

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 233 entitled “An act relating to uniform licensing standards”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 * * * Office of Professional Regulation * * *

8 Sec. 1. 3 V.S.A. § 123 is amended to read:

9 § 123. DUTIES OF OFFICE

10 * * *

11 (g)(1) The Office of ~~Professional Regulation~~ shall establish uniform
12 procedures applicable to all of the professions and boards set forth in section
13 122 of this chapter, providing for:

14 ~~(1)~~(A) appropriate recognition of education, training, or service
15 completed by a member of the U.S. Armed Forces toward the requirements of
16 professional licensure; and

17 ~~(2)~~(B) expedited issuance of a professional license to a person who is
18 licensed in good standing in another regulatory jurisdiction; and:

19 ~~(A)~~(i) whose spouse is a member of the U.S. Armed Forces and who
20 has been subject to a military transfer to Vermont; and

1 ~~(B)~~(ii) who left employment to accompany his or her spouse to
2 Vermont.

3 (2) The Director may evaluate specific military credentials to determine
4 equivalency to credentials required for professions attached to the Office. The
5 determinations shall be adopted through written policy that shall be posted on
6 the Office’s website.

7 * * *

8 (j)(1) The Office may inquire into the criminal background histories of
9 applicants for licensure and for biennial license renewal for the following
10 professions:

11 * * *

12 (k) For any profession attached to it, the Office shall provide a pre-
13 application determination of an individual’s criminal background. This
14 determination shall not be binding on the Office in a future application if the
15 individual violates probation or parole or is convicted of another crime
16 following the determination.

17 (1) The Office shall initiate this determination upon an individual’s
18 “second chance” determination request. This request shall provide
19 documentation related to the individual’s conviction or convictions, evidence
20 of rehabilitation, and identification of the profession or professions for which
21 the individual seeks licensure.

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 (l) 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:

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(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 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;

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

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 the
17 United States, regardless of whether that jurisdiction has licensing
18 requirements substantially similar to those of this State.

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.

1 (2) Monitoring well driller. This class shall consist of any person
2 engaged in the business of constructing, servicing, or closing wells drilled for
3 the purpose of monitoring groundwater quantity or quality.

4 * * *

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

10 (1) The Department shall initiate this determination upon an individual’s
11 “second chance” determination request. This request shall provide
12 documentation related to the individual’s conviction or convictions and
13 evidence of rehabilitation.

14 (2) The individual shall submit this request online, accompanied by a
15 pre-application fee of \$25.00. If the individual thereafter applies for licensure,
16 this pre-application fee shall be deducted from that license application fee.

17 (3) The Department shall:

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

19 (B) assess the nature of the underlying conviction or convictions, the
20 nexus to the well-drilling profession, and the provided evidence of
21 rehabilitation; and

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

2 (c) Continuing education; sunset review.

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

6 (A) the renewal requirements of the profession;

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

9 (C) the cost of the renewal requirements for the profession’s
10 licensees;

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

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

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

19 (d) Military credentials. The Department may evaluate specific military
20 credentials to determine equivalency to credentials for well drillers. The

1 determinations shall be adopted through written policy that shall be posted on
2 the Department's website.

3 (e) Uniform process for endorsement from other states.

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

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

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

16 (f) Uniform process for foreign credential verification.

17 (1) The Secretary shall adopt rules that prescribe a process for the
18 Secretary to assess the equivalence of an applicant's professional credentials

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

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 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

1 (iv) an analysis of the utility and effectiveness of the renewal
2 requirements with respect to the purpose set forth in section 1691 of this
3 chapter.

4 * * *

5 (3)(A) Establish standards, including endorsements, according to which
6 individuals may obtain a license or have one renewed or reinstated.

7 (B) Adopt rules for an application process to provide licensure to
8 applicants who can demonstrate three years or more of practice in good
9 standing in another jurisdiction within the United States, regardless of whether
10 that jurisdiction has licensing requirements substantially similar to those of this
11 State. The Standards Board may, by rule, exclude an endorsement from the
12 process required by this subdivision (B) if it finds that licensure by reciprocity
13 for the endorsement does not fulfill the goals set forth in section 1691 of this
14 chapter.

15 (4) Oversee and monitor the application and licensing process
16 administered by the office. The Standards Board may, by adoption of a written
17 policy that is posted on the Agency’s website, allow specific military
18 credentials to satisfy one or more requirements for licensure.

19 * * *

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;

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.

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 subsection (b) 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.

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

9 ~~(e)~~(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 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.

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

5 Sec. 10. 26 V.S.A. § 905 is amended to read:

6 § 905. APPLICATION; EXAMINATIONS AND FEES

7 * * *

8 (g) The fee for a pre-application criminal background determination shall
9 be \$25.00.

10 (h) Pursuant to qualifications and procedures determined by the
11 Commissioner, the Board shall, upon request, waive application fees for
12 qualified military members and military spouses.

13 Sec. 11. 26 V.S.A. § 906 is amended to read:

14 § 906. EXAMINATIONS NOT REQUIRED

15 (a) Generally. A license for an individual who is licensed by another state
16 or who has received designation by the U.S. Armed Forces as a 12R
17 ~~Electrician~~ electrician or equivalent shall be issued without examination as
18 provided pursuant to this section on payment of the required fee.

19 (b)(1) Reciprocity. A master's or journeyman's license, as the case may
20 be, shall be issued to a person to whom a master electrician's license or a
21 journeyman electrician's license has been previously issued by another state,

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.

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 the United States for at least three years, regardless of whether that
8 jurisdiction meets the reciprocity requirements of subdivision (1) of this
9 subsection.

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

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

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

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

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

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

5 * * *

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

7 § 907. RECOGNITION OF EXPERIENCE

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

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

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

14 (3) to experience or prior qualifications.

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

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

20 ~~(2)~~(B) other experience or prior qualifications.

1 (2) The Board may evaluate specific military credentials to determine
2 equivalency to credentials within the Board’s jurisdiction. The determinations
3 shall be adopted through written policy that shall be posted on the Board’s
4 website.

5 (c)(1) The Commissioner shall adopt rules that prescribe a process for the
6 Board to assess the equivalence of an applicant’s professional credentials
7 earned outside the United States as compared to State licensing requirements
8 for electricians.

9 (2) Any determination of equivalence by the Board under this
10 subsection shall be recorded in the applicant’s licensing file and shall be
11 binding upon the Board.

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

15 * * * Board of Medical Practice * * *

16 Sec. 13. 26 V.S.A. § 1353 is amended to read:

17 § 1353. POWERS AND DUTIES OF THE BOARD

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

19 * * *

20 (11) Provide a pre-application determination of an individual’s criminal
21 background. This determination shall not be binding on the Board in a future

1 application if the individual violates probation or parole or is convicted of
2 another crime following the determination.

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

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

12 (C) The Board shall:

13 (i) process a request within 30 days of receiving a complete
14 request;

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

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

19 (12)(A) Establish uniform procedures applicable to all of the professions
20 under its jurisdiction, providing for:

1 (i) appropriate recognition of education, training, or service
2 completed by a member of the U.S. Armed Forces toward the requirements of
3 professional licensure;

4 (ii) expedited issuance of a professional license to a person who is
5 licensed in good standing in another regulatory jurisdiction:

6 (I) whose spouse is a member of the U.S. Armed Forces and
7 who has been subject to a military transfer to Vermont; and

8 (II) who left employment to accompany his or her spouse to
9 Vermont.

10 (B) The Board may evaluate specific military credentials to
11 determine equivalency to credentials within the Board’s jurisdiction. The
12 determinations shall be adopted through written policy that shall be posted on
13 the Board’s website.

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

18 (B) Any determination of equivalence by the Board under this
19 subdivision (13) shall be recorded in the applicant’s licensing file and shall be
20 binding upon the Board.

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

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

8 (i) the renewal requirements of the profession;

9 (ii) the renewal requirements in other jurisdictions, particularly in
10 the Northeast region;

11 (iii) the cost of the renewal requirements for the profession's
12 licensees;

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

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

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

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

2 § 372. LICENSURE WITHOUT EXAMINATION

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

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

16 (A) A graduate of a U.S. or Canadian podiatric school accredited by a
17 body that is acceptable to the Board shall have successfully completed at least
18 two years of postgraduate training in a U.S. or Canadian program accredited by
19 an organization that is acceptable to the Board; or

20 (B) A graduate of a Board-approved podiatric school outside the
21 United States or Canada shall have successfully completed at least three years

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

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

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

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

12 § 1395. LICENSE WITHOUT EXAMINATION

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

20 (b) Without examination, the Board may issue a license to a reputable
21 physician who is a resident of a foreign country and who shall furnish the

1 Board with satisfactory proof that he or she has been appointed to the faculty
2 of a medical college accredited by the Liaison Committee on Medical
3 Education (LCME) and located within the State of Vermont.

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

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

18 (c) [Repealed.]

19 (d)(1) The Board shall have an endorsement process that requires not more
20 than three years of practice in good standing in another jurisdiction within the
21 United States, regardless of whether that jurisdiction meets the requirements of

1 subsection (a) of this section, so long as the applicant meets one of the
2 following postgraduate training requirements:

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

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

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

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

19 Sec. 16. 26 V.S.A. § 1401a is amended to read:

20 § 1401a. FEES

21 (a) The Department of Health shall collect the following fees:

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* * *

(4) Pursuant to qualifications and procedures determined by the Board, the Department shall, upon request, waive application fees to qualified military members and military spouses.

(b) The Department of Health may charge the following fees:

* * *

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

* * *

* * * 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 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.

(b) General authority. The Board shall have authority to examine and license master plumbers and journeyman plumbers and specialists and shall have the right to make reasonable rules.

(c) Disciplinary actions. Upon notice to the affected person and after a hearing, the Board may refuse to issue a license or may suspend or revoke a license or may take other disciplinary action against a licensee for any of the following reasons:

* * *

(d) Military credentials. The Board may evaluate specific military credentials to determine equivalency to credentials within its jurisdiction. The

1 determinations shall be adopted through written policy that shall be posted on
2 the Board’s website.

3 (e) Foreign credential verification.

4 (1) The Board shall adopt rules that prescribe a process for the Board to
5 assess the equivalence of an applicant’s professional credentials earned outside
6 the United States as compared to State licensing requirements for plumbers.

7 (2) Any determination of equivalence by the Board under this section
8 shall be recorded in the applicant’s licensing file and shall be binding upon the
9 Board.

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

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

18 (1) The Board shall initiate this determination upon an individual’s
19 “second chance” determination request. This request shall provide
20 documentation related to the individual’s conviction or convictions, evidence

1 of rehabilitation, and identification of the profession or professions for which
2 the individual seeks licensure.

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

7 (3) The Board shall:

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

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

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

13 (g) Continuing education; sunset review.

14 (1) Not less than once every five years, the Board shall review
15 plumbers' continuing education or other continuing competency requirements.

16 The review results shall be in writing and address the following:

17 (A) the renewal requirements of the profession;

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

20 (C) the cost of the renewal requirements for the profession's
21 licensees;

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

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

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

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

10 § 2193. APPLICATIONS AND EXAMINATIONS; FEES

11 * * *

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

13 * * *

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

15 * * *

16 (e) Pursuant to qualifications and procedures determined by the
17 Commissioner, the Board shall, upon request, waive application fees to
18 qualified military members and military spouses.

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

20 § 2194. EXAMINATIONS NOT REQUIRED; TEMPORARY LICENSES

21 (a) Generally.

1 (1) Reciprocity.

2 (A) Appropriate licenses without examination may be issued to a
3 person to whom a master plumber’s license or a journeyman plumber’s license
4 or a specialty license or equivalent has been previously issued by another state
5 or municipality upon the payment of the required fee if:

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

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

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

15 (2) Uniform process for endorsement from other states.

16 (A) The Board shall issue licenses for master plumbers and
17 journeyman plumbers and specialists who have been licensed in good standing
18 in another jurisdiction within the United States for at least three years,
19 regardless of whether that jurisdiction meets the reciprocity requirements of
20 subdivision (1) of this subsection.

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

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

9 (b) Service members and veterans. Except as otherwise provided by law, a
10 journeyman's license shall be issued without examination and upon payment
11 of the required fee to an applicant who is a service member or veteran who:

12 * * *

13 (c) Definitions. As used in this section:

14 * * *

15 Sec. 21. ADOPTION OF REQUIRED RULES

16 An agency required to adopt rules under this act shall finally adopt those
17 rules on or before July 1, 2021, unless that deadline is extended by the
18 Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

19 Sec. 22. EFFECTIVE DATE

20 This act shall take effect on July 1, 2020.

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1

2

3 (Committee vote: _____)

4

5

Senator _____

6

FOR THE COMMITTEE