

OPR Overview for the Senate Committee on Government Operations

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January 7, 2020

Thank you for the opportunity to come to speak to the committee on the first day of the session. Thanks to the support of this committee and your counterpart in the House, OPR continues to do some cutting edge work in professional regulation that we are very proud of.

OPR is currently licensing approximately 75,000 individuals, with the addition of Notaries Public.

As you well know, OPR:

- Protects the public from unethical, incompetent and unprofessional behavior by licensed practitioners – using right-fit regulation as a basis;
- Sets and enforces standards for licensure and for practice once licensed;
- Ensures equity in licensing, regulation & discipline;
- Fairly and responsibly administers the rules and statutes pertaining to these professions/occupations; and
- Serves the public, employers, and licensees in all aspects of our lives every day, from accountants to cosmetologists to nurses to veterinarians.

Items of note from OPR:

- Continued improvements in technology have allowed for increased online renewals for every profession now at 100%
- ALL license types are online for initial applications, reducing processing times dramatically.
- Intense work continues on building our own next-generation licensing platform as a possible enterprise solution for other state agencies to use at significant savings.
- We have several examples now of successfully onboarding professions from other agencies: DEC, Foresters, LADC, Notaries.
- OPR well positioned to take on new licensing from other agencies where it makes sense.

- Cutting red tape to improve access to jobs without sacrificing public protection
- LADCs, cosmetology, barbering, funeral, pharmacy, and more reforms we can be proud of, with the help of this committee

Because of our approach, OPR is considered a National Leader in occupational and professional licensing reform and we have been featured speakers at state and national gathering on professional regulation, particularly around our sunrise review process. NCSL, CSG, NGA.

We are excited by the work we've done since we were last before this committee.

- Federal Grant work (\$150K/yr for 3 years):
 - Currently focused on several rule-revisions which require input from the public and regulated communities
 - Barbering and cosmetology
 - PI & Security
 - Pharmacy technicians
 - Nurse Licensure Compact
 - Real Estate Commission
 - Notable accomplishment in Funeral services – OPR created an apprenticeship path for funeral directors in collaboration with the Funeral Association.
- Notaries: Successful onboarding of notaries – we are currently at 12,000.

Legislative priorities:

- Secretary of State and the Administration have been working together on a bill changing the way we approach licensing and these reforms go across multiple agencies, not just OPR.
 - This bill will streamline licensure for people moving to Vermont who is licensed in the current home state – seems small but is a significant change
 - Will provide a second-chance determination for people who have a criminal background before they pursue advanced education.

- It allows the director to make military experience equivalency determinations and allows for the waiver of application fees for qualified military and their families.
 - Requires periodic review of continuing education to ensure it is not overburdensome and unconnected to public protection
 - These are ideas everyone can get behind. It is nonpartisan, smart, and focused government
 - Helps, military & families, chronically underemployed, those with criminal convictions
 - Workforce development, economic development & social justice
 - Creative, cutting-edge reform – we know from our grant work how hard it is to get this done in other states
- Several Reports coming to this committee on January 15th
 - State-wide licensure review – efficiencies in the umbrella agency model – an opportunity to rethink how we do licensing in the state
 - Break down siloes, share resources, and best practices
 - Better for the regulated, better for the public
 - Two smaller related reports on:
 - Canadian-bridge licensing
 - Apprenticeship pathways
 - Two Pharmacy related reports
 - Canadian drug importation
 - Scope of practice for pharmacists – the exploration of prescribing authority
 - Optometry Scope of Practice
 - Massage Therapy Addendum
 - Nurse Licensure Compact
- OPR Bill – start in the House
 - Housekeeping
 - Conversion of PI and Security Board to an advisor profession
- Home Improvement Contractors (S.163) still pending in the House

Nursing Fees, Nursing Barriers & Nurse Instructors

- The Office of Professional Regulation is supporting the Enhanced Nurse Licensure Compact.
 - It is anticipated that joining the Nurse Compact will affect fee revenue because many traveling nurses will not need Vermont licensure to come to Vermont to work.
 - The Office has found that there is a substantial benefit to joining the Nurse Compact and conducted a survey of all of the licensed nurses. Vermont nurses support the compact.
 - OPR is not seeking a fee increase in this legislative session. OPR wants to fully understand the impact before raising fees.
- Vermont is in the midst of a nursing shortage. This is not unique to Vermont; however, with Vermont's aging population it is felt dramatically.
 - It is anticipated that the Nurse Compact may help alleviate the nursing shortage because it would allow facilities to recruit nationally.
 - Nursing programs reported that they had limitations on student enrollment due to the requirements for clinical nurse educator licensure – these are the nurses who teach and train nursing students within clinical sites.
 - OPR was asked by the Legislature to investigate why it was hard to hire nurse educators. The Office found that the requirement that a nurse educator has a master's degree or be enrolled in a master's degree program is a barrier for hiring nurse educators. Only 6.6 % of the Registered Nurse population has a master's degree in nursing.
 - This requirement is in the VT Board of Nursing Administrative Rules and is more restrictive than accrediting standards.
 - The recommendation is that is Legislature eliminate duplicative oversight of faculty requirements or create a waiver standard with active state supervision of grants and denials.
 - These fixes could be in the OPR bill this year if desired. It is our understanding that Sen. Lyons might have a proposed bill.

Licensed Alcohol and Drug Abuse Counselors:

- The Office of Professional Regulation has:
 - 521 LADCs. This number is down 3 since this time in 2019.
 - 33 Certified Alcohol & Drug Abuse Counselors (who can work as a supervised apprentice at an ADAP provider only)
 - 83 Certified Apprentice Addiction Professionals (who can independently provide counseling services at an ADAP provider only)
- The “new” administrative rules (adopted October of 2017) have streamlined applications and sped up application times.
- OPR does observe that many already licensed professionals (psychologists, social workers, licensed mental health counselors, and family and marriage therapists) seek out a LADC credential, in part because the training provides additional skills, but more significantly because it enables billing for the provision of counseling services.
- OPR is committed to eliminating dual licensure if possible. This may be an area where dual licensure is not required if billing issues could be resolved.

CEUs for addressing climate change

- OPR supports efforts to educate the licensed community on climate change goals and can certainly serve as an information conduit to all of its relevant licensees on this issue.
- OPR has not talked about this bill with the various boards and professions – and does not know how the affected professions will respond.
- OPR seeks to reduce barriers to licensure whenever possible. The current draft requires this education for initial licensure and would inhibit endorsement from other states.
- OPR would like to explore alternate approaches to focus the education on those who will benefit most
- OPR recommends that if the education is mandatory, that it be required for renewal and not for initial licensure.
- OPR does not typically provide education/exams. We rely on third-parties for continuing education. It would be OPR’s preference that the 3rd party marketplace develops education based on guidelines established by OPR and that is approved by OPR. This is the model used for the required opioid prescribing requirements.