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**Office of the Secretary of State**

**Office of Professional Regulation**  
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**To:** House Committee on Health Care

**From:** S. Lauren Hibbert, Director, Office of Professional Regulation  
Lauren Layman, Staff Attorney, Office of Professional Regulation

Dear Committee,

Thank you for inviting the Office of Professional Regulation to testify on the mental health workforce in the State of Vermont. The OPR oversees the licensure, registration and certification of most of Vermont's mental health providers. We do not regulate psychiatrists and some of the physicians who provide mental health care in the context of primary care. We do regulate many primary mental health care providers, osteopathic physicians, APRNs, and naturopaths.

**Professional Regulation Policy**

Vermont uses three types of state-issued regulation for occupations:

1. Registration – which is mandatory for all who want to practice in the field but requires no qualifications (e.g., education, examinations) to obtain.
2. Certification – which is optional but requires qualifications (e.g., education, examination) to obtain.
  - a. The process for obtaining a legal “certification” like this may be similar to the process for obtaining a certification from a private third-party entity, like a professional association. In fact, to become a certified dietitian, one must obtain certification from a third-party association.
  - b. However, the *effect* of the legal certification is much different from the impact of private third-party certification. Legal certification represents the state's confirmation and verification of the professional's qualifications. This certification is then relied upon by the public and payors as an indication of safety and protection.
3. License – which is both mandatory for all who want to practice and requires qualifications (e.g., education, examination) to obtain.

Central to the regulation of any professions in Vermont is the question of whether regulation of the profession is necessary to protect the public. See, 26 V.S.A. Ch. 57. If this question is answered in the affirmative, the form of regulation used must be narrowly tailored (“the minimum necessary”) to prevent the harm posed by the unregulated practice of the profession. *Id.*

1. Registration – this form of regulation is best used
  - a. When the public is protected by knowing who is practicing the profession and whether that professional has engaged in any unprofessional conduct (e.g., has been sanctioned), but
  - b. There is no threat of harm (e.g., financial, physical) to the public from the unqualified practice of the profession.
  - c. Examples: Roster, massage therapy
  
2. Certification – this form of regulation is best used
  - a. When the public can be protected by being able to distinguish between professionals with certain qualifications and those professionals who are practicing without the qualifications, and
  - b. There is no threat of harm to the public from the unqualified practice of the profession.
  - c. Examples: dietitians; OPR is recommending that certifications are established for music and art therapists.
  
3. License – this is the most stringent form of professional regulation and is best used
  - a. When it has been determined that there is a threat of harm to the public (e.g., financial, physical) from the unqualified practice of the profession, and
  - b. The public is protected by knowing who is practicing the profession and whether that professional has engaged in any unprofessional conduct (e.g., has been sanctioned).
  - c. Examples: most of our professions, LCMHC, LICSW, psychologists, etc.

**Current Mental Health Professions Regulated by OPR**

Our state’s mental health professionals are currently regulated through registration, certification, and licensure. In Vermont to provide psychotherapy, an individual must be licensed or certified in a profession that has psychotherapy in its scope of practice or be registered on the roster of non-certified, non-licensed psychotherapists. Each provider of mental health treatment has its own pathway to obtain the authorization to practice, and often there are multiple pathways to obtain each credential.

Type of Regulation	Profession Type	Pathway (Qualifications) to the credential
Registration	Rostered non-licensed and noncertified psychotherapist	No qualifications
Certification	AAP - Apprentice Addiction Professional	Graduated or in an associate degree program, complete 40 hours of substance use disorder education, and pass an examination.  May only work in an ADAP certified provider.
	ADC – Alcohol and Drug Counselor Certification	Completed:

		<ul style="list-style-type: none"> <li>• At least a bachelor's degree</li> <li>• 270 hours of substance use disorder education</li> <li>• 4000 hours of supervision</li> <li>• Examination</li> </ul> <p>Subject to ADAP rules regarding supervision and scope of practice.</p>
	Psychoanalyst	Masters degree and a postgraduate certificate or doctorate from a freestanding, chartered or accredited psychoanalytical institute (the institute and the accreditors require supervised practice)
License	Advanced Practice Registered Nurse – Psych	Graduation from an accredited Advanced Practice Registered Nurse program plus certification from a national certification body in psychiatry/mental health
	Licensed Alcohol and Drug Counselor (LADC)	Masters or doctorate in human services field with certain coursework, met all requirements for ADC certification (except supervision), and complete 2000 hours of supervision
	Licensed Clinical Mental Health Counselor (LCMHC)	Masters from an accredited school or from another clinical mental health program with required coursework plus 3000 hours of post-degree supervised practice and passage of two exams
	Licensed Marriage and Family Therapist (LMFT)	Masters from an accredited school or from another program that includes the coursework specified in the rules, plus 3000-3500 hours of post-degree supervised practice and passage of exam

	Licensed Master's Social Work (LMSW)	Masters or doctorate from accredited social work school and passage of exam
	Licensed Independent Clinical Social Worker (LICSW)	Masters or doctorate from accredited social work school plus 3000 hours of post-degree supervised practice and passage of exam
	Psychologist-Masters	Masters degree in psychology that includes certain coursework plus 4000 hours supervised practice and passage of exam
	Psychologist-Doctorate	Doctorate degree in psychology that is either APA accredited or includes certain coursework plus 4000 hours of supervised practice and passage of an exam