

H.661

An act relating to licensure of mental health professionals

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Continuing Education Units; Psychologists * * *

Sec. 1. 26 V.S.A. § 3015 is amended to read:

§ 3015. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee.

* * *

(d) Continuing education units.

(1) As a condition of renewal, the Board ~~may~~ shall require that licensees establish that they have satisfied continuing education requirements established by Board rule and this subsection.

(2) Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(3) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training.

(4) Upon application, the Board may exempt from continuing education requirements a licensee on active duty in the U.S. Armed Forces, if obtaining continuing education credits would be impossible in practice or a significant hardship for the licensee.

(5) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Social Workers * * *

Sec. 2. 26 V.S.A. § 3208 is amended to read:

§ 3208. RENEWALS

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(d) As a condition of renewal, a licensee shall complete continuing education, approved by the Director by rule, during the preceding two-year period. For purposes of this subsection, the Director may require, by rule, not more than 20 hours of approved continuing social work education as a condition of renewal. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related

topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

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* * * Continuing Education Units; Alcohol and Drug Abuse

Counselors * * *

Sec. 3. 26 V.S.A. § 3238 is amended to read:

§ 3238. BIENNIAL RENEWALS

(a) Licenses and certifications shall be renewed every two years on a schedule set by the Office upon:

(1) ~~payment~~ Payment of the required fee; ~~and~~.

(2) ~~documentation~~ Documentation that the applicant has completed at least 40 hours of continuing education, approved by the Director. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression

and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

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* * * Continuing Education Units; Clinical Mental Health

Counselors * * *

Sec. 4. 26 V.S.A. § 3269 is amended to read:

§ 3269. RENEWALS

Licenses shall be renewed every two years upon payment of required fees and proof of such continuing education as the Board may require by rule and as required by this section. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations

from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Marriage and Family

Therapists * * *

Sec. 5. 26 V.S.A. § 4040 is amended to read:

§ 4040. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee, provided the person applying for renewal has completed at least 20 hours of continuing education, approved by the Board, during the preceding two-year period.

(1) The Board shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive

practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(2) The continuing education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

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* * * Continuing Education Units; Psychoanalysts * * *

Sec. 6. 26 V.S.A. § 4060 is amended to read:

§ 4060. RENEWALS

(a) Certification shall be renewed every two years upon payment of the required fee, provided the person applying for renewal completes at least 20 hours of continuing education, approved by the Director, during the preceding two-year period.

(1) The Director, with the advice of the advisor appointees, shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and

accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(2) The education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

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* * * Continuing Education Units; Applied Behavior Analysts * * *

Sec. 7. 26 V.S.A. § 4925 is amended to read:

§ 4925. RENEWALS

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(c) As a condition of renewal, the Director may by rule require that a licensee establish that ~~he or she~~ the licensee has completed continuing education.

(1) The Director may accept proof of current certification from the Behavior Analyst Certification Board as evidence of continuing competency if the Director finds that the maintenance of such certification implies appropriate continuing education consistent with this subsection and Board rule.

(2) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(3) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

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* * * Mental Health Professional Licensure; Study * * *

Sec. 8. MENTAL HEALTH PROFESSIONAL LICENSURE; STUDY

(a) Study. The Office of Professional Regulation shall conduct a study on:

(1) the possibility of streamlining the licensure of mental health professionals practicing in the State, including a review of the feasibility of creating one mental health professional license with endorsements for specific mental health professions;

(2) whether additional regulation of supervisors for mental health professionals in training is necessary, including a review of potential limits on areas of mental health work a supervisor may supervise based on the supervisor's own work experience and education, the rate or fee a supervisor may charge for providing supervision, and the number of supervisees assigned to one supervisor; and

(3) the barriers for individuals who are Black, Indigenous, or Persons of Color (BIPOC), refugees and new Americans, LGBTQ individuals, individuals with low income, individuals with disabilities, and those individuals with lived mental health and substance use experience entering mental health professions regulated by the Office of Professional Regulation.

(b) Stakeholder input. The Director of the Office of Professional Regulation shall seek the input and recommendations of the following stakeholders in completing the study:

- (1) representatives of each mental health care profession associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;
 - (2) the Commissioner of Mental Health or designee;
 - (3) the Chair of the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252 or designee;
 - (4) representatives of mental health care professional organizations and a representative of Vermont Care Partners;
 - (5) representatives of health insurers;
 - (6) individuals in mental health care professions or seeking to enter mental health care professions, selected by AALV, Inc., the Vermont Commission on Native American Affairs, the Vermont Center for Independent Living, and Outright Vermont; and
 - (7) other interested stakeholders, including individuals from diverse backgrounds to represent the interests of communities of color and other historically underrepresented populations in mental health care professions.
- (c) Findings and recommendations. On or before December 15, 2024, the Director of the Office of Professional Regulation shall provide the Office's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

* * * Mental Health Professional Supervisors Registry * * *

Sec. 9. MENTAL HEALTH PROFESSIONAL SUPERVISORS; REGISTRY

The Office of Professional Regulation shall maintain a registry of mental health professionals who are available to serve as supervisors for mental health professionals in training. The registry shall begin upon passage and shall contain a complete list by 2025.

* * * Position Created * * *

Sec. 10. CREATION OF POSITION WITHIN THE OFFICE OF

SECRETARY OF STATE; OFFICE OF PROFESSIONAL

REGULATION

There is created within the Secretary of State's office one new classified Licensing Board Administrator position in the Office of Professional Regulation.

* * * Effective Dates * * *

Sec. 11. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that Secs. 1–7 (continuing education units) shall take effect on July 1, 2023.