



State of Vermont
Office of the Secretary of State

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To: House Committee on Health Care
 From: S. Lauren Hibbert, Director, Office of Professional Regulation

Re: Profession Types that should be considered for inclusion in H.655

The Office of Professional Regulation has 58 profession types that could use a telehealth registration or license. The Office is aware that a majority of these profession types utilized the Act 6 licensure flexibilities during the preceding two years. However, OPR does not believe current professional scopes of practice, as established in statute, allow out-of-state professionals from all of the below profession types to practice telehealth in Vermont. Below is a list of recommendations regarding which health care profession types should be included or excluded from H. 655.¹

Profession	Profession Type	OPR’s Recommendation on if the profession type should be included in H. 655 (long-term telehealth registration or licensure).
Acupuncture	Licensed Acupuncturist	No ²
Alcohol & Drug Abuse Counselors	Apprentice Addiction Professional	Yes
	Certified Alcohol and Drug Counselor	Yes
	Licensed Alcohol and Drug Abuse Counselors	Yes
Allied Mental Health	Licensed Mental Health Counselor	Yes
	Marriage and Family Therapist	Yes
	Non-Licensed & Non-Certified Psychotherapist	Yes
Athletic Training	Athletic Trainer	Yes
Audiologists	Audiologist	Yes

¹ Importantly, H. 655 limits telehealth licensure and registration to professionals that have the same scope of practice and form of licensure in their home state.

² The “practice of acupuncture” is defined by physical, in-person insertion of fine needles and other means of skin stimulation techniques and embraces diagnosis only for the purpose of developing a plan of acupuncture care. 26 V.S.A. §§ 3401(1).

Behavior Analyst	Applied Behavior Analyst	Yes
	Assistant Behavior Analyst	Yes
Chiropractic	Chiropractor	Yes
	Chiropractic Intern	No ³
Dietetics	Dietitian	Yes
Dental	Dentist	Yes
	Dental Hygienist	Yes
	Dental Therapist	Yes
	Registered Certified Dental Assistant with Radiology Privileges	No ⁴
	Registered Traditional Dental Assistant	No ⁵
Hearing Aid Dispenser	Hearing Aid Dispenser	No ⁶
Nursing	Advanced Practice Registered Nurse	Yes
	Licensed Nursing Assistant	Yes ⁷
	Licensed Practical Nurse	Yes
	Registered Nurse	Yes
Midwifery	Midwife	Yes
Naturopathy	Naturopathic Physician	Yes
Nursing Home Administration	Nursing Home Administrator	Yes
	Administrator in Training	Yes
	Provisional Nursing Home Administrator	Yes
Occupational Therapy	Occupational Therapist	Yes
	Occupational Therapy Assistant	Yes
	Temporary Occupational Therapist	Yes
Osteopathy	Osteopathic Physician	Yes

³ Chiropractic Interns are only allowed to work under the direct supervision of a licensed chiropractor. 26 V.S.A. § 536. It is unlikely that an out of state chiropractic intern will be providing telehealth care to a Vermonter.

⁴ Dental assistants are generally engaged to provide chairside, physical assistance “in the office of any licensed dentist consistent with rules adopted by the Board and in public or private schools or institutions under the supervision of a licensed dentist ...” 26 V.S.A. § 642. To the extent a dental assistant could be engaged to provide health education on oral hygiene and care by televisual means, general health education is not a regulated activity requiring a license or registration.

⁵ Id.

⁶ Hearing Aid Dispensers are authorized to dispense hearing aids. This activity is described in 26 V.S.A. Section 3281. It is a function that requires in person visits.

⁷ Licensed nursing assistants are authorized to practice under the delegation of a nurse. LNAs should not be exercising independent nursing judgment while conducting patient care.

	Limited Temporary Osteopathic Physician	Yes
Optometry	Optometrist	Yes
Opticianry	Optician	No ⁸
	Optician – Trainee	No ⁹
Pharmacy	Pharmacist	Yes
	Pharmacist Intern	No ¹⁰
	Pharmacy Technician	Yes
	Out of State Telepharmacist	No
Physical Therapy	Physical Therapist	Yes
	Physical Therapist Assistant	Yes
Psychoanalysis	Psychoanalyst	Yes
Psychology	Psychologist – Doctorate	Yes
	Psychologist – Master	Yes
	Temp Psychologist	Yes
Radiologic Technology	Ionizing Radiation Privileges (Physicians)	No ¹¹
	Nuclear Medicine Technologist	No
	Radiation Therapist	No
	Radiologic Technologist (Radiography)	No
	Radiologic Technologist Limited License	No
Respiratory Care	Respiratory Care Practitioner	Yes
	Respiratory Care – Student License	Yes
Social Workers	Licensed Clinical Social Worker	Yes
	Licensed Master's Social Worker	Yes

⁸ The optician and optician trainee scope of practice does not require interaction with patients or clients and does not include activities that can be performed using telehealth. 26 V.S.A. Section 2651(2) (“Optician” is a person who is qualified and licensed under this chapter to interpret and fill prescriptions of ophthalmologists or optometrists for ophthalmic lenses or repair and reproduce previously prepared ophthalmic lenses and frames, prepare and deliver work orders to technicians engaged in grinding lenses and fabricate eyewear, verify the accuracy of ophthalmic lenses, and adjust and disperse lenses, specially fabricated optical devices, frames, and appurtenances.”)

⁹ Id.

¹⁰ A telehealth registration is unnecessary for pharmacy interns because conventional registration is available at \$20 for initial licensure and \$45 for biennial renewal. 26 V.S.A. § 2046. More than half of an internship must occur in person, under direct supervision of a pharmacist, and programs are structured primarily by schools of pharmacy, not the Vermont Board. *Id.* § 2032(b)(3).

¹¹ All of the radiology profession types should be excluded from a telehealth license or telehealth registration. All of the activities under regulated under Chapter 51 of Title 26 require direct application of different forms of radiology to a person. This activity cannot be done remotely. See, 26 V.S.A. § 2801

Speech Language Pathologist	Speech Language Pathologist	Yes
	Provisional Speech Language Pathologist	Yes
Veterinary Medicine	Veterinarians	Yes