Real Estate Appraisers * * *

2 Sec. 17. 26 V.S.A. chapter 69 is amended to read:

3 CHAPTER 69. REAL ESTATE APPRAISERS

4 * * *

5 Subchapter 3. Licenses, Certifications, and Registrations

6 § 3316. LICENSING AND REGISTRATION FEES

7 ~~In addition to the fees otherwise authorized by law, the Director may charge~~
8 ~~the fees for professions~~ Applicants and persons regulated by the Director as
9 under this chapter shall pay those fees set forth in 3 V.S.A. § 125(b).

10 * * *

11 § 3321. RENEWALS

12 (a) ~~A~~ Except for a license issued to an appraisal management company, a
13 licensed issuer under this chapter shall be renewed biennially upon payment of
14 the required fee and upon satisfactory completion of the minimum continuing
15 education requirements established by AQB during the immediately preceding
16 two-year period. An appraisal management company shall renew its license
17 annually in compliance with State and federal regulations.

18 (b) If an individual or an appraisal management company fails to renew in
19 a timely manner, he ~~or~~, she, or it may renew the license within 30 days of the
20 renewal date by satisfying all requirements set forth in law, including, as

1 applicable, those requirements of AQB for reactivation and payment of an
2 additional late renewal penalty.

3 (c) The Director may reactivate the license of an individual or an appraisal
4 management company whose license has lapsed for more than 30 days upon
5 payment of the renewal fee, the reactivation fee, and the late renewal penalty,
6 provided the individual ~~has satisfied all~~ or appraisal management company has
7 satisfied all the requirements set forth in law, including, as applicable, those
8 requirements of AQB for reactivation.

9 (d) The Director may require, by rule, as a condition of reactivation, that an
10 applicant, other than an appraisal management company, undergo review of
11 one or more aspects of the applicant’s professional work in the practice of real
12 estate appraising, provided that the manner and performance results of the
13 review be specified by the Director. Such a review requirement shall:

14 * * *

15 (e) ~~An appraisal management company shall renew its registration~~
16 ~~biennially.~~ [Repealed.]

17 * * *

* * * Dietitians * * *

Sec. 18. 26 V.S.A. § 3387 is amended to read:

§ 3387. APPLICATION

A person who desires to be certified as a dietitian shall apply to the Director in writing, on a form furnished by the Director, accompanied by payment of a the required fee ~~required pursuant to section 3388 of this title~~ and evidence that the applicant meets the requirements set forth in section 3385 of this ~~title~~ chapter.

* * * Naturopathic Physicians * * *

Sec. 19. 26 V.S.A. § 4126 is amended to read:

§ 4126. ADVISOR APPOINTEES

* * *

~~(d) Notwithstanding 3 V.S.A. § 129(j), when an advisor appointee is unable to serve as an administrative law officer by reason of disqualification or necessary absence, the Secretary of State may appoint a suitable person to serve as the administrative law officer in lieu of the advisor appointee.~~

[Repealed.]

1 * * * Midwives * * *

2 Sec. 20. 26 V.S.A. chapter 85 is amended to read:

3 CHAPTER 85. MIDWIVES

4 § 4181. DEFINITIONS

5 The definitions contained in this section shall apply throughout this chapter
6 unless the context clearly requires otherwise:

7 * * *

8 ~~(6) “VMA” means the Vermont Midwives Alliance.~~

9 * * *

10 § 4185. DIRECTOR; DUTIES

11 * * *

12 (b)(1) The Director shall adopt general rules necessary to perform his or
13 her duties under this chapter, maintain and make available a list of approved
14 programs for continuing education, and by January 1, 2001, in consultation
15 with the Commissioner of Health, the Vermont Medical Society, and the
16 Vermont chapter of the American College of Nurse-Midwives, adopt specific
17 rules defining the scope and practice standards, including risk-assessment
18 criteria, based at a minimum, on the practice standards of the ~~Vermont~~
19 ~~Midwives Alliance (VMA) and the~~ Midwives Alliance of North America
20 (MANA), and defining a protocol and formulary for drug use by licensed
21 midwives, including anti-hemorrhagic drugs and oxygen.

1 (2)(A) Once initially established by rule, the formulary for medication
 2 use by licensed midwives, including anti-hemorrhagic agents and oxygen, shall
 3 be updated by the Director as necessary, subject to the approval of the
 4 Commissioner of Health and notwithstanding the provisions of 3 V.S.A.
 5 chapter 25.

6 (B) The Director shall update the protocol and formulary; in
 7 consultation with the Commissioner of Health or ~~his or her~~ designee, the
 8 Vermont Midwives Association, the Vermont Medical Society, and the
 9 Vermont chapter of the American College of Nurse-Midwives to ensure
 10 licensed midwives have available those medications deemed necessary to
 11 maintain best practice standards and deemed necessary for licensed midwives
 12 to provide prenatal and postpartum care consistent with accepted and
 13 prevailing standards of care for mothers and their babies.

14 * * *

15 Sec. 21. MIDWIVES, DEPARTMENT OF HEALTH; REPEAL OF DATA

16 SUBMISSION AND DATA ACCESS REQUIREMENTS

17 2011 Acts and Resolves No. 35, Secs. 7 (requiring midwives and APRN
 18 certified nurse midwives to submit data on home births) and 8(a) (requiring the
 19 Department of Health to access midwife data) are repealed.

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* * * Electrologists * * *

Sec. 22. 26 V.S.A. § 4404 is amended to read:

§ 4404. DIRECTOR; DUTIES

* * *

(b) The Director may inspect electrology offices used for the practice of electrology. ~~No~~ A fee shall not be charged for ~~initial~~ inspections under this subsection; ~~however, if the Director determines that it is necessary to inspect the same premises under the same ownership more than once in any two year period, a reinspection fee may be charged, as provided in section 4410 of this title. The Director may waive all or a part of the reinspection fee in accordance with criteria established by rule.~~

* * *

* * * Respiratory Care * * *

Sec. 23. 26 V.S.A. § 4712 is amended to read:

§ 4712. EXEMPTIONS FROM LICENSURE

(a) ~~No~~ A person shall not practice respiratory care or represent himself or herself to be a respiratory care practitioner unless he or she is licensed under this chapter, except that this chapter shall not prohibit:

(1) A person matriculated in an education program approved by the ~~board~~ Director who is pursuing a degree in respiratory care or respiratory therapy from satisfying supervised clinical education requirements related to

1 the person’s respiratory care education while under direct supervision of a
2 respiratory care practitioner or physician.

3 * * *

4 * * * Motor Vehicle Racing * * *

5 Sec. 24. 26 V.S.A. § 4801 is amended to read:

6 § 4801. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (8) “Regulation,” unless otherwise specified, means a regulation or rule
10 or amendment, revision, or repeal of a regulation or rule adopted by the
11 ~~commission~~ Director.

12 * * *

13 * * * Pollution Abatement Facility Operators * * *

14 Sec. 25. 26 V.S.A. § 5121 is amended to read:

15 § 5121. ELIGIBILITY FOR LICENSURE

16 (a) To be eligible for licensure as a pollution abatement facility operator, an
17 applicant shall be at least 18 years of age; be able to read and write the English
18 language; ~~hold a high school diploma, General Equivalency Diploma (GED),~~
19 ~~or equivalent~~; and demonstrate such specific education, training, experience,
20 and examination performance as the Director may by rule require to hold the
21 class of license sought.

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* * * Notaries Public * * *

Sec. 26. 24 V.S.A. § 183 is amended to read:

§ 183. ~~CERTIFICATE OF APPOINTMENT OF NOTARY PUBLIC~~

~~Immediately after the appointment of a notary public, the county clerk shall send to the Secretary of State a certificate of such appointment, on blanks furnished by the Secretary, containing the name, signature, and legal residence of the appointee, and the term of office of each notary public. The Secretary shall cause such certificates to be bound in suitable volumes and to be indexed. Upon request, the Secretary may certify the appointment, qualification, and signature of a notary public on tender of his or her legal fees. [Repealed.]~~

* * * Effective Date * * *

Sec. 27. EFFECTIVE DATE

This act shall take effect on July 1, 2020.