





**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           (2) The individual shall submit this request online, accompanied by the  
2           fee for pre-application determinations set forth in section 125 of this  
3           subchapter. **If the individual thereafter applies for licensure, this pre-**  
4           **application fee shall be deducted from that license application fee.**

5           (3) The Office shall:

6                   (A) process a request within 30 days of receiving a complete request;

7                   (B) assess the nature of the underlying conviction or convictions, the  
8           nexus to the profession or professions for which the individual seeks licensure,  
9           and the provided evidence of rehabilitation; and

10                   (C) respond to the individual's request in writing.

11           (1) When, by reason of disqualification, resignation, vacancy, or necessary  
12           absence, a board is unable to form a quorum or assign one or more members to  
13           assist in the investigation and prosecution of complaints or license  
14           applications, or to adjudicate a contested case, the Secretary of State may  
15           appoint ad hoc members, either as voting members to establish a quorum at a  
16           specific meeting or as nonvoting members to assist Office investigators and  
17           prosecutors.

18           Sec. 2. 3 V.S.A. § 125 is amended to read:

19           § 125. FEES

20           (a) In addition to the fees otherwise authorized by law, a board or advisor  
21           profession may charge the following fees:

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

\* \* \*

(5) A pre-application criminal background determination, \$25.00.

\* \* \*

(d) Pursuant to qualifications and procedures determined by the Director, the Office shall, upon request, waive application fees to qualified military members and military spouses.

Sec. 3. 3 V.S.A. § 136 is amended to read:

§ 136. UNIFORM CONTINUING EDUCATION EVALUATION; ~~SUNSET~~  
REVIEW

(a) If continuing education is required by law or rule, the Office shall apply uniform standards and processes that apply to all professions regulated by the Office for the assessment and approval or rejection of continuing education offerings, informed by profession-specific policies developed in consultation with relevant boards and advisor appointees.

(b)(1) Not less than once every five years, each profession attached to the Office shall review its continuing education ~~and~~ **or** other continuing competency requirements. The review results shall be in writing and address the following:

(A) the renewal requirements of the profession;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

**Commented [BW1]:** Meant as technical correction, since not all OPR professions require continuing education as a condition of renewal.

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1           (C) the cost of the renewal requirements for the profession’s  
2 licensees;

3           (D) an analysis of the utility and effectiveness of the renewal  
4 requirements with respect to public protection; and

5           (E) recommendations to the Director on whether the continuing  
6 education or other continuing competency requirements should be modified.

7           (2) The Director shall respond to the profession within 45 days of its  
8 submitted review results. The Director may require a profession to reduce,  
9 modify, or otherwise change the renewal requirements, including by proposing  
10 any necessary amendments to statute or rule.

11 Sec. 4. 3 V.S.A. § 136a is added to read:

12 § 136a. UNIFORM PROCESS FOR ENDORSEMENT FROM OTHER

13 ~~STATES~~ JURISDICTIONS

**Commented [BW2]:** In accordance with change below.

14           (a) Except as provided in subsection (b) of this section, all professions  
15 attached to the Office shall have an endorsement process that requires not more  
16 than three years of practice in good standing in another jurisdiction **within or**  
17 **outside the United States,** regardless of whether that jurisdiction has licensing  
18 requirements substantially similar to those of this State.

**Commented [BW3]:** Clarification that “jurisdiction” means both within and outside the U.S.

19           (b) Any profession determining that three years of demonstrated practice in  
20 another jurisdiction is not adequately protective of the public shall provide its  
21 rationale to the Director, who may propose any necessary statutory or rule

1 amendments in order to implement more restrictive requirements for  
2 endorsement.

3 (c) The Director may issue to an endorsement applicant a waiver of the  
4 profession’s practice requirement if there is a showing that the waiver follows  
5 State policy and the public is adequately protected.

6 \* \* \* Well Drillers \* \* \*

7 Sec. 5. 10 V.S.A. § 1395a is amended to read:

8 § 1395a. LICENSES; RULES

9 (a) Licenses. The Department shall issue licenses under this subchapter. A  
10 licensee may be authorized to perform more than one class of activities under a  
11 single license. The Department shall, by rule, establish appropriate  
12 application, testing, and renewal procedures for each class of activity under a  
13 license. The rule shall include the opportunity for an applicant to take the  
14 licensing test orally or by demonstration if the applicant fails the written test.  
15 The classes of activities under a license shall be as follows:

16 (1) Water well driller. This class shall consist of any person engaged in  
17 the business of constructing wells for the purpose of locating, extracting, or  
18 recharging groundwater, or for the purpose of transferring heat to or from the  
19 earth’s subsurface.



**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           (B) assess the nature of the underlying conviction or convictions, the  
2 nexus to the well drilling profession ~~or professions for which the individual~~  
3 ~~seeks licensure~~, and the provided evidence of rehabilitation; and

**Commented [BW5]:** Deleting unnecessary language since this section is only re: the well driller profession.

4           (C) respond to the individual’s request in writing.

5           ~~(d)~~**(c)** Continuing education; sunset review.

6           (1) Not less than once every five years, the Department shall review its  
7 continuing education ~~and~~ **or** other continuing competency requirements for  
8 well drillers. The review results shall be in writing and address the following:

9           (A) the renewal requirements of the profession;

10           (B) the renewal requirements in other jurisdictions, particularly in the  
11 Northeast region;

12           (C) the cost of the renewal requirements for the profession’s  
13 licensees;

14           (D) an analysis of the utility and effectiveness of the renewal  
15 requirements with respect to public protection; and

16           (E) recommendations to the Secretary on whether the continuing  
17 education or other continuing competency requirements should be modified.

18           (2) The Secretary shall respond to the Department within 45 days of its  
19 submitted review results. The Secretary may require the Department to reduce,  
20 modify, or otherwise change the renewal requirements, including by proposing  
21 any necessary amendments to statute or rule.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 (d) Military credentials. The Department may evaluate specific military  
2 credentials to determine equivalency to credentials for well drillers. The  
3 determinations shall be adopted through written policy that shall be posted on  
4 the Department’s website.

**Commented [BW6]:** Moved from (b) in bill as intro'd, so that all outside-VT credentialing language is together in subsecs. (d)-(f).

5 (e) Uniform process for endorsement from other states jurisdictions.

6 (1) The Department shall issue licenses for well drillers who have been  
7 licensed in good standing in another jurisdiction within or outside the United  
8 States for at least three years, regardless of whether that jurisdiction has  
9 licensing requirements substantially similar to those of this State.

10 (2) If the Department determines that three years of demonstrated  
11 practice in another specific jurisdiction is not adequately protective of the  
12 public, it shall provide its rationale to the Secretary, who may propose any  
13 necessary statutory or rule amendments in order to implement more restrictive  
14 requirements for endorsement for that jurisdiction.

15 (3) The Secretary may issue to an endorsement applicant a waiver of the  
16 practice requirement if there is a showing that the waiver follows State policy  
17 and the public is adequately protected.

18 (f) Uniform process for foreign credential verification.

**Commented [BW7]:** Based on [2019, Act No. 10](#), except did not include a cross-reference to any preliminary license denial provisions, as they do not appear to exist in this T.10 chapter.

19 (1) The Secretary shall adopt rules that prescribe a process for the  
20 Secretary to assess the equivalence of an applicant’s professional credentials

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 earned outside the United States as compared to State licensing requirements  
2 for well drillers.

3 (2) Any determination of equivalence by the Secretary under this section  
4 shall be recorded in the applicant's licensing file and shall be binding upon the  
5 Department.

6 (3) In administering this section, the Secretary may rely upon third-party  
7 credential verification services. The cost of such services shall be paid by the  
8 applicant.

9 (g) Rules.

10 (1) The Department may adopt rules to implement the provisions of this  
11 subchapter and to establish well construction standards for persons engaged in  
12 the business of well construction.

13 ~~(e)(2)(A)~~ Rules relating to licensing standards shall be fair and reasonable  
14 and shall be designed and implemented to ensure that all applicants are granted  
15 licensure if they demonstrate that they possess the minimal occupational  
16 qualifications necessary for the purposes of groundwater protection. They  
17 shall not be designed or implemented for the purpose of limiting the number of  
18 licensees.

19 (B) All other rules to implement the provisions of this subchapter  
20 shall be rationally related to the purposes of this chapter, and shall be designed

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1 to achieve a reasonable balance between the expected governmental, societal,  
2 and occupational costs and the expected benefits.

3 \* \* \* Professional Educators \* \* \*

4 Sec. 6. 16 V.S.A. § 1694 is amended to read:

5 § 1694. POWERS AND DUTIES OF THE STANDARDS BOARD FOR  
6 PROFESSIONAL EDUCATORS

7 In addition to any other powers and duties prescribed by law or incidental or  
8 necessary to the exercise of such lawful powers and duties, the Standards  
9 Board shall:

10 (1)(A) Adopt rules pursuant to 3 V.S.A. chapter 25 with respect to the  
11 licensing of teachers and administrators, and of speech-language pathologists  
12 and audiologists as provided in 26 V.S.A. chapter 87.

13 (B) Not less than once every five years, review its continuing  
14 education ~~and~~ **or** other continuing competency requirements for professional  
15 educators. The review results shall be in writing and address the following:

16 (i) the renewal requirements for licensure and endorsements;

17 (ii) the renewal requirements in other jurisdictions, particularly in  
18 the Northeast region;

19 (iii) the cost of the renewal requirements for the licensees; and



**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 Sec. 7. 16 V.S.A. § 1695a is added to read:

2 § 1695a. PRE-APPLICATION CRIMINAL BACKGROUND

3 DETERMINATION; UNIFORM PROCESS FOR FOREIGN

4 CREDENTIAL VERIFICATION

5 (a) Pre-application criminal background determination. An individual may  
6 request a pre-application determination of the individual's criminal  
7 background. The pre-application determination shall adhere to the process set  
8 forth in section 254 of this title. Results of a pre-application determination  
9 shall not be binding on the Secretary in a future application.

10 (1) The individual's request for a pre-application determination shall  
11 include documentation related to criminal conviction or substantiation,  
12 evidence of rehabilitation or mitigation, and identification of which license and  
13 any endorsement the individual will seek.

14 (2) The individual shall submit this request on a form provided by the  
15 Secretary, accompanied by the pre-application criminal background  
16 determination fee set forth in section 1697 of this chapter. If the individual  
17 thereafter applies for licensure, this pre-application fee shall be deducted from  
18 that license application fee.

19 (3) The Secretary shall:

20 (A) process a request within 30 days of receiving a complete request;

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           (B) assess the nature of any underlying convictions and  
2           substantiations, the nexus to the license and endorsement sought, and the  
3           provided evidence of rehabilitation or mitigation; and

4           (C) respond to the individual’s request in writing, stating whether the  
5           individual may seek licensure.

6           **(b) Uniform process for foreign credential verification.**

**Commented [BW8]:** Based on [2019, Act No. 10](#).

7           **(1) The Secretary shall adopt rules that prescribe a process for the**  
8           **Secretary to assess the equivalence of an applicant’s professional credentials**  
9           **earned outside the United States as compared to State licensing requirements**  
10           **for professional educators.**

11           **(2) Any determination of equivalence by the Secretary under this**  
12           **subdivision (C) shall be recorded in the applicant’s licensing file and shall be**  
13           **binding upon the Standards Board.**

14           **(3) In administering this subsection, the Secretary may rely upon third-**  
15           **party credential verification services. The cost of such services shall be paid**  
16           **by the applicant.**

17           **(4) The provisions relating to preliminary license denials set forth in**  
18           **subsection 1704(a) of this chapter shall apply to a license application that is**  
19           **preliminarily denied for nonequivalence under this subsection.**

1 Sec. 8. 16 V.S.A. § 1697 is amended to read:

2 § 1697. FEES

3 (a) Each individual applicant and licensee shall be subject to the following  
4 fees:

5 \* \* \*

6 (8) Pre-application criminal background determination \$25.00

7 (b) Pursuant to qualifications and procedures determined by the Secretary,  
8 the Agency shall, upon request, waive application fees to qualified military  
9 members and military spouses.

10 (c) Fees collected under this section shall be credited to special funds  
11 established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and  
12 shall be available to the Agency to offset the costs of providing those services.

13 \* \* \* Electricians \* \* \*

14 Sec. 9. 26 V.S.A. § 901 is amended to read:

15 § 901. ELECTRICIANS' LICENSING BOARD; MEMBERSHIP; POWERS

16 (a) Creation. A board for the licensing of electricians is created, to be  
17 known as the "Electricians' Licensing Board."

18 (b) Membership. The ~~board~~ Board consists of the Commissioner of Public  
19 Safety or a member of that Department designated by the Commissioner and  
20 four persons appointed by the Governor with the advice and consent of the  
21 Senate.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           (1) The four appointed members shall serve for terms of three years,  
2 beginning on July 1 in the year of appointment, and they shall include one  
3 licensed master electrician, one licensed journeyman electrician, one person  
4 associated with the public electrical utility industry who is knowledgeable in  
5 technical as well as operational issues of the electrical utility industry, and one  
6 person associated with the fire insurance industry.

7           (2) ~~Not~~ Not more than two appointed members' terms shall expire in the  
8 same year.

9           ~~(3)~~ (3) The Governor shall appoint one of the members of the Board to  
10 serve as its chair.

11           (c) Criminal background; pre-application determination. The Board shall  
12 provide a pre-application determination of an individual's criminal  
13 background. This determination shall not be binding on the Board in a future  
14 application if the individual violates probation or parole or is convicted of  
15 another crime following the determination.

16           (1) The Board shall initiate this determination upon an individual's  
17 "second chance" determination request. This request shall provide  
18 documentation related to the individual's conviction or convictions and  
19 evidence of rehabilitation.

20           (2) The individual shall submit this request online, accompanied by the  
21 fee for pre-application determinations set forth in section 905 of this chapter.

1 If the individual thereafter applies for licensure, this pre-application fee shall  
2 be deducted from that license application fee.

3 (3) The Board shall:

4 (A) process a request within 30 days of receiving a complete request;

5 (B) assess the nature of the underlying conviction or convictions, the  
6 nexus to the electrician profession, and the provided evidence of rehabilitation;

7 and

8 (C) respond to the individual's request in writing.

9 (d) Continuing education; sunset review.

10 (1) Not less than once every five years, the Board shall review  
11 electricians' continuing education ~~and~~ **or** other continuing competency  
12 requirements. The review results shall be in writing and address the following:

13 (A) the renewal requirements for electricians;

14 (B) the renewal requirements in other jurisdictions, particularly in the  
15 Northeast region;

16 (C) the cost of the renewal requirements for electricians;

17 (D) an analysis of the utility and effectiveness of the renewal  
18 requirements with respect to public protection; and

19 (E) recommendations to the Commissioner on whether the continuing  
20 education or other continuing competency requirements should be modified.



**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 whose standards are equivalent to those of this State, if under the laws or  
2 regulations of the state issuing the license a similar privilege is granted to  
3 electricians licensed under the laws of this State.

4 (2) Uniform process for endorsement from other ~~states~~ jurisdictions.

5 (A) The Board shall issue a license to master and journeyman  
6 electricians who have been licensed in good standing in another jurisdiction  
7 within or outside the United States for at least three years, regardless of  
8 whether that jurisdiction ~~has licensing requirements substantially similar to~~  
9 ~~those of this State~~ meets the reciprocity requirements of subdivision (1) of this  
10 subsection.

11 (B) If the Board determines that three years of demonstrated practice  
12 in another specific jurisdiction is not adequately protective of the public, it  
13 shall provide its rationale to the Commissioner, who may propose any  
14 necessary statutory or rule amendments in order to implement more restrictive  
15 requirements for endorsement for that jurisdiction.

16 (C) The Commissioner may issue to an endorsement applicant a  
17 waiver of the practice requirement if there is a showing that the waiver follows  
18 State policy and the public is adequately protected.

19 (c) Except as otherwise provided by law, a journeyman's license shall be  
20 issued to a service member or veteran who:

**Commented [BW9]:** Potential profession-specific change for electricians, since under current law in subdiv. (b)(1), an electrician from "another state" may be licensed in VT if that other state:  
1) has standards *equivalent* to VT; and  
2) grants *reciprocity* to VT-licensed electricians.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 (1) submits a complete application and any documentation required by  
2 the Board;

3 (2) has received designation by the U.S. Armed Forces as a 12R  
4 ~~Electrician~~ electrician or equivalent; and

5 (3) has completed a minimum of 8,000 hours and four years of active  
6 duty field work as a 12R ~~Electrician~~ electrician or equivalent.

7 \* \* \*

8 Sec. 12. 26 V.S.A. § 907 is amended to read:

9 § 907. RECOGNITION OF EXPERIENCE

10 (a) The Board, in determining the qualifications of an applicant for a  
11 license, may in its discretion give recognition:

12 (1) in the case of an application for a master's license, to the applicant's  
13 experience as a licensed journeyman in another state;

14 (2) in the case of an application for a journeyman's license, to an  
15 apprenticeship served in another state; or

16 (3) to experience or prior qualifications.

17 (b)(1) The Board, in determining the qualifications of a service member or  
18 veteran, as defined pursuant to section 906 of this subchapter, who is applying  
19 for a master's license, shall give recognition to the applicant's:

20 ~~(A)~~ experience as a 12R electrician or equivalent in the U.S. Armed  
21 Forces; and



**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           (11) Provide a pre-application determination of an individual’s criminal  
2 background. This determination shall not be binding on the Board in a future  
3 application if the individual violates probation or parole or is convicted of  
4 another crime following the determination.

5           (A) The Board shall initiate this determination upon an individual’s  
6 “second chance” determination request. This request shall provide  
7 documentation related to the individual’s conviction or convictions, evidence  
8 of rehabilitation, and identification of the profession or professions for which  
9 the individual seeks licensure.

10           (B) The individual shall submit this request online, accompanied by  
11 the fee for pre-application determinations set forth in section 1401a of this  
12 chapter. **If the individual thereafter applies for licensure, this pre-application**  
13 **fee shall be deducted from that license application fee.**

14           (C) The Board shall:

15                   (i) process a request within 30 days of receiving a complete  
16 request;

17                   (ii) assess the nature of the underlying conviction or convictions,  
18 the nexus to the profession or professions for which the individual seeks  
19 licensure, and the provided evidence of rehabilitation; and

20                   (iii) respond to the individual’s request in writing.

**Commented [BW12]: Moved to here** from bill as introduced’s Sec. 14, 26 V.S.A. § 1396(c), which would be deleted from this strike-all.

**Rationale:** § 1396 is specifically re: physician licensure, and this criminal background pre-application language is meant to apply to all BMP professions (podiatrists, physicians, physician assistants, anesthesiologist assistants, and radiologist assistants).

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1            (12) Establish uniform procedures applicable to all of the professions  
2            under its jurisdiction, providing for:  
3                    (A) appropriate recognition of education, training, or service  
4            completed by a member of the U.S. Armed Forces toward the requirements of  
5            professional licensure;  
6                    (B) expedited issuance of a professional license to a person who is  
7            licensed in good standing in another regulatory jurisdiction:  
8                    (i) whose spouse is a member of the U.S. Armed Forces and who  
9            has been subject to a military transfer to Vermont; and  
10                   (ii) who left employment to accompany his or her spouse to  
11            Vermont.  
12                   (C) The Board may evaluate specific military credentials to  
13            determine equivalency to credentials within the Board’s jurisdiction. The  
14            determinations shall be adopted through written policy that shall be posted on  
15            the Board’s website.

16            (13)(A) Adopt rules that prescribe a process for the Board to assess the  
17            equivalence of an applicant’s professional credentials earned outside the  
18            United States as compared to State licensing requirements for those  
19            professions within the Board’s jurisdiction.

**Commented [BW13]:** Moved to here from bill as introduced’s Sec. 14, 26 V.S.A. § 1396(d), which would be deleted from this strike-all.

[same rationale as above]

**Commented [BW14]:** Based on [2019 Act No. 10](#), except does not include a cross-reference to a statute that provides a burden shift for preliminary license denials, as I did not see one within the BMP chapter.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1            **(B) Any determination of equivalence by the Board under this**  
2 **subdivision (13) shall be recorded in the applicant’s licensing file and shall be**  
3 **binding upon the Board.**

4            **(C) In administering this section, the Board may rely upon third-party**  
5 **credential verification services. The cost of such services shall be paid by the**  
6 **applicant.**

7            (14)(A) Not less than once every five years, review the continuing  
8 education and other continuing competency requirements for each of the  
9 professions it regulates. The review results shall be in writing and address the  
10 following:

11            (i) the renewal requirements of the profession;

12            (ii) the renewal requirements in other jurisdictions, particularly in  
13 the Northeast region;

14            (iii) the cost of the renewal requirements for the profession’s  
15 licensees;

16            (iv) an analysis of the utility and effectiveness of the renewal  
17 requirements with respect to public protection; and

18            (v) recommendations to the Commissioner of Health on whether  
19 the continuing education or other continuing competency requirements should  
20 be modified.

**Commented [BW15]:** Moved to here from bill as introduced’s Sec. 15, 26 V.S.A. § 1400(h), which would be deleted from this strike-all.

[same rationale as above re: other moves of language]

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           (B) The Commissioner of Health shall respond to the Board within  
2           45 days of its submitted review results. The Commissioner may require the  
3           Board to reduce, modify, or otherwise change the renewal requirements,  
4           including by proposing any necessary amendments to statute or rule.

5           Sec. 14. 26 V.S.A. § 372 is amended to read:

6           § 372. LICENSURE WITHOUT EXAMINATION

7           (a) A person who is licensed under the laws of another jurisdiction and who  
8           desires licensure as a podiatrist without examination shall apply to the Board in  
9           writing on a form furnished by it and pay the specified fee. The Board shall  
10          license ~~such persons~~ that person if it deems that ~~they have~~ person has met  
11          requirements in the other jurisdiction that are substantially equal to those of  
12          this State. The Board may ~~make~~ adopt such rules as are reasonable and  
13          necessary for the protection of the public to ~~assure~~ ensure that applicants under  
14          this section are professionally qualified.

15          (b)(1) The Board shall have an endorsement process that requires not more  
16          than three years of practice in good standing in another jurisdiction within the  
17          United States, regardless of whether that jurisdiction has licensing  
18          requirements substantially equal to those of this State, so long as the applicant  
19          meets one of the following postgraduate training requirements:

20                  (A) A graduate of a U.S. or Canadian medical school accredited by a  
21          body that is acceptable to the Board shall have successfully completed at least

**Commented [BW16]:** Re: podiatrist endorsements

**Commented [BW17]:** Pursuant to BMP and DOH feedback, this endorsement language only applies to applicants from jurisdictions *within the U.S.*

This change is applied to all BMP professions.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 two years of postgraduate training in a U.S. or Canadian program accredited by  
2 an organization that is acceptable to the Board; or

3 (B) A graduate of a Board-approved medical school outside the  
4 United States or Canada shall have successfully completed at least three years  
5 of postgraduate training in a U.S. or Canadian program accredited by an  
6 organization that is acceptable to the Board.

7 (2) If the Board determines that three years of demonstrated practice in  
8 another specific jurisdiction is not adequately protective of the public, it shall  
9 provide its rationale to the Commissioner, who may propose any necessary  
10 statutory or rule amendments in order to implement more restrictive  
11 requirements for endorsement for that jurisdiction.

12 (3) The Board may issue to an endorsement applicant a waiver of the  
13 practice requirement if there is a showing that the waiver follows State policy  
14 and the public is adequately protected.

15 Sec. 15. 26 V.S.A. § 1395 is amended to read:

16 § 1395. LICENSE WITHOUT EXAMINATION

17 (a) Without examination, the Board may, upon payment of the required fee,  
18 issue a license to a reputable physician who personally appears and presents a  
19 certified copy of a certificate of registration or a license issued to him or her in  
20 a jurisdiction whose requirements for registration are deemed by the Board as  
21 equivalent to those of this State, providing that such jurisdiction grants the

**Commented [BW18]:** Re: physician endorsements

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 same reciprocity to a Vermont physician or by the National Board of Medical  
2 Examiners.

3 (b) Without examination, the Board may issue a license to a reputable  
4 physician who is a resident of a foreign country and who shall furnish the  
5 Board with satisfactory proof that he or she has been appointed to the faculty  
6 of a medical college accredited by the Liaison Committee on Medical  
7 Education (LCME) and located within the State of Vermont.

8 (1) An applicant for a license under this subsection shall furnish the  
9 Board with satisfactory proof that he or she has attained the age of majority, is  
10 of good moral character, is licensed to practice medicine in his or her country  
11 of residence, and that he or she has been appointed to the faculty of an LCME  
12 accredited medical college located within the State of Vermont. The  
13 information submitted to the Board concerning the applicant's faculty  
14 appointment shall include detailed information concerning the nature and term  
15 of the appointment and the method by which the performance of the applicant  
16 will be monitored and evaluated.

17 (2) A license issued under this subsection shall be for a period no longer  
18 than the term of the applicant's faculty appointment and may, in the discretion  
19 of the Board, be for a shorter period. A license issued under this subsection  
20 shall expire automatically upon termination for any reason of the licensee's  
21 faculty appointment.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 (c) [Repealed.]

2 (d)(1) The Board shall have an endorsement process that requires not more  
3 than three years of practice in good standing in another jurisdiction **within the**  
4 **United States, regardless of whether that jurisdiction ~~has licensing~~**  
5 **~~requirements substantially similar to those of this State~~ meets the requirements**  
6 **of subsection (a) of this section, so long as the applicant meets one of the**  
7 **following postgraduate training requirements:**

8 (A) **A graduate of a U.S. or Canadian medical school accredited by a**  
9 **body that is acceptable to the Board shall have successfully completed at least**  
10 **two years of postgraduate training in a U.S. or Canadian program accredited by**  
11 **an organization that is acceptable to the Board; or**

12 (B) **A graduate of a Board-approved medical school outside the**  
13 **United States or Canada shall have successfully completed at least three years**  
14 **of postgraduate training in a U.S. or Canadian program accredited by an**  
15 **organization that is acceptable to the Board.**

16 (2) **If the Board determines that three years of demonstrated practice in**  
17 **another specific jurisdiction is not adequately protective of the public, it shall**  
18 **provide its rationale to the Commissioner, who may propose any necessary**  
19 **statutory or rule amendments in order to implement more restrictive**  
20 **requirements for endorsement for that jurisdiction.**



**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 Accreditation of Allied Health Education Programs, or their successor  
2 agencies, or graduated from a Board-approved anesthesiologist assistant  
3 program at an institution of higher education accredited by the Committee on  
4 Allied Health Education and Accreditation or the Commission of Accreditation  
5 of Allied Health Education Programs, prior to January 1, 1984;

6 (2) satisfactorily completed the certification examination given by the  
7 NCCAA and be currently certified by the NCCAA; and

8 (3) if the applicant has not engaged in practice as an anesthesiologist  
9 assistant within the last three years, complied with the requirements for  
10 updating knowledge and skills as defined by Board rules.

11 (b)(1) Except as provided in subdivision (2) of this subsection, as an  
12 alternative to licensure under subdivisions (a)(1) and (2) of this section, the  
13 Board shall have an endorsement process that requires not more than three  
14 years of practice in good standing in another jurisdiction within the United  
15 States, regardless of whether that jurisdiction has licensing requirements  
16 substantially similar to those of this State.

17 (2) If the Board determines that three years of demonstrated practice in  
18 another jurisdiction is not adequately protective of the public, it shall provide  
19 its rationale to the Commissioner of Health, who may propose any necessary  
20 statutory or rule amendments in order to implement more restrictive  
21 requirements for endorsement for that jurisdiction.

Commented [BW20]: Note phrasing

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           (3) The Board may issue to an endorsement applicant a waiver of the  
2           practice requirement if there is a showing that the waiver follows State policy  
3           and the public is adequately protected.

**Commented [BW21]:** Keep this general, so that it may be read to include any more restrictive requirements adopted via subdiv. (b)(2), or change to the more specific “the practice requirement in subdivision (1) of this subsection” so that it only applies to the three year requirement?

4           Sec. 18. 26 V.S.A. § 1734 is amended to read:

**Commented [BW22]:** Re: physician assistant endorsements.

5           § 1734. ELIGIBILITY

6           (a) The Board may grant a license to practice as a physician assistant to an  
7           applicant who:

8                 (1) submits a completed application form provided by the Board;

9                 (2) pays the required application fee;

10                (3) has graduated from an accredited physician assistant program or has  
11           passed and maintained the certification examination by the National  
12           Commission on the Certification of Physician Assistants (NCCPA) prior to  
13           1988;

14                (4) has passed the certification examination given by the NCCPA;

15                (5) is mentally and physically able to engage safely in practice as a  
16           physician assistant;

17                (6) does not hold any license, certification, or registration as a physician  
18           assistant in another state or jurisdiction that is under current disciplinary  
19           action, or has been revoked, suspended, or placed on probation for cause  
20           resulting from the applicant’s practice as a physician assistant, unless the

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 Board has considered the applicant’s circumstances and determines that  
2 licensure is appropriate;

3 (7) is of good moral character;

4 (8) submits to the Board any other information that the Board deems  
5 necessary to evaluate the applicant’s qualifications; and

6 (9) has engaged in practice as a physician assistant within the last three  
7 years or has complied with the requirements for updating knowledge and skills  
8 as defined by Board rules. This requirement shall not apply to applicants who  
9 have graduated from an accredited physician assistant program within the last  
10 three years.

11 (b)(1) Except as provided in subdivision (2) of this subsection, as an  
12 alternative to licensure under subdivisions (a)(3) and (4) of this section, the  
13 Board shall have an endorsement process that requires not more than three  
14 years of practice in good standing in another jurisdiction within the United  
15 States, regardless of whether that jurisdiction has licensing requirements  
16 substantially similar to those of this State.

17 (2) If the Board determines that three years of demonstrated practice in  
18 another jurisdiction is not adequately protective of the public, it shall provide  
19 its rationale to the Commissioner of Health, who may propose any necessary  
20 statutory or rule amendments in order to implement more restrictive  
21 requirements for endorsement for that jurisdiction.

Commented [BW23]: Note phrasing



**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           (5) if the applicant has not engaged in practice as a radiologist assistant  
2           within the last three years, comply with the requirements for updating  
3           knowledge and skills as defined by Board rules.

4           (b)(1) ~~Except as provided in subdivision (2) of this subsection, as an~~  
5           ~~alternative to licensure under subdivisions (a)(1) and (2) of this section, the~~  
6           Board shall have an endorsement process that requires not more than three  
7           years of practice in good standing in another jurisdiction within the United  
8           States, regardless of whether that jurisdiction has licensing requirements  
9           substantially similar to those of this State.

10           (2) If the Board determines that three years of demonstrated practice in  
11           another jurisdiction is not adequately protective of the public, it shall provide  
12           its rationale to the Commissioner of Health, who may propose any necessary  
13           statutory or rule amendments in order to implement more restrictive  
14           requirements for endorsement for that jurisdiction.

15           (3) The Board may issue to an endorsement applicant a waiver of ~~the~~  
16           ~~practice~~ requirement if there is a showing that the waiver follows State policy  
17           and the public is adequately protected.

**Commented [BW26]:** Note phrasing

**Commented [BW27]:** Keep this general, so that it may be read to include any more restrictive requirements adopted via subdiv. (b)(2) or change to the more specific “the practice requirement in subdivision (1) of this subsection” so that it only applies to the three year requirement?

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

\* \* \* Nursing \* \* \*

Sec. 17. 26 V.S.A. § 1625 is amended to read:

§ 1625. PRACTICAL NURSE LICENSURE BY EXAMINATION

To be eligible for licensure as a practical nurse by examination, an applicant shall:

(1) complete an approved U.S. practical nursing education program meeting requirements set by the Board by rule or completion of equivalent study in a program conducted by the U.S. Armed Forces satisfactory to the

Board Director; and

(2) complete examinations as determined by the Board.

\* \* \* Plumbers \* \* \*

Sec. 18. 26 V.S.A. § 2181 is amended to read:

§ 2181. PLUMBER'S EXAMINING BOARD; MEMBERSHIP; POWERS

(a) Creation. ~~A~~ The Plumber's Examining Board, within the Department of Public Safety, ~~hereinafter called "Board,"~~ shall consist of five members, one of whom shall be the Commissioner of Public Safety or designee and one of whom shall represent the Commissioner of Health or designee. The remaining three members shall be appointed by the Governor with the advice and consent of the Senate. One of the appointive members shall be a master plumber, one shall be a journey plumber, and one shall be a public member not associated with the plumbing or heating trades.

**Commented [BW28]:** SGO requested change at 2/11/20 meeting.



**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           (3) In administering this subsection, the Board may rely upon third-party  
2 credential verification services. The cost of such services shall be paid by the  
3 applicant.

4           (f) Criminal background; pre-application determination. The Board shall  
5 provide a pre-application determination of an individual’s criminal  
6 background. This determination shall not be binding on the Board in a future  
7 application if the individual violates probation or parole or is convicted of  
8 another crime following the determination.

9           (1) The Board shall initiate this determination upon an individual’s  
10 “second chance” determination request. This request shall provide  
11 documentation related to the individual’s conviction or convictions, evidence  
12 of rehabilitation, and identification of the profession or professions for which  
13 the individual seeks licensure.

14           (2) The individual shall submit this request online, accompanied by the  
15 fee for pre-application determinations set forth in section 2193 of this chapter.  
16 If the individual thereafter applies for licensure, this pre-application fee shall  
17 be deducted from that license application fee.

18           (3) The Board shall:

19           (A) process a request within 30 days of receiving a complete request;

1           (B) assess the nature of the underlying conviction or convictions, the  
2 nexus to the profession or professions for which the individual seeks licensure,  
3 and the provided evidence of rehabilitation; and

4           (C) respond to the individual’s request in writing.

5           ~~(g)~~ **(g)** Continuing education; sunset review.

6           (1) Not less than once every five years, the Board shall review  
7 plumbers’ continuing education ~~and~~ **or** other continuing competency  
8 requirements. The review results shall be in writing and address the following:

9           (A) the renewal requirements of the profession;

10           (B) the renewal requirements in other jurisdictions, particularly in the  
11 Northeast region;

12           (C) the cost of the renewal requirements for the profession’s  
13 licensees;

14           (D) an analysis of the utility and effectiveness of the renewal  
15 requirements with respect to public protection; and

16           (E) recommendations to the Commissioner on whether the continuing  
17 education or other continuing competency requirements should be modified.

18           (2) The Commissioner shall respond to the Board within 45 days of its  
19 submitted review results. The Commissioner may require the Board to reduce,  
20 modify, or otherwise change the renewal requirements, including by proposing  
21 any necessary amendments to statute or rule.

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1 Sec. 19. 26 V.S.A. § 2193 is amended to read:

2 § 2193. APPLICATIONS AND EXAMINATIONS; FEES

3 \* \* \*

4 (c) License and renewal fees are as follows:

5 \* \* \*

6 (8) Pre-application criminal background determination \$25.00

7 \* \* \*

8 (e) Pursuant to qualifications and procedures determined by the

9 Commissioner, the Board shall, upon request, waive application fees to

10 qualified military members and military spouses.

11 Sec. 20. 26 V.S.A. § 2194 is amended to read:

12 § 2194. EXAMINATIONS NOT REQUIRED; TEMPORARY LICENSES

13 (a) Generally.

14 (1) Reciprocity.

15 (A) Appropriate licenses without examination may be issued to a  
16 person to whom a master plumber's license or a journeyman plumber's license  
17 or a specialty license or equivalent has been previously issued by another state  
18 or municipality upon the payment of the required fee if:

19 ~~(A)~~(i) that state or municipality maintained a standard of  
20 requirements equivalent to those of this State; and

**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

1           ~~(B)(ii)~~ the applicant presents satisfactory proof to the Board that he  
2 or she is a bona fide licensee.

3           ~~(2)(B)~~ An applicant under this ~~subsection~~ subdivision (1) shall be  
4 exempt from examination only if the applicant holds a license from a foreign  
5 state or municipality and if under the laws or regulations of the foreign state or  
6 municipality issuing the license a like exemption or reciprocal agreement, or  
7 both, is granted to licensees under the laws of this State.

8           (2) Uniform process for endorsement from other ~~states~~ jurisdictions.

9           (A) The Board shall issue licenses for master plumbers and  
10 journeyman plumbers and specialists who have been licensed in good standing  
11 in another jurisdiction within or outside the United States for at least three  
12 years, regardless of whether that jurisdiction ~~has licensing requirements~~  
13 ~~substantially similar to those of this State~~ meets the reciprocity requirements of  
14 subdivision (1) of this subsection.

15           (B) If the Board determines that three years of demonstrated practice  
16 in another specific jurisdiction is not adequately protective of the public, it  
17 shall provide its rationale to the Commissioner, who may propose any  
18 necessary statutory or rule amendments in order to implement more restrictive  
19 requirements for endorsement for that jurisdiction.

**Commented [BW30]:** Please note that on 7/11/20, LCAR sent a memo to committees of jurisdiction, incl. SGO, requesting that the committees consider whether this term should be clarified to define this term in accordance with its currently-understood meaning (which LCAR understands to be a state within the U.S. that is not VT), or whether this reciprocity provision should be extended to jurisdictions outside the U.S.

Relates to the (a)(1) language re: “another state or municipality”.

**Commented [BW31]:** Potential profession-specific change for plumbers, since under current law in subdiv. (a)(1), a plumber from “another state” may be licensed in VT if that other state:  
1) has standards *equivalent* to VT; and  
2) grants *reciprocity* to VT-licensed plumber.



**Key:** ~~Strikethrough~~ = remove from bill | **Highlighting** = add to bill

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Sec. 22. **REQUIRED RULES**

**An agency required to adopt rules under this act shall finally adopt those rules on or before January 15, 2021, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).**

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

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE

**Commented [BW33]:** There are various rules that would be required under this act. This section would provide a rule adoption deadline, if SGO would like to provide one.