

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           (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           (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 in consultation with the Department  
18 that prescribe a process for the Secretary to assess the equivalence of an

1 applicant's professional credentials earned outside the United States as  
2 compared to State licensing requirements for well drillers.

3 (2) Any determination of equivalence by the Secretary under this section  
4 shall be in consultation with the Department, recorded in the applicant's  
5 licensing file, and binding upon the 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 in consultation with the Standards  
8           Board that prescribe a process for the Secretary to assess the equivalence of an  
9           applicant’s professional credentials earned outside the United States as  
10           compared to State licensing requirements for professional educators.

11           (2) Any determination of equivalence by the Secretary under this  
12           subsection (b) shall be in consultation with the Standards Board, recorded in  
13           the applicant’s licensing file, and 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 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) 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 in consultation with the Board  
6           that prescribe a process for the Commissioner to assess the equivalence of an  
7           applicant’s professional credentials earned outside the United States as  
8           compared to State licensing requirements for electricians.

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

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.

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

2 § 1401a. FEES

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

4 \* \* \*

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

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

9 \* \* \*

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

11 \* \* \*

12 \* \* \* Nursing \* \* \*

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

14 § 1625. PRACTICAL NURSE LICENSURE BY EXAMINATION

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

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

21 (2) complete examinations as determined by the Board.



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 Commissioner shall adopt rules in consultation with the Board  
5 that prescribe a process for the Commissioner to assess the equivalence of an  
6 applicant’s professional credentials earned outside the United States as  
7 compared to State licensing requirements for plumbers.

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

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

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

19 (1) The Board shall initiate this determination upon an individual’s  
20 “second chance” determination request. This request shall provide  
21 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 Sec. 20. 26 V.S.A. § 2194 is amended to read:

2 § 2194. EXAMINATIONS NOT REQUIRED; TEMPORARY LICENSES

3 (a) Generally.

4 (1) Reciprocity.

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

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

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

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

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

19 (A) The Board shall issue licenses for master plumbers and  
20 journeyman plumbers and specialists who have been licensed in good standing  
21 in another jurisdiction within the United States for at least three years.

1 regardless of whether that jurisdiction meets the reciprocity requirements of  
2 subdivision (1) of this subsection.

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

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

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

14 \* \* \*

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

16 \* \* \*

17 Sec. 21. ADOPTION OF REQUIRED RULES

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

1       Sec. 22. EFFECTIVE DATE

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

3

4

5

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

7

\_\_\_\_\_

8

Senator \_\_\_\_\_

9

FOR THE COMMITTEE