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**Act No. 69 (H.289). Professions and occupations; Office of Professional Regulation**

**An act relating to professions and occupations regulated by the Office of Professional Regulation**

This act contains new provisions for the regulation of professions and occupations by the Office of Professional Regulation (OPR) as well as some general updates to the OPR statutes. Specifically:

Sec. 1 updates the list of professions and occupations regulated by OPR and revises this statutory provision to change the Director of OPR position from an exempt position to a classified position.

Sec. 2 amends the duties of OPR to include evaluating certain apprenticeship programs for equivalence to State credentialing standards and recognizing completion of qualifying programs as a path to licensure. This section also clarifies that application for, or renewal of, a specialty designation may be a triggering event for a federal background check in specific professions such as nursing and private security.

Sec. 3 amends provisions relating to the powers of boards or the director in advisor professions relating to the discipline process.

Sec. 4 adds to the general definitions of unprofessional conduct, applicable to all OPR licensees in all fields, “engaging in conduct of a character likely to deceive, defraud, or harm the public.”

Sec. 5 creates new standards of unprofessional conduct in the regulation of pharmacies.

Sec. 6 removes Chinese herbology as a required subject on the licensure examination for acupuncturists.

Sec. 7 authorizes cosmetology shops that offer permanent cosmetics by a licensed tattooist to engage in tattoo practice without being required to pay for an additional tattoo shop license.

Sec. 8 allows nursing home administrators in training to be supervised remotely through June 30, 2023.

Secs. 9–12 transfer the licensure of well drillers from the responsibility of the Department of Environmental Conservation’s groundwater coordinating committee to OPR.

Secs. 13 and 14 transfer the appeals process for appeals of educator discipline hearing decisions from the Agency of Education to OPR and require OPR and the Agency of Education to continue to review if the further transfer of the investigation, prosecution, and disciplinary process for educators from the Agency of Education to OPR would lead to efficiency and transparency of the regulatory process and increase public protection.

Secs. 15–17 add new provisions relating to the regulation of boxing and mixed martial arts (MMA). Specifically:

- Sec. 15 creates a new chapter in Title 26 (professions and occupations) for the regulation of Boxing (subchapter 1) and Mixed Martial Arts (subchapter 2) and outlines new regulations for MMA events and licensure for participants, contestants, and promoters in subchapter 2.
- Sec. 15a removes the references to MMA in the definitions section of the Boxing subchapter for consistency with the provisions of the MMA subchapter.
- Sec. 16 redesignates the Boxing chapter provisions in Title 31 into the new Boxing subchapter in Title 26.
- Sec. 17 directs the Office of Legislative Counsel to make conforming revisions consistent with this act.

Sec. 18 clarifies that OPR’s uniform process for endorsement can be made notwithstanding any other statute or rule to the contrary.

Sec. 19 revises the COVID state of emergency acts—Act 91 (2020); Act 140 (2020); and Act 6 (2021)—to allow out-of-state health care professionals and health care professionals with inactive licenses to practice as part of the staff of an “other health care facility as defined in 18 V.S.A. § 9432” so that professionals who do not provide care at a “licensed facility” or federally qualified health center may still provide care during the COVID state of emergency if they meet all other requirements.

Sec. 20 codifies the existing application review and disciplinary process at OPR when an individual discloses a criminal conviction or is convicted of a crime while licensed.

Multiple effective dates, beginning on June 8, 2021